City of BRADFORD METROPOLITAN DISTRICT COUNCIL

Constitution of the Council
and
Executive Arrangements

November 2026

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CONSTITUTION OF THE COUNCIL

and

EXECUTIVE ARRANGEMENTS

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PART 1 SUMMARY AND EXPLANATION

1 The Council's Constitution

1.1 The City of Bradford Metropolitan District Council has a constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure the Council is efficient, transparent and accountable to local people. The law requires some of these procedures, while others are a matter for the Council to choose.

1.2 The Constitution is divided into the eighteen Articles set out in Part 2. These lay down the basic rules governing conduct of the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols contained in Parts 3 and 4 of the Constitution. Parts 5 and 6 concern the position of members of the Council and officers.

1.3 The Constitution is made under the provisions of the Local Government Act 1972, the Local Government Act 2000 and regulations and guidance made under these and other acts. In the event of any conflict between these enactments and the Constitution, the law takes precedence.

2 What is in the Constitution?

2.1 This Constitution was adopted in accordance with the requirements of the Local Government Act 2000 following extensive public consultation. It provides the framework within which the Executive takes decisions in the discharge of the Council's functions, subject to the scrutiny of a number of Overview and Scrutiny committees. The Executive is collectively responsible for the decisions it makes and its decision-making arrangements are designed to be open, transparent and accountable.

2.2 The Council is committed to realising the aspirations reflected in the Corporate Plan and this Constitution sets out the working arrangements that will be followed in pursuit of these aims.

2.3 Article 1 of the Constitution commits the Council to pursue a number of objectives within its working arrangements. These objectives support the promotion and fostering of a healthy and vibrant local democracy. Articles 2 – 18 explain the rights of every member of the public and how the key parts of the Council operate:

- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- Meetings of the Council (Article 4)
- Chairing Meetings of the Council (Article 5)
- Overview and Scrutiny Committees (Article 6)
- The Executive (Article 7)
- Regulatory and Other Committees (Article 8)
- The Governance and Audit Committee (Article (9)
- The Licensing Committee (Article 10)
- The Standards Committee (Article 11)

- The Wellbeing Board (Article 11A)
- Area Committees (Article 12)
- Staffing Committee (Article 12A)
- Joint Arrangements (Article 13)
- Officers (Article 14)
- Decision-Making (Article 15)
- Finance, Contracts and Legal Matters (Article 16)
- Review and Revision of the Constitution (Article 17)
- Suspension, Interpretation and Publication of the Constitution (Article 18)

3 How the Council Operates

3.1 The Council is composed of 90 members, also known as councillors, each is elected for a four year maximum term of office. One-third of members are elected in each of three consecutive years with no elections in the fourth year. Councillors are democratically accountable to constituents within their ward. The overriding duty of a councillor is to the whole community. In addition they have a special duty to their constituents, including those who did not vote for them.

3.2 All members meet together as the Council. Meetings of the Council are normally open to the public. Members meeting in full Council decide the Council's overall policies and set the budget, including the level of Council Tax to be levied, each year.

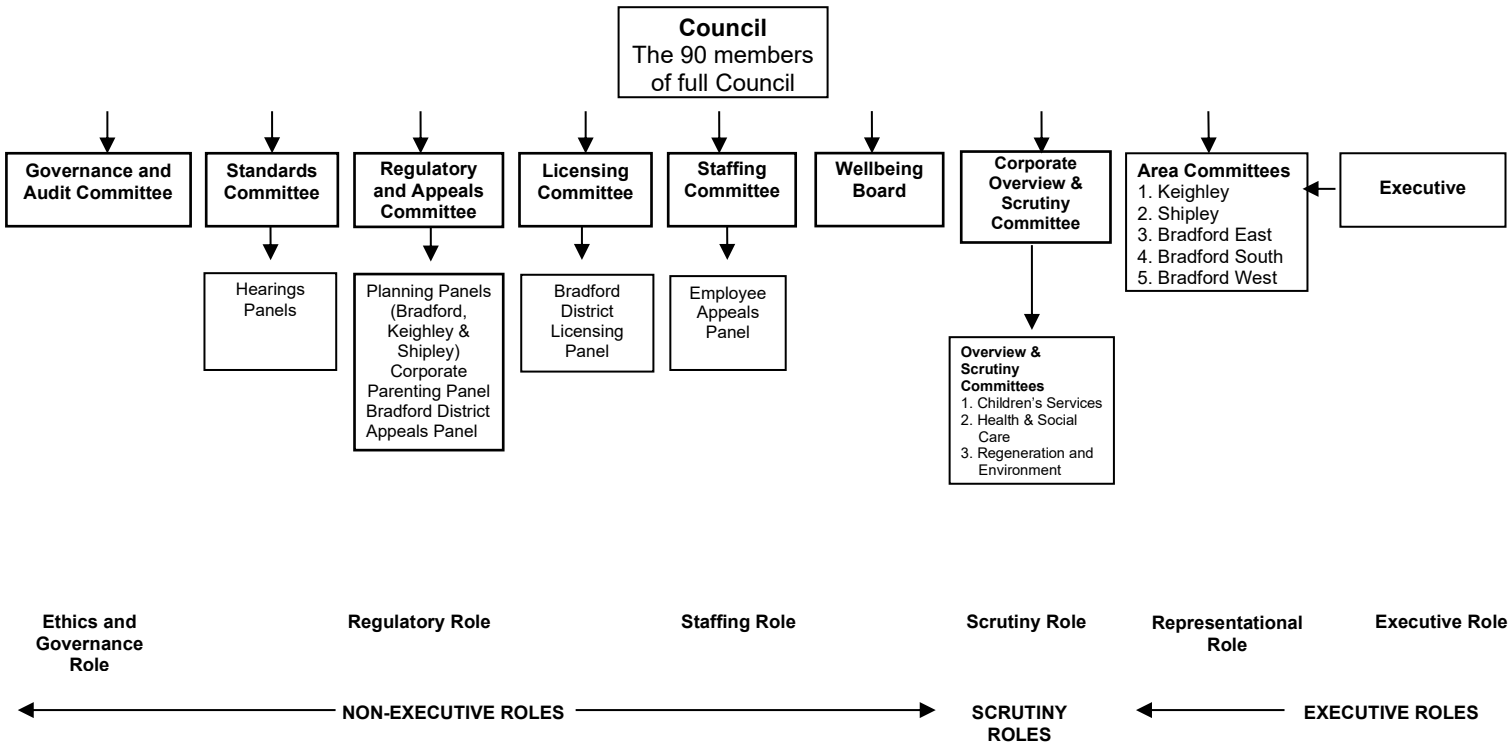
3.3 Decisions taken by and on behalf of the Council fall into one of the following categories:

- Strategic policy and budget decisions or decisions of the Council which are reserved by law or this Constitution to meetings of the full Council (Articles 4.1 and 4.2).
- Decisions to adopt or amend the Constitution and make appointments under the Constitution and related matters that are reserved to the full Council (Article 4.4).
- Decisions taken in the discharge of executive functions that are for the Executive (Article 7.1).
- Decisions taken in the discharge of non-executive functions (mainly regulatory functions).
- Decisions involving significant expenditure or which have a significant impact on local communities are known as 'key decisions' and are subject to publication in the Forward Plan of the Executive and taken at a meeting open to the public.
- Operational decisions to be taken either by the Executive or the Appropriate Officer.

4 How Decisions are Made

4.1 The following diagram illustrates the bodies within the Council responsible for the differing roles undertaken in decision-making.

Responsibility for Decisions



4.2 The Executive is that part of the Council responsible for many of the decisions that give effect to the policies and strategies approved by the Council. The Executive comprises the Leader of the Council and not more than nine members of the Council, appointed by the Leader each year. The Leader of the Council may also determine portfolios of responsibilities for members of the Executive. The decision-making arrangements of the Executive are regulated by the Executive Procedure Rules.

4.3 The Executive publishes details of all key decisions that it will take in the Forward Plan in so far as these are known at the date of publication. The meeting of the Executive that considers a key decision will generally be open to the public, except where personal or confidential matters are being discussed. The Executive must take decisions that are in keeping with the Council's overall policy and budget framework and refer any decision which is outside this framework to the full Council for decision.

5 Regulatory and Non-Executive Decisions

5.1 There are a range of decisions taken by the Council in the discharge of regulatory functions, in particular planning and licensing functions. These are non-executive decisions that are the responsibility of the Regulatory and Appeals Committee, the Licensing Committee, the Wellbeing Board and the Staffing Committee and their respective panels.

6 Overview and Scrutiny Committees

6.1 Overview and scrutiny of executive and non-executive decisions is co-ordinated by the Corporate Overview and Scrutiny Committee.

6.2 There are four Overview and Scrutiny committees that support the work of the Executive and the Council as a whole. They allow members of the public to have a greater say in Council matters and may hold public inquiries into matters of local concern.

6.3 Overview and Scrutiny committees may make reports and recommendations to the Executive and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny committees also monitor decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not implemented. This enables committees to consider whether the decision is appropriate. They may release a decision for implementation, recommend that the Executive reconsider the decision or refer it to the full Council to consider.

6.4 Overview and Scrutiny committees may also be consulted by the Executive or the Council on forthcoming decisions and the future development of policy.

7 Area Committees

7.1 In order to give members of the public a greater say in council affairs, the Council has established five area committees. These comprise six wards each and are responsible for a wide range of local services. Area committees involve members of the Council elected to serve for the area covered by the committee and are held in public.

8 Standards Committee

8.1 The Standards Committee is established under the Localism Act 2011.

8.1.1 Members must agree to follow a code of conduct aimed at ensuring high standards in the way they undertake their duties. The Standards Committee, supported by the Monitoring Officer, offers training, advice and support to members on the code of conduct.

9 The Council's Staff

9.1 The Council employs officers to give advice, implement decisions and manage the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Protocol on Member-Officer Relations in Part 4C of the Constitution governs the relationship between officers and members of Council.

10 The Public's Rights

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

10.2 Where members of the public use specific council services, as a parent of a school pupil for example, they have additional rights. These are not covered in this Constitution. All members of the public have the right to:

- Vote at local elections if they are registered.
- Contact their local councillor about any matter of concern.
- Examine and purchase a copy of this Constitution.
- Attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed.
- Petition the Council under the terms of the Local Government Act 2000 to request a referendum on a mayoral form of executive.
- Collectively with others present a petition to a meeting of the full Council.
- Ask a question, having first given the required notice, at a meeting of the full Council.
- Find out, from the Executive's Forward Plan, what key decisions are to be discussed by the Executive or determined by officers.
- Contribute in the Council's decision-making arrangements by making representations to the appropriate contact officer.
- Be present at meetings of the Executive when key decisions are being discussed or decided.
- See non-confidential reports and background papers, and any record of decisions made by the Council and the Executive.
- Complain to the Council about a range of matters under the Council's complaints procedure.
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. The Council's own complaints procedure should first be followed.
- Complain to the Standards Committee if they have evidence which they think shows that a councillor has acted improperly and not in accordance with the Members' Code of Conduct under the procedure for considering complaints against Councillors.
- Inspect the Council's accounts and make their views known to the Council's external auditor.

10.3 The Council welcomes public participation in its work. A statement of the rights of the public to inspect agenda and reports, and attend meetings is available from the Director of Legal and Governance. Copies of this Constitution are available for inspection at public information points and on the Council's web site: www.bradford.gov.uk.

PART 2 ARTICLES OF THE CONSTITUTION

Article 1 The Constitution

Powers of the Council

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

The Constitution

1.2 This Constitution (comprising Parts 1 to 6) is the Constitution of the City of Bradford Metropolitan District Council and Articles 6, 7, 12, 13, 14, 15 and paragraph 7 of the Executive Procedure Rules comprise the Council's executive arrangements.

Purpose of the Constitution

1.3 The purpose of the Constitution is to:

1.3.1 Enable the Council to provide leadership to communities in partnership with the public, businesses and other organisations.

1.3.2 Provide a framework for decision-making in accordance with legal requirements for the discharge of the Council's roles and functions.

1.3.3 Support the active involvement of citizens in the process of local authority decision-making.

1.3.4 Help councillors to administer the whole of the Council's area and represent their constituents more effectively.

1.3.5 Enable decisions to be taken efficiently and effectively.

1.3.6 Create a means of holding decision-makers to public account.

1.3.7 Ensure that no one will review or scrutinise a decision in which they were directly involved.

1.3.8 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.

1.3.9 Provide a means of improving the delivery of services to the community.

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PART 2

Article 2 Members of the Council

Composition

2.1 The Council will comprise 90 councillors. Three councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State.

Eligibility

2.2 Only registered voters of the District or those living or working in the District are eligible to hold office as a councillor.[1]

Election and Term of Office of Councillors

2.3 The ordinary election of a third of all councillors will be held on the first Thursday in May in each year beginning in 2002, except that in 2005 and every fourth year thereafter there will be no ordinary election. The term of office of councillors will be four years, commencing on the fourth day following election and finishing on the fourth day after the date of the ordinary election four years later.

Roles and Functions of Councillors

2.4 All councillors will:

2.4.1 Collectively be the sovereign policy-makers and carry specified strategic and corporate management functions.

2.4.2 Contribute to the good governance of the area and actively encourage community participation and public involvement in decision-making.

2.4.3 Effectively represent the interests of their ward and of individual constituents.

2.4.4 Respond to constituents' enquiries and representations, fairly and impartially.

2.4.5 Participate in the governance and management of the Council.

2.4.6 Maintain the highest standards of conduct and ethics.

Rights and Duties

2.5 Councillors have a right of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the Access to Information Procedure Rules in Part 3B and the law.

[1] Section 79 of the Local Government Act 1972

Conduct

2.6 Councillors shall at all times observe the Members' Code of Conduct, the Members' Planning Code of Conduct, the Protocol on Member/Officer Relations, the Protocol for Members on Gifts and Hospitality and the Protocol for Members on use of Council Resources set out in Part 4 of this Constitution.

Allowances

2.7 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

PART 2

Article 3 The Public and the Council

Rights of Members of the Public

3.1 Members of the public have legal rights to information and to participate in the governance and management of the Council. These are explained in more detail in the Access to Information Procedure Rules in Part 3B of this Constitution.

Voting and Petitions

3.2 Members of the public on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor.

Information

3.3 Members of the public have the right to:

3.3.1 Attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed and the meeting is held in private.

3.3.2 Attend meetings of the Executive when key decisions are being considered.

3.3.3 Find out from the Forward Plan what key decisions the Executive will take and when it is proposed they are taken.

3.3.4 See reports and background papers, and any records of decisions made by the Council, its committees and sub-committees and the Executive.

3.3.5 Inspect the Council's accounts and make their views known to the external auditor.

Participation

3.4 Members of the public have the right to participate in the Council's Public Question Time and, where appropriate, contribute to reviews and investigations by Overview and Scrutiny committees.

Complaints

3.5 Members of the public have the right to complain to:

3.5.1 The Council itself under the Service Complaints Procedure.

3.5.2 The Local Government Ombudsman after using the Service Complaints Procedure.

3.5.3 The Standards Committee about a complaint that involves an allegation that a councillor has acted in breach of the Members' Code of Conduct under the procedure for considering complaints against Councillors.

Responsibilities of Members of the Public

3.6 Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

PART 2

Article 4 The Full Council

Definitions

4.1 The 'policy framework' means:

4.1.1 The following documents:

4.1.1.1 The Community Strategy

4.1.1.2 The Corporate Plan

4.1.1.3 The Children and Young People's Plan (incorporating the Youth Justice Plan)

4.1.1.4 The Crime and Disorder Reduction Strategy (incorporating the Drug Action Team Strategy)

4.1.1.5 The Food Law Enforcement Plan

4.1.1.6 The Housing and Homelessness Strategy

4.1.1.7 Local Development Framework

4.1.1.8 The West Yorkshire Local Transport Plan

4.1.1.9 The Treasury Strategy Document

4.1.1.10 The Annual Investment Statement

4.1.2 Any strategy or plan following that the Council has determined must be adopted by the Council as part of the policy framework:

4.1.2.1 The Asset Management Plan

4.1.2.2 Procurement Strategy

4.1.2.3 The Youth Service Plan

4.1.2.4 The Climate Change Strategy

4.2 The 'budget' includes the allocation of financial resources to different services and projects, proposed contingency funds setting the level of Council Tax and decisions relating to the control of the Council's borrowing requirements, capital expenditure and the setting of any virement limits.

4.3 'Housing land transfer' means the approval or adoption of applications (whether in draft or otherwise) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Functions of the Council

4.4 The Council alone may exercise the following functions:

4.4.1 Adopt or amend the Constitution, except where otherwise provided in the Constitution or by resolution of the Council.

4.4.2 Approve the budget, policy framework and any application to the Secretary of State in respect of any housing land transfer.

4.4.3 Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 3B of this Constitution, make decisions about any matter in the discharge of an executive function where the decision-maker is minded to take a decision that would not accord with the budget and/or the policy framework.

4.4.4 Appoint the Leader of the Council.

4.4.5 Agree or amend the terms of reference for committees, determine their composition and make appointments.

4.4.6 Appoint chairs and deputy chairs to committees excluding area committees.

4.4.7 Appoint representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council.

4.4.8 Adopt the Members' Allowances Scheme under Article 2.7 and as set out in Part 5A of the Constitution.

4.4.9 Change the name of the Council or the area, confer the title of honorary alderman or freedom of the city.

4.4.10 Approve the appointment of the Head of Paid Service.

4.4.11 Approve the dismissal of the Head of Paid Service, Monitoring Officer, and Chief Finance Officer.

4.4.12 Approve the annual Pay Policy Statement under the Localism Act 2011.

4.4.13 Approve proposed salary packages of £100,000 per annum or more before it is offered in respect of a new post in accordance with paragraph 7 of the Council's Pay Policy Statement and the Officer Employment Procedure Rules and approve proposed severance packages for Chief Officers as defined in the Pay Policy Statement of £100,000 or more in accordance with the Council's Pay Policy Statement.

4.4.14 Promote or oppose the making of local legislation or private bills.

4.4.15 The local choice functions that the Council decides should be undertaken by itself and not the Executive.

4.4.16 All other matters which, by law, must be reserved to the full Council.

Council Meetings

4.5 There are three types of Council meeting:

4.5.1 The Annual Meeting.

4.5.2 Ordinary meetings.

4.5.3 Extraordinary meetings.

4.6 Meetings will be conducted in accordance with the Council Standing Orders in Part 3A of this Constitution.

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PART 2

Article 5 The Lord Mayor

Role and Function of the Lord Mayor

5.1 The Lord Mayor and in her/his absence, the Deputy Lord Mayor have the following roles and functions:

Ceremonial Role

5.1.1 The Lord Mayor shall take precedence and be the First Citizen of the Bradford Metropolitan District.

Chairing Meetings of the Council

5.1.2 The Lord Mayor shall be elected by the Council at the Annual Meeting and shall:

5.1.2.1 Uphold and promote the purposes of the Constitution, and interpret the Constitution when necessary.

5.1.2.2 Preside over meetings of the Council so that its business can be carried out efficiently and with due regard to the rights of councillors and the interests of communities.

5.1.2.3 Ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which councillors who are not on the Executive or appointed to a committee chair are able to hold the Executive and committee chairs to account.

5.1.2.4 Promote public involvement in the Council's activities.

5.1.2.5 Be the conscience of the Council.

5.1.2.6 Attend such civic and ceremonial functions as the Council and s/he determines appropriate.

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PART 2

Article 6 Overview and Scrutiny Committees

6.1 The Council will appoint the following Overview and Scrutiny committees to have the responsibilities indicated below under the name of each committee:

6.2 Corporate Overview and Scrutiny Committee

6.2.1 The strategies, plans, policies, functions and services directly relevant to the corporate priority about customer services and e-government, that improve the Council's ability to deliver, govern and change, community cohesion and all other corporate matters not falling within the responsibility of any other Overview and Scrutiny committee.

6.2.2 The strategies, plans, policies, functions and services directly relevant to the corporate priority about safer and stronger communities.

6.2.3 The co-ordination of the discharge of the overview and scrutiny role within the Council and in relation to external bodies.

6.2.4 Supporting the Executive through its contribution towards the improvement of the Council's performance.

6.2.5 Co-ordinating the development of the overview and scrutiny role within the Council.

6.2.6 Undertaking a review every three years of the effectiveness of the overview and scrutiny role.

6.2.7 The authority's Crime and Disorder Committee under the provisions of Section 19 of the Police and Justice Act 2006.

6.2.8 Producing an annual report to Council on the activity of the Overview and Scrutiny committees.

6.2.9 The Corporate Overview and Scrutiny Committee, and in cases of urgency the chair of the Corporate Overview and Scrutiny Committee or, in her/his absence the Deputy Chair, shall determine any issue as to the allocation of a responsibility between any of the committees, including the consideration of any decision called-in.

6.3 Children's Services Overview and Scrutiny Committee

6.3.1 The strategies, plans, policies, functions and services directly relevant to the corporate priority about services to children and young people.

6.4 Health and Social Care Overview and Scrutiny Committee

6.4.1 The overview and scrutiny responsibilities under the Health and Social Care Act 2001.

6.4.2 The strategies, plans, policies, functions and services directly relevant to the corporate priority about improving social care and vulnerable people.

6.4.3 The committee may agree arrangements with one or more local authorities for establishing joint health overview and scrutiny committees. The committee shall appoint joint health overview and scrutiny committees in accordance with these arrangements.

6.5 Regeneration and Environment Overview and Scrutiny Committee

6.5.1 The strategies, plans, policies, functions and services directly relevant to the corporate priorities about Better skills, more jobs and a growing economy, Safe, clean and active communities and Decent homes that people can afford to live in.

6.6 Composition of the Committees

6.6.1 The Corporate Overview and Scrutiny Committee shall comprise ten members of Council and shall be chaired by a member of the political group that forms the Executive.

6.6.2 The Children's Services Overview and Scrutiny Committee shall comprise:

Nine members of Council
Two voting co-opted church representatives
Two voting co-opted representatives of parent governors
Non-voting members appointed by the Council on the recommendation of the Committee.

6.6.3 The Health and Social Care Overview and Scrutiny Committee and the Regeneration and Environment Overview and Scrutiny Committee shall comprise:

Nine members of Council
Non-voting members appointed by the Council on the recommendation of the committees

6.7 Quorum of the Committees

6.7.1 The quorum of the Corporate Overview and Scrutiny Committee shall be five members.

6.7.2 The quorum of the Children's Services Overview and Scrutiny Committee shall be five voting members.

6.7.3 The quorum of the Health and Social Care Overview and Scrutiny Committee and the Regeneration and Environment Overview and Scrutiny Committee shall be three members.

6.8 Role of the Committees

The Committees will:

6.8.1 Contribute to better decision making by the Council, the Executive, committees and sub-committees including the development of policy, strategies and plans and the budget and policy framework.

6.8.2 Secure continuous improvement in service delivery within the agreed policy framework through monitoring the effectiveness of implementation.

6.8.3 Examine the way in which external organisations contribute to the benefit of the District, and recommend ways in which these bodies may improve their contribution.

6.8.4 Review the development of community participation in the activity of the Council including policy formulation.

6.8.5 Assist in the monitoring and development of Local Public Service Agreements.

6.8.6 Support the Executive towards the achievement of the Council's corporate priorities contained in the Corporate Plan.

6.9 Powers of the Committees

In carrying out the above the Committees may:

6.9.1 Review and /or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions.

6.9.2 Make reports and/or recommendations to the full Council, the Executive and any committee in connection with the discharge of any function.

6.9.3 Consider any matter affecting the area or its inhabitants and make reports and/or recommendations to the full Council, the Executive and any committee thereon.

6.9.4 Call in decisions of the Executive and executive decisions of area committees made but not implemented.

6.9.5 Monitor the implementation of Council policies, plans and strategies.

6.9.6 Monitor the performance of Council functions against the policy framework recognised performance indicators and Social and Best Value duties.

6.9.7 Conduct research, community and other consultation.

6.9.8 Question members of the Executive, committees and officers.

6.9.9 Question and gather evidence from any other person (with their consent).

6.9.10 Monitor the performance of external organisations against recognised performance indicators, Social and Best Value duties and make recommendations to the appropriate body.

6.9.11 Examine the way in which the Council's functions and services interrelate with the functions and services of external organisations and seek to apply a joined-up approach to the way in which public functions are performed and public services are provided across the District.

6.9.12 Monitor the development of agreements with external organisations to work in partnership towards the improvement of the District.

6.10 Proceedings of the Committees

6.10.1 The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 3E of the Constitution.

PART 2

Article 7 The Executive

The Role of the Executive

7.1 The Executive will make decisions in relation to the discharge of executive functions.

Form and Composition

7.2 The quorum of the Executive shall be determined in accordance with Rule 41.1 of the Council's Rules of Procedure.

7.3 The Leader of Council shall designate one member of the Executive the Lead Member for Children Services to discharge the functions set out in section 19 of the Children Act 2004.

7.4 The Leader of Council shall take the Chair at meetings of the Executive and the Leader shall appoint the Deputy Chair who shall be the Deputy Leader of Council.

Leader of the Council

7.5 The Leader of the Council will be a member of Council appointed by the Council and shall hold office until the day when the Council holds its first Annual Meeting after his/her normal day of retirement as a Councillor unless s/he:

7.5.1 Resigns as Leader of the Council or is removed from office by resolution of the Council.

7.5.2 Ceases to be a councillor or is suspended or disqualified from being a councillor under Part III of the Local Government Act 2000.

Members of the Executive

7.6 A member of the Executive shall hold office until s/he:

7.6.1 Resigns from membership of the Executive or is removed by the Leader of Council.

7.6.2 Ceases to be a councillor or is suspended from being a councillor under Part III of the Local Government Act 2000.

Proceedings of the Executive

7.7 Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 3D of this Constitution.

Responsibility for Portfolios

7.8 The Leader of the Council will determine portfolios of responsibilities for members of the Executive.

7.9 Each Executive member with a portfolio determined by the Leader of Council shall undertake a briefing on a regular basis (and a minimum of at least 8 per municipal year) with the opposition spokesperson from each of the two largest political groups in opposition.

Executive Functions

7.10 The Executive is responsible for all the functions of the Council except:

7.10.1 Functions for which the full Council is responsible under Article 4 or by legislation.

7.10.2 Functions excluded from being the responsibility of the Executive by legislation.

7.10.3 Those choice functions which are not allocated to the Executive under Paragraph 7.11 below.

7.11 The Executive may discharge the local choice functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 that are set out in the left hand column of the table below subject to the limitations in the right hand column.

Function	**Limitation**
1. Any function under a local Act other than a function specified or referred to in regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Excepting determination of the budget policy framework and other constitutional and quasi-legislative functions and functions which involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecution).
2. The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	None.
3. The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).	None.
	None.

4. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals).	
5. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies0.	None.
6. The making of appointments under paragraphs 2 to 4 (appointment by members of relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	None.
7. The conducting of Best Value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Except for those functions set out within the terms of reference for Overview and Scrutiny committees.
8. Any function related to contaminated land.	Excepting regulation and enforcement, and approval of policy and strategy.
9. The discharge of any function relating to the control of pollution or the management of air quality.	Excepting regulation and enforcement, and approval of policy and strategy.
10. The service of an abatement notice in respect of a statutory nuisance.	Excepting regulation and enforcement, and approval of policy and strategy.
11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.	Excepting regulation and enforcement, and approval of policy and strategy.
12. The inspection of the Council's area to detect any statutory nuisance.	Excepting regulation and enforcement, and approval of policy and strategy.
13. The investigation of any complaint as to the existence of a statutory nuisance.	Excepting regulation and enforcement, and approval of policy and strategy.
14. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Insofar as the information is sought in relation to an executive function.

15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Insofar as the information is sought in relation to an executive function.
16. The making of agreements for the execution of highway works.	Excepting where such agreements are related to planning permissions.
17. The appointment of any individual: (a) To any office other than an office in which s/he is employed by the Council. (b) To any body other than: (i) The Council. (ii) A joint committee of two or more authorities. (c) To any committee or sub-committee of such a body, and the revocation of any such appointment.	None.
18. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	None.
19. Functions under Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 in relation to Local Area Agreements	Insofar as approval is required to submit the Local Area Agreement 2008 to the Secretary of State Communities and Local Government. Any subsequent variations to the LAA to be submitted to full Council for approval.

7.11 Executive functions are allocated to the Executive and to officers under Article 14. The Executive may allocate executive functions to a committee of the Executive and may arrange for the discharge of executive functions by an area committee under Article 12, a joint committee under Article 13 and through the Corporate Parenting Board, an advisory group which reports annually to Executive.

7.12 The Executive is responsible for the development of the policies, strategies and plans of the Council, and for their approval other than those within the policy framework which are subject to the approval of full Council under Article 4.

7.13 The Executive shall set the Council Tax Base.

PART 2

Article 8 Regulatory and Appeals Committee

8.1 The Council will appoint a Regulatory and Appeals Committee.

Composition

8.2 The Regulatory and Appeals Committee shall comprise seven members.

Quorum

8.3 The quorum of the Committee shall be four members.

Role and Functions

8.4 The functions of the Committee are to:

8.4.1 Determine applications for licences, permissions, permits registrations and issue any other regulatory documents in relation to:

8.4.1.1 The registration and licensing matters undertaken by the Director of Legal and Governance and Assistant Director Waste, Fleet and Transport Services (excluding those that are the responsibility of the Licensing Committee under Article 10).

8.4.1.2 The licensing of hackney carriages and private hire vehicles, drivers and operators.

8.4.1.3 Other regulatory functions of the Council (excluding Social Services) including:

Food safety
Sports grounds and places of sport
Breeding of dogs, pet shops, zoos, wild animals and guard dogs, performing animals and riding establishments
Employment of children
Contaminated land
Environmental protection, pollution noise and nuisance control.
Knackers yards
Acupuncture, tattooing, ear piercing and electrolysis premises
Pleasure boats and pleasure vessels.

8.4.1.4 The functions under town and country planning associated and ancillary legislation (excepting paragraph 8.4.2 below) including:

Planning applications
Planning enforcement, building control and related regulatory action
Planning agreements (including agreements made under associated legislation)

Advertisement control
All applications relating to conservation areas and listed buildings
Minerals extraction and waste disposal proposals
Tree preservation and woodland issues
Environmental assessments
Planning briefs

8.4.2 Determine all major planning applications (as defined by the Town & Country Planning (General Management Procedure) (England) Order 2015.

8.4.3 Determine all planning applications in connection with premises or land in which the Council has an interest.

8.4.4 Determine applications for planning permission that are for Green Belt development, development outside town centres, World Heritage Site development, playing field development or flood risk area development within the meaning of Paragraph 3 of the Town and Country Planning (Consultation) (England) Direction 2009 or any statutory modification which the Planning Panel does not propose to refuse.

8.4.5 The functions listed in 8.4.1.4 to 8.4.4 inclusive are subject to the requirements of the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 which are particularised in the Development Management Officer Scheme of Delegation available on the Council's website.

8.4.6 Review the standard conditions applicable to any regulatory licence, permission, permit, registration or other regulatory document, in relation to any of these regulatory functions.

8.4.7 Determine enforcement action in relation to any of these regulatory functions and the development of good practice in enforcement.

8.4.8 Discharge the health and safety functions of the Council in relation to external bodies.

8.4.9 Co-ordinate regulatory activity between different divisions of the Council, where appropriate.

8.4.10 Make, amend, revoke and re-enact byelaws in relation to good rule and government and the employment of children and in relation to any other statutory byelaw making power of the Council.

8.4.11 Discharge the functions of the Council under legislation relating to charities and make decisions in relation to charities of which the Council is trustee.

8.4.12 Discharge the functions of the Council under the Smoke-Free Regulations 2006 and 2007 made under Part 1 of the Health Act 2006

8.5 The functions of the Committee include the functions contained in Parts A, B, C, F and I (excluding paragraphs 36 to 40 and 43 to 45) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

8.6 The Committee shall determine appeals in relation to the following matters:

8.6.1 Education appeals in relation to education transport applications (free travel arrangements for children going to and from schools and colleges).

8.6.2 Social Services appeals in relation to the National Health Service and Community Care Act 1990, matters under disabled persons legislation, and appeals in relation to the application of the contributions policy/ refusal of a needs assessment under the Care Act 2014.

8.6.3 Housing and non-domestic rates appeals in relation to grants for renovation, improvement and repair (including appeals against refusals of disabled facilities grant in respect of Council and private housing), discretionary housing payments, and applications for non-domestic rates hardship relief.

Regulatory and Appeals Committee - Sub-Committees

8.7 The Committee shall appoint the following Planning Panel (sub-committee) to which it shall delegate the functions indicated below:

Composition

8.7.1 The Planning Panel shall comprise twelve members of Council.

Quorum

8.7.2 The quorum of the Planning Panel shall be seven members.

Roles and Functions

8.7.3 The Planning Panel will:

8.7.3.1 Act as the Local Planning Authority under the Town and Country Planning Acts, including any associated or ancillary legislation.

8.7.3.2 Advise the Regulatory and Appeals Committee on the local implications of any applications referred to the Panel for its views and recommendations.

8.7.3.3 Prepare, consider and adopt planning briefs and improvement schemes.

8.7.3.4 Discharge the functions of the Regulatory and Appeals Committee in Article 8.4.1.4 (excluding those reserved to the Regulatory and Appeals Committee under Articles 8.4.2 and 8.4.3).

8.7.4 Bradford District Appeals Panel

Composition

8.7.4.1 The Bradford District Appeals Panel shall comprise twelve members of Council. Each District Appeals panel will comprise 3 members.

Quorum

8.7.4.2 The quorum of the Bradford District Appeals Panel shall be three members where possible including the Chair or Vice Chair, drawn on a rota basis and in compliance with Section 15 of the Local Government and Housing Act 1989 from a list of members appointed by the Regulatory and Appeals Committee.

Functions

8.7.4.3 The Bradford District Appeals Panel shall discharge the functions of the Regulatory and Appeals Committee in paragraph 8.4.1.1 in relation to the registration and licensing matters undertaken by the Director of Legal and Governance and Assistant Director, Waste, Fleet and Transport Services, and the functions of the Regulatory and Appeals Committee in paragraph 8.6.1, paragraph 8.6.2, and paragraph 8.6.3.

PART 2

Article 9 Governance and Audit Committee

9.1 The Council will appoint a Governance and Audit Committee.

Composition

9.2 The Governance and Audit Committee shall comprise 5 elected members and two non-voting Co-optees. Either the Chair or Deputy Chair of the Committee shall not be a member of the Executive but at least one member shall also be a member of the West Yorkshire Pension Fund Advisory Panel.

Quorum

9.3 The quorum of the Committee shall be 3 voting members.

Roles and Functions

9.4 The functions of the Committee are to:

9.4.1 Maintain an overview of the Council's Corporate Governance Framework, Constitution and the partnership arrangements.

9.4.2 Approve the Statement of Accounts and related documents in accordance with the Accounts and Audit Regulations 2015.

9.4.3 Adopt, on the recommendation of the Executive, plans or strategies in relation to borrowing, investments and capital expenditure.

9.4.4 Receive the following reports on Treasury

- Treasury Strategy Document
- Annual Investment Strategy
- Annual Investment Report on Treasury

9.4.5 Deal with any matters referred to the Committee by the Director of Finance in relation to his/her responsibilities under section 151 of the Local Government Act 1972.

9.4.6 Receive matters of a financial nature that External Audit request be considered by a member body, including any that may concern the Council's governance arrangements.

9.4.7 Consider the effectiveness of the risk management arrangements, control environment and associated anti-fraud and anti-corruption arrangements.

9.4.8 Seek assurances that action is being taken on risk related issues determined by auditors and inspectors.

9.4.9 Be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions to improve it.

9.4.10 Approve (but not direct) the Internal Audit Strategy Plan and monitor performance.

9.4.11 Review summary Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary.

9.4.12 Receive the annual report of the Head of Internal Audit.

9.4.13 Consider the reports of External Audit and inspection agencies.

9.4.14 Ensure that there are effective relationships between External and Internal Audit, inspection agencies and that the value of the audit process is actively promoted.

9.4.15 Review the financial statements, External Auditor's opinion and reports to members and monitor management action in response to the issues raised by External Audit.

9.4.16 Make such recommendations to Executive as is deemed necessary in relation to the discharge of its above roles and functions.

9.4.17 Discharge the functions contained in Part H of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions relating to local government pensions) and Part I, paragraph 48 (Maladministration Payments) including those relating to the West Yorkshire Pension Fund Advisory Panel.

9.4.18 In relation to community governance reviews:

9.4.18.1 Determine the validity of community governance petitions under section 80 of the Local Government and Public Involvement in Health Act 2007.

9.4.18.2 Consider the Council's duties in responding to a community governance petition and determine what that response should be in accordance with Sections 83, 84 and 85 of the Act.

9.4.18.3 Determine the terms of reference of a community governance review under Section 81 of the Act.

9.4.18.4 Carry out a community governance review under Section 82 and in accordance with Section 93 of the Act and make recommendations in accordance with Sections 87 to 92 of the Act for the approval of full Council.

9.5 The Committee shall undertake the following additional roles and functions and make recommendations in relation to them:

9.5.1 Overview of the Whistleblowing Code.

9.5.2 Overview of complaints handling and Ombudsman investigations.

PART 2

Article 10 Licensing Committee

10.1 The Council will appoint a Licensing Committee.

Composition

10.2 The Licensing Committee shall comprise eleven members.

Quorum

10.3 The quorum of the Licensing Committee shall be five members.

Roles and Functions

10.4 The Committee shall have the following roles and functions:

10.4.1 Discharging the functions of the Licensing Act 2003 as prescribed by section 7 of the Act and the Gambling Act 2005 as prescribed by section 154 of the Act.

10.4.2 Discharging other functions of the Council that relate to a Licensing Act matter in accordance with section 7 of the Act or Gambling Act matter in accordance with section 154 of the Act.

10.4.3 Advising the Council on the adoption and revision of the statement of licensing policy required under section 5 of the Licensing Act 2003 and the statement of licensing principles required under section 349 of the Gambling Act 2005.

10.4.4 Reviewing, in the case of the Licensing Act 2003, the impact of the licensing policy and licensing decisions in relation to the promotion of live music, theatre and dancing entertainment in the district.

Licensing Committee – Sub-Committees

10.5 The Licensing Committee shall appoint the following panel (sub-committee) to which it shall delegate the functions indicated below:

- Bradford District Licensing Panel

Composition

10.6 The Bradford District Licensing Panel shall comprise three members.

10.6.1 The Bradford District Licensing Panel shall include the Chair of the Licensing Committee (or Deputy Chair when the Chair is unavailable) who shall chair the Panel and two other members of the Licensing Committee drawn on a rota basis.

Quorum

10.7 The quorum of the Bradford District Licensing Panel shall be three members.

Functions

10.8 The Bradford District Licensing Panel shall discharge the functions of the Licensing Committee in paragraphs 10.4.1 and 10.4.2.

PART 2

Article 11 Standards Committee

11.1 The Council will appoint a Standards Committee.

Composition

11.2 The Standards Committee shall comprise:

11.2.1 Seven members of Council.

11.2.2 The appointed Independent Person as a non-voting co-opted member.

11.2.3 Two members of parish councils wholly or mainly in the Council's area (parish members) as non-voting co-opted members.

Quorum

11.3 The quorum of the Committee shall be four.

Roles and Functions

11.4 The Committee shall have the following roles and functions:

11.4.1 Promoting and maintaining high standards of conduct by members of Council, voting co-opted members of Committees and Panels and church and parent governor representatives.

11.4.2 Assisting members of Council, voting co-opted members of Committees and Panels and parent governor representatives to observe the Members' Code of Conduct.

11.4.3 Advising the Council on the adoption or revision of the Members' Code of Conduct.

11.4.4 Monitoring the operation of the Members' Code of Conduct.

11.4.5 Advising, training or arranging to train members of Council, voting co-opted members of Committees and Panels and church and parent governor representatives on matters relating to the Members' Code of Conduct.

11.4.6 Dealing with individual cases of alleged breaches of the Code including considering and determining individual cases and recommending appropriate penalties.

11.4.7 Dealing with complaints about an alleged failure by members of Council, voting co-opted members of Committees and Panels to comply with a code of conduct, practice or protocol approved by the Council.

11.4.8 Considering and deciding upon requests for dispensations from elected Members and Voting Co-opted Members.

11.4.9 Making recommendations to the Council, the Executive or Committee or Sub-Committee or officer on any matter arising from any report.

Roles and Functions in relation to Parish Councils

11.5 The Committee shall have the following roles and functions in relation to parish councils wholly or mainly in its area and the members of those parish councils:

11.5.1 The roles and functions in Articles 11.4.1 to 11.4.8 above.

11.5.2 Making recommendations to a parish council on any matter arising out of the discharge of these roles and functions.

Sub Committees

11.6 The Committee shall appoint the following Sub Committees to which it shall delegate the functions indicated below:-

11.6.1 Complaints Sub Committee

Composition

11.6.1.1 Complaints Sub Committee shall comprise three members of the Committee to include one of whom must be from the same political group as the subject Member (wherever possible), but not all of the Members will be from the same political group. The Chair will be elected from among the membership at the beginning of the meeting, but cannot be from the same political group as the subject Member.

11.6.1.2 The membership of the Sub Committee shall be drawn by rotation from the overall membership of the Committee as far as is practicable.

Quorum

11.6.1.3 The quorum of the Sub Committee shall be three members.

Roles and Functions

11.7.1.4 The Sub-Committee shall consider the Monitoring Officer's report referred to the Sub-Committee where it is alleged that there has been a breach of the Members Code of Conduct or other local Codes of Conduct by district, town or parish council members.

The Sub Committee shall determine one of the following courses of action:

(i) Whether the Member has failed to comply with the Code of Conduct.
(ii) Whether further action is warranted, and
(iii) What form of action might be appropriate.

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Article 11A Wellbeing Board

11A.1 The Council will appoint a Wellbeing Board as a Committee of Council.

Composition

11A.2 The Wellbeing Board shall comprise of the following:

a) The Leader of the Council
b) The Chief Executive of the Council
c) The Elected Member Portfolio Holder for Health and Wellbeing
d) The Elected Member Portfolio Holder for Regeneration, Planning and Transport
e) One opposition Elected Member
f) Bradford District and Craven CCG Clinical Chair and Deputy Clinical Chair
g) Bradford District and Craven CCG Chief Officer
h) One member from the NHS England Area Team (JSNA and Joint Health and Wellbeing Strategy only)
i) The Director of Public Health
j) The Strategic Director of Adult Social Care, Health and Housing
k) The Strategic Director of Children's Services
l) One member from Bradford HealthWatch
m) Voluntary, Community and Social Enterprise Sector Chair, Bradford Assembly
n) The Chief Executive of Bradford Teaching Hospitals NHS Foundation Trust
o) The Chief Executive of Airedale NHS Foundation Trust
p) The Chief Executive of Bradford District Care NHS Foundation Trust
q) The District Commander West Yorkshire Fire and Rescue Service
r) The Chief Superintendent Bradford District, West Yorkshire Police
s) The Group Chief Executive, InCommunities Group Ltd
t) President Council for Mosques
u) Vice Chancellor, University of Bradford
v) Chair Children's System Board
w) Chair Community Safety Partnership
x) Chair Employment and Skills Partnership
y) Chair Stronger Communities Partnership/Bishop of Bradford
z) Chair Sustainable Development Partnership
zz) Chair Economic Partnership

11A2.1 The Board may co-opt further members, as required, from provider organisations.

11A2.3 Named alternates can be provided for the members of the Wellbeing Board except the representatives of the Clinical Commissioning Groups who are able to ask any clinician on the CCGs to alternate for them.

The co-opted representatives indicated are voting members unless the Council decides otherwise.

11A2.4 Sub-groups that report directly to the Board shall include the Bradford Health and Care Commissioners and the Integration and Change Board.

Quorum

11A.3.1 The quorum of the Committee is one third of the Board members, with at least two Elected Member representatives from the Council, one Council officer and one representative from the clinical commissioning groups.

11A.3.2 The Committee is chaired by the Leader of Council and the Deputy Chair is appointed from the NHS membership of the Committee.

Roles and Functions

11A.4 The Committee shall have the following roles and functions:

11A4.1 To provide local democratic accountability for the use of public resources to improve health and wellbeing and reduce health and social inequalities

11A4.2 To promote integration in the commissioning and provision of health and social care services across the District.

11A4.3 To oversee and be assured that joint commissioning arrangements are in place for health and social care through the Bradford Health and Care Commissioners, and that joint commissioning responsibilities are being effectively discharged to address needs and reduce inequalities.

11A4.4 To oversee the production of the Joint Strategic Needs Assessment and the Pharmaceutical Needs Assessment

11A4.5 To oversee the production of the Joint Health and Wellbeing Strategy

11A4.6 To provide system leadership and a local interface for both planning and governance through engagement with the NHS Commissioning Board, Public Health England, Local Partnerships and providers, including the Voluntary, Community and Faith Sector, and to undertake all statutory duties.

11A4.7 To hold health and social care system leaders to account through the Integration Care Partnership to ensure the Sustainability and Transformation Plans for Bradford and Craven (formerly the Five Year Forward View for Bradford and Craven) and West Yorkshire (as it relates to Bradford District) are delivered.

11A4.8 The Board is the senior strategic partnership in Bradford District, leading the family of linked strategic partnerships through which the Council collectively delivers the five outcomes of the Bradford District Plan.

The Board shall oversee the development and delivery of the outcomes within the Bradford District Plan 2021 – 2025, via the District's strategic delivery partnerships.

The strategic delivery partnerships (Economic, Children's Systems Board, Stronger Communities, Community Safety, Employment and Skills, Cultural Place, Sustainable Development, Integrated Care and Safeguarding Adults and Children's Board) will take direction from and are responsible to the Wellbeing Board for delivering the District Plan outcomes and other strategic priorities. They will be expected to report their progress against these outcomes to the Wellbeing Board on an annual basis.

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PART 2

Article 12 Area Committees and Neighbourhood Forums

Area Committees

12.1 The Council will appoint five area committees.

12.2 The area committees will have the following titles and will serve the areas of the wards indicated:

12.2.1 **Bradford East Area Committee**
(Bolton and Undercliffe, Bowling and Barkerend, Bradford Moor, Eccleshill, Idle and Thackley, Little Horton).

12.2.2 **Bradford South Area Committee**
(Great Horton, Queensbury, Royds, Tong, Wibsey, Wyke)

12.2.3 **Bradford West Area Committee**
(City, Clayton and Fairweather Green, Heaton, Manningham, Thornton and Allerton, Toller)

12.2.4 **Keighley Area Committee**
(Craven, Ilkley, Keighley Central, Keighley East, Keighley West, Worth Valley)

12.2.5 **Shipley Area Committee**
(Baildon, Bingley, Bingley Rural, Shipley, Wharfedale, Windhill and Wrose)

Composition

12.3 Each area committee shall comprise nine members of Council. The membership of each area committee will, in accordance with regulation 16A of the Local Government (Committees and Political Groups) Regulations 1990, comprise members who have been elected for wards which are wholly or partly within the area determined for the Committee and, so far as reasonably practicable, reflect the proportion of members of each political group within the area to the total number of members for the area.

12.4 An area committee may make a recommendation to the Council to co-opt non-voting members to assist in discharging its role and functions.

Quorum

12.5 The quorum of an area committee shall be five voting members.

Role

12.6 An area committee will:

12.6.1 Encourage community development and enable the communities within their area to make their voice heard.

12.6.2 Make arrangements to secure dialogue with communities within their area by:

12.6.2.1 Establishing and operating neighbourhood forums in accordance with terms of reference in paragraph 12.7.

12.6.2.2 Forming area liaison groups.

12.6.2.3 Working with parish and town councils and other community bodies serving the interests of a locality.

12.6.2.4 Regularly review the operation of these arrangements and make changes to secure the improvement of community development throughout their area.

12.6.3 Consider and address issues raised through neighbourhood forums, liaison groups, parish and town councils and other community bodies.

12.6.4 Co-ordinate processes for consultation with communities within their area and arrange for consultation with communities on matters referred to them by the Council, the Executive, another committee or officers.

12.6.5 Liaise on behalf of the communities within their area with Council departments and other public bodies and utilities.

12.6.6 Pursue local initiatives that will encourage and support local communities in their relationships with the Council, Council services and with other public bodies.

12.6.7 Contribute to the formulation of all strategies plans and policies of the Council with reference to the circumstances and characteristics of their area.

12.6.8 Consider the delivery of local services to communities within their area and make recommendations on service delivery to the Executive, full Council and/or the appropriate external partner/agency.

Neighbourhood Forums

12.7 The terms of reference for neighbourhood forums are:

12.7.1 Neighbourhood Forums shall be established as far as practicable by reference to one or more communities of locality.

12.7.2 Neighbourhood Forums shall meet at least once in each municipal year.

12.7.3 Neighbourhood Forums shall be managed so as to provide a two-way dialogue on matters of local interest involving Council services and the services of other public bodies and utilities.

12.7.4 Neighbourhood Forum meetings shall be publicised locally and agendas made available locally at least 3 days in advance of the meetings.

Executive Functions of Area Committees

12.8 The Executive will delegate the discharge of its functions in relation to local regeneration schemes (including the Urban Village Programme) to the area committee within whose area the scheme is wholly based and, where a scheme is located partly within that area and partly outside, by the area committee having the agreement of any other area committee(s) in whose area a scheme is partly located. The functions to be delegated include acting as the accountable body on behalf of the Council in respect of any externally funded scheme.

12.9 In those cases where the options for decision on any matter within the functions listed below are solely concerned with local priorities and circumstances, the Executive delegates the discharge of that executive function to the appropriate area committee if and when referred to it by the Executive or an officer within the terms of reference of the committee.

Services

12.10 Park Amenities and Landscape
Community facilities
Libraries
Traffic and Highways
Waste Management
Youth Service
Street Cleansing
Public Toilets
Council Wardens

12.11 The Executive, for the purposes of Article 12.8, will refer the functions below to the appropriate area committee to discharge on behalf of the Executive within the budget approved by the Executive.

Functions

12.12 The operation and management of community centres and play schemes. Grants for works in conservation areas and, more generally, the promotion of renewable and sustainable environmental improvements.

12.13 In discharging these functions, all decisions made must be:

12.13.1 In accordance with any relevant strategy or plan agreed by the Council.

12.13.2 In accordance with any policy, strategy, plan or criteria agreed by the Executive.

12.13.3 Within approved budget.

12.14 Area committees may not make a decision which affects, in a significant way, another area without first obtaining the agreement of the area committee for that area.

12.15 An area committee or two or more area committees jointly may refer a matter in relation to an executive function to the Executive for decision.

12.16 The Executive may require a matter in relation to an executive function due to be considered by an area committee to be determined by itself, in which case the delegation of that matter to the area committee shall cease to apply.

12.17 The Executive delegates to area committees, where a specific budget has been identified for an area committee, the executive functions relevant to the expenditure of that budget.

Area Committees – Access to Information

12.18 Agendas and notices for area committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will clearly indicate into which category an item falls.

Executive Members on Area Committees

12.19 A member of the Executive may serve on an area committee if otherwise eligible to do so as a councillor.

PART 2

Article 12A Staffing Committee

12A.1 The Council will appoint a Staffing Committee.

Composition

12A.2 The Staffing Committee shall comprise 5 members of Council at least one of whom must be a member of the Executive.

Quorum

12A.3 The quorum of the Committee shall be 3 members.

Functions

12A.4 Staffing Committee is authorised to discharge the following functions: -

12A.4.1 Recommend to Council the appointment of the Head of Paid Service (the Chief Executive) under the Officer Employment Procedure Rules.

12A.4.2 Appoint Strategic Directors and Directors under the Officer Employment Procedure Rules.

This function will normally be delegated to a sub-committee (an appointment panel).

12A.4.3 To make recommendations to Council as to the dismissal of the Head of Paid Service (Chief Executive), the Monitoring Officer (Director of Legal and Governance) or the Chief Finance Officer (Director of Finance), or to dismiss Strategic Directors, Directors (other than the Director of Finance), Deputy Directors or Assistant Directors for any reason not falling within the functions of the Chief Officer Disciplinary Committee. This function may be delegated to a sub-committee.

12A.4.4 Determine appeals brought by the Chief Executive against a grievance decision.

12A.4.5 Determine appeals under the Officer Employment Procedure Rules.

12A.4.6 Determine cases brought (by way of appeal or otherwise) by employees under agreed employment procedures and the Access to Information Rules.

The function under Article 12A.4.6 will normally be delegated to the Employee Appeals Panel.

12A.4.7 Deal with any matter referred to the Committee under section 112 of the Local Government Act 1972.

12A.4.8 Deal with employment matters which may not be decided by Executive or the Chief Officer Disciplinary Committee and which are not delegated to Officers.

Staffing Committee – Sub-Committees

12A.5 The Committee shall appoint the Employee Appeals Panel.

Composition

12A.5.1 The Employee Appeals Panel shall comprise three members where possible including the Chair, drawn on a rota basis, and in compliance with Section 15 of the Local Government and Housing Act 1989, from a list of members appointed by the Staffing Committee.

Quorum

12A.5.2 The quorum of the Employee Appeals Panel shall be two members.

Functions

The Employee Appeals Panel is authorised to discharge the following functions: -

12A.5.3 the functions of Staffing Committee in paragraph 12A.4.6.

12A.5.4 to sit as a Grievance Committee to consider a grievance brought by the Chief Executive.

PART 2

Article 12B Chief Officer Disciplinary Committee

12B.1 The Council will appoint a Chief Officer Disciplinary Committee.

Composition

12B.2 The Chief Officer Disciplinary Committee shall comprise 5 members of Council, at least one of whom must be a member of the Executive.

Quorum

12B.3 The quorum of the Committee shall be 5 members.

Functions

12B.4 The Chief Officer Disciplinary Committee is authorised to discharge the following functions: -

12B.4.1 to suspend and keep under review the suspension of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer under the Officer Employment Procedure Rules.

12B.4.2 to set up a full investigation if required under the Officer Employment Procedure Rules.

12B.4.3 to take disciplinary action[2] short of dismissal against the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer under the Officer Employment Procedure Rules.

12B.4.4 to make recommendations to Council as to the dismissal for disciplinary action[2] of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer under the Officer Employment Procedure Rules.

12B.4.5 to dismiss for disciplinary action[2] or take disciplinary action short of dismissal against Strategic Directors, Directors (other than the Director of Finance in relation to dismissal), Deputy Directors, or Assistant Directors under the Officer Employment Procedure Rules.

[2] 'Disciplinary Action' has the meaning set out in the Local Authorities (Standing Orders)(England) Regulations 2001 (as amended)

12B.6.4 to make recommendations to Council as to the dismissal for disciplinary action[2] of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer under the Officer Employment Procedure Rules. The advice, views, or recommendations of the Independent Persons on the Committee must be separately detailed in the recommendations.

12B.6.5 to dismiss for disciplinary action[2] or take disciplinary action short of dismissal against Strategic Directors, Directors (other than the Director of Finance in relation to dismissal), Deputy Directors, or Assistant Directors under the Officer Employment Procedure Rules.

PART 2

Article 13 Joint Arrangements

Arrangements to Promote Wellbeing

13.1 The Executive, in order to promote the economic, social or environmental wellbeing of its area, may:

13.1.1 Enter into arrangements or agreements with any person or body.

13.1.2 Co-operate with, or facilitate or co-ordinate the activities of, any person or body.

13.1.3 Exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

13.2 The Council may establish joint arrangements with one or more local authorities and/or their executives in any of the participating authorities, or advise the Council.

13.3 The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees of these other local authorities.

Access to Information

13.4 The Access to Information Procedure Rules in Part 3B of this Constitution apply.

13.5 If all the members of a joint committee are members of the executive in each of the participating authorities, the access to information regime to be applied is the same as that applied to the executive.

13.6 If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Delegation to and from other Local Authorities

13.7 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

13.8 The Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

13.9 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

Contracting Out

13.10 The Council (in the case of non-executive functions) and the Executive (in the case of executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Governance Arrangements of Partnership and Joint Working Arrangements

13.11 The Monitoring Officer shall maintain a record of the governance arrangements of each partnership, joint body and other joint working arrangements in which the Council participates and may require any officer involved with any such body to provide information as to the governance arrangements of any such body.

PART 2

Article 14 Officers

Management Structure

14.1 The Council designates the following posts, having the functions set out in Articles 14.5 to 14.20, as shown in the following table:

Post	Designation
Chief Executive	Head of the Paid Service
Director of Legal and Governance	Monitoring Officer
Director of Finance	Section 151 Officer/Chief Financial Officer

14.2 The Head of the Paid Service will determine and publish a description of the overall management structure of the Council showing the management structure and deployment of officers.

Functions of the Head of Paid Service

14.3 The Head of the Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

14.4 The Head of the Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if s/he is a qualified accountant.

Functions of the Monitoring Officer

14.5 The Monitoring Officer will maintain an up-to-date version of the Constitution and is authorised to make such amendments to the Constitution and related documents as may be necessary, but not including any changes of substance, to reflect and take account of changes in legislation, guidance, Council policy, decision of the Council and the Executive, and drafting changes and/or improvements. The Monitoring Officer will ensure that the Constitution is widely available for consultation by members, staff and the public.

14.6 The Monitoring Officer will, following consultation with the Head of the Paid Service and the Chief Financial Officer, report to the full Council (the Executive in relation to an executive function) if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to mal-administration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

14.7 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

14.8 The Monitoring Officer is authorised (after consultation with the Chair of Standards Committee) to consider and take a decision on an application for a dispensation from a member (to permit speaking and voting on a matter where otherwise a disclosable pecuniary interest would prevent it), in circumstances where a decision of the Standards Committee cannot be obtained in the time available.

14.9 The Monitoring Officer will conduct investigations into complaints concerning members of Council where directed to do so by the Complaints Sub-Committee of the Standards Committee and make reports or recommendations in respect of them to the Complaints Sub-Committee of the Standards Committee.

14.10 The Monitoring Officer shall be the proper officer for recording executive decisions and will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

14.11 The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

14.12 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, mal-administration, financial impropriety, probity and budget and policy framework issues to all councillors.

14.12A The Monitoring Officer in consultation with the Leader of the Council make new director officer appointments to ensure ongoing Council representation on the boards of companies and to advise Executive Members of any such appointments thereafter.

14.13 The Monitoring Officer cannot be the Chief Financial Officer or the Head of the Paid Service.

Functions of the Chief Financial Officer

14.14 The Chief Financial Officer will, following consultation with the Head of the Paid Service and the Monitoring Officer, report to the full Council (the Executive in relation to an executive function) and the Council's external auditor if s/he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. As the Council possesses an in-house legal service, external suppliers can only be used when the Director of Legal and Governance confirms that they are unable to meet the requirements on that occasion due to insufficient resources, skills or capacity.

14.15 The Chief Financial Officer shall have responsibility for the administration of the financial affairs of the Council.

14.16 The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

14.17 The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, mal-administration, financial impropriety, probity and budget and

policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

14.18 The Chief Financial Officer will provide financial information to the media, members of the public and the community.

Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Financial Officer

14.19 The Council will provide the Monitoring Officer and the Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

Delegations of Functions to Officers by the Council and the Executive

14.20 The Council and the Executive delegate to the Chief Executive and Strategic Directors and Directors and any officer acting in her/his place in accordance with paragraph 14.25 the authority to:

14.20.1 Implement decisions of the Council, the Executive, the Council's committees and sub-committees in the discharge of the Council's functions within their area of responsibility, including policy, strategy, executive, regulatory and operational decisions.

14.20.2 Take all routine decisions including those of a professional, managerial, operational or regulatory nature in relation to the discharge of the Council's and the Executive's functions within their area of responsibility.

14.20.3 Take decisions in relation to the discharge of the Council's and the Executive's functions within their area of responsibility after consultation with the Leader of Council, Deputy Leader, appropriate Executive member with portfolio or chair of the appropriate committee or sub-committee as appropriate.

14.20.4 In relation to matters not falling within paragraphs 14.20.1 to 14.20.3 above, submit a report and make recommendations as appropriate to the Council, the Executive, a committee or sub-committee.

14.20.5 Take decisions in relation to the discharge of any of the Council's or the Executive's functions in cases of emergency.

14.21 The officer shall always be entitled to refer a matter to the Executive or appropriate committee or sub-committee for decision where s/he considers it expedient to do so.

14.22 The officer may authorise an officer(s) to exercise, on her/his behalf, functions delegated to her/him. Any decision taken under this authority shall remain the responsibility of the relevant officer named in paragraph 14.20 above and must be taken in the name of that officer who shall remain accountable and responsible for such decisions.

14.23 In discharging delegated functions officers shall;

14.23.1 Comply with all relevant legislation.

14.23.2 Comply with the Constitution of the Council and relevant guidance.

14.23.3 Have regard to Best Value principles and use the most efficient and effective means available, including the deployment of staff and other resources under their control and the procurement of other resources as may be necessary whether within or outside the Council.

14.23.4 Act in accordance with the policies, strategies and objectives of the Council.

14.23.5 Have regard to the corporate interests of the Council.

14.24 Officers discharging functions, other than those which relate to her/his area of responsibility, under paragraph 14.20.5 above must report any action taken to the Executive, Wellbeing Board or Regulatory and Appeals Committee whichever is the appropriate body.

14.25 Where an officer referred to in paragraph 14.20 above is to be absent for any period, s/he or the Chief Executive, Strategic Director or Director as appropriate, must nominate in writing another officer to act in her/his place during their absence.

Recording of Decisions taken by Officers under Delegated Authority

14.25A Where an officer makes an executive decision either in accordance with articles 14.20 to 14.25 above or in accordance with specific delegation from a meeting of a decision-making body, that decision must be recorded and published in accordance with rules 14.4, 14.5, 14.6 and 14.7 of the Executive Procedure Rules.

14.25B Where an officer makes a decision which is not an executive decision, either in accordance with articles 14.20 to 14.25 above or in accordance with specific delegation from a meeting of a decision-making body, the effect of which is to grant a permission or licence, to affect the rights of an individual; or to award a contract or incur expenditure which, in either case, materially affects the Council's financial position, the decision-making officer must produce a written record of the decision as soon as reasonably practicable after the decision has been made which must contain the following information:

14.25B1 the date the decision was taken;

14.25B2 a record of the decision taken along with reasons for the decision;

14.25B3 details of alternative options, if any, considered and rejected; and

14.25B4 where the decision was made under specific delegation from a decision-making body, the names of any member of the relevant body who has declared a conflict of interest in relation to the decision.

14.25C The duty imposed by article 14.25B is satisfied where, in respect of a decision, a written record, containing the date the decision was taken and the reasons for the decision, is already required to be produced in accordance with statute, and does not require administrative and operational decisions to be recorded.

14.25D All written records produced in accordance with article 14.25B above, together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public—

14.25D1 at all reasonable hours, at the offices of the Council; and

14.25D2 on the Council's website,

14.25E All written records produced in accordance with article 14.25B above must be retained and made available for inspection by the public for a period of six years beginning with the date on which the decision, to which the record relates, was made.

14.25F .Any background papers must be retained and made available for inspection by the public for a period of four years beginning with the date on which the decision, to which the background papers relate, was made.

14.25G Nothing in articles 14.25B, 14.25C, 14.25D, 14.25E or 14.25F requires the disclosure of exempt or confidential information

Review of Officer Decisions

14.26 Where a specific appeals procedure does not exist, any member may request that any officer decision taken under delegated powers be the subject of a review by the Executive, Wellbeing Board, Regulatory and Appeals Committee, Staffing Committee, Standards Committee or a sub-committee as may be appropriate.

14.27 A review does not invalidate any action taken on the decision or remove the delegation to the officer to take the decision, but the reviewing body may, so far as it is lawfully permissible, substitute its own decision for that made by the officer.

14.28 These arrangements do not apply to an officer decision that consists of the implementation of a Council policy determined within the past six months.

Appointment of Proper Officers

14.29 An officer referred to paragraph 14.20 above is the proper officer for all purposes relating to her/his area of responsibility.

14.30 The Chief Executive shall, where necessary, appoint proper officers for the discharge of the Council's functions where an appointment is required by any legislation.

Statutory and Proper Officers

Officer	Function(s)
Chief Executive	(i) Representation of the People Act 1983 (ii) Parish and Community Meetings (Polls) rules 1987
Director of Legal and Governance	(i) Parts I, V, VII (excluding Sections 115 and 146), IX, XI, XII, Schedule 14, 16 and Schedule 29 of the Local Government Act 1972 (ii) Section 5 (Monitoring Officer) ~~and 19~~ of the Local Government and Housing Act 1989 (iii) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (iv) Registration Service Act 1953 (v) Marriage Act 1994 (vi) Ordnance Survey Act 1841 (vii) Local Authorities (Standing Orders) (England) Regulations 2001 (viii) Section 8 of the Representation of the People Act 1983 (Deputy Registration Officer)
Director of Finance	(i) Section 114 and Part VIII (including Section 151) of the Local Government Act 1972
Strategic Director Children's Services	(i) Section 532 of the Education Act 1996 (Chief Education Officer) (ii) Section 18 Children Act 2004
Strategic Director Adult Social Care, Health and Housing	(i) Section 6 of the Local Authority Social Services Act 1970 (Strategic Director of Adult Social Care, Health and Housing) (ii) The Housing Acts 1985, 1988 and 1996 (iii) Public Health Act 1936 (iv) Public Health (Control of Disease) Act 1984
Strategic Director Growth	(i) Section 78 of the Building Act 1984
Strategic Director Environment	(i) Food Act 1984 (ii) Environmental Protection Act 1990
Director of Public Health	(i) National Health Service Act 2006
Chief Executive, Strategic Directors and Directors	All other proper officer functions within their area of responsibility (Article 14.20), including Part VA of the Local Government Act 1972 in respect of reports prepared by officers within their area.

14.31 The functions of officers shall include (as appropriate to their areas of responsibility):

14.31.1 Parts A, B and C and I (excluding items 36, 38 and 48) of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendment regulations and the functions in Regulation 2 (2) (3) and (4).

14.31.2 Schedule 2 of the above Regulations excluding item 8.

14.32 The following officers may discharge the functions indicated:

14.32.1 The Director of Legal and Governance may discharge the functions in Part D of Schedule 1 to the Regulations.

14.32.2 The Chief Executive may discharge the functions in Part H of Schedule 1 to the Regulations. Responsibility for Treasury Strategy shall however be the responsibility of the Chief Financial Officer and Investment Strategy shall be the responsibility of the Strategic Director Corporate Resources and the Chief Financial Officer.

Conduct

14.33 Officers will comply with the Protocol on Officer-Member Relations and the General Principles of Conduct for Employees set out in Part 4C and 6B of this Constitution.

Employment

14.34 The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 3H of this Constitution.

PART 2

Article 15 Decision Making

Responsibility for Decision Making

15.1 The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas of functions.

Principles of Decision Making

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

- Due regard to all relevant considerations and disregard of irrelevant factors;
- Proportionality (ie the action must be proportionate to the desired outcome);
- Lawfulness and financial propriety and prudence
- All due consultations;
- The taking of professional advice from officers;
- Respect for human rights and application of the Human Rights Act 1998 as may be amended from time to time
- A presumption in favour of openness;
- Clarity of aims and desired outcomes;
- The ability to explain the options considered and the reasons for the decision
- Add such other considerations as are appropriate and relevant.

Decisions of the Full Council

15.3 The decisions relating to the functions listed in Article 4.4 will be made by the full Council and not delegated.

15.4 Subject to Article 15.9, the Council will follow the Council Standing Orders set out in Part 3A of this Constitution when considering any matter.

Key Decisions

15.5 A key decision is an executive decision that satisfies either of the following criteria:

15.5.1 It will result in expenditure or savings with a full year effect of more than £250,000, and/or it is likely to have a significant impact on communities in two or more wards but does not include any decision:

15.5.1.1 Taken as a consequence of implementing an earlier key decision.

15.5.1.2 Concerning a bid for funding.

15.5.1.3 Taken on expenditure within the budget approved by Council on items necessary for normal operational service delivery.

Decisions of the Executive

15.6 Subject to Article 15.9, the Executive will follow the Executive Procedures Rules set out in Part 3D of this Constitution when considering any matter.

Decisions of Overview and Scrutiny Committees

15.7 Overview and Scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 3E of this Constitution when considering any matter.

Decisions of other Committees and Sub-Committees

15.8 Subject to Article 15.9, other Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 3A of this Constitution as apply to them.

Decisions of Council Bodies Determining Reviews or Appeals

15.9 The Council, a councillor or an officer acting in a reviewing or appeal capacity or in a quasi-judicial manner or determining or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

PART 2

Article 16 Finance, Contracts and Legal Matters

Financial Management

16.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 3F of this Constitution.

Contracts

16.2 The Contracts Standing Orders set out in Part 3G of this Constitution apply to contracts made by the Council.

Legal Proceedings

16.3 The Director of Legal and Governance is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Legal and Governance considers that such action is necessary to protect the Council's interests.

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

16.5 [Deleted]

Common Seal of the Council and Authentication of Documents

16.6 The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal and Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to a decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal and Governance should be sealed. The affixing of the Common Seal will be attested by the Director of Legal and Governance or some other person authorised by her/him.

16.7 A record of every sealing must be entered and consecutively numbered in a book and signed by the officer who witnessed the sealing.

16.8 The Director of Legal and Governance and such officers as are named by them are authorised generally to seal, sign, authenticate, attest and issue any notice, order or other document (including documents required for legal proceedings) on the Council's behalf unless an Act of Parliament requires some other person to do so, or the Council gives authority to some other person and this is expressed to exclude these general powers. This general authorisation is in addition to the delegation of functions to officers.

16.9 All officers who discharge functions on behalf of the Council are authorised to sign and issue on the Council's behalf any notice or other document required to give effect to such decisions.

PART 2

Article 17 Review and Revision of the Constitution

Duty to Monitor and Review the Constitution

17.1 The Governance and Audit Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of the Constitution by the Monitoring Officer

17.2 The Monitoring Officer shall take steps to make her/himself aware of the strengths and weaknesses of the Constitution adopted by the Council, and make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

17.2.1 Observe meetings of different parts of the member and officer structure.

17.2.2 Undertake an audit trail of a sample of decisions.

17.2.3 Record and analyse issues raised with her/him by members, officers, the public and other relevant persons.

17.2.4 Compare practices in this authority with those in other comparable authorities and recognised best practice.

Changes to the Constitution

17.3 Changes to the Constitution will only be made following approval by the full Council or by the Monitoring Officer in accordance with Article 14.5.

17.4 The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the form of the Executive.

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PART 2

Article 18 Suspension, Interpretation and Publication of the Constitution

Suspension of the Constitution

18.1 The full Council, unless otherwise provide and to the extent permitted by law may suspend specific provisions of the Constitution.

18.2 A motion to suspend a specific provision may not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved having regard to the purposes of the Constitution set out in Article 1.

Interpretation

18.3 The Lord Mayor may rule on the construction or application of this Constitution or any proceedings of the Council. The Lord Mayor's ruling may not be challenged at any meeting of the Council. The Lord Mayor shall have regard to the purposes of this Constitution set out in Article 1.

Publication

18.4 The Director of Legal and Governance will provide a printed copy of this Constitution to each councillor on delivery to her/him of that individual's declaration of acceptance of office on the member first being elected to the Council.

18.5 The Director of Legal and Governance will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

18.6 The Director of Legal and Governance will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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PART 3 RULES OF PROCEDURE

PART 3A Council Standing Orders

COUNCIL MEETINGS

1 Chairing Meetings

1.1 The Lord Mayor, or in their absence, the Deputy Lord Mayor shall chair meetings of Council. In their absence, the Council shall select a person to chair the meeting.

1.2 References to the Lord Mayor in these Council Standing Orders include any other member (including the Deputy Lord Mayor) when acting as Chair of Council.

2 Record of Attendance

2.1 Except for the Lord Mayor, all members present during the whole or part of the meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

3 Quorum

3.1 No business shall be dealt with unless there is a quorum of 23 members present. If there is no quorum, the meeting must be adjourned immediately.

4 Ordinary Meetings

4.1 At ordinary meetings, business will usually be dealt with in the following order:

4.1.1 Choice of a person to chair the meeting if the Lord Mayor and Deputy Lord Mayor are absent.

4.1.2 Disclosures of interest from members and officers.

4.1.3 Agreeing the minutes of the last meeting and signing them.

4.1.4 Receiving any apologies for absence.

4.1.5 Written announcements from the Lord Mayor. These (if any) will be circulated to all members and placed in the public galleries before the meeting starts.

4.1.6 Considering any appeal against a decision to restrict a document.

4.1.7 Petitions.

4.1.8 Public Question Time.

4.1.9 Membership of committees and joint committees, appointment of chairs and deputy chairs of committees excluding area committees.

4.1.9A Report by the Leader of the Council

4.1.10 Member Question Time.

4.1.11 Any business remaining from previous meetings.

4.1.12 Recommendations from the Executive and committees.

4.1.13 Motions (in the order in which they were notified).

4.1.14 Other business on the agenda.

4.2 The order of the items set out in Standing Orders 4.1.5 to 4.1.14 may be changed by the meeting on a motion passed without discussion.

4.3 The items set out in Standing Orders 4.1.7, 4.1.8, 4.1.10, 4.1.11 and 4.1.13 will not be considered at any meeting at which the setting of the Council Tax as part of the budget process is on the agenda.

5 Cancellation of an Ordinary Meeting

5.1 The Lord Mayor, in consultation with the Director of Legal and Governance and the Leader of Council may cancel an ordinary meeting if, in their opinion, there is insufficient business to justify calling it.

6 Extraordinary Meetings

6.1 Those listed below may request the Director of Legal and Governance to call Council meetings in addition to ordinary meetings:

6.1.1 The Lord Mayor or

6.1.2 The Chief Executive or Chief Financial Officer or Monitoring Officer or

6.1.3 Any five members of the Council if they have signed a requisition presented to the Lord Mayor requesting an additional meeting and the Lord Mayor has refused to call a meeting or failed to call a meeting within seven clear days of the presentation of the requisition.

6.2 The Lord Mayor shall fix the date and time of meetings called under 6.1.1 and 6.1.2 in consultation with the Director of Legal and Governance and the Leader of the Council. The Director of Legal and Governance in consultation with the Lord Mayor, Leader of the Council and requisitioners shall fix the date and time of any meeting called under 6.1.3.

7 Annual Meeting

7.1 At the Annual Meeting the agenda will be as follows:

7.1.1 Election of the Lord Mayor.

7.1.2 Appointment of the Deputy Lord Mayor.

7.1.3 Disclosures of interest from members and officers.

7.1.4 Agreeing the minutes of the last meeting and signing them.

7.1.5 Receiving any apologies for absence.

7.1.6 Written announcements from the Lord Mayor.

7.1.7 Review of the Constitution of the Council.

7.1.8 Appointment of the Leader of Council in accordance with the provisions of Article 7 of the Constitution.

7.1.9 Membership of committees, appointment of chairs and deputy chairs of committees.

7.1.10 Recommendations of committees.

7.1.11 Deciding the dates and times for ordinary meetings of the Council during the year.

8 Conduct of Meetings

8.1 The Director of Legal and Governance shall consider whether relevant procedural requirements have been met in preparing for any meeting of the Council and whether any motion or amendment may properly be accepted.

8.2 The Lord Mayor, on advice from the Director of Legal and Governance, may determine that a motion or amendment that does not meet relevant procedural requirements or which is otherwise out of order, illegal, irregular or improper shall not be placed on the agenda or moved at the meeting.

8.3 Any motion or amendment that would introduce a significant unbudgeted financial burden on the Council should state, on advice from the Chief Financial Officer, the estimated additional costs and how they would be funded. Motions or amendments that do not meet this requirement will not be accepted on the agenda.

9 Motions and Amendments - Moving without Notice

9.1 Notice is not required to move motions or amendments:

9.1.1 To select a person to chair the meeting.

9.1.2 To re-order the business on the agenda.

9.1.3 To refer an item on the agenda to the next ordinary meeting, the Executive, a committee or sub-committee for action or report.

9.1.4 To combine debates on items on the agenda.

9.1.5 To move a recommendation.

9.1.6 To withdraw an item from the agenda.

9.1.7 By the mover of a recommendation or motion seeking the meeting's permission to amend it.

9.1.8 By the mover of an amendment to seek the meeting's permission to withdraw it.

9.1.9 To move procedural motions under Standing Orders 16.15 and 18.16.

9.1.10 To suspend particular Standing Orders under Standing Order 29.2.

9.1.11 Not to hear, on the motion of the Lord Mayor, a member further or to require a member to leave the meeting.

9.1.12 To record the Council's appreciation or condolence.

9.1.13 To receive a petition.

9.1.14 To refer a matter raised by a petition or question to the Executive, an appropriate committee or sub-committee of the Council or to an external body.

9.1.15 To obtain the agreement of the meeting in any case where a particular Standing Order requires it.

9.1.16 To appoint members to, a committee or a joint committee or to appoint a chair or deputy chair of a committee.

9.1.17 To approve as a correct record the minutes of the previous meeting.

9.1.18 To approve a member's absence pursuant to section 85 of the Local Government Act 1972.

10 Minutes

10.1 The Lord Mayor shall sign the minutes of the proceedings of Council at the next suitable meeting. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy. This must be raised by written notice signed by two members and delivered to the Director of Legal and Governance at a location designated by them[3] at least six hours before the start of the meeting.

10.2 Copies of every motion received will be made available to every member at the meeting and as soon as any such motion (if any) is dealt with, the Lord Mayor shall sign the minutes.

10.3 Where in relation to any meeting of Council the next meeting for the purpose of signing the minutes is an extraordinary meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972, then the next following meeting of the Council (provided that it too is not an extraordinary meeting called under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

11 Petitions to Council[4]

11.1 Petitions may be received at ordinary meetings of Council, provided that the petition is received by the Director of Legal and Governance no later than mid-day three working days before the day of the meeting and is signed by at least 20 persons residing in the district. The subject of the petition will be entered in a book open to public inspection.

11.2 The Director of Legal and Governance must not accept a request for the Council to receive a petition:

11.2.1 From a political party or organisation or in connection with the activities and aims of such a party or organisation without first consulting the Leader of the Council or in their absence the Deputy Leader.

11.2.2 In furtherance of an individual's particular circumstances.

11.2.3 About any matter where there is a right of appeal to the courts, a tribunal or a government minister.

11.2.4 Unless it is about a matter for which the Council has a responsibility or which affects the district.

11.2.5 Where the business with which it is concerned has been the subject of a matter raised by a petition in the last six months.

[3] The Director of Legal and Governance has designated Room 111 in City Hall for this purpose.

[4] This Council Standing Order does not affect the rights of the public to address a petition to a committee or sub-committee on any matter. It applies only to petitions that the organisers wish to be received at meetings of the full Council.

11.2.6 Where it is specifically concerned with a decision made at a Council meeting in the last six months or is about an issue arising directly from that decision.

11.3 No more than five petitions will be received at a meeting. Petitions are presented to the meeting in order of receipt by the Director of Legal and Governance. The names of the organisations or persons attending and the subject of each petition will be circulated before the meeting.

11.4 Any petitions not presented because of the limit on numbers may be presented to the next ordinary meeting or subsequent meetings in the order in which they were received.

11.5 Not less than two and no more than five people must attend the meeting to present the petition. Only one person may speak to the meeting and the speech (including reading any written material) must not last longer than five minutes. Members of Council may not form part of the delegation presenting the petition.

11.6 At the meeting, the Lord Mayor will move that the petition be received. After being seconded, the motion will be voted on without discussion.

11.7 No discussion will take place on any issue raised by a petition. Any member may move that the petition is referred to the Executive, an appropriate committee, sub-committee or to another body. Once seconded, the motion will be voted on without discussion.

11A Report by the Leader of the Council

11A.1 At least one hour before the published start time of each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, the Leader or a member of the Council nominated by the Leader shall circulate by email a report to all members of the Council, a written copy of which shall also be made available to members and members of the public at the commencement of the meeting.

11A.2 There shall be a period of up to 15 minutes during which any member of the Council may ask the Leader of the Council or the member of the Council nominated by the Leader a question on any matter arising out of the written report.

11A.3 The Leader of the Council or the member of the Council nominated by the Leader will reply to each question and the answer may take the form of:

11A.3.1 A direct oral answer.

11A.3.2 Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.

11A.3.3 Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council within twenty working days of the meeting.

11A.3.4 A reference to a written answer provided under Standing Order 12.9.

12 Member Question Time

12.1 At each ordinary meeting of Council, not including any meeting at which consideration of the Council's budget is on the agenda, a period of up to 30 minutes for Executive members shall be available for supplementary questions arising from written questions and answers put under this Standing Order.

12.2 Any member of Council may put a written question to all Executive members. The appropriate Executive member will reply.

12.3 The Leader of Council will refer any question that concerns the discharge of the functions of the West Yorkshire Police Authority, the West Yorkshire Fire and Rescue Service , the West Yorkshire Joint Services Committee or the Passenger Transport Authority to a member who is also a member of the appropriate body and/or a member nominated by the appropriate body for reply.

12.4 A question may be put on any matter relating to the exercise of the Council's functions or which affects the District and must not cause the Authority to breach any of the Equality Enactments. Questions shall be brief and not contain argument or expressions of opinion. Questions that do not relate to the Council's functions or the discharge of the functions listed in Standing Order 12.3 may be answered by referring the member to another appropriate body. The Lord Mayor or at the request of the Lord Mayor the Director of Legal and Governance may rule that a question shall not be put if they consider it is in breach of this Standing Order.

12.5 A question may only be put if either:

12.5.1 Written notice of the question has been delivered to the Director of Legal and Governance to a location designated by them not later than midday eight working days before the meeting or

12.5.2 The question relates to an urgent matter and the Lord Mayor has given consent because they are satisfied that the matter is sufficiently urgent to the extent that it would be unreasonable to defer the matter to the next meeting of Council.

12.6 If a question is to be put under the provisions of Standing Order 12.5.2 then the content of the question must be given to the Director of Legal and Governance and to the person to whom the question is posed by 9am on the day of the meeting.

12.7 Each political group represented on Council and each independent member will be asked to nominate a priority question to be put to the Executive member first in order of Group size. The Group with the largest number of seats on Council to ask the first priority question.

12.8 A further 30 questions will be numbered on receipt by the Director of Legal and Governance who shall prepare a list, the order of which will be determined by any preference indicated by the political groups or independent members. If no preference is indicated then questions will be listed in the order in which they were received.

12.9 A written answer to each question put under Standing Order 12.7 and 12.8 shall be made available to every member of Council and the public at the commencement of the meeting.

12.10 The Lord Mayor will have regard to the nominated priority questions, the list and the political composition of the Council in calling on a member to put their supplementary question to the Executive member.

12.11 The member who put the question may ask one supplementary question arising out of the original question.

12.12 The Executive member will reply to the supplementary question and every supplementary question will be put and answered without discussion.

12.13 An answer to a supplementary question may take the form of:

12.13.1 A direct oral answer.

12.13.2 Where the desired information is contained in a Council publication or a publication of a relevant joint authority, a reference to that publication.

12.13.3 Where the reply cannot conveniently be given orally, a written answer circulated to all members of Council within twenty working days of the meeting.

12.14 A written answer will be circulated to all members to any question submitted under Standing Order 12.5.1 but not included as a nominated priority question or on the list produced under Standing Order 12.8 within 20 working days of the Council meeting to which they were submitted.

13 Public Question Time

13.1 At each ordinary meeting of the Council not including any meeting at which consideration of the Council's budget is on the agenda, a period of up to three minutes shall be available for each of a maximum of five questions.

13.2 A person residing within the District attending the meeting may at Public Question Time ask one question on any matter which is the responsibility of the Council, subject to the question having been submitted in writing to the Director of Legal and Governance no later than midday 7 working days before the day of the meeting.

13.3 The Director of Legal and Governance will number questions on receipt and residents will be invited to put their question in the order in which they are received.

13.4 A resident will not be called to put a question if it is:

13.4.1 Unrelated to any matter that is the responsibility of the Council.

13.4.2 From a political party or organisation or in connection with the activities and aims of such a party or organisation.

13.4.3 In furtherance of an individual's particular circumstances.

13.4.4 About any matter where there is a right of appeal to the courts a tribunal or to a government minister.

13.4.5 About any matter which has been the subject of an issue raised by a petition or of a decision of Council within the previous six months.

13.5 The Lord Mayor may rule that a question shall not be put if they consider it is in breach of this Standing Order.

13.6 The resident may be accompanied by a friend who may ask the question on behalf of the resident.

13.7 The Lord Mayor will invite the Leader of Council to respond to the question or nominate a member of Council to respond.

13.8 The Leader or other member should ordinarily reply to the resident at the meeting or may exceptionally undertake to reply in writing or refuse to reply to the question. The reasons for replying in writing or refusing to reply should be articulated at the meeting

13.9 Any questions that cannot be dealt with during Public Question Time will be referred to the next meeting of the Council.

14 Six Month Rule

14.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 30 members.

14.2 A recommendation to rescind a decision made at a meeting of Council within the past six months cannot be moved without this Standing Order being suspended.

14.3 A motion or amendment in similar terms to one that has been voted on at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 30 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15 Recommendations of the Executive and Committees

15.1 The usual order for considering recommendations of the Executive and committees appointed by the Council will be:

Executive
Corporate Overview and Scrutiny Committee
Children's Services Overview and Scrutiny Committee
Health and Social Care Overview and Scrutiny Committee
Regeneration and Environment Overview and Scrutiny Committee
Bradford East Area Committee
Bradford South Area Committee
Bradford West Area Committee
Shipley Area Committee

Keighley and Ilkley Area Committee
Regulatory and Appeals Committee
Licensing Committee
Standards Committee
Governance and Audit Committee
Staffing Committee
Bradford and Airedale Wellbeing Board

15.2 The Council may change the order in which Executive or committee recommendations are considered where this is conducive to the efficient conduct of business.

16 Recommendations - Rules of Debate

16.1 Recommendations and amendments cannot be discussed until they have been formally moved and seconded.

16.2 Only one recommendation may be discussed at a time, but the Lord Mayor may allow two or more recommendations to be discussed together where this is conducive to the efficient conduct of business.

16.3 An amendment to a recommendation must be in writing and contain the name of the mover and seconder. It must be delivered to the Director of Legal and Governance to a location designated by them[5] at least thirty hours before the start of the meeting. Where a committee that has met within this period refers an item, amendments to the recommendation may be moved at the meeting. For this to happen, amendments must be in writing, contain the name of the mover and seconder and have been handed to the Director of Legal and Governance before the item on the agenda to which it relates is reached. Copies of every amendment received will be made available to every member at the meeting.

16.4 An amendment must directly relate to the subject matter of the recommendation and may:

16.4.1 Refer the recommendation back for reconsideration or to the Executive, another committee or sub-committee.

16.4.2 Delete words.

16.4.3 Add words.

16.4.4 Delete words and add words.

16.5 Deletions or additions must not have the effect of nullifying the recommendation before the meeting.

16.6 An amendment may be moved and seconded either by the members who submitted it or by other members on their behalf.

[5] The Director of Legal and Governance has designated Room 111 in City Hall for this purpose.

16.7 The mover of an amendment may withdraw it with the permission of the meeting. If the mover asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

16.8 The mover of a recommendation may, with the consent of the mover of any amendment, incorporate it into the recommendation. If an amendment of another member is incorporated in this way, they will still have the same speaking rights as if the amendment had been dealt with separately.

16.9 Amendments will be discussed together unless the meeting decides to discuss them separately.

16.10 Amendments will be put to the vote in the reverse order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.

16.11 The order of speeches on a recommendation and any amendment shall be:

16.11.1 Mover of the recommendation.

16.11.2 Mover of the first amendment.

16.11.3 Mover of the second amendment and so on until all movers of amendments have spoken.

16.11.4 Any member who has not already spoken under I Standing Orders 16.11.1 to 16.11.3 above.

16.11.5 Right of reply of movers of amendments in reverse order until right of reply of mover of second amendment.

16.11.6 Right of reply of mover of first amendment.

16.11.7 Right of reply of mover of recommendation.

16.12 A member may only speak once on a recommendation except:

16.12.1 In reply at the conclusion of a debate.

16.12.2 On a point of order.

16.12.3 On a point of personal explanation

16.12.4 If the first speech was formally to move or second a recommendation or amendment.

16.13 The Leader of Council in the case of the Executive, or the chair of a committee or sub-committee from which the recommendation comes or their nominee shall have the right to move the recommendation on the agenda.

16.14 A member may nominate another member to exercise any of the above rights to speak.

16.15 When a recommendation is being debated, the only motions that may be moved are to:

16.15.1 Put the question to the vote immediately.

16.15.2 Move immediately to right of reply of the mover of the recommendation and then the vote.

16.15.3 Refer the matter to the next ordinary meeting or to a committee or sub-committee.

16.15.4 Move to the next business.

16.15.5 Adjourn the debate or the meeting.

16.15.6 Exclude the public.

16.15.7 Require, on the motion of the Lord Mayor, that a member is not further heard or that a member leave the meeting.

16.16 Motions 16.15.1 to 16.15.6 above may only be moved by a member who has not spoken on the recommendation under debate or by a group whip.

17 Motions

17.1 Except for motions which can be moved without notice, written notice of every motion, signed by at least two members, must be delivered to the Director of Legal and Governance to a location designated by them[6] not later than mid-day eight working days before the date of the meeting.

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

17.3 Before discussing a motion, the meeting must decide whether it should be referred to the Executive or the appropriate committee or sub-committee for report. Motions about a decision taken by the Executive, a committee or sub-committee cannot be referred back to that committee or sub-committee.

17.4 Motions must be about matters for which the Council has a responsibility or which affect the district.

17.5 No later than mid-day three working days before the day of the meeting, the leader of any of the three largest political groups represented on the Council or their nominee may specify in writing to the Director of Legal and Governance at a location

[6] The Director of Legal and Governance has designated Room 111 in City Hall for this purpose.

designated by them[7] one motion on the agenda to which each of the 3 largest political groups will be allocated a minimum of 2 speakers. Provided that the motion is not referred to the Executive, a committee or sub-committee for report under paragraph 17.3 above, each of the three largest political groups will be allocated a minimum of 2 speakers. If the meeting refers the motion for report, the allocation of speakers will apply to the item on its return to Council. This provision is also subject to Standing Order 20 that governs concluding business but it is not subject to Standing Order 18.16 (move straight to the vote).

18 Motions - Rules of Debate

18.1 Motions and amendments must be formally moved and seconded as set out on the agenda, either by the members who gave notice or other members on their behalf. If a motion or amendment is not moved and seconded, it is treated as withdrawn and cannot be moved without fresh notice.

18.2 The mover of a motion may, with the permission of the meeting, withdraw the motion. If a motion is withdrawn, a member cannot speak on it.

18.3 Usually only one motion may be discussed at a time but the Lord Mayor may allow two or more motions to be discussed together if this is conducive to the efficient conduct of business.

18.4 An amendment to a motion must be in writing and contain the names of the mover and seconder. It must be delivered to the Director of Legal and Governance at a location designated by them[8] at least thirty hours before the start of the meeting. Amendments will be listed for each agenda item in the order in which they were received by the Director of Legal and Governance. Copies of every amendment received will be made available to every member at the meeting.

18.5 Where a motion has been referred by Council to the Executive, a committee or sub-committee for report, any recommendation to Council contained in the report of the committee or sub-committee shall be dealt with as an amendment to the motion to be moved and seconded by the Leader of Council and a member of the Executive, the chair and deputy chair of the committee or sub-committee, or a member on their behalf, when the motion is considered at Council.

18.6 An amendment must directly relate to the subject matter of the motion and may:

18.6.1 Refer the motion to a committee or sub-committee for consideration.

18.6.2 Leave out words.

18.6.3 Add words.

18.6.4 Leave out words and add words.

[7] The Director of Legal and Governance has designated Room 111 in City Hall for this purpose.
[8] The Director of Legal and Governance has designated Room 111 in City Hall for this purpose.

18.7 Omissions or additions must not have the effect of nullifying the motion before the meeting.

18.8 An amendment may be moved and seconded either by the members who submitted it or other members on their behalf.

18.9 The mover of an amendment may withdraw it with the permission of the meeting. If the mover asks to withdraw an amendment, there shall be no discussion on the amendment until the vote has been taken.

18.10 The mover of a motion may, with the consent of the mover of an amendment, incorporate the amendment into the motion. If this happens, unless the motion and amendment stand in the same name, the mover of the amendment will still have the same speaking rights as if the amendment had been dealt with separately.

18.11 Amendments will be discussed together unless the meeting decides to discuss each one separately.

18.12 Amendments will be put to the vote in the reverse of the order in which they were moved at the meeting. The first amendment to be carried will become the substantive motion and other amendments will not be put to the vote.

18.13 The order of speeches on a motion and any amendment shall be:

18.13.1 Mover of the motion.

18.13.2 Mover of the first amendment.

18.13.3 Mover of the second amendment and so on until all movers of amendments have spoken.

18.13.4 Any member who has not already spoken under Standing Orders 18.13.1 to 18.3.3 above.

18.13.5 Right of reply of movers of amendments in reverse order until right of reply of mover of second amendment.

18.13.6 Right of reply of mover of first amendment.

18.13.7 Right of reply of mover of motion.

18.14 A member may only speak once on a motion except:

18.14.1 In reply at the conclusion of the debate.

18.14.2 On a point of order.

18.14.3 On a point of personal explanation.

18.14.4 If the first speech was formally to move or second a recommendation or amendment.

18.15 A member may nominate another member to exercise any of the above rights to speak.

18.16 When a motion is being debated, the only motions that may be moved are to:

18.16.1 Put the question to the vote immediately.

18.16.2 Move immediately to the reply of the chair of the committee or sub-committee about whose work the motion is concerned, then the reply of the mover of the motion, then to the vote.

18.16.3 Refer the matter to the next ordinary meeting or to the Executive, a committee or sub-committee.

18.16.4 Move to the next business.

18.16.5 Adjourn the debate or the meeting.

18.16.6 Exclude the public.

18.16.7 Require, on the motion of the Lord Mayor, that a member is not further heard or that a member leave the meeting.

18.17 Motions brought under Standing Order 18.16.1 to 18.16.6 above may only be moved by a member who has not spoken on the motion under debate or by a group whip.

19 Ending Debates - Recommendations and Motions

19.1 At any time during an item of business provided that another member is not speaking, a member who has not spoken in the debate, or a group whip, may move motions under Council Standing Order 16 and 18. If seconded, the procedural motion will be put to the vote immediately without debate.

20 Concluding Business

20.1 If the business of the meeting has not been concluded by 22.00 hrs, a bell will be rung and the member speaking must immediately sit down. The Lord Mayor must interrupt the meeting and call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

20.2 If there are other motions or recommendations on the agenda that have not been dealt with by 22.00 hrs, they are deemed formally moved and seconded (together with any amendments). No speeches will be allowed on these items and the vote will be taken in the usual way.

20.3 If a recorded vote is called for during this process, Standing Order 25 shall not apply and the recorded vote will be taken immediately.

20.4 During the process set out in Standing Order 20.1, 20.2 and 20.3 above, the only other motions which may be moved are that a matter be withdrawn under Standing

Order 9, that a particular Standing Order be suspended under Standing Order 9, or that a matter be delegated or referred to the Executive, a committee or sub-committee for decision or report under Standing Order 9.

20.5 When all motions and recommendations have been dealt with, the Lord Mayor will declare the meeting closed.

21 Mode of Address

21.1 The Lord Mayor shall be addressed as ‘Lord Mayor’; the Deputy Lord Mayor when presiding at a meeting shall be addressed as ‘Deputy Lord Mayor’ and any other member elected to chair a meeting as ‘Chair’.

21.2 Members must refer to one another in meetings by their title of 'Councillor'.

22 Speeches of Members

22.1 No speech shall last more than five minutes except for the mover of a recommendation or motion or amendment who may speak for ten minutes.

22.2 A member may only speak about the matter under discussion or on a point of order or personal explanation.

23 Point of Order

23.1 A point of order is a request by a member to the Lord Mayor to rule on an alleged irregularity in the conduct of the meeting.

23.2 The member must rise to make the point immediately they notice it and state the Standing Order or procedural rule in question and how it is broken.

23.3 The Lord Mayor must give a ruling before the debate continues. There is no discussion on the ruling.

24 Point of Personal Explanation

24.1 A member may find that they have made an incorrect statement, which is quoted by a later speaker, or that another member has misunderstood or misquoted what was said.

24.2 If this happens, they may rise on a point of personal explanation. The Lord Mayor may permit them to interrupt the member speaking to correct the misunderstanding.

24.3 There is no discussion on the decision of the Lord Mayor to grant or refuse permission.

25 Voting

25.1 Members will vote in one of the following ways:

25.1.1 Digital voting or
25.1.2 by a show of hands.

A member's vote will only be counted if they are sitting in a seat reserved for members. In the event of an equality of votes the Lord Mayor shall have a second or casting vote.

25.2 Before a vote is taken under Standing Order 25.1, a group whip may require a bell to be rung for one minute to warn members.

25.3 Either before or immediately after a vote has been taken, any member may require a recorded vote that will supersede any vote taken under Standing Order 25.1. At least seven other members must support the request.

25.3A All votes on motions, amendments and substantive motions in relation to the approval of the Council's budget or the setting of the Council Tax will be recorded votes taken in accordance with Standing Order 25.5.

25.4 Before a recorded vote, a bell will be rung for one minute to warn members.

25.5 The recorded vote will be taken immediately afterwards and recorded in the minutes. A member's vote will only be recorded if the member is sitting in a seat reserved for members and answers 'Yes', 'No' or 'Abstention' immediately after their name is called.

25.6 Where immediately after a vote is taken any member of Council so requires, there shall be recorded in the minutes of the proceedings of the meeting whether that person cast their vote for the question or against the question or whether they abstained from voting.

25A Voting on Appointments

If more than one person is nominated for a vacant position the Lord Mayor will call a vote, at which time each member present and entitled will have one vote for one candidate. If no candidate receives a majority of the votes cast the candidate receiving the least number of votes is eliminated and a further vote taken. The process will continue until there is a majority for one candidate.

26 Conduct of Members

26.1 A member when speaking must stand (except where otherwise indicated by the Lord Mayor for appropriate reason) and address the meeting through the Lord Mayor. If more than one member stands, the Lord Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

26.2 When the Lord Mayor stands during a debate, any member speaking at the time must stop and sit down. The Council must be silent.

26.3 If a member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the member be not further heard. If seconded, the motion will be voted on without discussion.

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

26.5 If there is a general disturbance making orderly business impossible, the Lord Mayor may adjourn the meeting for as long as they think necessary.

27 Disturbances at the Meeting

27.1 If a member of the public interrupts proceedings, the Lord Mayor will warn the person concerned. If they continue to interrupt, the Lord Mayor will order their removal from the Council Chamber.

27.2 If there is a general disturbance in any part of the Council Chamber open to the public, the Lord Mayor may call for that part to be cleared.

28 Referral of Matters

28.1 The Council may refer a matter to the Executive, a committee or sub-committee for that body to consider and determine the matter.

29 Suspension of a Standing Order

29.1 This Standing Order and Standing Orders 1, 2, 3, 21, 23, 24, 25, 26 and 27 cannot be suspended.

29.2 The remaining Standing Orders may be suspended either by a motion on the agenda or a motion put to the meeting without notice. Where a motion is put to the meeting without notice, but not otherwise, at least 40 members must be present.

30 Amendment or Deletion of a Standing Order

30.1 Any motion brought under Standing Order 17 to amend or delete a Standing Order adopted at the Annual Meeting must, after being proposed and seconded, be adjourned without discussion to the next ordinary meeting.

31 Application of Standing Orders

31.1 In ruling on how these Standing Orders are applied the Lord Mayor must find out and have regard to the wishes of the meeting.

31.2 References in these Standing Orders to Lord Mayor, Leader of Council, chair and group whip shall, in the absence of the office holder, include, in the case of the Lord Mayor, the Deputy Lord Mayor of Council and in all other cases the appointed deputy or assistant.

COMMITTEES AND SUB-COMMITTEES

32 Committees and Sub-Committees

32.1 The memberships of committees and sub-committees are set out in the Articles of the Constitution[9] and are subject to the principles of political balance contained in the Local Government and Housing Act 1989.

32.2 The Council may at any time dissolve or alter the membership of a committee, and a committee may dissolve or alter the membership of a sub-committee, in accordance with the Local Government and Housing Act 1989.

33 Appointments to Overview and Scrutiny Committees

33.1 A member of the Executive shall not be appointed as a member of any Overview and Scrutiny committee.

34 Committees and Sub-Committees - Further Provisions

34.1 The Council shall, on the occurrence of a casual vacancy on a committee (and the committee in the case of a sub-committee), appoint to the vacancy for the remainder of the municipal year.

34.2 The Council will for each committee, and each committee will for each sub-committee, approve supplementary lists of members to be known as 'Alternate Members'. An Alternate Member shall be entitled to attend a particular meeting in place of the appointed member.

34.3 Alternate Members will be appointed to committees or sub-committees on the same basis as appointed members, but hold office in accordance with the provisions of this Standing Order.

34.4 Subject to these provisions, an Alternate Member shall for all purposes be a duly appointed member of the body for the meeting in question and shall have the same role and functions as the member whom they are replacing for the meeting.

34.5 Alternate Members for committees and sub-committees shall be supplied with agendas and reports during the municipal year for the bodies for which they have been appointed.

[9] See Part 2, Articles of the Constitution.

34.6 An Alternate Member shall be entitled to attend in place of an appointed member provided that this is reported to the meeting under the first item on the agenda. Once this item has been dealt with the appointed member in respect of whom notification has been received shall no longer be entitled to attend that meeting as a member of the committee or sub-committee concerned. An Alternate Member may not cover for a casual vacancy.

34.7 Alternate Members shall not be appointed for co-opted members of committees, sub-committees, or any member of an appeals panel.

34.8 The list of Alternate Members for each committee or sub-committee shall not exceed the total of the appointed members of that body.

34.9 Where a joint meeting is taking place and a member is a member of more than one of the constituent bodies, an Alternate Member may be appointed.

35 Chairing Meetings

35.1 The Council will, with the exception of area committees, appoint chairs and deputy chairs of committees and committees will appoint chairs and deputy chairs of sub-committees for the Municipal Year. Area committees will appoint a chair and deputy chair at their first meeting in the Municipal Year. If a vacancy occurs, a new chair or deputy chair shall be appointed as soon as practicable.

35.1A If at least one half of the members of an Area Committee inform the Director of Legal and Governance in writing, no later than 7 working days before a scheduled meeting of the Area Committee, that they wish the next meeting of the Area Committee to commence with consideration of the appointment of a Chair and Deputy Chair then the Director of Legal and Governance shall inform all the members of the Area Committee that such written notice has been received as soon as is practicable and that meeting of the Area Committee shall commence with the consideration of the appointment of a Chair and Deputy Chair.

35.2 If the Council fails, except in the case of area committees, to appoint the chair of a committee or a committee fails to appoint the chair of a sub-committee for the Municipal Year, a chair for that meeting must be elected. If this fails, the meeting must be adjourned.

35.3 If for any reason the chair and deputy chair of a committee or sub-committee are absent at the start of or during a meeting, the meeting itself shall elect a chair for the meeting or part of it. If this fails, the meeting must be adjourned.

35.4 Joint meetings of committees or sub-committees will elect a chair for that meeting only.

35.5 Any political group may nominate spokespersons and deputy spokespersons for committees and sub-committees.

36 Observers

36.1 Any member of the Council can attend meetings of committees and sub-committees as an observer.

36.2 An observer may speak with the permission of the chair.

36.3 The chair and any spokesperson for a committee may attend and speak at any meeting of the committee's sub-committees.

36.4 The provisions set out in Standing Order 36.1 to 36.3 above do not apply to meetings of licensing panels or appeals panels, except in those cases (but not including the Employee Appeals Panel) where a member attends in support of an appellant, interested party making a valid representation or applicant. This restriction can only be removed with the permission of the meeting.

37 Convening Meetings

37.1 The Director of Legal and Governance will convene all meetings of the Executive, committees and sub-committees.

37.2 The Director of Legal and Governance, in consultation with the chair or, in their absence, the deputy chair, will agree a schedule of meetings for the committee (where this has not been decided by Council at the Annual Meeting) and may convene additional meetings as business dictates.

37.3 The Director of Legal and Governance will convene meetings of sub-committees in consultation with the chair or, in their absence, the deputy chair, on the basis of a schedule of meetings, as business dictates or both.

37.4 If at least one quarter of the members of a committee or sub-committee inform the Director of Legal and Governance in writing that they wish a meeting to be called, the Director of Legal and Governance must do so, if possible within 10 working days. The date and time of the meeting to be determined in consultation with the chair or in their absence the deputy chair.

37.5 The instruction to the Director of Legal and Governance in Standing Order 37.4 above must specify the business to be dealt with and must contain sufficient information to enable members to be acquainted with the issues. Except for urgent items and as provided for under Standing Order 40.1.1, 40.1.2 and 40.1.5, no other business may be considered at the meeting.

37.6 Except for meetings convened under Standing Order 37.5 above, or Area Committee meetings to which Standing Order 35.1A applies, and provided that the agenda for the meeting has not been published, the Director of Legal and Governance, with the agreement of the chair or, in their absence, the deputy chair, may cancel, postpone or bring forward a meeting.

38 Agenda and Reports

38.1 Agenda items for meetings of the Executive, committees and sub-committees will be determined in consultation with the relevant chair. Once agenda items have been identified, they shall be forwarded (together with reports) to the Director of Legal and Governance for agenda preparation and dispatch.

38.2 Save in exceptional circumstances, agenda items and reports (except reports marked “Not for Publication by reason of …”) must be available for public inspection at all reasonable hours at least five clear working days before the day of the meeting. Where a document has not been available for five clear working days, the Appropriate Officer will report the reasons for its non-availability to the meeting.

38.3 If, however, a meeting has to be called at short notice, the agenda items and reports (except items marked “Not for Publication by reason of …”) must be available from the time the meeting is called.

38.4 Meetings may only consider agenda items if they have been included in an agenda which has been made available for public inspection.

38.5 In special circumstances, however, the chair has power to allow an item to be considered which has not been on a publicly available agenda. For this to happen, the chair must be of the opinion that it is a matter of urgency. An explanation of the special circumstances must be given in the minutes of the meeting to justify this action.

38.6 Members of the public may receive at their own expense a copy of the agenda and reports which are available for public inspection.

38.7 A reasonable number of agenda and open reports must be available free of charge at meetings to members of the public in attendance.

39 Meetings in District Locations

39.1 The Executive and each committee and sub-committee may meet at a district location if the Chief Executive or appropriate Strategic Director or Director after consultation with the chair or, in their absence the deputy chair, considers it appropriate, or if so requested by resolution of an area committee to discuss a particular item of business.

40 Order of Business at Meetings

40.1 The order of business at committee and sub-committee meetings is as follows:

40.1.1 Receive notification of Alternate Member attendance.

40.1.2 Disclosures of interest by members (including co-opted members) and officers.

40.1.3 Approval of the minutes of the last meeting as a correct record.[10]

40.1.4 Approving (in the case of committees) changes in membership of sub-committees.

40.1.5 Considering any appeal against a decision to restrict a document.

40.1.6 Public Question Time (Area Committees, Area Planning Panels and Licensing Committee only).

40.1.7 Business items.

41 Quorum

41.1 The quorum for business to be transacted by the Executive, a committee or sub-committee shall be as specified in the terms of reference establishing the committee or sub-committee and in default one half of the voting membership rounded up to a whole number.

41.2 If at any time during the course of a meeting there is no quorum, the meeting must be adjourned immediately.

42 Voting

42.1 Members will vote in one of the following ways

42.1.1 Digital voting or
42.1.2 by a show of hands

A member's vote will only be counted if they are sitting in a seat reserved for members.

42.2 Where immediately after a vote is taken at a meeting of the Executive, a committee or sub-committee (including any joint committee or sub-committee) any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether they abstained from voting.

43 Responsibilities of Individual Members

43.1 A member (other than a duly delegated member of the Executive) cannot by law exercise functions on behalf of the Council. In particular, a member must not issue any order relating to work being done by or for the Council or claim any rights to enter or inspect property.

43.2 A member must not issue any communication to the media pending the outcome of any internal inquiry or investigation into the business of the Council or its employees that could be prejudicial to the interests of any employee or the activities of the Council.

[10] Minutes of a meeting of a committee or sub-committee will be signed at the next suitable meeting (but not including an extraordinary meeting) of the body concerned by the person chairing the meeting.

44 Interests of Officers

44.1 If any officer has any personal interest (within the meaning of the Members' Code of Conduct) in any matter to be considered at a meeting of the Council, the Executive or any committee or sub-committee, the officer must disclose the interest at the commencement of that consideration or when the interest becomes apparent.

44.2 If the interest would be a prejudicial interest in the case of a member (within the meaning of the Members' Code of Conduct), the officer must withdraw from the room or Chamber where the meeting is being held unless required to attend for the purpose of answering questions.

44.3 Whenever an officer has any interest in any contract with the Council, they must inform the Director of Legal and Governance in writing of this. These interests will be recorded in a register (open for public inspection during normal office hours) kept by the Director of Legal and Governance.

45 Smoking

45.1 Smoking is prohibited in all Council buildings. No breaks will be taken during meetings specifically to permit members to smoke.

PART 3B Access to Information Procedure Rules

GENERAL

1 Purpose and Content of the Rules

1.1 These Rules set out the requirements in relation to notification of meetings of the Council, the Executive, committees and sub-committees and the public rights of access to the agenda, reports and minutes of meetings and to attendance at meetings. Additional requirements applying to key decisions are set out in the Executive Procedure Rules.

1.2 The Rules explain the public rights of access to information held by or on behalf of the Council under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and individuals' rights in relation to their personal information under the Data Protection Act 2018.

1.3 The Rules also set out members' additional statutory and common law rights of access to information held by the Council.

1.4 The Rules do not override the law which shall prevail in the event of any conflict of interpretation.

1.5 A copy of these Rules and a summary of those parts of these Rules relating to the public's rights to attend meetings and to inspect and copy documents and to request information held by the Council, are available to the public at the Council's main offices at City Hall, Bradford and at Keighley, Shipley and Ilkley Town Halls and http://www.bradford.gov.uk

2 Compliance with and Enforcement of the Rules

2.1 These Rules must where applicable be followed by all members and officers of the Council.

2.2 The relevant law should be referred to if in doubt.

2.3 A breach of these rules may be the subject of a complaint under the Members' Complaints Procedure.

2.4 It is an offence for a person

2.4.1 who has custody of a document to which the public have a statutory right of access intentionally to obstruct the public from obtaining access to the document or to refuse to supply a copy.

2.4.2 to alter, deface, block erase, destroy or conceal any record held by the Council with the intention of preventing disclosure of information in response to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

2.4.3 The rights of access to personal information conferred by the Data Protection Act 2018 and to other information conferred by the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 are enforceable by the Information Commissioner.

MEETINGS OF THE COUNCIL AND ITS COMMITTEES AND OF THE EXECUTIVE

3 Access of the Public and Press to Meetings

3.1 Any person is entitled to attend a meeting of full Council, any committee or sub-committee of the Council or a public meeting of the Executive or any committee, unless otherwise excluded by resolution under paragraph 4.

4 Exclusion from Meetings of the Public and Press

4.1 A person (including a representative of the press) may only be excluded from a meeting of the Council, any committee or sub-committee, or any meeting of the Executive or any committee or sub-committee on the passing of a resolution by the meeting that states:

4.1.1 The reason(s) for the exclusion in accordance with the relevant statutory requirements; or

4.1.2 That members of the public shall be excluded in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

4.2 The public must be excluded from a meeting whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information is defined by Section 100A of the Local Government Act 1972 as follows,

4.2.1 Government restriction. Information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public.

4.2.2 Statutory restriction. Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

4.3 The public and press may be excluded for all or part of a meeting or in relation to all or part of an item of business before the meeting, where exempt information, as defined by Schedule 12A of the Local Government Act 1972, would be disclosed provided that:

4.3.1 In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In the case of the 'protected informant' exemption the public interest test need not be considered.

4.4 The Executive, a committee of the Executive or a decision-making body exercising an executive function may pass a resolution excluding the public and press during the transaction of an item of business where it is likely in view of the nature of the item that the advice of a political assistant would be disclosed.

5 Notice of Meetings

5.1 The Director of Legal and Governance will give at least five clear days notice of any meeting by posting details of the meeting at City Hall, Bradford and http://www.bradford.gov.uk.

6 Questions at Meetings

6.1 Any person may put a question to any meeting of an area committee, a sub-committee of an area committee, an area planning committee or the Licensing Committee, in accordance with the following arrangements:

6.1.1 A maximum of 15 minutes for Public Question Time will be allowed.

6.1.2 All questions must be given in writing to the Director of Legal and Governance no later than midday two working days before the day of the meeting. The questions will be referred to the appropriate chair and entered in a book open to public inspection.

6.1.3 A person may ask a question relating to any matter which is the responsibility of the relevant committee or sub-committee, except that the Director of Legal and Governance must not accept a question:

6.1.3.1 From a political party or organisation or in connection with the activities and aims of such a party or organisation.

6.1.3.2 In furtherance of an individual's particular circumstances.

6.1.3.3 About any matter where there is a right of appeal to the courts, a tribunal or to a Government minister.

6.1.3.4 About any matter which has been the subject of a petition, a question raised under Public Question Time or a decision of Council within the previous six months.

6.1.4 Details of questions to be asked will not appear on the agenda but will be circulated to all members at the meeting.

6.1.5 The person chairing the meeting will ask the person who gave notice to put the question. The questioner may be accompanied by a friend. The friend may ask the question on her/his behalf.

6.1.6 The chair may reply at the meeting, reply after the meeting in writing, ask some other member to reply or refuse to reply.

6.1.7 Any questions which cannot be dealt with during Public Question Time will be referred to the next meeting of the sub-committee.

7 Speaking at Meetings

7.1 A person not being a member of the Council or officiating officer may only speak at a meeting of the Council in accordance with the arrangements within the Constitution for the presentation of petitions or with the agreement of the meeting.

7.2 A person not being a member of the Executive or relevant committee or sub-committee may only speak at a meeting of the Executive, that Committee or sub-committee with the permission and at the absolute discretion of the chair of the meeting.

8 Photography and Video Recordings of Meetings

8.1 The taking of photographs and the video or sound recording of any meeting or part of a meeting of the full Council, the Executive, a committee or sub-committee, may take place subject to the Protocol for the Filming or Recording of Council, Council Committee, Panel and Executive Meetings at Part 4F of this Constitution.

8.2 Any person attending a meeting may take written notes of the proceedings.

9 Availability of Agendas and Reports

9.1 The media will by arrangement be provided with copies of the agenda and reports dealing with agenda items for meetings of the Council and the Executive and their committees and sub-committees.

9.2 Agendas and reports accompanying agendas (excluding reports or parts of a report marked 'Not for Publication'), shall be available for public inspection free of charge during normal office hours five clear working days before the day of the meeting. A copy of the agenda and report for a public meeting of the Executive or its committees shall be available for public inspection five clear working days before the meeting or when sent to Executive members if later, provided always that reports relating to key decisions to be taken by the Executive will be available when the agenda is published.

9.3 Where a meeting is convened at shorter notice or where an item is added to an agenda, the revised agenda and reports shall be open to inspection from the time the meeting is convened or from the time the item is added.

9.4 If the agenda and reports for a meeting of the Council or of its committees have not been made available for inspection under paragraphs 9.2 and 9.3 the Appropriate Officer will explain the reasons at the meeting. That item of business shall only be taken if the chair of the meeting considers that, by reason of special circumstances, the item should be considered as a matter of urgency. The Executive Procedure Rules apply to decisions of the Executive.

9.5 A report which an individual member of the Executive or officer intends to take into account in making any key decision (excluding those marked 'Not for Publication') shall be available for public inspection at least five clear days before the decision is made.

9.6 Agendas and reports available for public inspection shall be published on http://www.bradford.gov.uk. Copies of agendas and reports available for inspection shall be made available, free of charge, for public use at the meeting.

9.7 Copies of agendas, minutes, reports, records of Executive decisions and background papers may be made available, subject to payment of a reasonable fee.

9.8 Copies of documents will not be made where the Council is not the copyright owner and has no licence to reproduce copies.

9.9 Agendas and minutes of meetings, records of Executive decisions and open reports submitted to meetings of full Council, committees and sub-committees and to public meetings of the Executive and its committees, together with records of officer decisions which are required to be produced in accordance with Article 14, shall be open to inspection by any person for up to six years after the date of the meeting.

10 Not For Publication Reports and Papers

10.1 If the Chief Executive, Strategic Director or Director is of the opinion that a report contains confidential information as defined in Paragraph 4 (including personal information as defined in Rule 4.3) s/he must mark the report or any part of it 'Not For Publication'.

10.2 If the Chief Executive, Strategic Director or Director is of the opinion that a report contains exempt information as defined in the Schedule to the Rules provided that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information s/he may mark the report or any part of it `Not For Publication'. In the case of the 'protected informant' exemption the public interest test need not be considered.

10.3 A report, or any part of it, for a public meeting of the Executive or one of its Committees may also be marked `Not For Publication' where it contains the advice of a political assistant.

10.4 All reports marked 'Not For Publication' must contain a statement that:

10.4.1 The report, or part of it, contains confidential information as defined by paragraph 4 or

10.4.2 The public are likely to be excluded during the item because a specified description of exempt information (as defined by the Schedule to the Rules) applies, or

10.4.3 In the case of reports for the Executive or one of its committees, the report or part of it contains the advice of a political assistant.

10.5 Every copy of a report, so restricted, must be marked 'Not For Publication' with the reason for the restriction.

10.6 Any person may challenge the application of a 'Not For Publication' restriction by applying to the officer who made the restriction.

10.7 An appeal against a refusal to lift a restriction may be made to the meeting to which the report is submitted.

10.8 The only reasons for restricting a report are those listed in paragraph 4 above or the Schedule to these Rules, or in the case of a report for the Executive, where it contains the advice of a political assistant. Except in the case of the 'protected informant' exemption, the exemptions in the Schedule to the Rules can only be relied on where, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.9 The Chief Executive, Strategic Director or Director may, with the agreement of the Director of Legal and Governance, indicate on the agenda that members will be asked to consider whether there is a need to exclude the press and public from the meeting for an agenda item. The agenda must state the reason for the recommendation.

11 Background Papers

11.1 Except in relation to confidential information as defined in paragraph 4 (which may include personal information), or exempt information as defined in Part 1 of the Schedule, every report, including a report prepared in relation to an individual executive decision, must contain a list of the background papers for the report. Published works may be excluded from the list. In the case of Executive reports the advice of political assistants may be excluded from the list.

11.2 Information in background papers may only be determined to be exempt information as defined in the Schedule to these Rules where, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.3 Copies of the documents included in the list of background papers must be available for inspection by any person when the report is made available and for up to four years after the date of the meeting. A reasonable charge may be made in relation to the inspection of such documents.

11.4 Copies of documents will not be made where the Council is not the copyright owner and has no licence to reproduce copies.

MEMBER ACCESS TO INFORMATION

12 Access to Information and to Council Documents

12.1 Members are entitled to information and to see such documents, including those held electronically, as are reasonably necessary to enable them to carry out their duties. Members should, before requesting access to any information or document, consider whether such access is necessary for them to discharge their duties.

12.2 Officers will provide relevant information, access to documents, advice and any explanation that members may reasonably request and is necessary for them to fulfil their responsibilities. A request will only be refused where the member has not established a need to know this information in order to perform his or her duties as a councillor.

12.3 Members requesting information may be asked to demonstrate a 'need to know' where this is not otherwise apparent to the Appropriate Officer by virtue of their membership of the Executive, a committee or panel or their representational role.

12.4 Paragraph 12 of the Protocol on Member/Officer Relations should be referred to when requesting and using information.

12.5 'Members' includes a co-opted member of a committee or sub-committee.

13 Provision of Agendas, Reports and Minutes

13.1 A copy of a report which is to be taken into account by an individual member of the Executive or an officer making a key decision must be supplied to the chair of the relevant Overview and Scrutiny committee as soon as reasonably practicable after it is submitted to that member or officer.

13.2 Members shall be provided with copies of all agendas and accompanying reports and minutes of full Council and those committees and sub-committees on which the member sits (including as an alternate member).

13.3 Members of the Executive shall be provided with copies of all agendas and accompanying reports and minutes of meetings of the Executive and of its committees.

13.4 Members will be provided on request with agendas, reports and minutes of other committees and sub-committees.

13.5 Members who do not sit on a relevant committee, sub-committee or panel may only see documents which contain exempt information within the meaning of Schedule 12A of the 1972 Act or confidential information within the meaning of section 100A of that Act if they can demonstrate a clear `need to know'.

14 Additional Statutory Rights to Background Papers and Other Information

14.1 A member has a statutory right to inspect any document, which is in the possession or under the control of the Council containing material relating to any business to be transacted at a meeting of the Council or the Executive, or a committee or sub-committee of the Council or the Executive. A member may inspect any document (except those available only in draft form) in the possession or under the control of the Executive which relates to a key decision.

14.2 The right does not extend to certain exempt information disclosed in documents within Part 1 of Schedule 12A of the Local Government Act 1972:

14.2.1 Information falling within paragraph 6 (enforcement proceedings) of Schedule 12A shall be made available; and

14.2.2 Information falling within paragraph 3 of Schedule 12A (financial or business affairs) shall be made available except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the case of negotiations for a contract.

14.3 Where this exempt information is relevant information to a matter before the Council or the Executive, or a committee or a sub-committee of the Council or of the Executive it will be made available on a 'Not for Publication' basis to the members of Council, or the Executive or the relevant committee or sub-committee dealing with the matter.

14.4 This exempt information will only be made available to a member not otherwise on the Council, the Executive, committee or sub-committee dealing with the matter, who is able to demonstrate a 'need to know' about the information.

14.5 It is the responsibility of the Chief Executive, relevant Strategic Directors or Directors to determine what is exempt information and whether a member is able to demonstrate a need to know. Advice may be sought from the Director of Legal and Governance.

14.6 In the case of documents for the Executive, this statutory right does not extend to documents which contain the advice of a political assistant.

14.7 Subject to paragraph 14.8, a member of an Overview and Scrutiny committee (including its sub-committees) has a statutory right to copies of any document which is in the possession or control of the Executive or its committees and which contains material relating to:

14.7.1 Any business transacted at a public or private meeting of the Executive or its committees.

14.7.2 Any decision taken by an individual member of the Executive.

14.8 A member of an Overview and Scrutiny committee is not entitled under paragraph 14.7 to:

14.8.1 Any document that is in draft form.

14.8.2 Any document or part of a document that contains exempt or confidential information (including personal information), unless that information is relevant to an action or decision the committee is reviewing or scrutinising or intends to scrutinise.

14.8.3 Any document or part of a document that contains the advice of a political assistant.

15 Attendance at Meetings

15.1 A member of the Council may attend, as an observer, any meeting of a committee or sub-committee.

15.2 A member of the Council attending a meeting of the Executive or a committee of the Executive as an observer may only speak with the permission of the chair.

15.3 The chair and any spokesperson for a committee may attend and speak at any meeting of the committee's sub-committees.

15.4 The rights in paragraphs 15.1 to 15.3 above do not apply to any part of a meeting where a member has declared a disclosable pecuniary interest.

15.5 The rights in paragraphs 15.1 to 15.3 above do not apply to meetings of appeals panels except where a member attends in support of an appellant or applicant in a matter or to give evidence.

15.6 A member attending as an observer or in support of an appellant or applicant or to give evidence will not be permitted to attend the part of a meeting when the committee or sub-committee is deliberating in private as to its decision.

15.7 The above provisions are subject to paragraphs 13 and 14 above.

16 Constraints on Use of Information

16.1 Members may only use their entitlement as members to information or documents for the purpose of performing their duties as members. These duties include the performance of other public duties where the member is appointed to those other duties as a representative of the Council.

16.2 Members seeking information for personal purposes must use the public access rights

16.3 Members should not use their entitlement to information as a member for the purposes of securing information for another person. Members may advise and help the public to exercise their right to access information.

17 Confidential Information

17.1 Confidential and exempt information under the Local Government Act 1972 is only provided to members to enable them to make a decision on the matter relating to that information or to undertake their duties as a councillor. Members must only use confidential and exempt information provided to them as members for the purposes for which it is provided and must not disclose it to a third party.

17.2 Members will, in the course of their duties as a councillor, also receive personal information relating to individuals and information which has been determined to be exempt or excepted from public access under Schedule 12A of the Local Government Act 1972, under the Freedom of Information Act or under the Environmental Information Regulations 2004. Members must not disclose any such information to a third party or use this information for any purpose other than the purpose for which it was originally obtained

17.3 Other than within the meeting of a committee or sub-committee, or with the officer providing the information, or as required by law, members must not discuss with or communicate to any other person confidential exempt information. Disclosure of such information without the consent of a person authorised to give it, or unless disclosure is required by law, is contrary to the Code of Conduct for Members.

17.4 Members should arrange for the secure disposal of any confidential, exempt or personal information which they no longer have any purpose for retaining.

18 Disposal of Council Papers

18.1 Members should use appropriate waste disposal facilities for the disposal of Council papers provided to them.

18.2 Members must dispose of confidential papers only by a means which prevents them from being subsequently read.

18.3 Arrangements can be made with the Director of Legal and Governance for the disposal of both confidential and other papers in order to meet these requirements in a sustainable way.

19 Exercising Rights To Information as a Member of the Public

19.1 Members are entitled to the same information that is available to the public including access to information held by or on behalf of the Council in accordance with the Freedom of Information Act 2000 and to environmental information in accordance with the Environmental Information Regulations 2004.

19.2 Members asking for information for their personal purposes as a member of the public should, if it is not obvious at the time of requesting the information, make it clear as to the capacity in which they are requesting it.

PUBLIC ACCESS TO INFORMATION

20 Access to Information under the Freedom of Information Act 2000

20.1 Any person may apply, in writing, to the Council for access to information held by the Council or on its behalf

20.1.1 The Strategic Director, Director, or other officer on his/her behalf, must confirm, within 20 working days of receipt of the request (or payment of fee if payable) whether or not the information requested is held by or on behalf of the Council.

20.1.2 The Strategic Director, Director, or other officer on his/her behalf, must provide the information requested within 20 working days of the request (or payment of fee if payable).

20.1.3 Information can be supplied by providing extracts of a document, a summary of the information sought, or access to the original documents but so far as reasonably practicable, information provided in response to a request should be provided in the applicant's preferred format where this has been indicated.

20.1.4 Officers have a duty to provide advice and assistance to an applicant making a request for information under Paragraph 20.1.

20.2 The only reasons for refusing to confirm or deny information is held by the Council or for a refusal to provide information that is held by or on behalf of the Council are those exemptions contained in the Freedom of Information Act 2000. Reliance can only be placed on those exemptions which are 'qualified exemptions' under the 2000 Act only if, and to the extent that, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

20.3 Any decision not to disclose the information requested, or not to confirm whether the information is held, is to be taken by the Director or Assistant Director to which the application relates.

20.4 Any decision made under 20.3 may be reviewed on written request by the Chief Executive, the relevant Strategic Director or Director.

20.5 These arrangements are subject to the requirements of the Freedom of Information Act 2000 and shall be interpreted in accordance with this Act.

21 Subject Access Request

21.1 Any person about whom personal information is held by the Council is entitled to obtain confirmation as to whether or not personal information of which he or she is the subject, is being processed by or on behalf of the Council and where that is the case s/he is entitled to access to copies of the personal information and the information set out in 21.3.

21.2 A person making a subject access request should apply verbally or in writing to the Council and must provide sufficient information to enable the officer to locate the information and to be satisfied as to that person's identity.

21.3 A person making a subject access request is also entitled to be given the following information:

21.3.1 The purposes of and legal basis for the processing

21.3.2. The categories of personal information concerned.

21.3.3 The recipients or categories of recipients to whom the personal information has been disclosed (including recipients or categories of recipients or categories of recipients in third countries or international organisations)

21.3.4 The period for which it is envisaged that the personal information will be stored, or where that is not possible, the criteria used to determine that period

21.3.5 The existence of the person's rights to request from the Council rectification of personal information and erasure of personal information or the restriction of its processing.

21.3.6 The existence of the person's right to lodge a complaint with the Information Commissioner and the contact details of the Information Commissioner.

21.3.7 Communication of the personal information undergoing processing and of any available information as to its origin.

21.4 The information to be supplied under Paragraphs 21.1 and 21.3 must be provided in writing without undue delay- and within no more than one month of the request.

21.5 Access to personal information held by the Council may be refused where one or more of the following apply:

21.5.1 Where the person making the request has failed to provide sufficient information as to his or her identity or to locate the information required.

21.5.2 The supply of a copy of the information in permanent form is not possible or the request is manifestly unfounded or excessive taking into account whether the request is repetitive in nature.

21.5.3 Any of the statutory exemptions under the Data Protection Act 2018 apply or the information is not required to be disclosed under the 2018 Act.

21.5.4 A request has previously been made and a reasonable time has not elapsed since that request has been complied with.

21.5.5 Where compliance would result in the disclosure of information relating to another individual or another individual can be identified from that information, unless that individual consents to the disclosure, or it is reasonable in all the circumstances to dispense with his or her consent having regard to any duty of confidentiality owed.

21.5.6 In the case of the Council's employees, any confidential reference given by the Council.

21.5.7 The information is held for the purposes of the prevention, detection, investigation or prosecution of crime or has been disclosed to or provided by another organisation for those purposes, and in each case disclosure of the information would be likely to prejudice those purposes.

21.5.8 In the case of Social Services information, if disclosure would be likely to prejudice the carrying out of social work because it would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person.

21.6 Any decision to refuse access to all or part of the information held must be taken by the Chief Executive, a Strategic Director, Director or Assistant Director and the reasons for the refusal must be stated in writing.

21.7 These arrangements are subject to the requirements of the Data Protection Act 2018 and shall be interpreted in accordance with this Act.

22 Access to Pupils' Educational Records

22.1 Pupils who have sufficient age and understanding may have access to and obtain a copy of, their school records in accordance with the Data Protection Act 2018. The application is made to the relevant Head Teacher. Access may be refused on the grounds in paragraphs 21.5.1 to 21.5.8 and on any additional grounds set out in any subject access modification orders.

22.2 Parents of pupils at maintained schools may have access to, and obtain a copy of, their child's school record in accordance with the Education (Pupil Information) (England) Regulations 2000. The application is made to the relevant Head Teacher. Access may only be refused on the grounds in the Regulations and on any additional grounds set out in any subject access modification orders.

23 Access to Accounts

23.1 A local government elector for the district may inspect and make copies of the Council's statement of accounts and auditor reports, and obtain copies on payment of a reasonable charge.

23.2 At each audit any person may inspect and make copies of the accounts to be audited and question the auditor about the accounts.

23.3 These arrangements do not extend to personal information about employees.

23.4 At each audit a local government elector may, after giving written notice, attend before the auditor and make objections to certain matters within the accounts.

23.5 These arrangements are subject to the requirements of the Audit Commission Act 1998 which should be referred to for further details.

24 Environmental Information

24.1 Any person may apply to the Council for access to environmental information held by the Council or on its behalf.

24.1.1 The Strategic Director, Director, Assistant Director or other officer on his/her behalf, must normally provide the information requested within 20 working days of the request; where the complexity and volume of the information requested means that it is impracticable to comply with the request with that timescale the information should be provided within 40 working days.

24.1.2 There is a statutory presumption in favour of disclosure. The only reason for refusing to provide environmental information that is held by or on behalf of the Council are those exceptions contained in the Environmental Information Regulations 2004. Reliance can be placed on those exceptions only if, in all the circumstances of the case, the public interest in maintaining the exception outweighs the public interest in disclosing the information.

24.2 Any decision not to disclose the information requested, or not to confirm whether the information is held, is to be taken by the Strategic Director, Director or Assistant Director to which the application relates.

24.3 Any decision made under 24.2 may be reviewed on written request by the Chief Executive or relevant Strategic Director. The Chief Executive or Strategic Director's decision may be reviewed in accordance with Stage 2 of the Council's Complaints Procedure.

25 Documents Published by the Council or Available for Public Inspection

25.1 The Council has a Publication Scheme under the Freedom of Information Act 2000 which sets out the classes of information it publishes, how that information may be obtained and any charge that is made for the published information. The Scheme includes the classes of information which Council is required by law to make available for public inspection and the Scheme is published on http://www.bradford.gov.uk.

25.2 Legislation also provides for a variety of public notices to be displayed on notice boards provided by the Council.

THE SCHEDULE

Exemptions from Public Access to Meetings and to Documentation

The following are the categories of exempt information as defined by Schedule 12A of the Local Government Act 1972 as amended.

1. **Information Relating to an Individual**

   Information relating to any individual.

2. **Information Identifying an Individual**

   Information which is likely to reveal the identity of an individual.

3. **Financial or Business Affairs**

   Information relating to the financial or business affairs of any particular person (including the authority holding that information).

   This does not include information which is required to be registered under:

   3.1 The Companies Act 1985
   3.2 The Friendly Societies Act 1974
   3.3 The Friendly Societies Act 1992
   3.4 The Industrial and Provident Societies Acts 1965 to 1978
   3.5 The Building Societies Act 1986
   3.6 The Charities Act 1993

4. **Labour Relations, Consultation or Negotiations**

   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. **Legal Privilege**

   Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. **Enforcement Proceedings**

   Information which reveals that the Authority proposes to:

   6.1 give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

   6.2 make an order or direction under any enactment.

7. **Crime Prevention**

Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

8. **Public Interest Test**

Information falling within any of paragraphs 1 to 7 of this Schedule, and which is not prevented from being exempt by the qualifications to paragraph 3, is exempt information only if, and to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9. **Qualification**

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

PART 3C Budget and Policy Framework Procedure Rules

1 The Framework for Executive Decisions

1.1 The full Council is responsible for determining the budget and setting the Council Tax, and approving the policy framework set out in Article 4.1.

1.2 The Executive is responsible for implementing the policy framework within the budget. The Executive may also initiate and approve policy consistent with the policy framework, and make in-year changes to the budget subject to any restrictions imposed by the full Council under paragraph 7.1 below.

1.3 In these rules 'plan or strategy' means the budget and policy framework set out in Article 4.1 and matters falling within Schedule 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

2 The Process for Developing the Framework

2.1 The Leader of Council and executive members with portfolio shall be regularly informed and consulted on policy development within the Council by the Assistant Director Office of the Chief Executive.

2.2 The Assistant Director Office of the Chief Executive is responsible for co-ordinating policy development across the Council and reporting on this work to the Chief Executive.

2.3 The context for all policy development is the District-wide Corporate Plan. Policy development must demonstrate tangible links with and desired outcomes in support of the Corporate Plan.

2.4 The Executive will:

2.4.1 Publish a Forward Plan that sets out the timetable that the Executive will follow in making proposals to the Council for the approval of any policy within the policy framework and include arrangements for consultation on any initial proposals. The chairs of Overview and Scrutiny committees will be notified of these arrangements and the consultation period shall, where practicable, in each instance be not less than six weeks.

2.4.2 Agree, at the conclusion of the period for consultation, proposals for recommendation to Council having regard to the outcome of consultation and any representations made to the Executive by an appropriate Overview and Scrutiny committee.

2.5 The Director of Legal and Governance will refer the Executive's proposals to full Council for decision at the earliest opportunity and include any written representations made by an overview and scrutiny committee.

2.6 The Overview and Scrutiny committees have between them responsibility for developing and reviewing policy.

2.7 The Council may adopt the Executive's proposals as recommended, amend them or refer them back to the Executive for further consideration having regard to any matters identified by the Council.

3 Budget Preparation

3.1 Each year, before the budget is determined, the Director of Finance will produce a report for the Executive showing ongoing commitments and a forecast of the total resources available to the Council to enable the Executive to determine any financial strategy guidelines.

3.2 The Chief Executive, Strategic Directors and Directors are responsible for preparing revenue and capital estimates in accordance with the timetable and guidelines issued by the Director of Finance.

3.3 The Chief Executive, Strategic Directors and Directors shall advise the Director of Finance before the date of the Budget Council whether they consider the estimates to be unrealistic or unachievable and whether the estimated cost of their service commitments will not be contained within their overall budget for the service.

The Executive shall have regard to the estimates in making a recommendation to Budget Council when determining the budget.

4 Council Objections to Executive Proposals

4.1 Where the Executive has submitted a draft plan or strategy to the Council and, following consideration of the matter, the Council has any objections to it, the Council must take the action set out in paragraph 4.2 below.

4.2 Before the Council:

4.2.1 Amends the draft plan or strategy.

4.2.2 Approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted.

4.2.3 Adopts (with or without modification) the plan or strategy.

The Council must inform the Leader of Council of any objections which it has to the draft plan or strategy and must give to her/him instructions requiring the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4.3 Where the Council gives instructions in accordance with paragraph 4.2 above, it must specify a period of at least five working days beginning on the day after the date on which the Leader of Council receives instructions on behalf of the Executive within which the Leader of Council may:

4.3.1 Submit a revision of the draft plan or strategy as amended by the Executive, with the Executive's reasons for any amendments, to the Council for consideration.

4.3.2 Inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

4.4 When the period specified by the Council in paragraph 4.3 has expired and when:

4.4.1 Amending the draft plan or strategy or, if there is one, the revised draft plan or strategy.

4.4.2 Approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted.

4.4.3 Adopting (with or without modification) the plan or strategy.

The Council must take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement, which the Leader of Council submitted to the Council, or informed the Council of, within the period specified.

4.5 Subject to paragraph 4.9 below where, before 8 February in any financial year, the Executive submits to the Council for its consideration in relation to the following financial year:

4.5.1 Estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34-36, 36A, 42A, 42B, 45-49, of the Local Government Finance Act 1992.

4.5.2 Estimates of other amounts to be used for the purposes of such a calculation.

4.5.3 Estimates of such a calculation.

4.5.4 Amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.

Where, following consideration of those estimates or amounts, the Council has any objections to them, it must take the action set out in paragraph 4.6 below.

4.6 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 4.5.1, or issues a precept under Chapter IV of Part I of the local Government Finance Act 1992, it must inform the Leader of Council of any objections which it has to the Executive's estimates or amounts and must give to her/him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

4.7 Where the Council gives instructions in accordance with paragraph 4.6, it must specify a period of at last five working days beginning on the day after the date on which the Leader of Council receives the instructions on behalf of the Executive within which the Leader of Council may:

4.7.1 Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Executive's reasons for any amendments made to the estimates or accounts, to the Council for consideration.

4.7.2 Inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.

4.8 When the period specified by the Council, referred to in paragraph 4.7 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV Part I of the Local Government Finance Act 1992, take into account all of the following:

4.8.1 Any amendments to the estimates or amounts that are included in any revised estimates or amounts.

4.8.2 The Executive's reasons for those amendments.

4.8.3 Any disagreement that the Executive has with any of the Council's objections.

4.8.4 The Executive's reasons for that disagreement.

The matters in paragraph 4.8.1 to 4.8.4 are as submitted by the Leader of Council to the Council, or informed the Council of, within the period specified.

4.9 Paragraphs 4.5 to 4.8 shall not apply in relation to:

4.9.1 Calculations or substitute calculations which the Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992.

4.9.2 Amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

5 Financial Monitoring

5.1 Each year the Director of Finance will issue a timetable and guidelines for the submission of regular financial monitoring reports to the Executive. Such monitoring reports will be on at least a quarterly basis.

5.2 The Director of Finance will prepare financial monitoring reports and submit them to the Executive in accordance with the timetable (Para 5.1). Each report will include details on the financial position relating to Council Expenditure – both revenue and capital.

5.3 In addition to the reporting requirements in Paras 5.1 and 5.2 above the Director of Finance will co-ordinate detailed financial monitoring statements with the Chief Executive, Strategic Directors and Directors throughout the financial year. Any significant variations must be reported to the Director of Finance with action plans to eliminate any potential overspending. The information shall be included in a report to the Executive within 1 month of notification to the Director of Finance of the variation.

5.4 If the Chief Executive, Strategic Director or a Director is unable to take remedial action to eliminate an overspend, or where the action reported to bring spending in line with the budget is not approved by the Executive a further report must be taken to the Executive indicating the action to be taken to cover the overspending by redirecting resources from other departments within her/his area of responsibility. Such actions as are outside the virement limits or fundamentally change the Budget set by the Council must be reported to Full Council for approval.

6 Decisions Outside the Budget or Policy Framework

6.1 The Executive, any committee of the Executive and any officer acting in the discharge of executive functions may, subject to paragraph 8 below, only take a decision that accords with the budget and/or policy framework. A decision that does not accord with the budget and/or policy framework may, subject to paragraph 7 below, only be taken by the Council.

6.2 The Director of Finance/Director of Legal and Governance shall offer advice whether a proposed decision accords with the budget and/or policy framework. If the advice of either officer is that the decision would not accord with the budget and/or policy framework, it may be referred to the Council for determination. If a determination is required as a matter of urgency paragraph 7 shall apply.

7 Urgent Decisions Outside the Budget or Policy Framework

7.1 The Executive, any committee of the Executive and any officer acting in the discharge of executive functions may take a decision that does not accord with the budget and/or policy framework where a decision is required as a matter of urgency and both the following conditions apply:

7.1.1 It is not practical to convene a meeting of the full Council.

7.1.2 The chair of the appropriate Overview and Scrutiny committee confirms that a decision is required as a matter of urgency.

7.2 The reasons why it is not practical to convene a meeting of full Council and the confirmation of the chair of the appropriate Overview and Scrutiny committee to the decision being taken as a matter of urgency shall be noted on the record of the decision. In the absence of the chair of a relevant Overview and Scrutiny committee, the consent of the Chair of the Corporate Overview and Scrutiny Committee, and, in the absence of both, the Deputy Chair of the Corporate Overview and Scrutiny Committee, is sufficient.

8 Virement

8.1 The Executive may spend up to the budget determined by the Council for the discharge of executive functions in the most efficient and cost effective manner subject to any limitations imposed by the Council.

8.2 The Chief Executive, Strategic Directors or Directors or any other officer designated by resolution of the Executive may spend up to the total budgeted provision for their services in the most efficient and cost effective manner, in order to meet the objectives laid down in the budget and policy framework for those services and as provided for in the Financial Regulations provided that:

8.2.1 Budget for capital charges and/or statutory charges may not be vired for other purposes.

8.2.2 Portfolio Holders are consulted before the Appropriate Officer transfers resources under their delegated control but between Portfolio Holders' remit.

8.2.3 Requests for virement of revenue over £100,000 from the control of one Appropriate Officer to another are to be approved by Council unless agreed by all 3 leaders of the three largest political groups represented on the Council.

9 In-Year Changes to Policy Framework

9.1 The Council is responsible for approving the policy framework and no change may be made to it by any member body or officer except:

9.1.1 A change that is necessary in order to secure compliance with the law, ministerial direction or guidance.

9.1.2 Where the existing policy is silent on the matter under consideration.

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PART 3D Executive Procedure Rules

1 The Operation of the Executive

1.1 The arrangements adopted by the Council for the discharge of executive functions are set out in Articles 6, 7, 12, 13, 14 and 15 of the Articles of the Constitution and paragraph 7 of these Rules. The arrangements provide that executive functions may be discharged by:

1.1.1 The Executive.

1.1.2 A committee of the Executive.

1.1.3 An officer.

1.1.4 An area committee.

1.1.5 Joint arrangements.

1.1.6 Another local authority.

1.2 The Executive may allocate functions to a committee of the Executive.

1.3 The Executive and a committee of the Executive may delegate the discharge of an executive function for which it is responsible to an area committee, pursuant to joint arrangements or an officer.

1.4 The delegation of executive functions by the Executive or a committee of the Executive shall not prevent either body from discharging the functions delegated.

2 Executive Portfolios

2.1 The Leader of Council may determine and allocate a portfolio of executive functions to a member of the Executive and that member shall have a special responsibility for those functions and services provided by the Council in support of those functions, subject to notice in writing being given to the Director of Legal and Governance of the allocation of a portfolio of executive functions to a member of the Executive or any subsequent change or the allocation of executive functions. The Director of Legal and Governance will report any allocation or change in responsibilities to the first available meeting of the Executive.

3 Conflicts of Interest

3.1 The Leader of Council and all members of the Executive shall deal with any conflict of interest that may arise in accordance with the Members' Code of Conduct.

4 Meetings of the Executive

4.1 The Executive may agree and publish a schedule of meetings and make a recommendation to the Council on dates for ordinary meetings of the Council for the municipal year prior to the commencement of the municipal year.

4.2 Meetings of the Executive shall normally be open to the public.

4.3 A meeting or part of a meeting of the Executive must be held in public where the Leader of the Council (or the member intending to preside at the meeting) reasonably believes one of the following apply:

4.3.1 That a decision to be made at the meeting (or any part of the meeting) will be a key decision.

4.3.2 There will be discussion of a matter contained in the published Forward Plan on which a decision is likely to be made within 28 days of that meeting and an officer will present at that meeting when the matter is discussed.

4.3.3 A matter relating to a key decision discussed or a key decision taken at a meeting with an officer present and special notice under paragraph 9 below has been given due to the impracticality of including the matter in the Forward Plan.

4.4 The Executive may decide that a meeting relating to a matter which is not a key decision may be held in private. The Executive will determine arrangements for attendance at private meetings.

4.5 The Council will, subject to paragraph 10, give at least five clear days notice of a meeting of the Executive by posting details of the meeting at City Hall and http://www.bradford.gov.uk.

4.6 The provisions of paragraph 3 (Access of the Public and Press to Meetings) and paragraph 4 (Exclusions from Meetings) of the Access to Information Procedure Rules apply to public meetings of the Executive.

5 Availability of Agendas and Reports

5.1 A copy of the agenda and reports for public meetings of the Executive or its committees (excluding those marked 'Not For Publication') shall be made available for public inspection free of charge during normal office hours 5 clear working days before the date of the meeting or when sent to Executive members if earlier except that where a meeting is convened at shorter notice in accordance with paragraph 10 below they shall be made available when the meeting is convened.

5.2 Unless otherwise stated paragraph 9 (Availability of Agenda and Reports), paragraph 10 (Not for Publication Reports) and paragraph 11 (Background Papers) of the Access to Information Procedure Rules apply to the Executive.

5.3 A copy of a report which an individual member of the Executive intends to take into account when making any key decision shall be made available for public inspection as soon as reasonably practicable after it has been submitted to that member or officer and at least 5 clear days before that decision is made.

6 Key Decisions

6.1 A key decision is defined in Article 15.5 of the Constitution.

6.2 Subject to paragraphs 9 and 10 below, a key decision may not be taken unless:

6.2.1 The matter in question has been included in the published Forward Plan.

6.2.2 At least 5 clear days have elapsed since the publication of the Forward Plan.

6.2.3 Where the decision is to be taken at a meeting of the Executive or one of its committees, notice of the meeting has been given in accordance with paragraph 4.5 above.

6.2.4 Where the decision is to be taken at a public meeting of the Executive or one of its committees, the agenda and reports for the meeting have been made available from the time the meeting was convened.

7 Voting

7.1 A member of the Executive shall have one vote and decisions of the Executive shall be taken by a simple majority of those present and voting. In the case of an equality of votes, the Leader of Council as the Chair of a meeting shall, subject to paragraph 7.2 below, have a second or casting vote.

7.2 The Leader of Council shall, before exercising a second or casting vote on a key decision within the meaning of Article 13.5, inform the meeting that s/he is minded to do so. Immediately before a second or casting vote is cast any two members of the Executive may require that the matter is first referred for the opinion of the Council and the following will apply to any such referral:

7.1.1 The Director of Legal and Governance will arrange for the matter to be placed at the first opportunity on the agenda for a meeting of the Council.

7.1.2 The Executive may take no decision on the matter until it has considered the opinion of the Council on the matter.

7.1.3 When the Executive further consider the matter with the opinion of Council a decision shall be taken by a simple majority of those present and voting and the Leader of Council shall, in these circumstances, have no second or casting vote but may require the matter to be put to the vote a second or further time.

7.3 Where no referral is requested by two members of the Executive, the Leader of Council may proceed to cast a second or casting vote.

8 Publication of the Forward Plan

8.1 The Forward Plan will be prepared by the Leader of Council to cover a period of four months, beginning with the first working day of each month. The Forward Plan will be reviewed and updated on a monthly basis and will cover a period beginning with the first day of the second month covered in the preceding plan.

8.2 The Forward Plan shall be published at least 28 days before the start of the period covered. The Plan shall be available for inspection free of charge during normal office hours and shall be published at http://www.bradford.gov.uk.

9 Contents of the Forward Plan

9.1 The Forward Plan will contain the matters which the Leader of Council has reason to believe will be the subject of a key decision to be taken by the Executive, a committee of the Executive, an individual member of the Executive, an officer, area committee or under a joint arrangement in the course of the discharge of an executive function during the period covered by the Plan.

9.2 The Forward Plan will describe the following particulars in so far as the information is available or might reasonably be obtained:

9.2.1 The matter in respect of which a decision is to be made.

9.2.2 Where the decision maker is an individual, her/his name and title, and where the decision maker is a body, the name of the body and details of its membership.

9.2.3 The date on which, or the period within which, the decision will be taken.

9.2.4 The identity of the person and/or principal groups whom the decision taker proposes to consult before taking the decision.

9.2.5 The means by which any such consultation is proposed to be undertaken.

9.2.6 The steps open to any person who wishes to make representations to the Executive or decision maker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken.

9.2.7 A list of the documents submitted to the decision maker for consideration in relation to the matter.

9.2.8 Identify any items to be determined in private.

9.3 Exempt information or the advice of a political assistant need not be included in the Forward Plan. Confidential information shall not be included, but other particulars of the matter shall be included in the Forward Plan.

10 General Exception where Key Decision not in Forward Plan

10.1 If a key decision has not been included in the Forward Plan, then subject to paragraph 11 below, the decision may still be taken where the following apply:

10.1.1 The decision must be taken by a specified date and it is impracticable to defer the decision until it has been included in the published Forward Plan.

10.1.2 The proper officer has notified in writing the chair of a relevant Overview and Scrutiny committee, or if there is no such person, each member of that committee, of the matter on which the decision is to be made.

10.1.3 The proper officer has made copies of that notice available to the public at the offices of the Council.

10.1.4 At least 5 clear days have elapsed since the proper officer complied with paragraph 10.1.3.

10.1.5 A collective decision must be taken in public.

11 Special Urgency

11.1 Where paragraph 10 above cannot, by reason of the specified date by which a decision must be taken, be followed, the decision may only be taken where the chair of the body making the decision or officer making the decision obtains the agreement of the chair of a relevant Overview and Scrutiny committee that the taking of the decision cannot reasonably be deferred.

11.2 If there is no chair of a relevant Overview and Scrutiny committee, or if the chair of each relevant Overview and Scrutiny committee is unable to act, then the approval of the Chair of the Corporate Overview and Scrutiny Committee, or in her/his absence the Deputy Chair of the Corporate Overview and Scrutiny Committee must be obtained.

11.3 A record of any decision taken shall be kept in accordance with the arrangements provided under paragraph 13.4 below.

12 Reports on Special Urgency Decisions

12.1 The Leader of Council will submit a quarterly report to the Council on executive decisions taken under paragraph 11 above in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

13 Individual Decisions

13.1 Unless the decision is to be taken under paragraph 11 (Special Urgency) above, where an individual member of the Executive or officer receives a report which s/he intends to take into account in making any key decision, then s/he will not make the decision until at least 5 clear days after receipt of that report.

13.2 On giving of such a report to an individual decision maker, the person who prepared the report shall give a copy of it to the chair of every relevant Overview and Scrutiny committee as soon as reasonably practicable.

13.3 A copy of the report (excluding those marked `Not For Publication') shall at the same time be made available for public inspection during normal office hours.

13.4 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Executive or a key decision has been taken by an officer, s/he will prepare, or instruct the proper officer to prepare, a record of the decision containing the information set out in paragraph 14.2.

14 Record of Decisions

14.1 As soon as reasonably practicable after a meeting of the Executive or any of its committees or after a decision has been made otherwise under the Executive Procedure Rules, the proper officer or, where s/he was not present, the person presiding at the meeting, shall ensure a written record of every decision taken at that meeting is made.

14.2 The written record must 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-making body at the meeting at which the decision was made;

(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

14.3 As soon as reasonably practicable after an individual member has made an executive decision, that member must produce or instruct the proper officer to produce a written statement of that executive decision which includes the following information

(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 when making the decision;

(d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service.

14.4 As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce a written statement which must 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 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 Council's Head of paid service.

14.5 For the purposes of rule 14.4 above an executive decision includes decisions made under specific delegation from a meeting of a decision-making body but does not include decisions which are administrative or operational in nature.

14.6 After a meeting of a decision-making body at which an executive decision has been made, or after an individual executive member or officer has made an executive decision the proper officer must ensure that a copy of:

(a) any records prepared in accordance rules 14.2, 14.3 or 14.4; and

(b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with rules 14.2, 14.3 or 14.4 or, where only part of the report is relevant to such a decision, that part, must be available for inspection by members of the public, as soon as is reasonably practicable, at the offices of Council and on the Council's website.

14.7 Rule 14.6 does not require the disclosure of exempt or confidential information.

PART 3E Overview and Scrutiny Procedure Rules

1 General Provisions

Work Programme

1.1 Each committee will prepare a work programme for the year and may identify work for inclusion in future years' programmes.

1.2 Committees will have regard to the Council's existing and proposed plans, policies and strategies in preparing a work programme. Committees will also have regard to the views of their members who are not members of the largest political group on the Council.

1.3 Work programmes shall be co-ordinated by the Corporate Overview and Scrutiny Committee.

Agenda Items

1.4 Any member of a committee may, by providing written notice to the Director of Legal and Governance, require that any matter relevant to the functions of the committee be included on the agenda for, and be discussed at a meeting of the committee.

1.5 The member shall have an opportunity at the meeting to explain the reasons for raising the matter.

1.6 Prior to making any recommendation on such a matter the Committee must consider the need for a report being submitted to it in order to have regard to all relevant information.

Policy Review and Development

1.7 Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessor and witnesses a reasonable fee and expenses for so doing.

Committee Reports

1.8 A committee will normally issue a report reflecting the unanimous conclusions of the members of the committee, but if required a minority report may also be issued.

1.9 Reports to a committee will normally be under the name of the Chief Executive, relevant Strategic Director or Director. The author of other reports to a committee must be clearly identified.

2 Arrangements for the Scrutiny of Matters

2.1 Where any matter is proposed to be subject to scrutiny by a committee these Rules shall govern the conduct of that scrutiny.

2.2 Meetings will be open to the public, except where confidential information or exempt information is likely to be disclosed.

2.3 The committee will, prior to commencing any scrutiny, plan the nature and extent of the scrutiny, the process to be followed and timetable.

2.4 The committee may agree a matter be the subject of scrutiny only after consultation with the appropriate executive member (holding the portfolio for the function or service) and the Strategic Director or Director of the function or service involved.

2.5 The committee will identify, prior to commencing any scrutiny, the parties interested in the matter (including any consumers, consumer groups, voluntary organisations, public or other bodies, officers and staff providing services and their trade unions) and agree within the process for the scrutiny the means for obtaining the views of those parties.

2.6 Scrutiny shall commence by making available to the committee access to all relevant documentation in relation to the matter (including existing information concerning strategy, policy and planning documents, relevant reports and inspection reports.

2.7 The committee will agree the list of persons (or representatives of bodies) who will be invited to express their views to the committee, including any expert witnesses.

2.8 The appropriate executive member and Strategic Director, Director or her/his representative shall be invited to attend meetings of the committee and shall have the opportunity of responding to issues raised by interested parties at an agreed stage within the process.

2.9 When requiring the attendance of an appropriate executive member, Strategic Director or Director the committee will agree the issues to be raised and provide the executive member, Strategic Director or Director with a summary of the issues within a reasonable time in advance of them appearing before the committee in accordance with the arrangements in paragraph 4 of these Rules.

2.10 The committee shall prepare a draft report of its findings and conclusions from the scrutiny and the Strategic Director or Director shall have the opportunity of commenting to the committee on the contents of the draft report.

2.11 The committee will determine to whom its scrutiny reports shall be referred, the Executive, full Council or other relevant external organisation(s) prior to concluding a scrutiny process.

3 Additional Provisions for Scrutiny of External Bodies

3.1 Agreement of a matter to be the subject of scrutiny shall only be made after consultation with the external body and having regard to the ability of the external body to adequately resource the process. Consultation shall include the nature and extent of the scrutiny, its process and timetable and the provision of relevant information.

3.2 The managing body and chief executive or equivalent or their respective representatives of the external body shall be invited to attend meetings of the committee and shall have the opportunity of responding to issues raised by interested parties at an agreed stage within the process.

3.3 The committee will agree the issues to be raised with the managing body and chief executive or equivalent of the external body and shall follow the arrangements in paragraph 4 of these Rules on requesting their attendance to answer questions on a matter under scrutiny.

3.4 The committee shall provide the managing body and chief executive or equivalent of the external body with a draft report of its findings and conclusions, and the managing body and chief executive shall have the opportunity of commenting to the committee on the contents of the draft report.

4 Councillor Calls for Action

4.1 Any Member may refer any local government matter[11] to the relevant Overview & Scrutiny Committee. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.

4.2 All such requests for an Inquiry must be submitted in writing to the Director of Legal and Governance. The Director of Legal and Governance shall add this to the agenda for the next Ordinary meeting of the Corporate Overview & Scrutiny Committee.

4.3 The Director of Legal and Governance shall acknowledge all such requests for an Inquiry.

4.4 At the next Ordinary Meeting the Corporate Overview & Scrutiny Committee shall consider and determine any request for an Inquiry which the Director of Legal and Governance has added to the agenda. If the Corporate Overview & Scrutiny Committee determines to exercise its functions in relation to the matter it will refer it to the appropriate Overview & Scrutiny Committee.

[11] This means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which a member is elected or any person who lives or works in that area, and which is not an excluded matter as defined by Section 21(4) and (7) Local Government Act 2000.

4.5 The Member making the request will be invited to attend the Corporate Overview & Scrutiny Committee's meeting to make representations as to why it would be appropriate for the Overview & Scrutiny Committee to exercise its functions in relation to the matter.

5 Member and Officer Attendance

5.1 The following paragraphs prescribe the arrangements to be followed by a committee undertaking a scrutiny when requiring the attendance of an executive member or officer and are intended to facilitate the committees in their work. The arrangements set out in these paragraphs do not apply in the case of matters related to decisions called-in under paragraph 6 below or the normal attendance or requested attendance of an executive member or officer at a committee meeting.

5.2 The right of a committee to require the attendance of an executive member or officer may only be exercised in connection with matters relating to:

5.2.1 The role and functions of the committee

5.2.2 The portfolio of the appropriate executive member

5.2.3 The delegated responsibilities of the Appropriate Officer

5.3. 'Officer' under these rules will not normally include officers below Strategic Director/Director or level except by arrangement with the Strategic Director/Director.

<u>Requiring the Attendance of an Executive Member or Officer</u>

5.4 A committee may resolve to require the attendance of a named executive member or officer to answer questions and, in the case of an officer, produce documents that relate to business before the committee.

5.5 The Director of Legal and Governance will, following such a resolution, write to the executive member or officer concerned and advise her/him of the terms of the resolution and:

5.5.1 The specific matter of business before the committee and the questions that the committee wishes to put to her/him or, in relation to a scrutiny, the nature and extent of the scrutiny about which the questions will relate.

5.5.2 The time, date and place at which her/his attendance is required giving not less than 10 working days notice.

5.6 A Strategic Director or Director may, where appropriate and with the approval of the chair of the committee, designate another officer for this purpose.

5.7 The executive member may be accompanied by a Strategic Director or Director and other Appropriate Officers may accompany them.

<u>Supplementary Questions</u>

5.8 Supplementary questions (those which are not set out in the written notification to the member) must relate to the specific matter of business before the committee and the questions for which notice was given or a response made at the meeting.

Responding to Questions

5.9 In responding to a question the executive member or officer concerned may:

5.9.1 Where a question is posed prior to the meeting, provide a written response in advance of the meeting to which s/he may speak at the meeting;

5.9.2 Where s/he is unable to respond to the question, or respond in full at the meeting, provide a written response after the meeting to supplement or amend any verbal response given.

Production of Documents

5.10 A committee may require an officer to produce a named relevant document(s) or one(s) that are otherwise readily identifiable.

Confidentiality and Not For Publication Documents

5.11 A committee may not put questions to an executive member or officer that concern documents classified as 'Not for Publication' whilst the committee meets in public session.

Commenting on Draft Recommendations or Reports

5.12 Where a committee formulates recommendations and/or a report to another body in relation to the matter about which questions have been put to an executive member or officer, s/he shall be afforded the opportunity to comment on the draft recommendation or report before it is made.

6 Recommendations to the Executive

Recommendations

6.1 A committee may within its terms of reference make decisions containing recommendations:

6.1.1 On policy and strategy.

6.1.2 Arising from monitoring service performance.

6.1.3 On specific policy areas or topics which the Council, the Executive or another committee has requested it to consider.

6.1.4 Relating to external bodies and the way in which they may improve their contribution for the benefit of the district.

Making Recommendations

6.2 A committee shall not normally consider making any recommendations without the benefit of detailed reports or evidence, which identify the available options.

6.3 A committee shall distinguish between recommendations on policy and recommendations on service performance.

6.4 Recommendations of a committee on policy and strategy to the Council or a committee shall be supported by a report and documentation identifying the need for change, examining the options and justifying the recommendations being made.

Directing Recommendations

6.5 A committee may formulate recommendations dealing with policy, strategy and operational matters arising from a Best Value review or other review and must identify to which body each recommendation will need to be directed.

6.6 Recommendations on service performance shall normally be made to the Chief Executive, Strategic Director or Director. In appropriate circumstances recommendations may be directed to the Executive, for example where the relevant Strategic Director is unable to accept a committee's recommendations.

6.7 Recommendations on key policy and strategy shall be directed to the Executive. In appropriate circumstances it may be necessary to direct recommendations to full Council, for example where a committee considers the issues to be of such importance that the Council needs to address its recommendations or where a committee has been asked to direct its recommendations to full Council.

6.8 There may be occasions where recommendations are directed to the Regulatory and Appeals Committee.

Operational Arrangements

6.9 Recommendations from committees to the Council or other committees must be included within a covering report. The report shall normally contain the documents before the committee giving rise to the recommendations and a summary of the main points of debate of the committee.

6.10 The Director of Legal and Governance is responsible for preparing the covering report.

6.11 The chair of the committee, or other member of the committee nominated by the chair, accompanied as necessary by the Director of Legal and Governance or his/her nominee shall present the recommendations to the meeting of the Executive or other committee.

6.12 The Director of Legal and Governance shall be responsible for notifying, as soon as possible:

6.12.1 The appropriate executive member with portfolio of recommendations of a committee relating to her/his portfolio of functions and services.

6.12.2 The chair of the committee to which recommendations of a committee are directed.

6.12.3 The Strategic Director or Director concerned in any recommendations of a committee.

6.13 The Director of Legal and Governance will arrange for the production of a summary of the main points of debate of the committee.

6.14 These arrangements do not affect the responsibilities of the chair of a committee or sub-committee in relation to the contents of agendas.

7 Response to Inquiry Reports and Recommendations

7.1 The Council, the Executive Board, Area Committees or officers shall consider any report and recommendations of an Overview & Scrutiny Committee within two months of it being submitted by the Director of Legal and Governance. The Council or Executive is under a duty to respond to the Overview & Scrutiny Committee, indicating what action (if any) it proposes to take and to publish its response.

7.2 Where an Overview & Scrutiny Committee has made a report in relation to a Councillor call for action, any response must also be sent to the Member who referred the matter to scrutiny.

8 Calling in Decisions of the Executive and Decisions of Area Committees, Decisions of Individual Executive Members and Officer Key Decisions

8.1 The Director of Legal and Governance shall make arrangements for the publication of a list of all decisions taken at a meeting of the Executive and decisions of area committees. The list shall be published by means of electronic mail to all members and the office of each political group by first class mail if electronic mail is unavailable to all members and by delivery to the office of each political group: Key decisions of Executive members and officers shall be communicated to Members as and when they are taken

8.2 Where a copy of the list is posted first class, it is deemed to be received in the ordinary course of business. Non-receipt of the list through the first class post or electronically shall not invalidate publication of the list.

8.3 The Director of Legal and Governance may also communicate the list to appropriate members by whatever other means, if any, s/he considers appropriate.

8.4 The list shall be published no later than 17.00 hrs (16.30 hrs on a Friday) on the second working day following the meeting.

8.5 A decision under paragraph 8.1 shall not be implemented until the period specified in paragraph 8.6.1 has elapsed.

8.6 Subject to Council Standing Order 28 and paragraph 8.7 below, a decision of the Executive an executive decision of an area committee and individual Executive member key decision or an Officer key decision may be called-in for consideration by a committee in accordance with the following arrangements:

8.6.1 A decision may, no later than 17.00 hrs (16.30 hrs on a Friday) on the fifth working day following publication under paragraph 8.1, be called-in by the Chair of any Overview and Scrutiny Committee or any three voting members of any Overview and Scrutiny Committee (excluding voting alternate members) .

8.6.2 A decision is called-in by giving notice in writing (including by means of electronic mail) to the Director of Legal and Governance. The notice must specify the decision to be called-in and the reasons for the decision call in and be delivered to a location specified by the Director of Legal and Governance no later than 17.00 hrs (16.30 hrs on a Friday) on the fifth working day following publication under paragraph 8.1. The notice should include the names of those requesting the decision be called in.

8.6.3 On receipt of the written notice, the Director of Legal and Governance will, in consultation with the Chair of the relevant Committee, or in her/his absence the Deputy Chair, convene a meeting of the relevant Committee to consider the decision. The meeting shall take place, where practicable, not more than ten working days from the date of receipt of the notice.

8.6.4 The Director of Legal and Governance will also, on receipt of the notice, notify the Leader of Council or, in her/his absence the Deputy Leader and the relevant executive member with portfolio or area committee chair or officer as appropriate.

8.6.5 The decision may not be implemented until the committee has met to consider it.

8.6.6 The committee, having considered the decision, shall resolve to deal with the matter in one of the ways following:

8.6.6.1 Release the decision for implementation.

8.6.6.2 Refer all or part of the decision back to the original decision maker to reconsider it in the light of any representations the committee may make. The decision may not be implemented until the decision maker has reconsidered their earlier decision.

8.6.6.3 Only in the case where the Committee reasonably consider the decision to have breached the Council's budget or policy framework, refer the decision to full Council for consideration, in which case the decision may not be implemented until the Council has met to consider the matter.

8.6.7 If the Committee makes no resolution in accordance with paragraph 8.6.6 above, the decision may be implemented.

8.7 The following decisions are not subject to call-in:

8.7.1 A decision that stands as a recommendation to Council.

8.7.2 A decision to implement a decision approved in principle by the Council within the preceding six months.

8.7.3 A decision that has already been subject to call-in under paragraph 8.6.1 above or otherwise been considered by an Overview and Scrutiny Committee prior to decision.

8.7.4 A decision taken in circumstances where the Executive or area committee or Individual Executive Member or Officer taking a key decision has resolved that the matter is urgent, for reasons recorded in the published decision, where any delay which may result from calling-in the decision may be prejudicial to the interests of the Council or a third party.

8.7.5 A decision on a procedural matter.

8.7.6 A decision to note a matter reported for information only.

8.8 The chair shall inform the relevant decision-maker or committee chair as appropriate, of the calling in of a decision under these rules as soon as practicable after giving notice to the Director of Legal and Governance and explain the reason(s) for calling in the decision.

8.9 The relevant decision-maker, shall be notified by or on behalf of the chair of the date, time and place of the meeting of the Committee at which the decision is to be considered, and at the meeting the chair shall provide adequate opportunity for the relevant decision maker, to respond to concerns raised at the meeting in relation to the decision.

8.10 The Strategic Director or Director shall be notified by the Director of Legal and Governance of the date, time and place of the meeting of the committee at which the decision is to be considered, and at the meeting the chair shall provide appropriate opportunity for the Strategic Director or Director to explain the officer report(s) before the decision-maker as appropriate in relation to the decision and respond to any question asked by the committee.

9 Consideration of Decisions Referred to the Council

9.1 Where a decision is referred to the full Council under paragraph 8.6.9.3, the full Council may:

9.1.1 Resolve to release the decisions for implementation.

9.1.2 Refer all or part of the decision back to the decision maker to reconsider the decision and at the same time make any recommendation that the Council may think fit.

9.2 If the Council makes no resolution in accordance with paragraph 9.1 above, the decision may be implemented.

9.3 The decision maker shall consider any decision referred and recommendation made under paragraph 9.1.2 at the earliest opportunity and in so doing shall have due regard to any recommendation of the Council.

10 Report to Council

Report in Relation to Key Decision Procedure

10.1 An Overview and Scrutiny committee may by resolution require the Executive to submit a report to the Council within such reasonable time as the committee specifies where, in the opinion of the committee, a key decision was not:

10.1.1 Identified in the published Forward Plan.

10.1.2 The subject of paragraph 9 (General Exception when Key Decisions not in Forward Plan) of the Executive Procedure Rules.

10.1.3 Taken with the approval of the chair of a relevant Overview and Scrutiny committee, or the Lord Mayor or Deputy Lord Mayor under paragraph 10 (Special Urgency) of the Executive Procedure Rules.

10.2 The Executive shall prepare a report for presentation to the next available meeting of the Council.

10.3 The report to Council will set out particulars of the decision including the reasons for it, the body making the decision, and if the Executive is of the opinion that it was not a key decision the reasons for that opinion.

PART 3F FINANCIAL REGULATIONS

Introduction

Why do we have Financial Regulations?

1.1. The Council is responsible for managing billions of pounds of public money.

1.2. Financial Regulations exist to ensure that all public money and the resources that come under the Council's stewardship are appropriately administered, employed and safeguarded.

1.3. These Financial Regulations aim to provide a clear, robust reference point to help officers and members of the Council fully understand what their (statutory and organisational) financial responsibilities are to ensure the proper administration of the Council's financial affairs.

1.4. The Financial Regulations do not authorise any person to act or make a decision which is contrary to any provision in the Constitution, or which exposes the Council to an unacceptable level of financial or operational risk.

Status of the Financial Regulations

1.5. The Council is required by statute to secure that a suitably qualified officer be responsible for the proper administration of its financial affairs.

1.6. The Council's Strategic **Director of Corporate Resources** is appointed under section 151 of the Local Government Act 1972 to act in this capacity. In these Financial Regulations, they are referred to as **Section 151 Officer** to reflect this statutory role.

1.7. Any reference to the Section 151 Officer in the Financial Regulations includes their nominated Deputy 151 in consultation with legal, except for the approval of the year-end statement of accounts, the certification of the adequacy of reserves and balances under s25 of the LGA 2003 or for the making of a report under section 114 of the Local Government Finance Act 1988.

What do the Financial Regulations cover?

1.8. The Financial Regulations are divided into the following sections:

- **Financial roles and responsibilities**
- **Financial management**
- **Financial planning**
- **Financial systems and procedures**
- **Risk management and internal controls**
- **Orders and payments**
- **External arrangements**

1.9. The Financial Regulations must be read in conjunction with any guidance and procedures issued by the Section 151 Officer.

1.10. The Financial Regulations will be kept under regular review by the Section 151 Officer and will be updated as and when required.

Do the Financial Regulations apply to me?

1.11. **All Council employees (including non-permanent staff) and members** are responsible for the care of the Council's assets, including cash. They are responsible for taking reasonable steps to ensure the security of the Council assets under their control or influence, and for maintaining proper records and documentation relating to the Council's assets, obligations and financial transactions. Council employees and elected members also have a legal responsibility to make sure that the use of those assets is legal, properly authorised and in line with the principles of value for money and the Council's Best Value duty under the Local Government Act 1999. All employees have a fiduciary duty to Council taxpayers to ensure they conduct financial affairs in a businesslike manner with reasonable care, skill and caution

1.12. **All Council officers and members** are responsible for complying with these Financial Regulations and any guidance and/or instructions issued by or on behalf of the Section 151 Officer. This supports effective delivery of the Council's financial affairs by:

- At all times, acting in good faith, impartially and befitting the position of trust they hold.
- Exercising due care and diligence in relation to all Council resources, information, assets, income and expenditure within their care or control.
- Maintaining proper records and documentation relating to the Council's assets, obligations and financial transactions.
- Explaining and evidencing their actions demonstrating public accountability
- Co-operating in the audit of the Council's financial systems, records and general processes.
- Reporting any suspected financial or other irregularities for investigation.

1.13. **Strategic Directors, Directors and Assistant Directors** are responsible for ensuring that the employees (including non-permanent staff) in their department are aware of the Financial Regulations and associated guidance and instructions, and that they comply with them. **Strategic Directors, Directors** and Assistant Directors must report any breach of the Financial Regulations of which they become aware to the Section 151 Officer.

1.14. Any issues of uncertainty as to the application of these Financial Regulations must be referred to the Section 151 Officer who will issue advice and guidance on their application.

1.15. **Any failure by an employee to comply with the Financial Regulations could put the Council at significant risk and may be treated as misconduct resulting in disciplinary action being taken in line with the Council's HR procedures.**

2. GLOSSARY

2.1. The meanings of specific terms used in these Financial Regulations are set out below:

Annual Governance Statement	the Council's statutory annual statement setting out the effectiveness of its internal control, risk management and governance arrangements
Director / Assistant Director	an Officer who reports directly to the Chief Executive / Head of Paid Service or to a Strategic Director and is designated by them to be an Assistant Director or a Director
Best Value	the duty placed on the Council to ensure best value in line with its duties under the Local Government Act 1999
Budget	the Council's annual budget as set out in article 4.2 of the Council's constitution
Budget Council	the meeting of Full Council at which the annual Budget is tabled for approval
Budget Holder	an officer with responsibility for a service budget
Capital Investment Plan (also referred to as Capital Programme)	A summary of capital investment priorities which forms part of the overall Budget and the Council's Medium-Term Financial Strategy. It includes the revenue implications of proposed capital investment, and the capital investment budget for schools' buildings and facilities.
CIPFA	the Chartered Institute for Public Finance and Accountancy
Contract Standing Orders	Contract Standing Orders (CSO's) set clear rules by which the Council spends money on works, goods and services. The rules apply to any Contract entered into by the Council.
Cost Centre	Ledger records which define the income, expenditure, assets and liabilities for specified functions and service areas
Forward Plan	the statement of proposed Executive, Executive Committee, Executive member, officer, area committee or executive joint arrangement Key Decisions (see para 9.1 Executive Procedure Rules)
HRA Budget	the budget relating to the ring-fenced Housing Revenue Account

Key Decision	a decision relating to an Executive function which requires significant expenditure or savings, having regard to the Council's budget, for the service or the function to which it relates or that has a significant effect on more than one ward (defined in article 15.5 of the constitution)
Medium Term Financial Strategy	the Council's multi-year financial strategy which identifies the medium- to long-term financial implications of delivering the Council's priorities, expected funding levels and significant areas of identified financial risk
Minimum Revenue Provision (MRP)	Amounts which must be set aside in the General Fund budget to comply with legal requirements and statutory guidance issued by the Government
Policy Framework	those policies set out in article 4.1 of the constitution that require approval by the Council
Prudential Code	the Prudential Code for Capital Finance published by the Chartered Institute of Public Finance and Accountancy
Prudential Indicators	indicators of affordability of capital expenditure, investments and borrowing as set out in the Prudential Code and supporting guidance
Revenue Budget	the Council's budget for revenue spending in any financial year
Section 151 Officer	the officer appointed by the Council to act as its Strategic Director of Corporate Resources and who will be responsible for the proper administration of the authority's financial affairs in accordance with section 151 of the Local Government Act 1972
Section 25 Statement	The Section 151 Officer is required to make a statement on the adequacy of reserves and the robustness of the budget. This is a statutory duty under Section 25 of the 2003 Local Government Act. The Statement must include the Section 151 Officers view of the robustness of the budget estimates and the adequacy of the proposed financial reserves.
SOLACE	The Society of Local Authority Chief Executives and Senior Managers.
Strategic Finance Manager	an accountant within the Finance team who support services in budget setting and financial management

3. FINANCIAL ROLES AND RESPONSIBILITIES

3.1. This section outlines in summary the main responsibilities of Council bodies, members and officers in relation to financial matters. Further information

on formal roles and responsibilities can be found in the Council's Constitution under the Articles referred to below the relevant law and also in the Code of Corporate Governance.

Role	Responsibility
Full Council	• Adopting the Budget (Constitution -Article 4 and Budget and Policy Framework Rules (part 3C)) • Approving the Financial Regulations. • Making arrangements for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972. • Making arrangements for the approval of the Council's annual statement of accounts within the relevant timeframe.
Executive	• Preparing the Budget and recommending to the Council (Constitution - Article 7 and Budget and Policy Framework Rules (part 3C)) • Setting the Council Tax Base (article 7.13) • Taking decisions on resources and priorities to deliver and implement the Budget and Policy Framework. • Determining the Council's overall priorities within the Budget and Policy Framework, to keep those priorities under review, and to approve specific plans and strategies. • With the Overview and Scrutiny Committees, monitoring the achievement of policies and objectives within the resources allocated. • Monitoring the Council's financial and service performance and making changes, within the Budget and Policy Framework, to ensure that the Budget is met within the limits determined by the Council, including the agreed reserves strategy.
Overview and Scrutiny Committees	• See constitution – sections 6.8.1; 6.8.2; 6.8.3; 6.8.4; 6.8.5; and 6.8.6. Summary of role is shown below:
Governance and Audit Committee	• Roles of the G & A Committee are set out in article 9 of constitution. The summary is shown below: • Under delegation from Full Council, approving the Council's annual statement of accounts (Constitution - Article 9).

Role	Responsibility
	• Considering the Council's arrangements for corporate governance and risk management, and the outcomes of the Council's annual governance review • Approving the Annual Governance Statement • All matters relating to the appointment of the Council's external auditor. • Assessment of the Council against the CIPFA Financial Management Code. • Receiving, considering and commenting on reports issued by the external auditor, including the annual audit plans, reports on the Council's financial statements, annual audit letters, reports on specific matters, and written recommendations. • Ensuring that the relationships between the external auditor and Internal Auditor, inspection agencies and other relevant bodies are effective, and that the value of audit is actively promoted. • Considering and approving the annual Internal Audit plan, Internal Audit performance and compliance with Public Sector Internal Audit Standards • Receiving reports from Internal Audit on the outcome of audit reviews and investigations, and management's implementation of audit recommendations. • Monitoring the effectiveness of the Financial Regulations and the Council's procurement policies and procedures, strategies for counter fraud and corruption, declarations of interest, gifts and hospitality, whistleblowing, and anti-money laundering.
Head of Paid Service	• Providing strategic management for the Council and establishing a framework for management direction, style and standards (Constitution - Article 14). • Securing a process for resource allocation that ensures due consideration of national policy and corporate priorities. • Ensuring arrangements are in place to monitor and manage the performance of the Council.
Section 151 Officer	• In consultation with the Monitoring Officer and the Head of Paid Service (Article 14), to make a report to the Council

Role	Responsibility
	under section 114 of the Local Government and Housing Act 1989 where the Council: ○ has made or is about to make a decision which involves or would involve the Council incurring expenditure, which is unlawful ○ has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency to the Council; or ○ is about to enter an item of account the entry of which is unlawful. • To make a report to the Council under section 25 of the Local Government Act 2003 when it is considering its Budget and council tax that addresses the robustness of the estimates and adequacy (or otherwise) of the Council's reserves. • Under the Accounts and Audit Regulations 2015, to ensure that accounting control systems are observed, that the Council's accounting records are maintained in accordance with proper practices, and that those records are kept up to date. • Proposing to Executive annual levels of Council Tax, and revenue and capital budgets for member approval each year in line with the requirements of the Local Government Finance Act 1992, other legislation and guidance issued by the Government • Developing and implementing Treasury Management and Investment Strategies, Capital Investment Plans and MRP Policy Statements, in line with current statutory and professional requirements • Developing, implementing and maintaining medium-term financial strategies which identify and address key financial risks • To fulfil these statutory duties and legislative requirements, the Section 151 Officer will: ○ set appropriate financial management standards for the Council which comply with the Council's policies and proper accounting practices, and monitor compliance with those standards

Role	Responsibility
	○ determine the accounting records to be kept by the Council ○ ensure that there is an appropriate framework of budgetary management and control ○ monitor performance against the Budget and advise on the corporate financial position ○ ensure proper professional practices are adhered to and act as "head of profession" in relation to the standards, performance and development of finance staff throughout the Council ○ prepare and publish the Council's statement of accounts for each financial year in accordance with the timetable and arrangements specified by law ○ make proper arrangements for the audit of the Council's annual statement of accounts ○ ensure that claims for funding, including grants, are made by the due date and in compliance with the terms and conditions of the awarding body ○ make proper arrangements for the overall management of the Council's Internal Audit function ○ monitoring delivery of agreed savings plans ○ manage treasury management activities in accordance with the Council's Treasury Management Policy Statement, Treasury Management Strategy, and Prudential Indicators; and ○ implement any additional arrangements, policies and procedures relating to financial matters, as required.
Monitoring Officer	• In consultation with the Head of Paid Service and the Section 151 Officer (Constitution - Article 14), reporting any actual or potential breaches of the law or maladministration to the Council and/or of the Executive, which may include financial decisions. • Advising whether decisions of the Executive, Full Council and decision-making committees are in accordance with the Budget and Policy Framework and meet current legal and statutory requirements.

Role	Responsibility
	• Be consulted on and contribute to the Annual Governance Statement • Advising members on the scope of their powers and authority to take decisions, consider any maladministration, financial impropriety, probity and Budget and Policy Framework issues.
Strategic Directors	Strategic Directors have delegated responsibility for the financial management of their departments. This responsibility must be exercised following these Financial Regulations and any guidance the Section 151 Officer issues. In relation to their departments, Strategic Directors are responsible for: • Putting in place appropriate Budget management and delegation arrangements to ensure the effective use of resources, the safeguarding of assets, and the operation of a system of appropriate internal controls. • Maintaining adequate arrangements for the identification, management and reporting of strategic and operational risks. • Promoting appropriate financial management standards within their departments, and monitoring adherence to those standards and good practice, liaising as necessary with the Section 151 Officer, and ensuring that relevant training is provided to officers with financial management responsibilities. • Maintaining adequate accounting records to support all the balances and transactions in the accounts and all items of income and expenditure. • Promoting sound financial practices in relation to the standards, performance, and development of officers. • Advising the Executive and the Section 151 Officer of the financial implications of all proposals. • Seeking approval in accordance with the Scheme of Delegation, and in consultation with the Section 151 Officer, on any matter liable to affect the Council's finances materially (in accordance with guidance issued by the Section 151 Officer) before any commitment is made. • Obtaining the approval of the Section 151 Officer to any proposal to commission external financial and/or tax

Role	Responsibility

	advisory services on behalf of the Council (this requirement does not apply to the Monitoring Officer, although they must consult the Section 151 Officer before commissioning such services).
	
	• Obtaining the approval of the Section 151 Officer before making any changes to accounting records or procedures.
	
	• Complying with the following principles when allocating accounting duties:
	
	  ○ the duties of providing information about sums due to or from the Council and calculating, checking (including reconciling the accounts) and recording these sums must be separate from the duties of collecting or disbursing them; and
	
	  ○ employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
	
	• Ensuring that claims for funds (including grants, contributions and 'match funding') are made in accordance with accounting instructions issued by the Section 151 Officer and the conditions defined by the awarding body, by the due date, and that appropriate records are maintained.
	
	• Taking responsibility for the annual corporate governance review and corporate systems of risk management.
	
	• Participating as required in annual governance reviews.
	
	• Ensuring that Budget Holders have effective procedures for safeguarding the Council's resources.

Directors, Assistant Directors and Heads of Service	• Determining the appropriate level of control within their areas of responsibility in accordance with advice and guidance provided by the Section 151 Officer, their Strategic Director, Internal Audit and the Council's external auditors. • Ensuring that all officers for whom they are responsible understand and comply with the Financial Regulations and associated guidance and instructions (including the Scheme of Delegation and department delegations). • Ensuring compliance with the Financial Regulations and other applicable financial policies and instructions. • Identifying the short- medium- and long-term financial

Role	Responsibility
	implications of policy, legislative requirements and service standards. • Planning and maintaining effective use of resources to achieve agreed service delivery standards within the Budget. • Achieving and demonstrating Best Value for commissioned and provided services. • Taking or recommending actions where necessary to stay within the Budget. • Clearly understanding the consequences of a lack of financial control and taking steps to ensure that financial control measures are followed. • Ensuring that all officers for whom they are responsible understand and have access to a copy of the Council's anti-fraud and corruption policy and associated guidance. • Operating processes to check that appropriate controls are in place and evaluating their effectiveness.
Officers	**All officers** are responsible for: • Following the Financial Regulations, the Scheme of Delegation (including department delegations) and any guidance and instructions issued by the Section 151 Officer. • Ensuring that Council resources are only used for carrying out the business of the Council. • Supporting the Council to achieve open and transparent administration by following approved fraud prevention strategies and avoiding potential conflicts of interest. • Assisting Internal Audit and the Council's external auditors in completing their audit activities. • Keeping accurate and comprehensive records of transactions completed on the Council's behalf. • Raising concerns regarding financial misconduct in accordance with the Council's whistleblowing and fraud policy.

Role	Responsibility
Internal Audit	Internal Audit will, in conformance with the Accounts and Audit Regulations 2015, review, appraise and report on: • the extent of compliance with, and the effectiveness and efficiency of, relevant policies, plans and procedures • the adequacy of financial and other management controls in terms of both how internal controls are designed in principle and how they operate in practice • the effectiveness of the Council's risk management arrangements • the suitability of financial and other related management data • the extent to which the Council's assets and interests are accounted for and safeguarded from loss of any kind from, and the arrangements in place to minimise the risk of: ○ fraud, corruption, bribery, and other irregularities and offences ○ waste, extravagance and inefficient administration; and ○ inefficient value for money or other causes • the extent to which Council liabilities and obligations are identified, measured and recorded • the effectiveness of credit control and debt collection; and • Strategic Directors' self-assessments of the status of the governance framework, including systems of internal control in place, for each of their service areas.
External Audit	External Audit will, in conformance with the Local Audit and Accountability Act 2014: • Reporting on whether the Council's accounts and statements present a true and fair view of the Council's financial position. • Completing a value for money assessment of the Council.

4. FINANCIAL MANAGEMENT

4.1. **This section sets out the arrangements the Council has in place to provide good financial management in accordance with the principles of the CIPFA Financial Management Code.**

How does the Council manage its finances?

4.2. Financial management is the responsibility of everyone within the Council.

4.3. All officers and members have a duty to follow the highest standards of probity, stewardship and transparency when dealing with public money. It is important that officers and members are aware of the standards to which they are held accountable in relation to financial management, and the controls that are in place to ensure that these standards are met.

4.4. Budget Holders must manage their income and expenditure in accordance with the agreed budget for their service. Approval by full Council of the Budget serves as authority for expenditure to be incurred as set out therein, and in accordance with these Financial Regulations and supporting policies and guidance. Any changes to this Budget, once approved, require approval from senior officers or elected members in line with the Council's Constitution, Scheme of Delegation and Key Decision-making arrangements as applicable.

4.5. **Summary of responsibilities in relation to financial management:**

Role	Responsibility
Budget Holders	• Managing income and expenditure in accordance with the agreed budget. • Seeking the appropriate approval and authority for any proposed changes to the Budget as previously agreed
All officers and members	• Following the highest standards of probity, stewardship and transparency when dealing with public money.

Budget management and control

4.6. Once the Budget is approved by full Council, it must be managed so that Council resources are used for the purposes for which they have been allocated, and that they are properly accounted for.

4.7. Budget management is a continual process which allows the Council to adjust its budget targets throughout the financial year and hold Budget Holders to account in relation to the budgets for which they are responsible.

4.8. The Section 151 Officer is responsible for providing appropriate financial information to enable Budget Holders to manage their budgets effectively. The Section 151 Officer is also responsible for monitoring and controlling the Council's overall expenditure and income against Budget allocations. The Section 151 Officer will report to the Corporate Management Team and quarterly to the Executive Committee on the overall Budget position on a regular (no less frequent than quarterly) basis.

Delegation of budget management

4.9. Strategic Directors will identify Budget Holders within their departments, and will advise the Section 151 Officer, at least annually, of the officers who have day-to-day responsibility for management of service budgets. All Budget Holders must have received appropriate training on financial management before being given responsibility for a budget and must undertake any further training deemed necessary by the Section 151 Officer.

4.10. Budget Holders will (with support from Strategic Finance Managers) prepare service budgets, manage those budgets to ensure they remain within the authorised limits, maintain forecasts, and monitor and report performance data. Strategic Finance Managers have a duty to report to the Section 151 Officer any significant failure in adherence to these budget management requirements.

4.11. Strategic Finance Managers are responsible for ensuring the completeness and accuracy of the budget and transactional data held in the general ledger.

Authority to spend

4.12. Allocation or approval of a budget does not create an automatic authority to spend.

4.13. Budget Holders must ensure that appropriate spend and other approvals are sought in accordance with the Council's decision-making governance requirements. This includes but is not limited to the requirements of the Financial Regulations, the Contract Standing Orders and the Delegated Financial Limits.

4.14. **Summary of responsibilities in relation to budget management and control**

Role	Responsibility
Section 151 Officer	• Providing information to enable Budget Holders to manage their budgets. • Determine the training requirements for budget holders and strategic finance managers, and ensure that any training requirements are undertaken within the timescales specified • Monitoring and controlling the Council's overall expenditure and income, and the delivery of agreed savings plans.

Role	Responsibility
	• Reporting to Council on the overall Budget position.
Strategic Directors	• Identifying Budget Holders to manage budgets. • Advising the Section 151 Officer of the officers who have day-to-day responsibility for service budgets.
Strategic Finance Managers	• Supporting Budget Holders to manage budgets. • Reporting significant failures in adherence to budget management requirements. • Ensuring the completeness and accuracy of budget and transactional data.
Budget Holders	• Managing budgets effectively. • At all times, acting with a view to securing best value and demonstrating that value for money has been achieved • Ensuring that financial transactions are allocated to the correct cost centres and general ledger codes • Matching specific sources of funding against all relevant expenditure incurred • Attending budget management training. • Ensuring that appropriate approvals are obtained before incurring spend and that all relevant procurement and commissioning requirements have been met

Budget over and underspends

Overspend

4.15. The Chief Executive and Strategic Directors are responsible for preparing accurate budget forecasts. Any forecast overspends or reduction in income must be reported to the Section 151 Officer, together with a detailed plan to mitigate the budgetary impact.

4.16. Reserves must not be used to fund overspends and the Section 151 Officer must review all planned usage of reserves to ensure that these are not being used to hide or obscure systemic overspends. The Section 151 Officer must report to full Council any areas with inadequate plans to address overspends, and work with the relevant budget holders and service managers to ensure that plans are put in place to tackle

overspending through enhanced efficiency, better procurement and commissioning practice, or by more comprehensive service reviews

Underspend

4.17. Budget Holders are not permitted to carry forward underspends against revenue budgets unless there are exceptional circumstances specifically agreed by the Section 151 Officer who shall provide guidance as part of the annual accounts closure process.

4.18. Unless otherwise approved by the Section 151 Officer, carry forward of underspend against revenue budgets shall only be permitted where:

- that expenditure is directly linked and dependent on a specific grant which can also be carried forward to meet the expenditure incurred; or

- there is a contractual commitment for goods, works and/or services that exists before the year end and, due to exceptional circumstances, the Council has been unable to obtain receipt or delivery before 31 March.

4.19. **Summary of responsibilities in relation to over and underspends:**

Role	Responsibility
Section 151 Officer	• Reviewing any planned use of reserves to address overspends • Working with budget holders and Strategic Directors to address any overspends or budget shortfalls identified • Reporting to full Council inadequate plans to address overspends.
Chief Executive and Strategic Directors	• Preparing accurate budget forecasts. • Reporting overspends.

Savings

4.20. Strategic Finance Managers will monitor the delivery of savings and efficiencies and report any delays or issues in delivering savings to the Section 151 Officer. Strategic Directors will provide Strategic Finance Managers with appropriate and timely information in relation to delivery of savings and efficiencies to enable them to be monitored effectively.

4.21. Where there is a shortfall in savings delivery, the Section 151 Officer will work with Strategic Directors to propose alternative saving(s), more achievable priorities or new business models for service delivery for agreement by the Executive.

4.22. Specific guidance on savings and efficiency identification / impact assessment is available - Savings and Project Business Case Template v0.1.docx

4.23. **Summary of responsibilities in relation to savings:**

Role	Responsibility
Section 151 Officer	• Working with Strategic Directors to propose savings and efficiencies, as appropriate.
Strategic Directors	• Providing appropriate information to Strategic Finance Managers to enable effective monitoring of savings delivery and accurate modelling of income, expenditure and service demand. • Working with the Section 151 Officer to propose alternative savings, as appropriate.
Strategic Finance Managers	• Monitoring the delivery of savings and efficiencies. • Reporting details or issues in savings delivery.

Virement

4.24. Virement is the transfer of budgets within or between Cost Centres. While Budget Holders should generally ensure that spending remains within the budget, there are some circumstances where it is permissible or appropriate to transfer a budget to ensure the most effective use of Council resources.

4.25. The rules set out in this section are intended to enable Budget Holders to manage budgets with an appropriate level of flexibility whilst retaining net expenditure within the Council's approved Budget and Policy Framework.

4.26. The Section 151 Officer is responsible for controlling and administering the virement mechanism in accordance with guidance and limits set by full Council. The Section 151 Officer is also responsible for recording approved virements in the Council's financial systems and reflecting the impact of these in regular monitoring reports to the Executive.

4.27. Unless otherwise stated in these Financial Regulations, no virement or transfer is authorised if it:

- conflicts with the Budget and Policy Framework or the Constitution; or
- conflicts with anything specifically agreed by full Council or the Executive as part of the Budget-setting and delivery process (unless full Council decides otherwise).

4.28. The CIPFA Code of Practice on Local Authority Accounting in the United Kingdom takes precedence over these Financial Regulations in determining how items must be accounted for.

Prohibited virements

4.29. The following virements are **not permitted**:

- Between revenue and capital budgets.
- Between the HRA and the General Fund
- Between useable and unusable reserves
- Between unusable reserves established for specific legal or financial purposes.
- Between the Dedicated Schools Grant Account and the General Fund.
- Between the Collection Fund and the General Fund and/or the HRA.
- Between other Council funds and the General Fund and/or the HRA.

Conditions for virement

4.30. Budget Holders and Strategic Directors are responsible for ensuring that any proposed virement for which they are responsible:

- does not result in a commitment that would lead to an overspend in the current financial year or give rise to unfunded expenditure in future years
- is consistent with the Council Plan
- does not circumvent the rules on use of earmarked reserves
- is consistent with the Council's accounting practices
- complies with the limits and approval requirements set out below
- is notified to, and approved by, the Section 151 Officer in writing; and
- is correctly identified as either permanent or temporary (in-year).

4.31. If any budget is, or is projected to be overspent, the first call on any virement to rectify that position is through virement of any identified underspends within that same service area.

4.32. Any virement between services must be approved by the Section 151 Officer.

4.33. If the total Budget (General Fund or HRA) is or is projected to be overspent, the first call on any virement of an underspend will be to rectify the overall financial position.

Revenue virements

4.34. Save as otherwise provided in these Financial Regulations, revenue virement is only possible in the following circumstances:

- to correct any error made in the initial loading of the relevant budget onto the main accounting system
- to reflect the redistribution of budgets following the approval of the budget
- to reflect a structural reorganisation
- to distribute centrally held budgets e.g., growth, savings, inflation
- to reflect the receipt of additional grant or other funding
- to reflect technical adjustments, at the discretion of the Section 151 Officer
- to reflect changes in corporate priorities; and
- to reflect adjustments approved as part of the Budget to utilise or re-allocate existing earmarked reserves.

4.35. **Note** – the movement of budgets within a cost centre, as part of normal budget monitoring will not invoke the formal virement approval process subject to the virement **not** being to pay budgets or adjusting income budgets to maintain the original net budget allocation.

Capital virements

4.36. Save as otherwise provided in these Financial Regulations, capital virement is only possible in the following circumstances:

- to correct any error made in the initial loading of the relevant budget onto the main accounting system;
- to reflect technical adjustments, at the discretion of the Section 151 Officer
- to reflect decommissioning of capital projects, at the discretion of the Section 151 Officer and in consultation with the Portfolio Holder for Finance and the relevant service Portfolio Holder; and
- to reflect approved slippage and/or acceleration of approved capital scheme budgets, at the discretion of the Section 151 Officer and in consultation with the Portfolio Holder for Finance and the relevant service Portfolio Holder; and any other variations to approved budgets for capital schemes must be approved by the Section 151 Officer.
- to reflect the receipt of additional grant or other funding.

4.37. Any capital virement that will change the purpose of the approved expenditure or existing Council policy must be approved by the Executive or full Council in accordance with agreed delegations.

4.38. **Virement limits**

Threshold	Revenue	Capital
Up to £9,999.99	Decision: Budget Holder Conditions: • In consultation with Business Analyst • Notified to the Section 151 Officer	Decision: Budget Holder Conditions: • In consultation with Business Analyst • Notified to the Section 151 Officer
Between £10,000 and £249,999.99	Decision: Strategic Director Conditions: • Notified to the Section 151 Officer	Decision: Strategic Director Conditions: • Notified to the Section 151 Officer
£250,000 and above	Decision: Section 151 Officer Conditions: • Executive approval The following virements of £250,000 and above require the approval of full Council: • Virements between Departments • Virements in support of a Key Decision • Virements from staffing to non-staffing budgets	Decision: Section 151 Officer Conditions: • Executive approval

4.39. Any virement must also meet the conditions set out in these Financial Regulations

4.40. **Summary of responsibilities in relation to virement:**

Role	Responsibility
Executive / full Council	• Approving the virement policy • Approving any virements that will change the existing Budget Framework or agreed Council policy.
Section 151 Officer	• Controlling and administering the virement mechanism. • Recording approved virements. • Approving virements between services. • Determining where virement may be needed to reflect technical adjustments or to correct accounting errors. • Determining (in consultation with relevant Portfolio Holders) where virement may be made to reflect decommissioning of capital projects or changes in Council policy which have already been agreed.
Strategic Directors	• Approving virements in accordance with delegated limits. • Ensuring that any proposed virement for which they are responsible meets the conditions set out in these Financial Regulations. • Agreeing virements with the Section 151 Officer, as appropriate.
Budget Holders	• Approving virements in accordance with delegated limits. • Ensuring that any proposed virement for which they are responsible meets the conditions for virement. • Notifying virements to the Section 151 Officer, as appropriate.

Accounting Records

4.41. The Section 151 Officer is responsible for determining the accounting procedures for the Council, for the maintenance of all accounting records, and for the completion of all annual financial statements and financial returns.

4.42. The Council's accounting records are maintained within its General Ledger. The General Ledger must be accurately coded and maintained to ensure that budgeted and actual income and expenditure can be analysed in an accurate and timely manner for the purposes both of financial management and for year-end financial reporting.

Accounting Policies

4.43. The Council's accounting policies outline how it accounts for all income, expenditure, assets and liabilities held and incurred during the financial year. The accounting policies will be updated annually in line with the CIPFA Code for Local Authority Accounting in the United Kingdom ("the Code").

4.44. The Section 151 Officer is responsible for selecting the Council's accounting policies and for ensuring that they are applied consistently and in line with Code requirements.

Statement of Accounts

4.45. The Council has a statutory responsibility to prepare accounts that present a true and fair view of the financial performance and results of its activities during the year and is responsible for approving and publishing those accounts in accordance with the statutory timetable.

4.46. The Section 151 Officer will issue accounting instructions annually setting out:

- the process and timetable for the preparation of the year-end accounts
- corporate requirements relating to the quality and storage of supporting information; and
- liaison arrangements with External Audit.

4.47. All Budget Holders must comply with these accounting instructions and supply the information requested by the dates specified, and in the format required.

4.48. The Section 151 Officer must sign and date the Statement of Accounts, confirming that they give a true and fair view of the Council's financial position as at the year-end date. The Section 151 Officer must present the Statement of Accounts to the Governance and Audit Committee and the Annual Governance Statement.

4.49. The Section 151 Officer is responsible for making arrangements for the audit of the Council's accounts.

4.50. **Summary of responsibilities in relation to annual financial statements:**

Role	Responsibility
Governance and Audit Committee	• Receiving the Statement of Accounts (and Annual Governance Statement).
Section 151 Officer	• Determining the accounting procedures and records. • Completing all accounts and accounting records.

	• Selecting the Council's accounting policies and ensuring that they are applied consistently. • Issuing accounting instructions annually. • Sign and dating the Statement of Accounts. • Submitting the Statement of Accounts to the Governance and Audit Committee. • Making arrangements for the audit of the Council's accounts.
Budget Holders	• Complying with accounting policies and instructions. • Providing sufficient information to enable the Section 151 Officer to maintain accurate accounting records.

Emergency Powers

4.51. Where an emergency or disaster involving destruction of or danger to life or property occurs, or there are reasonable grounds for believing such an emergency or disaster to be imminent, and the Chief Executive is of the opinion that it is likely to affect all or part of their area or all or some of their inhabitants of the City or have a detrimental impact on the Council, they have all the Council's powers to incur expenditure under section 138 Local Government Act 1972, sections 1 to 6 Localism Act 2011, the Procurement Act 2023, the Civil Contingencies Act 2004 and any other emergency powers to incur expenditure permitted by law .

4.52. Before exercising this delegated power, the Chief Executive shall, if possible:

- consult the Leader or, in their absence, the member of the Executive in charge of the relevant portfolio; and
- consult the Section 151 Officer (or in their absence, their deputy),

before taking any action that would have a significant financial impact. For these purposes, an exercise of these powers will have a significant financial impact if it gives rise to expenditure, or results in a loss to the Council, in excess of [£100,000].

4.53. The Chief Executive shall, as soon as practicable:

- inform the Leader and the relevant Executive member of any actions taken as soon as practicable; and
- inform any member whose ward is affected,

setting out what, in their opinion, needs to be done immediately and what has already been done.

4.54. Where emergency powers are exercised, the Contract Procedure Rules and Financial Regulations are deemed to be waived for that purpose. The Chief Executive shall, as soon as practicable:

- inform the Strategic Director Corporate Resources of any deviation from the Contract Procedure Rules;

- and the Section 151 Officer of any deviation from the Financial Regulations.

4.55. Once the immediate risk of the emergency or disaster has been duly mitigated, any follow up actions which would typically be subject to the Contract Procedure Rules and/or the Financial Regulations should comply with those requirements as soon as practicable after such mitigation.

4.56. The Chief Executive shall report to the Council, and any other relevant body, any action taken under the powers delegated above as soon as practicable, including the extent to which it has been necessary to operate outside the Contract Procedure Rules and Financial Regulations. This report will include details of actions taken by others acting under emergency powers in accordance with the Constitution.

4.57. In the absence of the Chief Executive, the lead officer operating under the Council's emergency management procedures may exercise the delegated authority of the Chief Executive. This officer shall report back to the Chief Executive and the Section 151 Officer on any actions taken as soon as practicable. The Chief Executive may delegate their powers to incur expenditure to Strategic Directors or the lead officer operating under the Council's emergency management procedures entirely or in part and generally or in specific cases.

4.58. The Chief Executive's use of emergency powers shall only be permitted during the period for which the relevant emergency or disaster is continuing, as determined by the Chief Executive, in consultation with the Leader.

4.59. For the purposes of exercising emergency powers, any consultation may be undertaken, and any required approval may be provided, by email for reasons of expediency and/or where it is not possible for this to be done in person or otherwise in writing.

5. FINANCIAL PLANNING

5.1. **This section sets out the processes by which the Council sets its Budget and Policy Framework, including the Medium-Term Financial Strategy, Revenue Budget, Capital Programme and HRA Budget. It also sets out how the Council manages cash flows, borrowings and treasury investments, and maintains reserves.**

How does the Council plan its finances?

5.2. Full Council is responsible for setting the Budget and Policy Framework, which is a collection of plans and strategies that contribute towards the Council's financial planning and delivery of Council Plan objectives.

5.3. The key elements of the Council's financial planning are:

- Medium Term Financial Strategy
- Revenue Budget
- Capital Programme
- Capital Investment Plan
- HRA Budget
- Treasury Management Strategy and Investment Strategy
- Prudential Indicators; and
- Minimum Revenue Provision (MRP) Policy Statement.

5.4. Full Council is responsible for determining the annual Budget and setting the Council Tax, and for approving the Policy Framework.

5.5. The Executive is responsible for implementing the Policy Framework within the approved Budget. The Executive may also initiate and approve policies consistent with the Policy Framework and make in-year changes to the Budget subject to the provisions of these Financial Regulations and any guidance issued by the Section 151 Officer.

5.6. Any key decisions affecting the agreed Budget and Policy Framework would need to be considered and approved by Full Council.

5.7. **Summary of responsibilities in relation to financial planning:**

Role	Responsibility
Full Council	• Determining the annual revenue and capital Budgets • Setting the Council Tax • Approving the Policy Framework • Approving Treasury management and investment strategies, including the annual MRP Policy Statement. • Approving any significant changes to the above documents, in line with Council decision-making requirements.

Role	Responsibility
Executive	• Implementing the Policy Framework within the Budget. • Initiating and approving policies consistent with the Policy Framework and making in-year changes to the Budget subject to the provisions of these Financial Regulations and any guidance issued by the Section 151 Officer.

Scheme of Delegation and financial limits

5.8. The Scheme of Delegation sets out the powers and authorities that have been delegated to officers, including in relation to financial matters.

5.9. The financial limits of delegations to officers are set out in the Scheme of Delegation, which must be read in conjunction with the Financial Regulations. Changes to the Scheme of Delegation may only be made with the approval of full Council on the recommendation of the Section 151 Officer.

5.10. **Summary of responsibilities in relation to the Scheme of Delegation and financial limits:**

Role	Responsibility
Full Council	• Approving changes to the Scheme of Delegation based on the recommendation of the Section 151 Officer and Monitoring Officer.
Section 151 Officer / Monitoring Officer	• Recommending any required changes to the Scheme of Delegation.
Officers	• Complying with the Scheme of Delegation in relation to decision-making.

Budget Process and Decisions Outside the Budget

5.11. The Council is responsible for adopting a Budget. Once the Budget is in place, the Executive is responsible for implementing it. Decisions outside the Budget should be taken by Council. Exceptionally urgent decisions that do not accord with the budget may be taken by Executive or appropriate officers. The roles are set out in summary below. The Budget process and decisions outside of budget are subject to detailed procedures which are set out in PART 3C of the Constitution - Budget and Policy Framework Procedure Rules

5.12. **Summary of responsibilities in relation to the Budget and Policy Framework:**

Role	Responsibility
Full council	• Adopting the Budget • Approving amendments to the Budget put forward by the Executive, where appropriate.
Executive	• Implementing the Budget • Publishing initial proposals for the Budget in accordance with the timeline set by the Section 151 Officer. • Consulting with relevant stakeholders and Overview and Scrutiny Committees in relation to Budget proposals. • Making decisions in accordance with the Budget unless advised otherwise by the Section 151 Officer and the Monitoring Officer.
Overview and Scrutiny committees	• Making representations to the Executive in relation to Budget proposals. • Confirming that an Executive decision outside of the approved Budget may be taken as a matter of urgency (chair / vice chair).
Section 151 Officer	• Setting the timeline for preparing the Budget. • With the Monitoring Officer, advising whether a decision is within the Budget.
Monitoring Officer	• With the Section 151 Officer, advising whether a decision is within the Budget.
Officers	• Discharging any delegated Executive function in accordance with the Budget, unless advised otherwise by the Section 151 Officer and the Monitoring Officer.

Budget preparation

5.13. It is a legal requirement for a council to set an annual budget by a prescribed date and for that budget to be 'balanced' or fully funded.

5.14. The Section 151 Officer will:

- issue detailed guidance and a timetable for the production of the Budget; and
- produce a report for the Executive setting out ongoing commitments and a forecast of the total resources available to the Council to enable the Executive to determine any financial strategy guidelines.

5.15. The Chief Executive, Strategic Directors and Assistant Directors are responsible for preparing revenue and capital estimates in accordance with the guidance and timetable issued by the Section 151 Officer.

5.16. The robustness of Budget estimates will be assured by a Strategic Finance Manager who will support Budget Holders to prepare their budgets, and report to the Section 151 Officer any weaknesses or concerns in relation to individual budgets and/or the adequacy of a budget to cover service provision.

5.17. **Summary of responsibilities in relation to Budget preparation:**

Role	Responsibility
Section 151 Officer	• Issuing detailed guidance and a timetable for the production of the Budget. • Producing a report for the Executive setting out ongoing commitments and a forecast of the total resources available to the Council to enable the Executive to determine any financial strategy guidelines.
Chief Executive and Strategic Directors	• Preparing revenue and capital estimates in accordance with the guidance and timetable issued by the Section 151 Officer.
Strategic Finance Manager	• Assuring the robustness of Budget estimates and supporting Budget Holders to prepare their budgets. • Reporting to the Section 151 Officer any weaknesses or concerns in relation to individual budgets and/or the adequacy of a budget to cover service provision.
Budget Holders	• Preparing budgets, with the support of the relevant Strategic Finance Manager

Medium Term Financial Strategy

5.18. The Medium-Term Financial Strategy brings together the key assumptions about financing resources (including Council Tax, non-domestic rates and general government grants) and spending pressures over the medium to longer term. As a minimum, the Medium-Term Financial Plan should cover a period of three (3) to five (5) years.

5.19. This process enables the Council to:

- better plan service delivery
- identify and manage financial risks
- inform service standards, performance targets and priorities
- monitor and control the way resources are allocated and spent
- ensure that the Council's objectives are met
- secure and improve value for money, and
- inform the setting of financial targets.

5.20. The Medium-Term Financial Strategy underpins the annual Revenue Budget and Capital Programme, which give authority to Budget Holders to incur expenditure in line with agreed Council plans.

5.21. It is the responsibility of the Section 151 Officer to ensure that reports are presented to Executive, that cover not just the Budget setting process for the forthcoming financial year, but also on the Council's medium-term financial prospects, anticipated resource constraints, and expected changes to pay, prices, and borrowing costs.

5.22. Detailed processes for the preparation of the Medium-Term Financial Strategy, Revenue Budget and the Capital Programme shall be issued by the Section 151 Officer. These will take into account:

- the need for the Council to demonstrate value for money, efficiency and effectiveness in current services and proposals for change
- the service impact on national and local policy priorities, including statutory requirements
- policy choices available to the Council, including the implementation of statutory requirements
- a prudent level of reserves for budget purposes, and any appropriate contingency provisions

- the risks and opportunities in implementing changes
- the impact of proposals in the medium term; and
- exit strategies related to one-off or time limited funding
- financial and operational prospects for Council-owned companies, including any exit strategies identified or additional funding needs
- the funding position of West Yorkshire Pension Fund, and any key issues affecting the Council in its role as both administering authority and participating employer.

5.23. **Summary of responsibilities in relation to the Medium-Term Financial Strategy:**

Role	Responsibility
Section 151 Officer	• Ensuring that reports are presented to full Council as part of the annual Budget setting process which consider the Council's financial prospects over the medium to longer term, and as a minimum, over the next 3 to 5 years. • Issuing detailed processes for the preparation of the Medium-Term Financial Strategy, Revenue Budget and the Capital Programme.

Capital Investment Plan (Capital Strategy)

5.24. The Council is required by the Prudential Code to agree a capital strategy when developing the Capital Programme. The Capital Strategy sets out the long-term context in which capital investment decisions are made and the governance requirements for those decisions.

5.25. The Capital Strategy provides a framework for the allocation and management of the Council's capital resources, which takes account of:

- the Council's key priorities as set out in the Council Plan
- expected available funding
- projected borrowing costs
- maintenance and repair costs associated with the current asset portfolio
- property condition surveys and maintenance backlog requirements
- health and safety considerations
- other legal requirements
- estimated useful lives of existing assets and replacement needs.

5.26. A Capital Strategy supports the development of a Capital Programme that is affordable, prudent, and sustainable while giving due consideration to risk, reward and delivery of the Council Plan.

Capital Programme

5.27. The Capital Programme is the capital budget approved by the Council for the forthcoming Financial Year together with:

- an indicative programme of capital schemes for subsequent financial years, and
- details of how the proposed capital budgets are to be funded.

5.28. All associated financial implications of the Capital Programme must be reflected in the Revenue Budget in terms of future interest charges and debt costs. The Section 151 Officer will ensure that a prudent Minimum Revenue Provision is set aside. The Section 151 Officer will ensure that all requirements under the Prudential Code are met, and that Prudential Indicators are maintained.

5.29. The Chief Executive, Strategic Directors and Assistant Directors will, with support from Finance and in accordance with guidance set by the Section 151 Officer, prepare capital schemes for inclusion in the Capital Programme.

5.30. Strategic Finance Managers will support Budget Holders to manage capital schemes and deliver them within the agreed Capital Programme. They will report to the Section 151 Officer any concerns in relation to the delivery and/or budget of any capital scheme.

5.31. Capital schemes will only normally be added to the Capital Programme as part of the annual Budget setting process. It may be necessary to add new schemes if a significant Health and Safety risk is identified, or new legal requirements, but these must be accommodated by reprofiling existing schemes in the programme rather than by entering into unplanned borrowing. The Chief Financial Officer may allow specific exceptions to this where in their opinion it is in the Council's interest.

5.32. Capital schemes must be removed from the budget if changing circumstances mean they are no longer a priority for the Council, or become unaffordable in terms of borrowing costs, debt charges or ongoing revenue implications.

5.33. Capital schemes can be added to the Capital Programme upon receipt of new additional external funding, and full approval through the Procurement Panel and Project Appraisal Group (PAG) process.

5.34. **Summary of responsibilities in relation to the Capital Programme:**

Role	Responsibility
Section 151 Officer	• Ensuring that a Capital Programme is prepared each year, setting out the Council's capital budget. • Ensuring that a prudent Minimum Revenue Provision (MRP) is set aside having regard to the statutory MRP Guidance issued by MHCLG from time to time and CIPFA's Prudential and Treasury Management Codes. • Ensuring that all requirements under the Prudential Code are met, and that Prudential Indicators are maintained. • Issuing guidance in relation to the preparation of capital schemes. Capital Bid Guidance.doc Capital Bid Form - Part A to D REVISED.doc Part E New Scheme Business Case V2.0.xlsx • Ensuring that the capital programme approved at the start of each financial year is kept under review so that capital schemes are rescheduled or removed if necessary
Chief Executive and Strategic Directors	• With support from Finance, and in accordance with guidance set by the Section 151 Officer, preparing capital schemes for inclusion in the Capital Programme. • Ensuring that all relevant corporate requirements are met in relation to procurement or commissioning • Delivering capital schemes within the agreed Capital Programme
Budget Holders	• Monitoring delivery of capital schemes within the agreed timescales, quality standards and cost budgets • Advising the Section 151 Officer of any identified slippage or cost overruns.

Housing Revenue Account

5.35. Under s. 74 of the Local Government and Housing Act 1989 (The 1989 Act) the Council is required to hold a ring-fenced Housing Revenue Account (HRA) for Council dwellings income and expenditure which is required to be in a break-even position. The Council is required by The 1989 Act to:

- a) to ensure that the annual budget for their HRA avoids a deficit;

- (b) to review and if necessary, revise that budget from time to time and
- (c) if it seems that an end-of-year deficit may occur, to take all reasonably practicable steps to avoid it.
- set rent levels using formulae specified by the Government; and
- maintain the housing stock in a condition which meets statutory requirements (principally these are set out in the Local Authorities Housing Acts and the Social Housing Regulation Act 2023 and Decent Homes Standard 2002).

5.36. Consideration must be given to capital and revenue expenditure.

5.37. The Council is required to produce a 30-year business plan for the HRA, which should be reviewed annually.

5.38. The Strategic Director Adult Social Care, Health and Housing is responsible for preparing the HRA Budget and business plan in consultation with the Section 151 Officer and Portfolio holder. The Strategic Director Adult Social Care, Health and Housing must ensure that the proposed HRA Budget for both revenue and capital is affordable within overall HRA resources.

5.39. **Summary of responsibilities in relation to the HRA:**

Role	Responsibility
Strategic Director Adult Social Care, Health and Housing	• Preparing the HRA Budget and business plan in consultation with the Section 151 Officer and the Portfolio Holder. • Setting rent levels in line with Government formulae. • Maintaining dwellings to relevant legal requirement. • Ensuing that the proposed HRA Budget is affordable within overall HRA resources.

Treasury Management

5.40. Treasury management involves the management of the Council's cash flows, borrowings and treasury investments, and the effective control of the risks associated with these activities.

5.41. Treasury Management shall be carried out by the Section 151 Officer in accordance with the CIPFA's Code of Practice on Treasury Management (2021), which requires that the Council has in place:

- an annual Treasury Management Strategy, which includes investment and borrowing strategies, a set of Prudential Indicators
- a policy for making Minimum Revenue Provision for the repayment of debt,
- these strategies must be consistent with and reflect the implications of the Council's Revenue Budget and Capital Programme proposals
- a Treasury Management Policy Statement, which sets out the policies and objectives of its treasury management arrangements
- Treasury Management Practices, which set out the way in which it will seek to achieve its treasury management policies and objectives
- a mid-year outturn Treasury Management Report to provide an update on treasury management activities, including any revisions to policies and/or strategies
- a year-end Treasury Management Report, and
- a nominated committee to keep under review its treasury management arrangements.

5.42. The Council's nominated committee for review of treasury management arrangements is the Governance and Audit Committee. Each year, the Section 151 Officer shall present to Governance and Audit Committee:

- the Treasury Management Policy Statement, Treasury Management Strategy, Minimum Revenue Provision Strategy and Annual Investment Strategy
- a year-end treasury management report; and
- the mid-year outturn Treasury Management Report,

all of which will be subsequently presented to and approved by full Council.

5.43. All Council money including the pension fund (excluding cash controlled by schools under delegated budgets) shall be under the control of the Section 151 Officer, who shall put appropriate arrangements in place to ensure that:

- Operational cash flows are managed effectively
- The Council has sufficient cash available to meet its financial obligations in full as they fall due
- External borrowing requirements are minimised, and that

- Any surplus cash is invested in a way that provides value for money whilst minimising the Council's exposure to financial risk.

5.44. All operational decisions on borrowing, investment or financing (except for schools under delegated budgets) shall be made by the Section 151 Officer or officers with delegated authority under the Scheme of Delegation.

5.45. **Summary of responsibilities in relation to treasury management:**

Role	Responsibility
Governance and Audit Committee	• Reviewing and approving treasury management arrangements.
Section 151 Officer	• Implementing and overseeing effective cash management processes • Presenting annually to Governance and Audit Committee on Treasury Management • Presenting annually to full Council on Treasury Management. • Controlling all Council money. • Making operational decisions in relation to borrowing, investment or financing which minimise external borrowing and do not expose the Council to unnecessary financial risk.
Officers with delegated authority under the Scheme of Delegation	• Making operational decisions in relation to borrowing, investment or financing.

Reserves

5.46. The Council is required to maintain a reserve balance so that it can respond to unpredictable financial pressures and plan its future spending commitments. The Section 151 Officer will maintain a reserves strategy to ensure that there are clear protocols for the establishment and use of reserves.

5.47. A general reserve is maintained to cover unforeseen strategic, operational and financial risks. Earmarked reserves are held for specific spending commitments and to cover identified future financial risks.

5.48. The creation of, or addition to, any reserve will be subject to the approval of the Executive on the recommendation of the Section 151 Officer. This approval will usually take place as part of the budget setting process. For each reserve established, the

purpose, usage (including the timeframe for usage) and basis of transactions will be clearly set out.

5.49. The withdrawal of funds from a reserve will require the approval of the Section 151 Officer and shall be applied for the purpose for which the reserve was established. In the case of balances held by schools, the relevant board of governors is responsible for giving authorisation.

5.50. The level and usage of reserves will also be reviewed by the Section 151 Officer at Budget during accounts closure.

5.51. The Section 151 Officer will develop and maintain a reserves strategy and advise on prudent levels of reserves and balances for the Council. In developing a reserve strategy, the Section 151 Officer will ensure that the level of reserves:

- is sufficient to ensure that the Council can comply with its statutory financial duties of setting a balanced Revenue Budget
- includes adequate levels of unallocated reserves to cover overspends and contingencies
- takes into account the known risks identified in the Medium-Term Financial Strategy; and
- is capable of covering the estimated financial risk of the Council, including contingent liabilities and insurance exposure risks.

5.52. The Section 151 Officer must report to the Council if there is, or is likely to be, unlawful expenditure or an unbalanced Budget. This would include situations where reserves have become seriously depleted, and it is forecast that the Council will not have the resources to meet its expenditure in a particular financial year.

5.53. The Section 151 Officer must also assess and report on the robustness of the Budget and adequacy of reserves under section 25 of the Local Government Finance Act 2003.

5.54. **Summary of responsibilities in relation to Reserves:**

Role	Responsibility
Executive	• Approving the creation of, or addition to, any reserve, on the recommendation of the Section 151 Officer.
Section 151 Officer	• Maintaining a Reserves Strategy and ensuring that there are clear protocols for the establishment and use of reserves. • Approving the removal of funds from any reserve.

	• Reviewing the level of reserves twice annually. • Advising on prudent levels of reserves and balances. • Reporting to the Council if there is, or is likely to be, unlawful expenditure or an unbalanced Budget. • Reporting on the robustness of the Budget and adequacy of reserves.

Fees, Charges and Concessions

5.55. The Council charges for a range of services. The introduction or significant variation (significant being a variation beyond inflationary increases) of any fee, of any fee, charge or concession, or removal of any subsidy must be approved by the Executive unless it is required by legislation or is in accordance with an approved policy or strategy.

5.56. The Section 151 Officer will keep fees and charges under periodic review and will refer any in-year revisions to the Executive for approval, as required. Budget Holders will be required to review fees and charges as part of the Budget-setting process each year and will be provided with guidance about the relevant assumptions and requirements that must be applied when undertaking this review. All proposed changes to fees and charges must be discussed and agreed with the Strategic Finance Manager prior to implementation.

5.57. Any changes to fees and charges will usually be implemented as part of the budget-setting process and a full list of current fees and charges will be published on the Council's website. The Section 151 Officer will update the Medium-Term Financial Strategy to reflect current assumptions applicable to future fees and charges income.

5.58. **Summary of responsibilities in relation to fees, charges and concessions:**

Role	Responsibility
Executive	• Approving the introduction of fees, charges and concessions • Approving any changes to existing fees, charges and concessions as part of the Budget-setting process each year.
Section 151 Officer	• Periodically reviewing fees, charges and concessions. • Providing guidance to budget holders on how to review fees and charges as part of annual budget-setting requirements. • Referring any proposed revisions to fees, charges and concessions to the Executive for approval, as required. • Including fees and charges assumptions in the Medium-Term Financial Strategy.
Budget Holders	• Reviewing fees and charges each financial year • Discussing the appropriateness of any proposed changes to fees and charges with the Strategic Finance Manager

6. CORPORATE GOVERNANCE, RISK MANAGEMENT AND INTERNAL CONTROLS

6.1. **This section sets out the Council's arrangements for the management of risk, and internal control (including Internal Audit).**

Corporate Governance

6.2. Corporate Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest, and accountable manner. It comprises the systems, processes, cultures, and values, by which the Council is directed and controlled and through which it accounts to and engages with the community.

6.3. Corporate Governance in public bodies can be defined as "the framework of accountability to users, stakeholders and the wider community, within which organisations take decisions and lead and control their functions to achieve their objectives". It can be further defined as including "robust systems and processes, effective leadership and high standards of behaviour, a culture based on openness and honesty and an external focus on the needs of service users and the public".

6.4. CIPFA and SOLACE have produced the Delivering Good Governance in Local Government guidance Delivering Good Governance in Local Government Framework 2016 | CIPFA which provides a framework for local authority governance and identifies the principles that should underpin governance at each local authority and offers a structured approach to assist individual authorities to achieve good governance and to assess the arrangements currently in place.

6.5. The framework consists of seven principles:

- behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
- ensuring openness and comprehensive stakeholder engagement
- defining outcomes in terms of sustainable economic, social and environmental benefits
- determining the interventions necessary to optimise the achievement of the intended outcomes
- developing the organisation's capacity, including the capability of its leadership and the individuals within it
- managing risk and performance through robust internal control and strong public financial management

- implementing good practices in transparency, reporting and audit to deliver effective accountability

6.6. The Council has adopted a Code of Corporate Governance which incorporates these principles and sets out the systems and processes, culture and values that form its governance framework.

6.7. The Council will review its governance arrangements on an annual basis to test its governance structures against the principles set out in the CIPFA / SOLACE guidance, and to assess how well the arrangements it has put in place are operating in practice.

6.8. The Council is required to publish an Annual Governance Statement that explains how the effectiveness of the framework of governance has been evaluated and where any weaknesses or areas of improvement have been identified.

6.9. The annual governance review process will involve staff from all Council functions and spending departments, as directed by the Section 151 Officer each year. The purpose of this annual governance review is ultimately to underpin preparation of the Annual Governance Statement but also to help Senior Management to assess the adequacy and effectiveness of the internal control, risk management and governance arrangements in place. Part of this review process will include an assessment of these Financial Regulations and levels of compliance with them.

6.10. **Summary of responsibilities in relation to corporate governance:**

Role	Responsibility
Governance and Audit Committee	• Providing independent assurance to the Council, and therefore the public, about the effectiveness of the Council's governance arrangements. • Oversight of the annual governance review process and approval of the Annual Governance Statement
Section 151 Officer / Monitoring Officer	• Maintaining adequate and effective corporate governance in accordance with the CIPFA / SOLACE Delivering Good Governance in Local Government guidance Delivering Good Governance in Local Government Framework 2016 | CIPFA and the Accounts and Audit Regulations 2015. • Establishing the annual process for carrying out an annual governance review and producing the Annual Governance Statement • Ensuring that any weaknesses identified by the annual governance review are addressed.
Head of Internal Audit	• Supporting constant development and improvement in corporate governance throughout the Council.

Role	Responsibility
	• Providing an independent, objective and evidence based annual assurance opinion on the effectiveness of the Council's internal control, risk management and corporate governance processes.
Chief Executive and Strategic Directors	• Informing the Head of Internal Audit of any suspected irregularities, impropriety, or areas of malpractice that are brought to their attention. • Ensuring compliance with these Financial Regulations and good governance generally. • Ensuring that officers are held accountable for compliance with these Financial Regulations.
Officers	• Understanding these Financial Regulations to ensure full and consistent compliance with them. • Participating as requested in the annual governance review

Achieving Best Value

6.11. To help deliver its ambitious goals and work towards becoming a self-sufficient council, and in accordance with Best Value principles, the Council has adopted a business-like mind-set, with a focus on developing and embedding commercial expertise and a culture that supports streamlined policies and procedures and seeks new business opportunities where these are consistent with the Council Plan and best value.

6.12. The duty of Best Value means the Council must have arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. It does this in practice by making every penny count, removing unnecessary bureaucracy, and drives the organisation forward by seeking out best practice and questioning established ways of doing things.

6.13. Achieving Best Value must be considered at all times when making decisions and delivering services, including:

- Embedding value for money into everything the Council does.
- Considering the whole life cost and risk impact of decision making, including assessment of the market and benefits realised.
- Improving service delivery by reducing costs and streamlining processes.
- Benchmarking costs and performance to ensure value for money.

- Maximising value for money.
- Making informed, evidenced-based decisions, using robust option appraisal techniques
- Seeking out best practice and challenging established ways of doing things
- Considering the environment.
- Maximising opportunities for income generation, inward investment and cost reduction.

6.14. **Summary of responsibilities in relation to achieving Best Value:**

Role	Responsibility
The Executive	• Acting in the best interests of the Council in implementing its policies and following its procedures • Making decisions transparently, enabling the Council to justify and account for all actions and decisions. • Taking reasonable action to provide for the security of the Council's resources under their control and for ensuring that the use of these resources is legal, properly authorised, and provides value for money.
Chief Executive and Strategic Directors	• Encouraging the best use of resources and value for money by working together to identify opportunities to improve economy, efficiency, and effectiveness. • Encouraging good practice and compliance in conducting the Council's financial affairs and in all aspects of decision making and service delivery.
Directors and Assistant Directors	• Identifying opportunities to improve the economy, efficiency, and effectiveness in the use of Council resources. • Demonstrating effective and compliant procurement, commissioning, and contract management. • Instilling a best value ethos when conducting financial appraisals of proposals and/or savings options, and in developing financial aspects of service delivery, business planning and risk management. • Using robust option appraisal techniques to evaluate and justify proposed decisions
Officers	• Creating a Best Value ethos in all aspects of service delivery.

Role	Responsibility
	• Ensuring that the Council demonstrates value for money across all activities. • Seeking out best practice and challenging established ways of doing things • Contributing to effective and compliant procurement, commissioning, and contract management. • Identifying and developing innovative ways to maximise income generation.

Internal Control

6.15. Internal control refers to the systems of control designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies and objectives.

6.16. The Section 151 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with the law and proper standards. They should ensure that the Council's funds are safeguarded and properly accounted for.

6.17. It is the responsibility of Strategic Directors / Assistant Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial and operational performance targets.

6.18. A system of robust but proportionate internal control is essential to ensure the economical, efficient, and effective use of the Council's resources and that our assets, interests and officers are appropriately safeguarded and transparent.

6.19. The Council faces a wide range of financial, administrative, and commercial risks, from both internal and external sources, that can threaten the achievement of its objectives. The system of internal control is in place to counter those risks.

6.20. **These Financial Regulations form a fundamental part of the Council's internal control system, and it is important that all officers and members understand and comply with them.**

6.21. **Summary of responsibilities in relation to internal control:**

Role	Responsibility
Full Council	• Taking overall ownership and responsibility for the Council's internal control (including anti-fraud), governance, and risk management arrangements.
Governance and Audit Committee	• Providing independent assurance to the Council, and therefore the public, about the effectiveness of the Council's internal control (including anti-fraud), risk management and governance arrangements.
Section 151 Officer	• Ensuring effective systems of internal control are implemented and to ensure compliance with the law and proper standards.
Internal Audit	• Developing, designing and implementing a programme of work which considers the key risks faced by the Council and the key features of its internal control environment, and assesses whether the arrangements put in place to mitigate identified risks are both adequately designed and properly adhered to in practice
Chief Executive and Strategic	• Implementing effective and efficient internal controls covering all aspects of the Council's activities. • Seeking the advice of the Section 151 Officer and/or the Head of Internal Audit where internal controls are identified to be weak, missing or have not been followed. • Engaging with the Internal Audit function during the annual planning process and throughout the year regarding assurance activity and the effectiveness of internal controls. • Ensuring that any improvements in internal controls as advised by the Section 151 Officer or Internal Audit are implemented within an appropriate timescale. • Promoting and encouraging effective diligence with regards the proper application of internal controls including the threat of fraud, theft or corruption against the Council. • Informing the Head of Internal Audit of any suspected breakdown in internal controls leading to irregularities, impropriety, or areas of malpractice.
Officers:	• At all times, exhibiting effective diligence with regards to the proper application of internal controls including the threat of fraud, theft or corruption against the Council.

Role	Responsibility

	• Notifying relevant Strategic Directors / Directors and/or the Head of Internal Audit of:
	  ○ concerns regarding any suspected breakdown in internal controls
	  ○ all concerns regarding suspected irregularities involving cash, stores, equipment, information or other resources or property of the Council
	  ○ suspected impropriety in the functions of the Council; and
	  ○ suspected malpractice in the completion, use or retention of records.
	• Adhering to the Council's Financial Regulations.

Risk Management

6.22. The Council is committed to the successful delivery of services and outcomes to our stakeholders as detailed in our Council Plan https://www.bradford.gov.uk/council-plan/council-plan/ and as such it is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Council. Effective risk management should include the proactive participation of all those associated with planning and delivering services, and should address financial, legal, and reputational risks as well as strategic and operational issues.

6.23. Inevitably, there will be threats to the delivery of services, concerns about what the future holds and operational issues that arise. The aim of managing these threats, concerns and issues (risks) is to ensure that they are identified, managed, and mitigated, therefore providing assurance that everything is being done to reduce any potential negative or adverse outcomes to acceptable levels.

6.24. It is not the Council's intention to be risk averse, and it is recognised that certain risks taken in pursuit of objectives will not always be capable of mitigation to the agreed, or indeed, acceptable levels. However, it is essential to understand and communicate such risks across the Council and to keep them under regular review.

6.25. **Considering risks is everyone's responsibility.**

6.26. **Summary of responsibilities in relation to risk management:**

Role	Responsibility
Section 151 Officer	• Preparing the Council's Risk Management Policy and procedures, and for promoting these throughout the Council. Report of the [Director] to the meeting of [Name of Committee] to be held on [Date] • Ensuring that all Council functions and service departments understand the Council's approach to risk management and are implementing the policies and processes as envisaged • Arranging training on risk management as required
Executive	• Overseeing the effective management of risk across the Council. • Approving the Risk Management Policy and Strategy. • Ensuring that risk is considered as part of decision-making processes. • Taking ownership of the Strategic Risk Register.
Chief Executive and Strategic Directors	• Leading in embedding a risk management culture within the Council. • Ensuring that adequate risk management controls are implemented, monitored and reviewed across the Council.
Directors and Assistant Directors	• Managing risk effectively within individual services, arising from the delivery of services, projects and programmes, and relating to partnerships and relationships.
Officers	• Being aware of, and considering, risks to the fulfilment of operational duties, and contributing to service risk management arrangements.

Internal Audit

6.27. Under the Accounts and Audit Regulations 2015, the Council is required to maintain an effective internal audit function which can evaluate the effectiveness of its risk management, internal control and governance processes, taking into account public sector internal auditing standards and guidance.

6.28. The Council's Internal Audit function provides an independent, objective assurance and consulting service designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined

approach to evaluate and improve the effectiveness of internal control, risk management and governance processes.

6.29. The Internal Audit function is undertaken under the independent leadership of the Head of Internal Audit in accordance with professional practices prescribed in the Global Internal Audit Standards UK Public Sector and in accordance with the Council's Internal Audit Charter Internal Audit Charter.

6.30. **Summary of responsibilities in relation to Internal Audit:**

Role	Responsibility
Section 151 Officer	• On behalf of the Council, maintaining an adequate and effective Internal Audit function in accordance with the Accounts and Audit Regulations 2015 and Global Internal Audit Standards UK Public Sector. • Reviewing the scope and coverage of Internal Audit's proposed work plan at the start of each financial year • Ensuring that the Internal Audit function has adequate resources in place to deliver the programme of work required • Putting in place arrangements to ensure that issues raised by Internal Audit are addressed within reasonable timescales.
Governance and Audit Committee	• Providing independent assurance to the Council, and therefore the public, about the effectiveness of the Council's Internal Audit function • Approving Internal Audit's annual work plan • Considering Internal Audit reports on individual work areas, and the annual Head of Internal Audit's Assurance Report
The Head of Internal Audit	• Delivering the Internal Audit function in accordance with the Internal Audit Charter and Global Internal Audit Standards UK Public Sector. • Delivering the planned programme of work once agreed • Ensuring the programme of work constantly reflects the risk profile of the Council and is therefore flexible in its coverage • Reporting promptly on the findings of internal audits • Following up any weaknesses identified as a result of internal audit activities • Producing the annual Head of Internal Audit's Assurance Report

Role	Responsibility
Chief Executive and Strategic Directors	• Engaging with the Internal Audit function during the annual planning process and throughout the year regarding assurance activity, to ensure that Internal Audit resources can be effectively and efficiently utilised. • Ensuring that the management actions agreed and contained within audit reports are implemented within an appropriate timescale. • Ensuring that the Internal Audit function can, in the pursuit of their duties: ○ access all Council premises or land; and ○ access all necessary records, documentation and correspondence, including those held on computers. • Requiring information and/or explanation from Council employees in relation to Internal Audit and requiring any Council employee to account for or produce cash, stores, or other assets under their control.
Officers	• Assisting Internal Audit staff as required in the delivery of their duties.

Anti-fraud Arrangements

6.31. Unfortunately, councils and the wider public sector are not immune to attempts of fraud, theft and corruption against them. Whilst the Council maintains a suite of anti-fraud policies and guidance, the most effective control against fraud is individual diligence and compliance with financial and other internal controls.

6.32. All Council employees are expected to have regard to fraud risk in whatever form it takes, and to alert management whenever a fraud risk is highlighted and/or a fraud is suspected.

6.33. The Council will investigate allegations of fraud, theft or corruption and take legal action in all cases where this is appropriate

6.34. The Council's anti-fraud arrangements seek to cover threats of fraud, theft, bribery, corruption and money laundering. The Council maintains the following policies to support these arrangements:

- Corporate Anti-Fraud Policy Counter Fraud Policy
- Confidential Reporting (Whistleblowing) Policy

- Employees Code of Conduct
- Corporate Anti-Bribery and Corruption Policy Anti-Bribery Policy
- Corporate Fraud Response Plan Counter Fraud Response Plan
- Counter Fraud Sanctions Policy Counter Fraud Sanctions Policy
- Corporate Anti-Money Laundering Policy N:\Corporate Investigations\Policy & Procedure\CF Framework\Current\CBMDC Anti - Money Laundering Policy FINAL - APR 2025.docx
- Corporate Fraud Strategy N:\Corporate Investigations\Policy & Procedure\CF Framework\Current\CBMDC Counter Fraud Strategy 2025 - 2027 FINAL 010425.docx

6.35. **Summary of responsibilities in relation to anti-fraud arrangements:**

Role	Responsibility
Full Council	• Taking overall ownership and responsibility for the Council's internal control (including anti-fraud), governance, and risk management arrangements.
Governance and Audit Committee	• Providing independent assurance to the Council and therefore the public about the effectiveness of the Council's internal control (including anti-fraud), risk management and governance arrangements.
Section 151 Officer	• Developing and maintaining the Council's anti-fraud policies. • Advising on effective anti-fraud arrangements to ensure compliance with the law and proper standards.
Chief Executive and Strategic Directors	• Implementing effective and efficient internal and anti-fraud controls covering all aspects of the Council's activities. • Seeking the advice of the Section 151 Officer and/or the Head of Internal Audit where anti-fraud arrangements are identified to be weak, missing or have not been followed. Promoting and encouraging effective diligence with regards to anti-fraud arrangements. • Informing the Head of Corporate Investigations of any suspected incidences of fraud, theft or corruption.
Corporate Investigations Team	• Undertaking appropriate and timely investigations relating to alleged fraud committed against the Council.

Role	Responsibility
Officers	• At all times exhibiting effective diligence with regards the proper application of anti-fraud arrangements. • Notifying the relevant Strategic Director / Director and/or the Head of Internal Audit of any suspected incidence of fraud, theft or corruption. • Adhere to the Council's anti-fraud policies.

7. ORDERS AND PAYMENTS

7.1. **This section sets out the Council's arrangements for making orders and payments, including income collection, payment mechanisms, debt collection, and banking arrangements.**

Income Collection

7.2. Like most organisations, the Council relies on income to function and support effective service delivery.

7.3. It is essential, therefore, that systems and procedures are in place to ensure that all income due to the Council is collected promptly, recorded accurately, held securely and banked properly.

7.4. The Section 151 Officer is responsible for agreeing arrangements for the collection of all income due to the Council and approval of the procedures, systems and documentation for its collection.

7.5. Income can be collected for a variety reasons, but usually falls under one of the following classifications:

- Fees and Charges for Goods/Services
- Grants
- Business Rates and Council Tax.

7.6. Income is generally collected in the following ways:

- Direct debit.
- Debit / Credit card
- Standing order, BACs, CHAPS, Faster Payments

- Open banking
- Cash and cheque

7.7. All income-related transactions must be carried out in full compliance with income procedures set by the Section 151 Officer.

7.8. Any income physically received must be banked promptly and intact and all income received must be acknowledged by the issue of an official receipt (physical or electronic). All receipts or other such items used for recording income transactions must be in a form approved by the Section 151 Officer.

7.9. No deduction may be made from monies received unless specifically authorised by the Section 151 Officer.

7.10. Arrangements for ordering, storing, and issuing 'controlled stationery' shall be subject to approval by the Section 151 Officer and in accordance with Regulation 4(3) and (4) of the Accounts and Audit Regulations 2015.

Debt Collection

7.11. Debt collection is undertaken by a dedicated core team. The methods of collection vary depending on the type of debt and the respective legislation by which it is governed. The Council also has in place consistent processes in place across each debt type to ensure timely collection.

7.12. Debts must be recovered in accordance with the Council's Corporate Debt Policy, which sets out the principles for maximising collection, and provides details of the approach the Council will take in seeking to recover all money due. In all cases, recovery will be reasonable, fair and appropriate given the nature of the debt:

Debt Write-Off

7.13. All debt write-offs must be authorised by the Section 151 Officer in writing in accordance with the Council's Write-Off Policy SS18 Write Off Policy v1.docx.

7.14. Debt write-off is only appropriate where:

- the demand or invoice has been raised correctly and is due and owing
- every cost-effective effort has been made to recover the debt, in the form of reminders, final notices and any other relevant recovery action undertaken
- there is a justified reason why the debt should not be pursued further; and
- the proposed write-off is in accordance with guidance set by the Section 151 Officer. SS18 Write Off Policy v1.docx

7.15. **Summary of responsibilities in relation to income and debt:**

Role	Responsibility
Section 151 Officer	• Ensuring that effective arrangements are in place for the collection of all income due to the Council. • Approving the underpinning procedures, systems, and documentation for income collection, including control, physical and electronic storage, receipts, tickets etc. • Setting and administering the process for writing-off irrecoverable debts and monitoring and reporting on levels of write-off. • Approving debt-write offs in line with Council requirements SS18 Write Off Policy v1.docx
Chief Executive and Strategic Directors	• Establishing and reviewing on an annual basis the fees and charges for goods and services and obtaining Executive approval to introduce new charges. • Ensure a sound business case is established to identify the basis of any proposed charge, including the legal authority to carry out the service and that all relevant financial, employment and legal aspects have been properly considered to avoid exposure to disproportionate risk. • Ensuring that arrangements are in place to ensure that all income due to the services under their responsibility is promptly identified, collected, receipted, and recorded, having regard to anti-money laundering guidance. • Ensure cash banking takes place at regular intervals and prior to cash holding insurance limits being exceeded. • Ensuring that the issuing of invoices and receipts is in strict compliance with the income procedures approved by the Section 151 Officer. • Ensuring that income is held securely to safeguard against loss or theft and ensuring the security of cash handling in a manner agreed with the Section 151 Officer. • Authorising the write-off of irrecoverable debts only in accordance with the processes set by the S151 Officer and within agreed levels of delegation.
Officers	• Following the procedures set by the Section 151 Officer in relation to income and debt collection, and debt write-off.

Contracts and Agreements

7.16. It is crucial that all contracts and agreements entered into by the Council are appropriately constructed, provide adequate protections for interested parties, and contain clearly defined contractual roles and responsibilities and outcomes.

7.17. All purchasing of goods and services must be in line with the Contract Standing Orders APPENDIX 3G Contract Standing Orders CLOSED 20DEC24.doc and any supplementary guidance issued by the Section 151 Officer.

Ordering and Purchasing Arrangements (Procure to Pay)

7.18. The Council operates a fully automated 'Procure to Pay' system. This means that the Council operates a system that is designed to support and control the entire lifecycle of a transaction i.e., from the way an item is ordered to the way that the final invoice is processed.

7.19. The Procure to Pay system offers the Council many benefits including enhanced control and visibility of transactions, financial commitments, and cash flow management.

7.20. Procure to Pay arrangements are determined by the Section 151 Officer. Procure to Pay Process.pptx

Procurement (Credit) Cards

7.21. Procurement cards may be provided to officers to help them increase purchasing efficiency, saving time and money. Used like a credit card, procurement cards are typically used to buy / pay for low value, ad hoc goods or services.

7.22. **Procurement cards must only be used for Council business.**

7.23. **Important: All officers issued with a procurement card must familiarise themselves with and understand the contents of the Council's Procurement Card Manual. Officers will be required to sign an 'acknowledgement of responsibilities' form to this effect.**

7.24. **Summary of responsibilities in relation to procurement cards:**

Role	Responsibility
Section 151 Officer	• Approving all arrangements with credit card companies or for procurement cards used by the Council. • Approving procedures and controls in respect of the issue and withdrawal of credit and procurement cards, their limits and their use.

Chief Executive and Strategic Directors	• Ensuring compliance with procedures and controls in respect of credit and procurement cards. • Carrying out periodic independent checks of transactions and reconciliation of the associated accounts. • Approving variations in individual card limits. • Approving merchant codes in relation to individual cards.
Heads of Service	• Complying with the Council's systems, procedures and controls relating to procurement cards. • Ensuring credit and procurement cards are not being used to circumvent the usual ordering / Procure to Pay processes. • Approve virtual (one off) card requests • Monitoring spending on credit or procurement cards.
Officers	• Complying with the Council's systems, procedures and controls relating to procurement cards.

Guidance Documents:

How to guides - Purchasing card.pdf
Lloyds Bank CCDM Approver User Guide vJuly2021.pdf
VAT Checklist.pdf

Salaries, Wages and Associated Matters

7.25. In order to properly discharge disbursements to employees and members, the Council must have in place sound arrangements for the payment of salaries, wages, and deductions, such as those relating to income tax, national insurance and pensions.

7.26. The payment of salaries and wages, and associated matters, are subject to the Council's HR policies Self Service Guidance - ESS

7.27. **Summary of responsibilities in relation to salaries, wages and associated matters:**

Role	Responsibility
Director of Human Resources	• Establishing policies and procedures relating to payroll and employee administration including absence management.

Role	Responsibility
	• Maintaining an accurate and up to date record of the Council's establishment.
Section 151 Officer	• Maintaining a corporate payroll system for recording all payroll data and generating payments to current and former employees and Members. • Ensuring that all payroll, remuneration and pension transactions are properly and accurately calculated and processed through the Council's payroll system, as are deductions such as those relating to income tax and National Insurance. • Effectively administering Statutory Pay Returns.

Strategic Directors	• Controlling resources and containing staff numbers within approved establishments and budget levels.
	
	• Ensuring that all payments made to staff are properly authorised and in compliance with the requirements set out in the Council's policies.
	
	• Ensuring that effective systems and procedures are operated, so that:
	  ○ payments are only made to bona fide employees
	  ○ payments are only made where there is a valid entitlement
	  ○ conditions and contracts of employment are correctly applied; and
	  ○ employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
	
	• Ensuring that all employee appointments, including those relating to temporary staff, are made in compliance with the Council's policies. Any variations to employment terms and conditions must be in accordance with arrangements approved by full Council
	
	• Ensuring that the Payroll and Pensions Team is notified within 5 working days of any new starters and leavers (including any associated information).
	
	• Ensuring all absence is reported promptly in accordance with the managing attendance policy.
	
	• Giving careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis.
	
	HM Revenue & Customs applies a strict definition for employee status, and in cases of doubt, appropriate advice should be sought.

Role	Responsibility
	• Providing timely notification of changes to circumstances to avoid any under / over payments. • Making variations to staff terms and conditions only in accordance with approval of full Council.
Officers	• Ensuring any timesheets, claims or overtime, etc. are made promptly, and completed correctly and accurately. • Notifying the Payroll and Pensions Team of any error, i.e., under or over payment of salary / overtime, etc. as soon as reasonably practicable. **NOTE – Payslips are supplied electronically via a secure portal.**

Taxation

7.28. There are a number of statutory and regulatory requirements with which the Council needs to comply in respect of taxation. This includes the submission of tax returns and ensuring that the Council pays over all the taxes that it is legally obliged to pay.

7.29. It also includes the pro-active management of the Council's tax affairs so that all available refunds / reliefs / rebates are claimed as appropriate. VAT Guide - Revised 2024.docx

7.30. **Summary of responsibilities in relation to taxation:**

Role	Responsibility
Section 151 Officer	• Ensuring that transactions comply with relevant statutory requirements. • Completing a monthly return of VAT inputs and outputs to HMRC, ensuring prompt recovery of sums due, and reconciliation of tax records to the main accounting system (SAP). • Completing all HMRC returns regarding Pay As You Earn (PAYE) • Making monthly Construction Industry Scheme returns to HMRC. • Managing the Council's partial exemption position. • Preparing and submitting Voluntary Disclosure Notices to HMRC and recovering of any revenues due.

Role	Responsibility
	• Providing advice, guidance and training on taxation issues. • Liaising with Council owned companies on taxation issues • Ensuring that specialist advice is sought (and followed) as necessary on complex issues
Officers	• Ensuring that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations. • Seeking advice on the potential tax implication of any new initiatives for the delivery of Council activity and services. • Ensuring that the taxation implications of proposed land and building acquisitions and sales are properly identified and considered at the planning stage. • Where construction and maintenance works are undertaken, ensuring that the contractor fulfils the necessary construction industry scheme deduction requirements.

Travel, Subsistence and Other Allowances

7.31. As part of its stewardship role, the Council is required to make proper arrangements for the reimbursement of expenses necessarily incurred in the undertaking of official and authorised duties performed by officers and members. Self Service Guidance - ESS

7.32. **Summary of responsibilities in relation to travel, subsistence and other allowances:**

Role	Responsibility
Section 151 Officer	• Arranging the payment of travel, subsistence, incidental expenses and allowances to which Members and Officers are entitled. • Ensuring that taxable allowances and benefits are accounted for, recorded and returned, where appropriate, to HMRC. • Supplying information for the publication of members' allowances and expenses.
Officers authorising travel,	• Ensuring that claims have been made promptly i.e., all mileage / travel claims are submitted within 3 months and on the appropriate electronic form.

Role	Responsibility
subsistence and other allowances	• Ensuring that the journeys being claimed for are appropriate and necessary before they occur. • Ensuring that the expenses claimed are necessarily incurred in the course of undertaking business for the Council, as well as being accurate and supported by receipts as necessary. • Ensuring that all expenses claimed are reviewed and authorised by the relevant line manager prior to payment.
All officers and members	• When completing claims: ○ Ensuring that they are promptly submitted via the Council's ESS System. Receipts where required must be retained to support the claim. ○ Ensuring that expenditure has actually and necessarily been incurred for the purpose of enabling the member or officer to perform their approved duties. ○ Ensuring member expenditure is consistent with the Members Allowance Scheme

Petty Cash and Use of Cash

7.33. The Council has a policy of **not** holding petty cash / imprest.

7.34. Petty cash is a small, authorised reserve of cash that is held at specific Council sites to support the purchase of low value items and small incidental costs.

7.35. It is however necessary in certain and limited operational circumstances for access to and the use cash to be required.

7.36. Specific arrangements for services to access and use cash must be agreed with the Section 151 Officer.

7.37. In principle, a formally designated officer will be charged with responsibility for the administration and safeguarding of the access to and use of cash.

7.38. **Summary of responsibilities in relation to the use of cash:**

Role	Responsibility
Section 151 Officer	• Advising on, making arrangements for, and keeping under review the Council's use of cash. • Determining any cash limits.
Chief Executive and Strategic Directors	• Ensuring arrangements for the access to and use of cash have been agreed by the Section 151 Officer and allocated to a named officer.
Designated Cash Officer	• Maintaining safe custody of any cash in their possession (although this will be in exceptional circumstances only). • Except by arrangement with the Section 151 Officer, ensuring that cash transactions are limited urgent operational needs. • Recording accessing cash and cash payments immediately and keeping adequate records in support of payments made (incl. receipts for expenditure). • Obtaining a signature or other evidence to support all cash transactions. • If requested by the Section 151 Officer or Head of Internal Audit, providing details of all cash transactions.
Officers	• Complying with the Council's systems, procedures and controls relating to the access to and use of cash. • Ensuring that the access to and use of cash is approved by an authorised manager and all receipts and evidence are kept for 6 financial years.

Banking Arrangements

7.39. Effective banking arrangements are vital in ensuring the proper management and security of the Council's finances. To support these arrangements, the Council has in place robust processes to ensure that all income is:

- receipted appropriately and accurately accounted for;
- held securely; and
- banked promptly.

7.40. **Important: All bank accounts held by the Council must be approved by the Section 151 Officer prior to being opened and registered in the name of the Council.**

7.41. **Summary of responsibilities in relation to banking arrangements:**

Role	Responsibility
Section 151 Officer	• Managing the operation of all the Council's bank accounts. • Ensuring that all payment methods have appropriate authorisations and approvals. • Ensuring that adequate controls are in place for the control of payment methods. • Nominating the bank account to be used to record all cash transactions. • Approving the opening of all the Council's new bank accounts and closing of old bank accounts. • Keeping a register of authorised bank signatories for internal control purposes. • Ensuring that regular reconciliations are carried out between all bank accounts and the financial records of the Council. • Ensuring that all transactions appearing on the Council's bank statements are checked as legitimate.
Chief Executive and Strategic Directors	• Ensuring that no bank accounts are opened in the name of the Council other than with the express written authority of the Section 151 Officer. • Reporting to the Section 151 Officer on the nature and state of any bank accounts for which they are responsible. • Ensuring that proper administration of any local cash or bank imprest accounts including record keeping, document retention, paying in income, reconciliation, and control. • Ensuring that cash banking takes place at regular intervals or prior to cash holding insurance limits being exceeded, whichever is sooner. • If unsure of cash holding limits, contacting the Council's Insurance Team.

Role	Responsibility
Officers	• Ensuring that appropriate banking procedures are followed and seeking advice from the Finance Team in relation to any banking queries / guidance.

Insurance

7.42. Through the delivery of its functions, the Council is exposed to a broad range of risks.

7.43. Appropriate insurance arrangements are, therefore, essential to ensure that the interests of the Council, its staff, and the people it serves, are adequately protected.

7.44. **Summary of responsibilities in relation to insurance:**

Role	Responsibility
Section 151 Officer	• Advising on, making arrangements for, and keeping under review the Council's insurance cover. • Specific responsibilities include: ○ annual review of the adequacy of the Council's insurance provision ○ provision of claims negotiation and settlement services ○ annual reporting on the Council's Insurance Fund; and ○ the offer of insurance services to maintained schools.
Chief Executive and Strategic Directors	• Promptly notifying the Section 151 Officer of: ○ all existing and new risks or assets requiring insurance and of any circumstances requiring alterations to existing cover (e.g., sale of assets, service amendments etc.); and ○ any loss, liability or damage that may lead to an insurance claim being made.
Officers	• Acting in compliance with the requirements imposed by the Council's Insurers as a condition of their policies.

Assets of the Council (including stocks and stores)

7.45. The effective management, protection and utilisation of Council assets are crucial to effective service delivery and the fulfilment of the Council's stewardship responsibilities.

7.46. Council assets include, but are not limited to, cash, land, buildings, stocks, stores, furniture, equipment, software, vehicles, plant, machinery, deeds, tickets, information, records, and keys.

7.47. These assets are collectively worth many millions of pounds and, therefore, must be safeguarded and used efficiently.

7.48. **Summary of responsibilities in relation to assets:**

Role	Responsibility
Section 151 Officer	• Approving all arrangements for the security, recording and accounting of assets. • Ensuring that all asset acquisitions and disposals, including the writing-off of stocks and stores items, are properly recorded and comply with the of the Scheme of Delegation.
Chief Executive and Strategic Directors	• Maintaining proper security at all times of all assets under their control. • Maintaining an up-to-date inventory of all assets under their control. • Notifying the Section 151 Officer of acquisitions and disposals so that accounting records can be updated. • Arranging for all stock inventories to be independently checked at least annually with any discrepancies investigated e.g., stock deficiencies. • Ensuring that surplus and/or obsolete stock is identified and disposed of at best prices as agreed with the Section 151 Officer. • Arranging for a certified statement of stocks and stores, as at 31st March each year, to be presented to the Section 151 Officer. • Arranging for a certified statement of fixed assets including acquisitions, revaluations, and disposals, as at 31st March each year, to be presented to the Section 151 Officer. • Note: Full Council approve the Council's Asset Management Plan as per article 4.1.2.1 of the Council's Constitution.
Officers	• Maintaining local inventories of all moveable assets.

Role	Responsibility
	• Ensuring that stocks and stores are properly recorded and that unnecessarily high levels do not accumulate. • Ensuring that cash holdings are kept to a minimum, within insurance limits and securely held, and if unsure of limits, contacting the Council's Insurance Team. • Ensuring the proper security and safe custody of assets and the reporting of any assets that are lost, stolen, or destroyed to the insurance team, facilities management, and Internal Audit as appropriate. • Complying with guidance issued by the Section 151 Officer on the asset disposal policy https://www.bradford.gov.uk/media/6933/disposal-policy-jan-2019.pdf • Seeking approval to write off deficiencies in any stocks, stores, or inventory items, subject to the limits set out in the Scheme of Delegation. • Ensuring that assets are used only in the course of the Council's business unless specific permission has been given otherwise. • Not making private or personal use of stocks and stores that are owned, controlled, or held by the Council. • Acting as appropriate to safeguard the assets of the Council.

ASSET DISPOSALS

Land and Property

7.49. Appropriate Officers must consult with the Strategic Director Corporate Resources before acquiring land or property by whatever means (including purchase, sale, lease, tenancy, licence or option). The Strategic Director Corporate Resources shall ensure compliance with all relevant current legislation, policies and protocols including the Asset Disposal Policy

7.50. Appropriate Officers must consult with the Strategic Director Corporate Resources before disposing of land or property by whatever means. All disposals of Council land or property must be carried out in accordance with the Land and Property Disposal Policy and, if appropriate, the Community Assets Transfer Policy.

7.51. The Strategic Director Corporate Resources shall be consulted on and will approve all asset disposals before contract exchange.

Other Assets

7.52. The Strategic Director Corporate Resources shall be consulted on and will approve all asset disposals before contract exchange.

Commissioning of IT systems, services or equipment

7.53. IT Services have adopted a number of principles for consideration when designing and deploying information systems across the council.

7.54. IT Services has published the Enterprise Architecture Principles which detail the reasons why it is important to thoroughly evaluate IT suppliers, solution designs, products and services prior to any deployment on the Council's infrastructure.

7.55. The principles must be used throughout a project's lifecycle from concept validation to procurement, design, development, and delivery. The principles are essential for planning and delivering future-proof IT in accordance with the Council's IT Strategy. CBMDC IT Strategy 2024-2027 Final.pdf

7.56. It is critical that all software, hardware or cloud-based services are procured with the full involvement of IT Services. Under no circumstances must a service procure any IT without the express approval of IT Services.

7.57. **Summary of responsibilities in relation to commissioning of IT systems, services and equipment:**

Role	Responsibility
Head of IT	• Approving any new software, hardware, or cloud services.
Officers	• Procuring software, hardware or cloud services only with the express approval of the Head of IT and in accordance with these Financial Regulations, the Contract Standing Orders and the Scheme of Delegation. • Fully engaging with IT Services via the relevant Business Relationship Manager when requiring changes to any IT systems or services.

8. EXTERNAL ARRANGEMENTS

8.1. **This section sets out the external arrangements into which the Council may enter and the governance arrangements for those external relationships. It also sets out the Council's role and responsibilities in relation to the West Yorkshire Pension Fund.**

Trading Activities

8.2. The Council carries out a number of trading activities that deliver a wide range of statutory and discretionary services to a diverse range of both internal and external customers.

8.3. These services have been developed to support the delivery of a sustainable Council through the stimulation of income streams into the Council.

8.4. **Summary of responsibilities in relation to trading activities:**

Role	Responsibility
Section 151 Officer	• Issuing guidance on the assessment of income generating opportunities and options. • Advising on and approving the financial implications of any proposed trading arrangements between the Council and third parties. • Advising on the establishment and operation of trading accounts to ensure that the accounting and control processes comply with Council and statutory requirements and that the results of trading operations are properly recorded and reported.
Legal Services / Monitoring Officer	• Advising on the legality of the proposal and appropriateness of the proposed vehicle to be used • subsidy control issues • appointments to the roles of director, shareholder representative, trustee or other position • and advice to officers in how to perform those roles and manage conflicts of interest
Strategic Directors	• Identifying potential opportunities to maximise income generation and evaluate the respective risks and financial benefits, in accordance with the guidance issued by Finance. • Obtaining the approval from the Section 151 Officer and the relevant Executive Member before proceeding. • Maintaining a register of contracts entered into.

Role	Responsibility
	• Complying with guidance issued by the Section 151 Officer in relation to the operation of trading accounts and the proper recording and reporting of trading results.

External Funding

8.5. The Council receives external funding from numerous sources for a multitude of purposes, with each external funding provider having their own specific funding conditions and requirements.

8.6. It is essential that the approval of the Section 151 Officer is secured before the Council enters into any such external funding bids or agreements. This is primarily to ensure that:

- any funding available is maximised and is compatible with, and supportive of, the aims and objectives of the Council; and
- the Council will be in a position to meet specific funder requirements, particularly where a resource contribution (i.e., match funding) from the Council will be required as part of the external funding agreement.
- Any ongoing revenue implications are considered and included in the appropriate budgets

8.7. **Summary of responsibilities in relation to external funding:**

Role	Responsibility
Section 151 Officer	• Ensuring that any match funding requirements are considered before entering into any agreement, that future Revenue Budgets reflect these requirements, and that any longer-term sustainability costs have been properly assessed. • Ensuring that all external funding is received and properly recorded in the Council's accounts and in the name of the Council. • Maintaining a central register of external funding and grant arrangements. • Ensuring that any grant funding which is conditional on specific actions being undertaken or specific timescales being achieved is clearly identified together with supporting evidence to confirm whether or not these conditions have been complied with and whether or not the grant funding is still in principle repayable, with guidance from Legal Services as necessary

Role	Responsibility
	• Ensuring that all audit requirements are met in relation to external funding.
Chief Executive, Strategic Directors and Directors	• Ensuring that the sustainability of funding is assessed for risk, any agreements entered into are consistent with and support the Council's service priorities, and that necessary approvals have been obtained for any external funding. • Ensuring that all claims for funds are made by the due date. • Ensuring that work is progressed in accordance with the project plan and that all expenditure is properly incurred and recorded.

Partnerships and Joint Working

8.8. Effective partnership/joint working is vital to the achievement of many of both the Council's and its partners' objectives. The broad definition of a partnership is:

'An agreement between two or more independent bodies to work collectively to achieve an objective".

8.9. **Summary of responsibilities in relation to partnerships and joint working:**

Role	Responsibility
Section 151 Officer	• Advising on the financing, accounting and control of partnership arrangements including: ○ appraisal of the financial viability of the Partnership ○ risk management arrangements ○ resourcing ○ taxation advice; and ○ audit, security, and control requirements.
Head of Legal Services	• In consultation with the Section 151 Officer, provide advice regarding the nature of any partnership any legal obligations it would create. • Advising on specific terms of engagement for any partnership covering matters such as any legal risks, arrangements for the termination of the partnership and data sharing.

Role	Responsibility
Chief Executive, Strategic Directors and Directors	• Ensuring that risk assessments have been carried out and that appropriate approvals have been obtained before entering into any partnership or joint working agreements. • Ensuring that partnership and joint working agreements and arrangements are properly documented. • Maintaining a register of partnerships and joint working arrangements. • Providing relevant financial information to the Section 151 Officer to enable proper accounting to take place. • Undertaking a periodic review of partnership and joint working arrangements utilising the partnership governance self-assessment tool. • Ensuring that appropriate mechanisms are in place to monitor and report on the performance of partnerships and joint working arrangements.

Council-Owned Companies

8.10. The Council has various statutory powers to enable it to set up a company or companies, which may take various forms. This section refers to Council-owned Companies but applies equally to any vehicle the Council may incorporate or otherwise establish under its statutory powers, both existing entities and those in which it may participate in the future.

8.11. Any Council-owned Company must be managed effectively, and the Council must ensure that any Council-owned Company delivers the objectives for which it was established. There must also be transparent and robust governance in place for any Council-owned Company so that the Council has effective and appropriate oversight of its activities.

8.12. Before setting up a Council-owned Company, the Council should take the following factors into consideration:

- the legal form the Council-owned Company will take
- a realistic assessment of all potential risks
- how relevant procurement legislation will apply, including the Teckal exemption
- how and when the Council-owned Company will be incorporated and registered

- the provisions of the Council-owned Company's articles of association
- how, and in what circumstances, the Council will exit the Council-owned Company in the future
- who the directors of the Council-owned Company will be, including how the Council will be represented on the board
- the shareholder arrangements for the Council-owned Company
- the reporting and monitoring arrangements for the Council-owned Company; and
- the business case and the business plan for the Council-owned Company, setting out its alignment with the Council's objectives, and the potential financial impact of the Council-owned Company (including the amount and timing of any financial support it will require).

8.13. Decisions and recommendations in relation to Council-owned Companies should be made by reference to the principles set out below:

Integrity and accountability

8.14. The Council should ensure that its Council-owned Company procedures operate in a way that protects the commercial interests of the Council-owned Company while ensuring that that the Council can carry out its functions as an investor, as a trustee of public funds and as a Council committed to due responsibility for the exercise of its functions. The Council should also ensure that Council-owned Companies are managed in a way that seeks to avoid and/or mitigate exposure to unnecessary financial risk or to unexpected financial outlays.

In addition:

- decisions should be based on complete and accurate consideration of Council-owned Company business plans or proposals
- the social and financial benefits and returns in relation to the Council-owned Company should be evaluated in line with the business plan
- the Overview and Scrutiny Committee(s) must be able to exercise their powers in relation to decision making in respect of Council-owned Companies; and
- any requests for additional funding should be subject to the Council's usual authorisation requirements as set out in the Scheme of Delegation and the Financial Regulations.

Controls and freedoms

8.15. A Council-owned Company needs to have sufficient freedom that it can achieve its objectives. However, this needs to be balanced against the need for the Council to retain sufficient control to ensure that:

- its investment is protected
- appropriate social and financial returns on investment can be achieved in line with the Council-owned Company's business case and business plan
- activities of the Council-owned Company are conducted in line with the values of the Council; and
- activities undertaken by the Council-owned Company do not expose the Council to financial risk.

Councillors

8.16. Councillors have an important role to play in the governance of Council-owned Companies. The Council should ensure that Councillors are provided with sufficient training (at induction, and on an ongoing basis) so that they understand their role in relation to Council-owned Company governance.

8.17. Councillors should be mindful of:

- their legal duties
- stewardship of assets
- the provisions of a Council-owned Company's governing documents
- the external environment; and
- the structure of the Council and how Council-owned Companies fit within it.

8.18. Councillors should consider these issues in their various roles, including as Members of the Council, Executive Members, Overview and Scrutiny Committee members / chairs, members of the Shareholder Committee, and as directors of a Council-owned Company board (as appropriate).

Officers

8.19. Officers should also be aware of Council-owned Company governance and should ensure that it is complied with effectively and that the Lawyers in Local Government Code of Practice and the CIPFA local authority owned companies good practice guide are followed. The Section 151 Officer will provide monthly financial report packs including cash flow and P&L forecasts to the Senior Leadership Team for their review.

8.20. Where Officers are appointed as Board members of a Council-owned Company, they should be made aware of the potential for conflicts of interest and how this can be

avoided. Before accepting any Board member appointments, Council Officers should ensure that they have:

- appropriate levels of relevant expertise and experience
- sufficient time capacity to undertake the role effectively
- sufficient knowledge and understanding of the content of the Financial Regulations to enable them to perform the role in line with the governance principles they contain; and
- sufficient authority to make decisions on the Council's behalf.

Decision-making

8.21. Roles and responsibilities of all parties connected with a Council-owned Company need to be clearly defined, and clear decision-making processes should be put in place.

8.22. The creation of any new Council-owned Company (including a subsidiary of an existing Council-owned Company), or a significant change in the purpose of an existing Council-owned Company is a Key Decision and will require a business case. The relevant Executive member will be consulted on the development of the business case, which must be approved in accordance with the executive decision-making provisions in this Constitution.

8.23. The Council is the shareholder (i.e., the owner) of each Council-owned Company. The Shareholder can appoint a representative (usually the Chief Executive or a Strategic Director) to attend general meetings of Council-owned Companies. The Council's representative may vote on behalf of the Council (as Shareholder) at any meeting of the Council-owned Company board, based on a direction of the Shareholder Committee.

8.24. The Council has a Shareholder Committee that receives reports in relation to Council-owned Companies and the Shareholder Representative for any Council-owned Company will report to this Committee. It is also the primary decision-making body in relation to Council-owned Companies on behalf of the Council.

8.25. Reserved matters (i.e., matters reserved for decision by the Council) are approved by the Shareholder or Shareholder Committee or referred to Executive or the Leader (as appropriate). Reserved matters should be recorded in a Council-owned Company's articles of association or shareholder agreement.

8.26. Decisions on reserved matters follow the Council's executive decision-making processes. The process for approving and recording decisions relating to reserved matters should be defined in the relevant shareholder agreement and should be consistent across all Council-owned Companies as far as possible.

8.27. Decisions on reserved matters relating to companies in which the Council has an interest but is not the sole shareholder, will be taken in the same manner as for wholly owned Council-owned Companies. Where the Council is not the sole shareholder of a company, a decision in relation to that company is subject to the consent of its other shareholders and shall be governed in accordance with the provisions of the relevant shareholder agreement.

The board

8.28. Each Council-owned Company will be governed by a formally constituted board which is tasked with delivering the shareholder's objectives and keeping the shareholder informed about strategic and key operational matters.

8.29. The appointment and dismissal of Council-owned Company directors (including non-executive directors) is a reserved matter for the shareholder(s). Directors are responsible for the management of the business of the Council-owned Company, except reserved matters.

8.30. The Council must ensure that the directors appointed to the board have appropriate knowledge and expertise, including specialist knowledge where required. Directors should be provided with appropriate training before taking up their posts, and on an ongoing basis, and should be made aware of their personal risk in acting as a director. Training should cover:

- the requirements of the Shareholder(s) and the relevant company documents and policies
- the requirement for Directors to make an annual statement of compliance and assurance against an original list of documents (updated as required)
- the expected time commitment per annum and fees if applicable (non-executive directors)
- the code of conduct, confidentiality and data usage for Directors
- a declaration of other interests at appointment and through the register of interests and at meetings of the Board; and
- the duties of Directors, reminding them to act in the best interests of the company.

8.31. Board meetings should be held at regular intervals to ensure that the Council-owned Company is run effectively.

8.32. To avoid excessive churn of directors, consideration should be given to whether non-executive Directors will be remunerated and/or asked to commit to a minimum term.

Scrutiny

8.33. The Overview and Scrutiny Committee(s) are responsible for scrutiny of decisions made in relation to Council-owned Companies and can make recommendations to Executive on Council-owned Company-related matters. Decisions relating to Council-owned Companies are subject to the Call-in processes outlined in Part 1 Section 6 of the constitution.

8.34. Overview and Scrutiny Committees can invite Council-owned Company representatives to attend meetings to provide information to support the scrutiny of Executive. This does not extend to scrutiny of the Council-owned Company and its performance.

Conflicts of Interest

8.35. A Council-owned Company's conflicts of interest policy must:

- provide a definition of conflicts of interest
- state the Council-owned Company's commitment to addressing the issue of conflicts of interest
- define the nature of conflicts of interest risk in the Council-owned Company and set out clearly the actions or behaviours that individuals are expected to follow, or avoid
- set out staff and directors' obligations in relation to the conflicts of interest policy
- set out guidance for identifying conflicts of interest that may arise and arrangements for reporting them
- set out a process for managing conflicts of interest, including responsibilities for decision-making and the decision-making criteria
- establish a mechanism for recording interests that can commonly give rise to a conflict; and
- set out the consequences of non-compliance with the policy, e.g., disciplinary action.

Client-side management

8.36. Where a Council-owned Company delivers services to the Council, the shareholder relationship will be insufficient to oversee the day-to-day activities of the Council-owned Company and there should be client-side arrangements in place to manage that relationship. This should include mechanisms for:

- monitoring of contract(s) between the Council and the Council-owned Company

- service level agreements setting out the services to be delivered, applicable KPIs, other performance measures, and performance management arrangements; and

- memoranda of understanding between the Council and the Council-owned Company setting out the respective responsibilities and obligations of each party.

Access to information

8.37. Decisions on reserved matters are made by Executive or the Leader and are covered by the Access to Information Procedure Rules. FOI and EIR Policy.pdf

8.38. Documentation relating to a Council-owned Company (see below), and details of the individuals who sit on the board and the company's shareholders are accessible by Councillors and members of the public, unless it contains exempt or confidential information.

Documentation

8.39. Each Council-owned Company must maintain a strong controls framework with adequate financial records which meet appropriate company standards. Each Council-owned Company should have the documents set out below:

- business case assessing the risks and benefits involved in the creation of the Council-owned Company

- articles of association setting out the Council-owned Company's constitution

- shareholder agreement setting out the rights of the shareholder(s) and how those rights can be exercised

- funding agreement setting out what financial assistance is to be provided by the Council to the Council-owned Company and on what terms

- business plan which should be forward looking and set out what the Council-owned Company will do, and the objectives of the business and how they are to be achieved; and

- shareholder annual report which should look back to provide a review of progress against the one-year business plan.

Reporting

8.40. Each Council-owned Company should provide, as a minimum, the following reports to the Council:

- general meeting agenda and summary or meeting discussions and decisions

- monthly performance reports

- monthly management accounts; and

- year-end financial statements.

8.41. The Council has a responsibility to maintain a watching brief over a Council-owned Company's activities to ensure that they are in line with the business plan and the company's objectives.

8.42. The Section 151 Officer should liaise with limited company external auditors to ensure that:

- year-end accounts are produced in line with the Council's statutory reporting requirements and the timetables produced by Council to support year-end close
- year-end accounts are produced in a format which is consistent with the Council's own financial reporting framework, for the purposes of consolidation and review; and
- transactions and balances between the Company and the Council are clearly identified.

Changing the nature of a Council-owned Company

8.43. The board of a Council-owned Company must gain the approval of the Council before making pursuing any an opportunity to diversify or grow in a way that changes its scope and is not in accordance with its mandate. Such changes could include:

- change of use / scope
- change in investment / returns / yield
- change to company constitution
- change to risk profile
- change of ownership or share of ownership
- sale or divestment; and/or
- wind-up.

8.44. Such opportunities should be considered on their own merit and will require a business case. The Board should consider any impact on existing governance arrangements and set this out for the Council following a process set by the Council.

8.45. The Council-owned Company's purpose must remain aligned with the Council's overall strategy. Where this is not the case, the company may require a constitutional change to realign objectives and, where this is not possible, consideration must be made as to its future.

Reviewing Council-owned Company arrangements

8.46. Council-owned Company arrangements should be kept under regular review by the Council to ensure that they are operating effectively and remain fit for purpose. The Shareholder Committee should report to full Council quarterly on the activities being carried out by Council-owned Companies and how these activities are meeting the Council's objectives.

West Yorkshire Pension Fund

8.47. The Council is the administering authority for the West Yorkshire Pension Fund (WYPF), which is part of the Local Government Pension Scheme. The WYPF covers the following geographical areas:

- West Yorkshire District Councils of Bradford
- Calderdale
- Kirklees
- Leeds, and
- Wakefield.

8.48. Legal and strategic responsibility for the WYPF is delegated to the Governance and Audit Committee. The WYPF is required to produce and annually review a Governance Compliance Statement. **https://www.wypf.org.uk/media/ksnevyut/governance-compliance-statement.pdf**

8.49. The Council has established a body to assist and support the Governance and Audit Committee in overseeing the WYPF:

- the West Yorkshire Pension Fund Advisory Panel

8.50. Day-to-day responsibility for management of the WYPF is delegated to the Managing Director – West Yorkshire Pension Fund. The Section 151 Officer is responsible for signing the WYPF's year-end accounts.

8.51. **Summary of responsibilities in relation to the WYPF:**

Role	Responsibility
Governance and Audit Committee	• Legal and strategic responsibility for the WYPF. • Approving WYPF's statement of accounts and related documents.

Role	Responsibility
	• Receiving matters of a financial nature that the WYPF's external auditors request be considered by a member body, including any that may concern the Council's governance arrangements. • Considering the effectiveness of the WYPF's risk management arrangements, control environment and associated anti-fraud and anti-corruption arrangements. • Seeking assurances that action is being taken on risk-related issues determined by the WYPF's auditors and other inspectors. • Reviewing the WYPF's financial statements, external auditors' opinion and reports to members and monitoring management actions in response to issues raised by external auditors. • Discharging the functions contained in Part H of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (functions relating to local government pensions) and Part 1, paragraph 48 (Maladministration Payments) including those relating to the WYPF Advisory Panel. • Reviewing summary internal audit reports for the WYPF and seeking assurance that actions has been taken where required. • Considering the reports of the WYPF's external auditors and other inspection agencies. • Receiving minutes of WYPF Advisory Panel and the WYPF Pension Board meetings. • Overruling any decision of the WYPF Advisory Panel if it is not in the best interests of the WYPF.
Section 151 Officer	• Senior Officer with responsibility for signing WYPF's year-end accounts
Managing Director of WYPF	• Managing the WYPF on a day-to-day basis. • Supplying the Governance and Audit Committee, WYPF Advisory Panel and Pension Board with sufficient information to enable it to undertake the tasks assigned to it.
WYPF Advisory Panel	• Scrutiny and oversight of WYPF activities in line with the requirements of the Pensions Act 2013 and the LGPS Scheme Advisory Board (on behalf of MHCLG). • Ensuring the effective and efficient governance and administration of the WYPF in accordance with applicable legislation.

Role	Responsibility
	• Overseeing and monitoring management of the WYPF's investment portfolio and investment activity. • Formulating the WYPF's investment policy., ensuring that WYPF monies are invested to the greatest advantage. • Reviewing the WYPF's overall investment portfolio and making adjustments as required. • Monitoring the progress of all existing investments. • Ensuring that Panel member personal interests, moral or political views do not influence investment decisions. • Submitting minutes of its meetings to the Governance and Audit Committee and Pension Board. • Overseeing and monitoring the WYPF's pensions administration function including the Shared Service arrangements. • Reviewing and responding to proposed changes to the Local Government Pension Scheme. • Approving the budget estimates for WYPF's pensions administration and investment management functions. • Receiving the WYPF's annual report and accounts.

PART 3G Contract Standing Orders 2024/25

Definitions

- ‘Appropriate Officer’ is the Chief Executive, Strategic Directors, Director, the Chief Financial Officer (S151 Officer) or any other Officer designated by resolution of the Executive.

- ‘Authorised Officer’ is any Officer permitted by an Appropriate Officer to authorise orders and Contracts as per CSO 2.6.

- ‘Below Threshold Contract Details Notice’ means the notice that must be published as soon as reasonably practicable in the Central Digital Platform after entering into a Regulated Below Threshold Contract in accordance with Section 87 of the Procurement Act.

- ‘Below Threshold Tender Notice’ means the notice that must be published in the Central Digital Platform if advertising for the purpose of inviting Tenders for Regulated Below Threshold Contracts in accordance with Section 87 of the Procurement Act.

- ‘Best Value’ is the optimum combination of whole life costs, quality and benefits, including economic, environmental and social value to meet the customer’s requirement.

- ‘Bradford District’ is the geographical area administered by the Council.

- ‘Call Off Contract’ is a separate Contract awarded under an existing Framework or DPS that creates a binding Contract.

- ‘Central Digital Platform’ means the system whereby notices, documents and other information required to be published under the Procurement Act is to be made available.

- ‘Centralised Procurement Authority’ means a Contracting Authority that is in the business of carrying out procurement for and on behalf of, or for the purpose of the supply of goods, services or works, to other Contracting Authorities.

- ‘Competitive Flexible Procedure’ means any other Competitive Tendering Procedure which the Council considers appropriate for the purpose of awarding Contracts in accordance with Section 20 of the Procurement Act.

- ‘Competitive Tendering Procedure’ means either the Open Procedure or the Competitive Flexible Procedure as defined in Section 20 of the Procurement Act.

- ‘Concession Contract’ means Contracts for pecuniary interest, where (i) at least part of the consideration for that supply is a right for the supplier to exploit the works or services; and (ii) under the Contract the Supplier is exposed to real operating risk as defined in Section 8 of the Procurement Act.

- ‘Conditions of Participation’ means the conditions that a Supplier must satisfy for the Supplier to be eligible to be awarded the Contract as described in Section 19 of the Procurement Act.

- ‘Contract’ means a formal agreement between the Council and any Supplier for the execution of works, supply of goods or services for pecuniary interest. For the purposes of these CSO’s the definition of “Contract” does not include employment and property Contracts or Grant agreements.

- ‘Contract Award Notice’ means a notice published in the Central Digital Platform in accordance with Section 50 of the Procurement Act.

- ‘Contract Change Notice’ means a notice published in the Central Digital Platform before a Contract is modified in accordance with Section 75 of the Procurement Act.

- ‘Contract Details Notice’ means a notice published in the Central Digital Platform to signal that a Contract has been entered into in accordance with Section 53 of the Procurement Act.

- ‘Contract Termination Notice’ means a notice published on the Central Digital Platform in accordance with Section 80 of the Procurement Act.

- ‘Contract Value’ is, for works, goods or services the total monetary value over the full duration, including any extension options (not the annual value). For Concession Contracts, or other Contracts with low, or nil cost to the Council the total pecuniary value must be considered.

- ‘Contracting Authority’ mean the State, regional or local authorities, bodies governed by public law, associations formed by one or several of such authorities or several of such bodies governed by public law.

- ‘Contracts and Grants Register’ the Council’s database of all Contracts, commissioned activity, purchase orders, Frameworks, and other legally enforceable agreements with a value of £5,000 and above and grants of any value.

- ‘Controlled Entities’ a subsidiary company of the Council where the Council exercises control similar to that over its own departments, the subsidiary carries out at least 80% of its activity for the Council and there is no direct participation of private capital. See Schedule 2(2) of the Procurement Act for further information.

- ‘Convertible Contract’ means a Contract that, as a result of the value of a modification, will take the value of the Contract over the relevant Threshold, such that the contract will become a public contract.

- ‘Corporate Contract’ is an agreement procured in consultation with and for the benefit of more than one Council department. More details can be found on Bradnet.

- ‘Council’ means the City of Bradford Metropolitan District Council.

- ‘CSO’s’ means these Contract Standing Orders (CSO’s) as may be amended from time to time.

- ‘CSO Form’ means the relevant form available on Bradnet to be completed in relation to the proposed procurement activity.

- ‘DPS or Dynamic Purchasing System’ is an electronic procurement process under the PCR for commonly used purchases that are generally available and is open throughout the Contract period to any new Supplier that meets the selection criteria.

- ‘Dynamic Market’ means a list of qualified Suppliers who have met the conditions of membership of the dynamic market who are eligible to participate in future procurements.

- ‘Dynamic Market Notice’ means a notice published in the Central Digital Platform in accordance with Section 39 of the Procurement Act.

- Electronic Auction’ is a procurement process provided for in Regulation 18(3) of the Procurement Regulations whereby suppliers who have submitted admissible tenders can revise their original prices or values during the period of the auction.

- ‘Exempted Contract’ means a Contract falling within Schedule 2 of the Procurement Act or the relevant provisions of the Procurement Regulations (as applicable).

- ‘Framework’ means a contract between a Contracting Authority and one or more Suppliers that provides for the future award of Call Off Contracts by a Contracting Authority to the Supplier or Suppliers as provided for in Sections 45 – 49 of the Procurement Act.

- ‘Grant’ for the purposes of these Contracts Standing Orders means a formal agreement giving financial assistance, generally outside the scope of VAT, to an individual or organisation to assist in meeting its general purpose or objectives but where the specific supply of goods, works or services is not required in return. Repayment of funds can generally only be required by the funder when those funds are misspent or unspent. There should be award criteria, performance targets and conditions on how the money is spent and Officers should monitor these in accordance with the terms of the grant agreement.

- ‘Light Touch Contract’ means a contract wholly or mainly for the supply of services of a kind specified in Regulation 42 of the Regulations, namely certain health, education and other public services.

- ‘Local Supplier’ is any Supplier that provides works, goods or services from a location within the Bradford District or where a substantial number of any employees working directly on the Contract are resident in the Bradford District.

- ‘National Procurement Policy Statement’ means the statutory statement set by the Cabinet Office of the Government to communicate the wider policy objectives to which it expects public procurement to contribute as may be amended from time to time.

- ‘Notifiable Below Threshold Contract’ means a Regulated Below Threshold Contract with an estimated value of not less than £30,000.

- ‘Officer’ means employee(s) of the Council.

- ‘Open Framework’ means a scheme of Frameworks that provides for the award of successive Frameworks on substantially the same terms as defined in Section 49 of the Procurement Act.

- ‘Open Procedure’ means a single stage Competitive Tendering Procedure as provided for under Section 20 of the Procurement Act.

- ‘Pipeline Notice’ means a notice that must be published in the Central Digital Platform in accordance with Section 93 of the Procurement Act.

- ‘Planned Procurement Notice’ means a notice that may be published in the Central Digital Platform to inform the market that the Council intends to publish a Tender Notice in accordance with Section 15 of the Procurement Act.

- ‘Preliminary Market Engagement Notice’ means a notice published in the Central Digital Platform to inform the market that a pre-market engagement exercise will be undertaken in accordance with Section 17 of the Procurement Act.

- ‘Procurement Act’ means the Procurement Act 2023 which comes into force on 24 February 2025 (or such later date as may be specified in secondary legislation).

- ‘Procurement Panel’ means a panel of Officers which acts as a gateway to ensure compliance with these CSOs, the Procurement Act and the Procurement Regulations or Provider Selection Regime as appropriate for all proposed procurements, exceptions to competition and contract variations of £30,000 and above and that there is an approved budget in place for such proposals, prior to making a recommendation to the Chief Financial Officer to proceed.

- ‘Procurement Regulations’ means the Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Utilities Contracts Regulations 2016 (as applicable) and any subsequent statutory amendment or re-enactment, or subordinate legislation that may be in place from time to time.

- ‘Procurement Termination Notice’ means a notice to be published in the Central Digital Platform after publication of a Tender Notice or Transparency Notice where the Council has decided not to award a Contract and to terminate the procurement.

- ‘Provider Selection Regime’ means the Health Care Services (Provider Selection Regime) Regulations 2023 as may be amended from time to time.

- ‘Public Service Mutual’ an organisation that (i) operates for the purpose of delivering public services and mainly for the purposes of delivering one or more reservable light touch services (ii) is run on a not-for-profit basis or provides for the distribution of profits only to members; and (iii) is under the management and control of its employees.

- ‘Regulated Below Threshold Contract’ means a Contract (but does not include Exempted Contracts, Concession Contracts or Utilities Contracts), that has an estimated Contract Value of less than the applicable Procurement Threshold as more particularly described in Part 6 of the Procurement Act.

- ‘Regulations’ means the Procurement Regulations 2024 as may be amended from time to time.

- ‘Qualifying Public Service Mutual’ means a Public Service Mutual that has not entered into a comparable Contract during the period of 3 years ending with the day on which the previous Contract is awarded as described in Section 33 of the Procurement Act.

- ‘Quotation’ a formal written offer to execute works, or provide services or goods at a stated price.

- ‘Spending Panel’ means a panel of Officers which acts as a gateway to ensure Council expenditure of £500 and above is value for money, prior to making a recommendation to the Chief Financial Officer to proceed.

- ‘Supplier’ an individual or organisation that Contracts with the Council to provide works, goods or services.

- ‘Supported Employment Provider’ means an organisation that operates wholly or partly for the purpose of providing employment, or employment-related support to disabled or disadvantaged individuals as described in Section 32 of the Procurement Act.

- ‘Technical Guidance’ means the Technical Guidance to the Procurement Act as published by the Government Commercial Function which can be found at – https://www.gov.uk/government/collections/procurement-act-2023-guidance-documents.

- ‘Tender’ a formal written offer to execute works, or provide services or goods at a stated price.

- ‘Tender Notice’ means a notice published in the Central Digital Platform in accordance with Section 21 of the Procurement Act to advertise and commence a Competitive Tendering Procedure.

- ‘Threshold(s)’ are the financial threshold (inclusive of VAT) at which the Procurement Regulations or Procurement Act apply. As of 1st January 2024 these are:

    - Works - £5,372,609
    - Goods - £214,904
    - Services - £214,904
    - Light Touch Contracts - £663,540.
    - Concession Contracts and Utilities Contracts (works)- £5,372,609
    - Utilities Contracts (supplies and services) - £429,809

- ‘Transitional Regulations’ means the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024).

- ‘Transparency Notice’ means a notice published in the Central Digital Platform in accordance with Section 44 of the Procurement Act before directly awarding a Contract under Section 41 or Section 43 of the Procurement Act.

- ‘Utilities Contracts’ means a Contract for the supply of goods, services or works wholly or mainly for the purpose of utility activity.

- ‘Variation’ is a change made to a Contract in compliance with the Procurement Regulations or Procurement Act (as applicable) and these CSO’s.

- ‘Whole Life-Cycle Costs’ is an estimate of the total costs of works, goods or services over their life. It is a combination of the purchase price, implementation and operating costs, procurement and Contract management costs, disposal costs less any residual value.

1 Introduction

1.1 The purpose of Contract Standing Orders (CSO’s) is to set clear rules by which the Council spends money on works, goods and services. The rules apply to any Contract entered into by the Council. The procurement process covers the full life cycle of activities starting with the identification of need, through to evaluation, purchasing and contract management. Procurement activity can range from purchasing day to day commodities to purchasing key strategic items such as large capital assets, or commissioning a service or buying an entire service.

1.2 Public procurement must be undertaken in accordance with principles enshrined in Procurement Regulations or Procurement Act (as applicable). Unless a direct award justification applies in accordance with Section 41 of the Act, the Council must always act to promote competition and to ensure that each procurement is conducted as an open, transparent and fair competition. The Council must avoid practices which may restrict or distort competition.

1.3 All values quoted in these CSO’s are inclusive of Value Added Tax (VAT). Please refer to Bradnet for further details.

1.4 Any dispute or difference as to the interpretation of these CSO’s shall be resolved by the Director of Legal and Governance.

1.5 The Chief Financial Officer shall undertake a formal review of these CSO’s on an annual basis which will be reported to the Governance and Audit Committee.

Procurement Legislation

1.6 Throughout these CSO’s references are primarily made to the Procurement Act, which will apply to procurements commenced on/after 24 February 2025 (or such later date as may be specified in secondary legislation). Procurements commenced (and Contracts awarded) before this date will need to be in accordance with the Procurement Regulations and Transitional Regulations as applicable. Where there is any doubt as to the applicable procurement regime for a Contract, Officers must seek advice from the Head of Procurement as appropriate.

1.7 Officers must familiarise themselves with and comply with these CSO’s and any other policies, guidance, Technical Guidance and relevant legislation including (but not limited to) the Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Utilities Contracts Regulations 2016, Health Care Services (Provider Selection

Regime) Regulations 2023, Procurement Act 2023 (Commencement No.3 and Transitional and Saving Provisions) Regulations 2024 where appropriate.

1.8 These Contract Standing Orders apply to West Yorkshire Pension Fund (WYPF) to the extent necessary to ensure compliance with the law.

2 Compliance with CSO's

2.1 Failure to comply with these CSO's can result in disciplinary action against the Officers concerned.

2.2 All Appropriate Officers are responsible for ensuring compliance by their staff and shall report all breaches of these CSO's to the Chief Financial Officer and complete a CSO Form which is available on Bradnet. All instances of non-compliance will be recorded by Procurement Services and be reported to Strategic Directors on a quarterly basis.

2.3 Every Contract made by or on behalf of the Council for works, goods and services and all Council employees engaged to act in any capacity to manage or supervise a Contract must comply with (as applicable);-

a) Procurement Act (and, where applicable the Regulations)
b) Procurement Regulations
c) Provider Selection Regime where the Contract concerns health care services
d) All relevant statutory provisions including the competition law and public services legislation (e.g. Public Services (Social Value) Act 2012, Care Act 2014)
e) The Council's Constitution including these CSO's, the Council's Financial Regulations and the Council's Procurement Policies
f) The Council's strategic objectives and policies

2.4 All Council Officers and organisations engaged on the Council's behalf shall ensure that all procurement activity is undertaken with regard to high standards of probity and in a manner which avoids any conflicts of interest and shall have regard to the duty to identify conflicts under Section 81 of the Procurement Act, the duty to mitigate conflicts under Section 82 of the Act and the duty to prepare a conflicts assessment under Section 83 of the Procurement Act. The Council's Employee Code of Conduct must be followed at all times. Similarly, Members shall ensure that the Members' Code of Conduct is followed at all times and that all procurement activity which is undertaken has regard to high standards of probity and in a manner which avoids any conflict of interest.

2.5 In applying these CSO's, all Officers shall have regard to the duty of Best Value under the Local Government Act 1999.

2.6 An Appropriate Officer may permit, with limitations, other Officers to authorise orders and Contracts in their own names on behalf of the Council. Any orders or Contracts made shall remain the responsibility of an Appropriate Officer. Appropriate Officers must maintain an up to date record of Authorised Officers and submit a copy of the list to the Chief Financial Officer on an annual basis at the commencement of the financial year. An executed copy of the contract shall be sent to the CSO email

address together with the appropriate completed CSO Form to add to the Contracts and Grants Register.

2.7 The Chief Financial Officer may delegate some, or part of their responsibilities set out in these CSO's to Officers in their service area. A written record of this delegation should be kept for transparency and audit purposes.

2.8 All expenditure must be approved in advance by the Council's £500+ Spending Panel. All orders for works, goods or services must be placed using the Council's approved systems in advance of the invoice being received and coded to the appropriate account codes. An official Council purchase order must be provided to the Supplier prior to the commencement of the Contract. Suppliers must be informed that all invoices should be sent direct to the Council's Accounts Payable team for processing.

2.9 Miscellaneous payments must only be used where the payment is not as a result of a purchase (for example a refund or grant payment). Miscellaneous payments must not be used to:

a) Pay Suppliers for works, goods or services (including fees in relation to consultancy work and training), or
b) To reimburse employee expense claims or petty cash purchases
c) Pay loans to entities without consultation with the Chief Financial Officer

2.10 Non-compliance with Council's procedures and processes for the use of its requisition, ordering and payment systems may result in the Chief Financial Officer removing Officer access.

2.11 These CSO's must be used, other than in exceptional circumstances which must be authorised in writing by either the Chief Financial Officer and the Director of Legal and Governance after considering a report by an Appropriate Officer. The Appropriate Officer must retain written reasons of the decision.

2.12 Authorisation under Standing Order 2.11. will be reported to the Governance and Audit Committee by the Head of Procurement on an annual basis.

2.13 There are various types of Exempted Contracts set out in the Procurement Regulations (as applicable) and Schedule 2 to the Procurement Act, which are exempt from the (applicable) public procurement rules and which these CSO's also do not apply to which include (but are not limited to):

a) Vertical arrangements – where the Council contracts with a Controlled Entity and the Controlled Entity performs more than 80% of its activities on behalf of the Council. As an example, this could include a local authority trading company that the Council has established on its own or with other Contracting Authorities;
b) Horizontal arrangements – where two or more Contracting Authorities enter into an arrangement to achieve common goals in connection with their public functions that are solely in the public interest and no more than 20% of the activities of that arrangements are intended to be carried out for reasons other than for the purposes of their public functions as set out in Schedule 2(3) of

the Procurement Act. As an example, this could include local authorities working to fulfil their waste disposal functions jointly;

c) Contracts for the acquisition of land, buildings or any right over them;
d) Contracts for financial services;
e) Contracts of employment; and
f) Contracts for arbitration, mediation or conciliation services or those matters identified in the Procurement Act as "exempt legal services. Note: no legal services shall be procured without the written approval of the Director of Legal and Governance.

3 Social, Economic, Environmental and Ethical Considerations

3.1 In formulating proposals for a Contract, the Authorised Officer must consider the Public Services (Social Value) Act 2012, National Procurement Policy Statement and follow requirements set out in the Council's Social Value Policy.

3.2 Where appropriate and always subject to Procurement Regulations or the Procurement Act (as applicable) and CSO 7, the Authorised Officer should consider that all requests for Tenders or Quotes are framed in such a way as to encourage (where relevant) Local Suppliers, small and medium sized companies (SME's) and third sector organisations such as social enterprises to bid. This must include consideration of Section 12 of the Procurement Act in relation to SMEs and the barriers they face with regard to participation and consideration of whether it is appropriate to divide the Contract into lots in accordance with CSO 7.7.

4 Procurement Plans

4.1 After Council has agreed the Council's budget and before commencement of the financial year the Authorised Officer must prepare and maintain an annual procurement plan for all procurements of works, goods or services to be undertaken in the forthcoming financial year, having regard to CSO 4.4 and CSO 4.5.

4.2 Procurement plans must be sent to the Chief Financial Officer in order that they can publish a Council wide procurement plan on the Council's website prior to the start of the financial year in line with the National Procurement Policy Statement.

Planned Procurement Notices

4.3 The Council must publish a Planned Procurement Notice to give Suppliers advance notice of an upcoming procurement opportunity in accordance with Section 15 of the Procurement Act.

Pipeline Notices

4.4 The Council is required to publish a Pipeline Notice in the Central Digital Platform in accordance with Section 93 of the Procurement Act when it considers it will pay more than £100m (not including Exempted Contracts) in that coming year.

4.5 Where the Council intends to publish a Tender Notice or Transparency Notice in respect of a Contract with an estimated value of £2m or more during the reporting period a Pipeline Notice must be published in accordance with Section 93 of the Procurement Act.

5 In-House Services and Existing Arrangements

5.1 In all instances the procurement of works, goods or services should be done through existing approved arrangements where they exist and are suitable. Information relating to the above arrangements will be published regularly on Bradnet and may include:

In-house Provision

5.2 The Council must seek to use its own resources first. Where the Council has an in-house provision and the estimated Contract Value is less than the relevant Threshold external Suppliers can only be used when the Appropriate Officer providing such in-house provision confirms that they are unable to meet the requirements due to insufficient resources, skills or capacity.

5.3 If the estimated Contract Value is more than the relevant Threshold the Appropriate Officer providing such in-house service may also be required to clearly demonstrate that they provide Best Value.

Corporate Contracts, Frameworks, DPS' or Dynamic Markets awarded/established by the Council

5.4 The use of Council Corporate Contracts / Frameworks /DPS'/Dynamic Markets established by the Council shall be considered in the first instance in consultation with the Head of Procurement for all works, goods and services that have been included in the scope of those arrangements.

5.5 Information relating to the above arrangements will be published regularly on Bradnet.

5.6 Any requirement to procure IT products or services must first be referred to IT Services within the Council's Corporate Resources (IT Services) via completion of the IT Requirements form. No procurement can take place without the completion of this form and without reference to the Spending Panel and the Procurement Panel as appropriate. The information captured in the IT Requirements form enables IT Services to ensure that the identified products or services align with the Council's IT Strategy, Enterprise Architecture Principles and Security policies, whilst also supporting the commissioning teams with the delivery of these products/services.

This also applies to all cloud-based solutions, as they too must be implemented in collaboration with IT Services to ensure compliance with organisational security

standards. This includes Cloud Hosted Questionnaire (CHQ) completion, assurance against the Cyber Assessment Framework (CAF) and adherence to National Cyber Security Centre (NCSC) requirements, assuring that data protection, risk management, and the alignment with best practices across all cloud services.

5.7 Any requirement to procure marketing or communications products or services must first be referred to the Marketing and Communications Team in the Office of the Chief Executive to ensure these products or services align with the Council's marketing and communications strategy, and associated policies.

5.8 Where an existing arrangement or in-house service exists and the Officer is seeking to procure outside of these arrangements the Officer must consult with the Head of Procurement. The Authorised Officer is required to maintain a documented audit trail to demonstrate the correct approval has been obtained to procure outside of these existing arrangements or in-house service.

5.9 Other arrangements should be considered and used where it can be evidenced that they provide Best Value:

a) Contracts, Frameworks, or DPS' or Dynamic Markets established by Centralised Procurement Authorities (Crown Commercial Services, YPO etc.) or other public bodies
b) Collaborative or shared service arrangements with another public body
c) Alternative delivery vehicles such as Controlled Entities Reserving contracts to Supported Employment Providers and Qualifying Public Service Mutuals in accordance with Sections 32 and 33 of the Procurement Act.

6 Estimating Contract Values

6.1 The method for determining the estimated total value of a Contract must be calculated in accordance with Section 4 and Section 5 as appropriate and Schedule 3 of the Procurement Act as summarised below.

6.2 Estimates should be prepared in advance of inviting Tenders or Quotations.

General Contracts

6.3 The Estimated Value shall be calculated as the maximum amount the Council could expect to pay under the Contract, including where applicable, amounts already paid.

6.4 The estimated amount the Council could expect to pay includes (but is not limited to) the following:

a) The value of any goods, services or works provided by the Council under the Contract other than for payment;
b) amounts that would be payable if an option in the Contract to supply additional goods, services or works were exercised;
c) amounts that would be payable if an option in the Contract to extend or renew the term of the Contract were exercised;
d) amounts representing premiums, fees, commissions or interest that could be payable under the Contract; and

e) amounts representing prizes or payments that could be payable to participants in the procurement.

Frameworks

6.5 The Council must estimate the value of a Framework as the sum of the Estimated Values of all the Contracts that have or may be awarded in accordance with the Framework.

6.6 Where a Framework awarded under an Open Framework is concerned the Estimated Value of the Framework is to be treated as including the value of all frameworks awarded, or to be awarded, under the Open Framework.

Concession Contracts

6.7 The Council must calculate the Estimated Value of a Concession Contract as the maximum amount the Supplier could expect to receive under or in connection with the Contract including, where applicable, amounts already received.

6.8 The amount a Supplier could expect to receive includes (but is not limited to) the following:

a) amounts representing revenue (whether monetary or non-monetary) receivable pursuant to the exploitation of the works or services to which the contract relates (whether from the Contracting Authority or otherwise);
b) the value of any goods, services or works provided by the Contracting Authority under the contract other than for payment;
c) amounts that would be receivable if an option in the contract to supply additional services or works were exercised;
d) amounts that would be receivable if an option in the contract to extend or renew the term of the contract were exercised;
e) amounts representing premiums, fees, commissions or interest that could be receivable under the contract;
f) amounts received on the sale of assets held by the Supplier under the contract.

6.9 Officers must ensure that estimated values of Contracts must **not** be artificially split (disaggregated) in an attempt to circumvent the application of these CSO's, relevant Procurement Regulations, Procurement Act other legislation or the requirements of the Council's Constitution. Requirements must be calculated based on all Council spend (i.e. the corporate requirement rather than an individual service area's need). However, see CSO 7.7 on the duty to consider lots.

6.10 Where a proposed procurement includes a mixture of works, goods or services the procedure followed shall be based on the provision that characterises the main subject of the Contract in question in accordance with Section 5 of the Procurement Act.

6.11 Where a proposed procurement involves different categories/types of Contract, i.e. Concession Contract, Utilities Contract or Light Touch Contract, the classification of that Contract will need to be considered in accordance with Section 10 of the Procurement Act.

7 Pre-Procurement Requirements

7.1 All procurement processes and documentation will be proportionate to the total value of the Contract and the nature of the works, goods or services.

7.2 Before commencing procurement activity for all Contracts valued from £500 or more, the Authorised Officer must seek approval of the £500+ Spending Panel. The approved report shall be attached to the Contracts & Grant Register record.

7.3 Before commencing procurement activity for Contracts valued at £30,000 and above the Authorised Officer must also undertake the following:

a) Provide a signed CSO Form to the Council's Procurement Panel to ensure scrutiny is given to proposed spend, procurement routes and the service's requirements; and
b) all reports shall be reviewed by the Procurement Panel prior to the panel meeting

7.4 For clarity, preliminary market engagement, as described at CSO 7.5 can be carried out prior to approval being obtained. Please refer to Bradnet for further details.

Market Engagement

7.5 Carry out, where appropriate, preliminary market engagement with the market (including talking to Suppliers, clients and other stakeholders) to understand the availability, strengths and weaknesses of markets and to develop the specification and the Best Value procurement and contractual approach. Pre-engagement with the market must be done in accordance with Section 16 of the Procurement Act in such a way that ensures the subsequent procurement process remains open, fair and transparent with no Supplier gaining an unfair advantage which would distort competition.

7.6 Advice must be sought from Procurement Services where preliminary market engagement is proposed to be undertaken and the requirement to publish a Preliminary Market Engagement Notice in accordance with Section 17 of the Procurement Act.

Duty to consider lots

7.7 The Council must also consider, before publishing a Tender Notice, whether the goods, services or works to be supplied under the Contract could be reasonably supplied under more than one contract and whether such contracts could be awarded by reference to lots in accordance with Section 18 of the Procurement Act.

Route to Market

7.8 Consider the most appropriate route to market including whether a Framework DPS or Dynamic Market or Electronic Auction is appropriate and would deliver Best Value seeking advice from the Head of Procurement where necessary.

Specification Development

7.9 Be satisfied that a written and clear specification has been prepared which will form the basis of the Contract. Specifications will need to be prepared in accordance with Section 56 of the Procurement Act.

Risk Assessment

7.10 For all Contracts with an estimated Contract Value of more than the Threshold for goods and services, or works, or where there is a significant supply risk (identified using a procurement risk assessment form available on Bradnet) a documented risk log must be maintained by Officers.

7.11 Any Officer conflict of interests should be dealt with as part of the risk assessment process and in accordance with Sections 81-83 of the Procurement Act.

Equality and Diversity Implications

7.12 Consider at the outset any equality and diversity implications that may require an equality impact assessment to be undertaken. An equality assessment should be undertaken whenever the Council is:

a) proposing or developing a new policy, strategy, practice, service or function;
b) reviewing an existing policy, strategy, practice, service or function;
c) decommissioning, ceasing or removing a policy, strategy, practice, service or function.

7.13 The equality assessment should be proportionate to the change in question and may simply lead to a conclusion of no impact with a supporting statement explaining why. Alternatively, a more comprehensive assessment might be required through completion of an Equality Impact Assessment form, which is published on Bradnet.

Service Transfer or Strategic Partnership Development

7.14 Before commencing any process for procuring Contracts, which involves a proposed service transfer or the development of a strategic partnership, the Authorised Officer must consult the Chief Financial Officer.

TUPE Implications

7.15 Consider at the outset any implications under the Transfer of Undertakings (Protection of Employment) Regulations 2006 and schedule in seeking relevant legal and HR assistance.

Data Protection

7.16 Identify all Contracts involving the processing of personal data, information security or data processing implications that may require additional schedules or terms and conditions considering the UK General Data Protection Regulations, the Data Protection Act 2018, and the need to notify the Senior Information Risk Owner (who is the person with overall accountability and responsibility for information governance).

Social Value

7.17 Consider at the outset any implications from the Public Services (Social Value Act) 2012 in accordance with the Council's Social Value Policy and the National Procurement Policy Statement as per CSO 3.2.

Whole Life Costings

7.18 Prepare and document an estimate of the Whole Life-Cycle Costs including where appropriate any on-going costs and/or disposal costs and ensure that the cost is within the approved current and future budget provision for both capital and revenue expenditure.

Conditions of Participation

7.19 Ensure that all Conditions of Participation are a proportionate means of ensuring that Suppliers have (i) the legal and financial capability to perform the contract; or (ii) the technical ability to perform the Contract in accordance with Section 22 of the Procurement Act 2023. The Conditions of Participation have been determined in advance, put in order of relative importance or weighting and published in the tender documentation. Details of any financial assessment to be undertaken (CSO 7.20) and the form of Contract to be applied (CSO 21 and 23) must be included in the tender documentation.

Financial Assessment

7.20 Ensure that Financial Services are consulted to ensure the procurement documentation includes financial assessment criteria (as part of CSO 7.19 and CSO 7.21 that are tailored to and proportionate to the Contract being procured.

Award Criteria

7.21 Ensure that all award criteria including sub-criteria have been determined in advance, put in order of relative importance or weighting and published in the tender documentation in accordance with Section 23 of the Procurement Act.

Electronic Documentation

7.22 Ensure that electronic versions of all the appropriate and approved forms of procurement documentation are available through an internet portal immediately on publication of any notice required under the Procurement Act.

7.23 Authorised Officers are responsible for arrangements to ensure the proper control and use of Council ordering and contracting procedures, in accordance with guidance issued by the Chief Financial Officer and the Director of Legal and Governance.

7.24 All procurement activity must be undertaken using the Council's standard template documentation unless prior written approval has been obtained from the Head of Procurement or a Call-Off is proposed under an existing Framework.

8 Frameworks, DPS' and Dynamic Markets

Awarding Call Off Contracts under Frameworks or DPS'

8.1. Where a Call-Off Contract is proposed under an existing Frameworks or DPS that has been established by a consortium, collaboration, purchasing organisation or other public body, the Council may consider using this Framework or DPS if;

a) The Framework or DPS has been established by a Contracting Authority (which includes a Centralised Procurement Authority), and via a process, which permits the Council to access those arrangements lawfully;
b) It is in the best interest of the Council to access the Framework or DPS, unless it does not offer Best Value, which must be documented for audit purposes.

8.2 Before undertaking a Call-Off under any Framework or DPS, thorough due diligence should be undertaken and advice sought from Procurement Services to confirm it is able to be used and whether it is appropriate to use it for the Council's particular requirements.

8.3 Call-Offs must be awarded based on the criteria identified in the Framework or DPS and in accordance with Procurement Regulations or the Procurement Act (as applicable).

8.4 Where a Call-Off is undertaken via a direct award process (which is prescribed in the Framework), the Contractor must be requested in writing to supply a written submission, that is verified to confirm it can meet the requirements of the Council in accordance with the terms and conditions and pricing established in the Framework in advance of entering into a Contract unless otherwise prescribed in the Framework direct award call-off procedure.

8.5 Subject to the due diligence confirming the suitability of the Framework or DPS, it can be used as a potential route to market without going down one of the procedures outlined at CSO's 10 to 14.

Establishing a Framework

8.6 Where the Council is establishing a Framework which may be accessed by other Contracting Authorities the estimated Contract Value must take account of all potential work that may be put through the agreement and follow the procedures set out in these CSO's.

8.7 If the Council is establishing a Framework reference must be made within the procurement documents explaining if the Framework is intended for wider use, and advice should be sought from the Director of Legal and Governance to ensure the terms upon which other Contracting Authorities access those arrangements are clear and offer appropriate protection to the Council. The Framework will also need to be established in accordance with Sections 45-49 of the Procurement Act.

8.8 In establishing a Framework, the total duration (including any extensions) cannot exceed four years except in exceptional circumstances relating to the subject matter of the Framework. Any proposal to establish a Framework with a duration exceeding four years should be referred to the Head of Procurement for advice.

8.9 Where, taking in to account the above, the estimated value of the Framework is estimated to be above the relevant threshold, the Authorised Officer must ensure that the names of the other public bodies are included on the Find a Tender notice either individually or by identifiable class.

8.10 In establishing a Framework the Council must ensure that the terms of the Framework make the process by which Contracts under the Framework are entered into, and the terms under which they will be entered, is explicitly clear.

Open Frameworks

8.11 Open Frameworks provide for the award of successive Frameworks on substantially the same terms.

8.12 Open Frameworks must provide:

a) for the award of a Framework at least once during—
   (i) the period of three years beginning with the day of the award of the first Framework in the scheme, and
   (ii) each period of five years beginning with the day of the award of the second Framework in the scheme;
b) for the expiry of one Framework on the award of the next;
c) for the final Framework to expire at the end of the period of eight years beginning with the day on which the first Framework under the scheme is awarded.

Establishing a Dynamic Market

8.13 The Council may establish a Dynamic Market to allow for the award of Contracts by reference to Suppliers' participation in those arrangements. Such arrangements must remain open for other Suppliers to join throughout the lifetime of the Dynamic Market.

8.14 The Council is required to publish a Dynamic Market Notice in accordance with Section 39 of the Procurement Act before establishing a Dynamic Market (and further notices (as applicable) will also need to be published in accordance with the Procurement Act.

8.15 In establishing a Dynamic Market the Council is able to set conditions for membership of the Dynamic Market (or part of it) where those conditions are a proportionate means of ensuring the members:

a) have the legal and financial capacity to perform Contracts awarded under the Dynamic Market;
b) have the technical ability to perform Contracts awarded under the Dynamic Market.

8.16 The number of Suppliers on a Dynamic Market cannot be limited and the conditions for membership of a Dynamic Market cannot be modified during the life of the Dynamic Market.

8.17 In setting conditions for membership of a Dynamic Market the Council will need to act in accordance with Section 36 of the Procurement Act.

Conducting procurements under a Dynamic Market

8.18 Where Contracts are to be awarded by reference to Dynamic Markets they must be done in accordance with Section 34 of the Procurement Act.

8.19 The Open Procedure or Direct Award route cannot be used to award a Contract under a Dynamic Market.

9 Concession Contracts

9.1 If the Authorised Officer is considering entering into an arrangement which could constitute a Concession Contract, early advice must be sought from Procurement Services and the Director of Legal and Governance.

10 Direct Awards

10.1 There are limited circumstances provided for in Sections 41-44 of the Procurement Act where the Council may be able to directly award a Contract to a Supplier without conducting a Competitive Tendering Procedure.

10.2 Before utilising the Direct Award route under the Procurement Act to directly award a Contract to a Supplier a Transparency Notice must be published in accordance with Section 44 of the Procurement Act.

10.3 Prior to seeking to utilise the Direct Award route under the Procurement Act approval must be obtained in writing from the Head of Procurement.

10.4 CSO 15.6 refers to direct awards for contracts procured under the Provider Selection Regime for healthcare services.

11 Contracts valued up to £30,000

11.1 Where a Contract has an estimated value up to £30,000, the Authorised Officer must be able to demonstrate Best Value and must select Suppliers from whom to obtain quotes fairly and openly. Local Suppliers must be used wherever possible (where compatible with the Procurement Act, Procurement Regulations (and associated legislation/regulations)) All Quotations must be obtained in writing.

11.2 Where the Contract has an estimated value of up to £30,000 the following records must be kept:

a) £500+ Spending Panel approval if £500 or above;
b) A unique reference number for the Contract and the title of the Contract or purchase order details;
c) Any invitations to quote and the Quotations received;
d) A record of the decision to award the Contract and the reasons for it;
e) Communication with the successful Supplier
f) The executed contract

11.3 To comply with the Local Government Transparency Requirements, details of all Contracts awarded of £5,000 and above must be recorded on the Contracts and Grants Register. Officers shall retain a written record of actions taken and the reasons using the pro-forma template available on Bradnet.

11.4 The pro-forma should be completed and details recorded on the Contracts and Grants Register prior to a purchase order being created.

12 Contracts between £30,000 but less than the applicable Threshold

12.1 Contracts that are estimated to be for amounts between £30,000 but less than the applicable Threshold must be let on a competitive basis on the Council's e-sourcing portal and in accordance with the below threshold provisions set out in Section 84-88 of the Procurement Act. The Authorised Officer must seek approval from the £500+ Spending Panel and prepare a signed report regarding the proposed procurement for consideration by the Procurement Panel to ensure scrutiny has been applied regarding spend, procurement routes and requirement. The Procurement Panel is authorised to advise or propose a rejection of any proposals brought to it for scrutiny or make a recommendation to the Strategic Director of Corporate Resources for approval. If the Procurement Panel does not recommend approval the Lead Officer and Authorised Officer will be notified accordingly.

12.2 Subject to the recommendations of the Procurement Panel and approval by the Strategic Director of Corporate Resources, the Authorised Officer must either:

a) use a closed procedure inviting a minimum of four Suppliers registered on the Council's e-sourcing portal including inviting Local Suppliers wherever possible; or
b) use an open procedure advertising the opportunity to the open market if advertising for the purpose of inviting Tenders using both the Council's e-sourcing portal and the Central Digital Platform (via publication of a Below Threshold Tender Notice in accordance with Section 87 of the Procurement Act).

12.3 When using the closed procedure, if the minimum number of Tenders cannot be obtained owing to insufficient suitable Suppliers prepared to tender, then the Authorised Officer must keep a record of this.

Regulated Below Threshold Contracts

12.4 The Council must conduct procurements for Regulated Below Threshold Contracts in accordance with Part 6 of the Procurement Act. In doing so, the duty to have regard to National Procurement Policy Statements and the duty not to discriminate against a treaty Supplier will also apply.

12.5 The Council must publish a Below Threshold Tender Notice on the Central Digital Platform if advertising for the purpose of inviting Tenders for Below Threshold Contracts where the Estimated Value of the Contract is no less than £30,000 including VAT. The Below Threshold Tender Notice must be published on the Central Digital Platform before being published elsewhere.

12.6 CSO 12.5 (above) does not apply where the Council invites Quotations or Tenders from a closed group of pre-selected suppliers, i.e. via a Framework or from one or more targeted suppliers provided it does not advertise the procurement in any other way.

12.7 Where the Council invites the submission of Tenders in relation to the award of a Regulated Below Threshold Contract, no pre-qualification questionnaire is permitted during the procurement to restrict the submission of Tenders by reference to an assessment of a supplier's suitability to perform the Contract except where:

a) the contract has an estimated value of not less than £214,904. This is the same as the thresholds for goods and services. This exception is because the works threshold is much higher, and it is appropriate that contracting authorities carrying out procurements for higher value below-threshold works contracts that are still above the goods and services thresholds, are able to include a separate suitability stage before the award stage, if desired.

b) the Contract is awarded in accordance with a Framework.

12.8 Suitability assessment questions to assess eligibility are part of the Council's template procurement documents and can be used as part of the overall quality evaluation. Suitability Assessment Questions may only be included within the procurement where they are:

a) Relevant to the subject matter of the procurement; and
b) Proportionate.

12.9 Only the winning bidder(s) will be required to submit certificates and documents as evidence of their legal and financial standing and technical or professional ability in addition to specific requirements relating to insurance, health and safety, equality, environmental management etc in response to the suitability assessment questions.

12.10 As soon as reasonably practicable after entering into a Notifiable Below-Threshold Contract, a Below Threshold Contract Details Notice must be published. This applies to all Notifiable Below Threshold Contracts in accordance with Section 87(3) of the Procurement Act.

13 Light Touch Contracts Valued £214,904 to the Light Touch Contract Threshold, Concession Contracts Valued £214,904 to the Concession Threshold, Works Contracts Valued £214,904 to the Works Threshold

13.1 The procurement of Light Touch Contracts, Concession Contracts and Contracts for works with a value between £214,904 and the relevant Threshold may be undertaken in accordance with procurement procedures as outlined in CSO12.

13.2 Procurement of any such Contracts must, however, be let on a competitive basis, which is advertised to the open market, through the Council's e-sourcing portal and on the Central Digital Platform.

13.3 The Council would also need to consider the below threshold provisions set out in Section 84-88 of the Procurement Act.

14 All Contracts valued at or above the relevant Threshold

14.1 The Authorised Officer must seek approval from the £500+ Spending Panel and prepare a signed report regarding the proposed procurement for consideration by the Procurement Panel to ensure scrutiny has been applied regarding spend, procurement routes and requirement. The Procurement Panel is authorised to advise or propose a rejection of any proposals brought to it for scrutiny or make a recommendation to the Strategic Director of Corporate Resources for approval. If the Procurement Panel does not recommend approval the Lead Officer and Authorised Officer will be notified accordingly.

14.2 Where the Contract Value meets or exceeds the relevant Threshold it must be tendered in accordance with the Procurement Act and using one of the procedures under CSO 15, unless:

a) it is to be procured through an existing Framework or DPS that has been established via a compliant public procurement process in accordance with Section 45 of the Procurement Act; or
b) utilising the Direct Award procedure in accordance with Sections 41 or 43 of the Procurement Act.

14.3 All Tenders must be advertised on the Council's e-sourcing portal and the Central Digital Platform. Standard template documentation must be used.

14.4 All Tenders above the relevant Threshold require the publication of notices in accordance with the Procurement Act (as applicable).

Procurement Principles

14.5 In conducting a procurement that falls within the scope of the Procurement Act, the Council must have regard to the importance of:

a) Delivering value for money;
b) Maximising public benefit;
c) Sharing information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions;
d) Acting, and being seen to act, with integrity.

14.6 In carrying out procurements under the Procurement Act:

a) The Council must treat suppliers the same unless a difference between the suppliers justifies different treatment;
b) If the Council considers that different treatment is justified in a particular case, it must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage.

15 Procurement Procedures

15.1 All Contracts, including Light Touch Contracts (Section 9 of the Procurement Act), Concession Contracts (Section 8 of the Procurement Act) and Utilities Contracts (Section 8 of the Procurement Act) must be procured using one of the two Competitive Tendering Procedures provided for under Sections 19-20 of the Procurement Act:

a) The **Open Procedure** under which all those interested may respond to the advertisement by submitting a Tender. This is often the most expedient system and enables all of the Suppliers in the market that wish to engage in the process to submit a Tender. There is no pre-qualification or short-listing stage prior to invitation to tender (ITT).
b) The **Competitive Flexible Procedure** which covers any other competitive tendering procedure, i.e. multi-staged process with dialogue/negotiation as the Council considers appropriate based on the Contract opportunity.

Conditions of Participation

15.2 The Council is able to set Conditions of Participation to perform the Contract under the procurement procedures referred to above in accordance with Section 22 of the Procurement Act which relate to:

a) legal and financial capacity or;
b) technical ability

to perform the Contract.

15.3 Conditions of Participation must be a proportionate means of ensuring the relevant capacity or ability, having regard to the nature, complexity and cost of the Contract.

Provider Selection Regime

15.4 For Contracts for Healthcare Services for the purpose of the health service in England and other goods and services that are procured together with those health care services, joint commissions with NHS bodies, and contracts fully or partially funded from NHS budgets where it is proposed to procure under the flexibilities of the Provider Selection Regime the Head of Procurement must be consulted at the earliest possible opportunity. The Authorised Officer must seek approval from the £500+ Spending Panel and prepare a signed report regarding the proposed procurement for consideration by the Procurement Panel to ensure scrutiny has been applied regarding spend, procurement routes and requirement. The Procurement Panel is authorised to advise or propose a rejection of any proposals brought to it for scrutiny or make a recommendation to the Strategic Director of Corporate Resources for approval. If the Procurement Panel does not recommend approval the Lead Officer and Authorised Officer will be notified accordingly.

15.5 When procuring under the Provider Selection Regime regard must be given to the Provider Selection Regime Statutory Guidance and the Council is required to follow one of the processes summarised below.

Direct Award Processes

15.6 Awarding Contracts to providers when there is limited or no reason to seek to change from the existing provider; or to assess providers against one another, because:

a) *Direct Award Process A* – the existing provider is the only provider that can deliver the health care services;
b) *Direct Award Process B* – patients have a choice of providers and the number of providers is not restricted by the Council; or
c) *Direct Award Process C* – the existing provider is satisfying its existing contract, will likely satisfy the new contract to a sufficient standard, and the proposed contracting arrangements are not changing considerably.

Most Suitable Provider Process

15.7 Awarding a Contract to providers without running a competitive process because the Council can identify the most suitable provider.

Competitive Process

15.8 Running a competitive process to award a Contract.

15.9 Where Contracts are to be awarded under the Provider Selection Regime the following criteria must all be evaluated:

a) Quality and innovation
b) Value
c) Integration, collaboration, and service sustainability
d) Improving access, reducing health inequalities, and facilitating choice; and
e) Social value.

15.10 The procedure to be undertaken as identified in this CSO 15 must be explained from the outset in the procurement documentation and adhered to throughout.

16 Submitting and Opening Tenders and Quotations

16.1 Every invitation to Tender or request for a Quotation must state that a Tender or Quotation will only be considered if it is received by the specified closing date and time via the Council's e-sourcing portal, or for quotes below £30,000, at the specified date and time.

16.2 All Tenders or Quotations for each Contract must be opened by the Officer appointed by the Authorised Officer at a prescribed time.

16.3 The Authorised Officer must keep a written record of all Tenders and Quotations.

16.4 The Authorised Officer shall after consultation with the Head of Procurement disqualify a Tender or Quotation which fails to comply with the requirements of this CSO 16.1 and must inform the Supplier as soon as possible, stating the reason for the disqualification.

17 Evaluation

17.1 An evaluation panel must be convened for all evaluation processes undertaken. Representation on the panel must be from people who have knowledge of the subject area and be proportionate to the size and value of the procurement being undertaken.

17.2 For all Contracts, regardless of value, no person with a personal or financial interest in any of the bidders submitting a proposal should be involved in evaluating Tenders or involved in any way in influencing the decision as to which bidder is to be awarded a Contract. A declaration of interest form must be completed prior to the commencement of the evaluation process, held on file by the Authorised Officer and included in the risk assessment under CSO 7.11 and in accordance with Sections 81-83 of the Procurement Act.

17.3 The evaluation of Tenders must be in accordance with the evaluation criteria specified in the original procurement documents. Under no circumstance should there be a deviation away from this.

Exclusions

17.4 Suppliers are not permitted to participate in procurements, have their Tender considered or be awarded a Contract falling under the Procurement Act, where they are “excluded” or “excludable” (as defined in Sections 57 and 58 of the Procurement Act).

17.5 An “Excluded Supplier” is a Supplier (or associated person) to which (i) a mandatory exclusion ground applies and (ii) the circumstances giving rise to the application of that exclusion ground are continuing or likely to occur again; or (iii) the Supplier (or associated person) is on the debarment list by virtue of a mandatory exclusion ground.

17.6 An “Excludable Supplier” is a Supplier (or associated person) to which (i) a discretionary exclusion ground applies; and (ii) the circumstances giving rise to the application of that exclusion ground are continuing or likely to occur again; or (iii) the Supplier (or associated person) is on the debarment list by virtue of a mandatory exclusion ground

17.6 The mandatory and discretionary exclusion grounds are contained in Schedule 6 and 7 to the Procurement Act.

17.7 “Associated person” is defined in Section 26(4) of the Procurement Act.

17.8 The manner in which the exclusion grounds must be considered and applied is set out in Sections 26 and 27 of the Procurement Act. Sections 28 and 29 of the Procurement Act also set out excluding suppliers with references to a connected person, associated person or subcontractors and on a discretionary basis for national security reasons.

17.9 Where a supplier is a “excluded” or “excludable” supplier by virtue of an “associated person” being an “excluded” or “excludable” supplier, the Council must, before disregarding a Tender:

a) Notify the supplier of its intention to disregard; and
b) Give the supplier reasonable opportunity to replace the “associated person”.

17.10 When considering excluding a Supplier advice should be sought from [the Head of Procurement].

17.11 In the event a Supplier is excluded the Council will need to act in accordance with Sections 58 and 59 of the Procurement Act.

Debarment

17.12 Suppliers entered onto the debarment list (in accordance with Section 62 of the Procurement Act) may prevent it from participating in procurements or being awarded Contracts under the Procurement Act.

17.13 The debarment provisions are set out in Sections 59 – 66 of the Procurement Act.

17.14 The Council must check the debarment list in each procurement. Where a Supplier is on the debarment list in relation to a mandatory exclusion ground, the Council must not allow the Supplier to bid in a Competitive Flexible Procedure or be awarded a Contract in any Competitive Tendering Procedure or be awarded a Contract via the Direct Award route. The Council must also disregard any Tender submitted by a Supplier on the debarment list except where:

a) a Supplier is on the debarment list on national security grounds for a particular type of Contract, as the debarment does not affect their eligibility to bid for other types of Contracts; or
b) procurements by Direct Award where there is an overriding public interest in awarding the Contract to that Supplier. This includes cases where there is an extreme and unavoidable urgency.

Abnormally Low Tenders

17.15 Where a Tender received appears to be abnormally low, the Council is required to investigate that Tender and provide the Supplier with an opportunity to demonstrate that it is able to perform the Contract for the price proposed. Identifying and dealing with abnormally low bids shall be the responsibility of the Authorised Officer. The Council may reject an abnormally low bid, where the justification doesn’t satisfactorily account for the low level of price. Where consideration is being made to the rejection of a bid on these grounds, advice must be sought from the Head of Procurement and Director of Legal and Governance.

18 Approval and Acceptance of Tenders and Quotations

18.1 For every Contract or Framework over the relevant Threshold of £2 million and above in value (whichever is lower) a tender evaluation report must be produced which includes details of:

a) the winning bid,
b) the Suppliers involved,
c) results of any selection process,
d) the value and subject matter of the Contract,
e) justification for using any negotiated type procedure,
f) any decision not to award,
g) reasons for not using electronic communications,
h) any conflict of interest,
i) reasons for rejecting abnormally low bids.

18.2 The tender evaluation report must be approved by an Officer with the appropriate authority and the Head of Procurement prior to notification letters referred to at CSO 18.4 being issued.

18.3 The Authorised Officer can only accept the most advantageous Tender or Quotation and must record the reasons for acceptance.

18.4 All Suppliers who submit a Tender or Quotation should be notified in writing of their success or failure in a timely manner using the standard documents. All notifications should be signed by the relevant Authorised Officer.

18.5 For procurements concerning Contracts with values above the relevant Thresholds the following sections apply.

Assessment Summaries

18.6 Before publishing a Contract Award Notice and entering into a Contract the Council is required to provide an assessment summary to each Supplier that submitted an assessed Tender in accordance with Section 50 of the Procurement Act.

18.7 The assessment summary must contain the information required in Regulation 31 of the Regulations (including but not limited to):

a) the award criteria, including the assessment methodology;
b) the score for the bidder determined for each award criteria (and sub-criteria) along with an explanation for the scores;
c) the score for the winning bidder for each award criteria (and sub-criteria) along with an explanation for the scores

Contract Award Notice

18.8 Prior to entering into a Contract a Contract Award Notice must be published in accordance with Section 50 of the Procurement Act.

18.9 For all Contracts covered by the Procurement Act, a minimum 8 working day standstill period is required beginning with the day on which the Contract Award Notice is published.

18.10 The standstill period referred to above is not a legal requirement for Contracts falling within Section 51(3) of the Procurement Act, which includes (but is not limited to) Contracts awarded in accordance with a Framework, a Dynamic Market or Light

Touch Contracts. However, it is normal practice and the Council may allow for a voluntary standstill period for Below Threshold procurements, Light Touch Contracts, Call Contracts awarded under a Framework, DPS or Dynamic Market.

18.11 Before entering into any Contract, the Authorised Officer must:

a) be sure that they have the necessary authority to enter into the Contract and that these CSO's, the Council's Financial Regulations and procurement advice have been complied with, and that the proposed Contract represents Best Value
b) be satisfied that the Supplier meets all of the Conditions of Participation to be awarded the Contract; and
c) where a significant supply risk has been identified (in accordance with CSO 7.10 and for all Contracts of £214,904 per annum and above, or £214,904 (if the Contract is for less than 1 year) for works, goods or services consult with the Chief Financial Officer to agree appropriate checks on the financial and resource capacity of the Supplier to perform the Contract and to agree what, if any, security should be provided for performing the Contract. Forms of security include such as: parent company guarantee, Director's guarantee and performance bonds.

18.12 All Contracts awarded of £30,000 and above must be recorded on the Council's e-sourcing portal and all Contracts valued at £30,000 and above also require the publication of a Below Threshold Contract Details Notice (where advertising occurs for the purposes of inviting Tenders) or Contract Details Notice (as applicable).

18.13 For every Contract, Framework, Call Off Contract under a Framework or DPS over the relevant Threshold or £2 million and above in value (whichever is lower) which is proposed to be abandoned a tender evaluation report, indicating the reasons for the abandonment, must be approved by the Authorised Officer and the Head of Procurement prior to abandonment notification letters being issued.

18.14 Where, after publishing a Tender Notice or Transparency Notice in respect of a Contract, the Council decides not to award a Contract, it will need to publish a Procurement Termination Notice in accordance with Section 55 of the Procurement Act.

19 Exceptions

19.1 Subject to the statutory requirements for procurement processes above Thresholds no competitive procurement process is required where one or more of the following exceptions apply:

a) the execution of works or the supply of goods or services are controlled by a statutory body
b) special education, health or social care Contracts, if, it is considered in the Council's interests and to meet its obligations under relevant legislation;
c) to allow for the continuation of a contractual arrangement with a Supplier beyond the terms of a Contract, in exceptional circumstances subject to the approval of the Spending Panel and Procurement Panel in accordance with CSO 20.1 to 20.10 to be assessed on a case-by-case basis.

19.2 For all exceptions with a total value of £30,000 and above require the Authorised Officer must prepare the appropriate CSO Form available on Bradnet regarding the proposed exception for consideration by the Procurement Panel to ensure scrutiny has been applied and the exception is compliant with the CSOs. The Procurement Panel is authorised to advise or propose a rejection of any proposals brought to it for scrutiny or make a recommendation to the Strategic Director of Corporate Resources for approval. If the Procurement Panel does not recommend approval the Lead Officer and Authorised Officer will be notified accordingly.

19.3 The Authorised Officer must ensure that the market for a proposed Contract has been investigated, and that the Authorised Officer can demonstrate that departure from these CSO's is justifiable and provides overall value for money.

19.4 The Authorised Officer must retain written reasons justifying the decision to use this CSO 19 and be able to demonstrate that Best Value has been obtained.

20 Contract Extensions, Variations, Novation or Termination

Contract Extensions

20.1 For all Contract extensions with a total value of £500 and above the Authorised Officer must seek the approval of the £500+ Spending Panel and for all contract extensions of £30,000 and above also prepare an appropriate CSO Form regarding the proposed extension for consideration by the Procurement Panel to ensure scrutiny has been applied and the extension is compliant with the CSOs. The Procurement Panel is authorised to advise or propose a rejection of any proposals brought to it for scrutiny or make a recommendation to the Strategic Director of Corporate Resources for approval. If the Procurement Panel does not recommend approval the Lead Officer and Authorised Officer will be notified accordingly. A Contract can only be extended subject to the extension being permitted within the scope and terms of the original procurement and Contract and before the expiry date.

20.2 An options appraisal must be undertaken to determine if the Contract extension represents Best Value to extend the Contract.

20.3 The Authorised Officer must make every effort to negotiate improved terms, at the point of extending the Contract, with regard to the cost and quality of the goods or services.

Contract Variations

20.4 All Contract Variations must be carried out within the scope of the original Contract and must not materially affect or change the Contract.

20.5 There are significant limitations upon the Council being able to make such modifications, especially where the Procurement Regulations or Procurement Act applies.

20.6 When considering a Variation or modification of an existing Contract valued at £500 and above, the Authorised Officer must seek the approval of the £500+ Spending Panel and for variations valued £30,000 and above, advice must be sought in advance from the Head of Procurement and the Director of Legal and Governance.

The Authorised Officer must complete and sign an appropriate CSO Form in relation to the variation or modification prior to submission to the Procurement Panel. If the panel does not recommend approval to the Strategic Director of Corporate Resources this will be referred to the Lead Officer and Authorised Officer. The Authorised Officer may be directed to seek further legal advice from the Director of Legal and Governance following the Procurement Panel meeting.

20.7 Following the approval of any Variation the relevant notices described at CSO 20.9 must be updated and any further notifications required to comply with Procurement Regulations or Procurement Act (as applicable).

20.8 Any extension or Variation where the new total Contract Value is above a relevant Threshold will become a Convertible Contract and should be reported at the time of the extension / Variation.

20.9 Where a Variation is made to a Contract that falls within the scope of the Procurement Act (including where, as a result of the Variation a Contract becomes a Convertible Contract), the Council is required to publish a Contract Change Notice in accordance with Section 75 of the Procurement Act prior to modifying the Contract.

20.10 The Council will need to consider the publication requirements set out in Section 77 of the Procurement Act in respect of Variations to Contracts.

Contract Novations

20.11 In the event that a novation of a Contract is required because a Supplier ceases to provide the work, goods or services whether as a result of insolvency, company restructuring, company purchase, termination of the Contract or any other reason the Authorised Officer must consult with the Chief Financial Officer and Director of Legal and Governance before novating or assigning the Contract to a new Supplier.

Contract Termination

20.12 Before commencing a process of terminating a Contract with a Supplier for a breach of Contract the Authorised Officer must consult the Chief Financial Officer and Director of Legal and Governance.

20.13 Where a Contract falling within the Procurement Act is concerned, a Contract Termination Notice will need to be published in accordance with Section 80 of the Procurement Act. This requirement does not apply to Light Touch Contracts awarded under Section 41 of the Procurement Act by reference to paragraph 15 of Schedule 5; direct award: user choice contracts.

21 Written Contracts

21.1 The Authorised Officer must ensure every Contract is in writing.

21.2 Every Contract with a Contract Value of £2 million or above must be executed under seal as a Deed with the common seal of the Council by the Director of Legal and Governance. Any exception must be agreed by the Director of Legal and Governance.

21.3 Every Contract with a Contract Value of less than £2 million should be executed under seal as a Deed with the common seal of the Council by the Director of Legal and Governance in the following circumstances:

a) the Council wishes to enforce the Contract for more than 6 years after its end (e.g. for land or works); or
b) it is required by parties to the Contract; or
c) the price paid or received under the Contract is a nominal price and does not reflect the value of the goods/services.

21.4 Otherwise the following rules for signature apply:

a) where the total Contract Value is below £100,000 an Authorised Officer can sign within the limits specified by an Appropriate Officer as per CSO 2.6.
b) any Contract with a total value between £100,000 and £2 million must be signed by an Assistant Director or above
c) any Contract with a total value of over £2million must be signed by an Appropriate Officer

Electronic Signatures

21.5.1 Authorised Officer or Appropriate Officer signatures may be affixed to a Contract either using physical, handwritten means or by way of an electronic signature using a secured electronic signature system, and in accordance with any legal requirements.

21.5.2 Where electronic signatures are affixed to a Contract by either party, a written statement must be made to confirm the parties agree to the use of electronic signatures and intend to be bound by the same as if it were a handwritten signature.

21.6 Letters of Intent should not be used unless approved by an Authorised Officer following consultation with the Director of Legal and Governance and the Chief Financial Officer.

21.7 All Contracts with the exception of one-off purchases below £5,000 must be recorded on the Contracts and Grants Register.

21.8 All relevant CSO Forms for planned procurements must be submitted to the Procurement Service together with all Spending Panel approvals.

22 Professional Services, Consultants and Intermediary Employment

22.1 An Authorised Officer may only appoint external consultants providing professional or consulting services if such services are not available within the Council or if Council Officers providing them do not have the resources to meet the needs of the Authorised Officer. Approval of the Consultancy and Contractor Procurement Process must be obtained before seeking Quotations or Tenders.

22.2 In line with HMRC IR35 and CIS rules the Authorised Officer must consider guidance available on Bradnet and identify the employment status of the Supplier for tax purposes for the Contract entered into, and notify the Chief Financial Officer. Although not a definitive list, Suppliers providing works or services in the following instances must be considered:

a) Services delivered personally by the Supplier
b) Consultancy work
c) Self employed contractors or Suppliers
d) The engagement of a worker through a limited company or other body
e) The use of a Personal Services Company
f) The engagement of a CIS registered contractor

22.3 For Contracts identified as being within the scope of the IR35 payments can only be made in compliance with IR35 legislation.

22.4 The Authorised Officer must consult the Chief Financial Officer for all Construction Industry Scheme (CIS) Contractor appointments and payments.

23 Contract Conditions

23.1 The Council's standard terms and conditions should be used for all Contracts subject to CSO23.2. Any exception must be agreed in consultation with the Director of Legal and Governance **before** entering in to Contract.

23.2 The above rule shall not apply to:

a) UK government standard documentation or government sponsored schemes such as Academies and amendments may be made for Best Value or project specific reasons.
b) Construction and/or engineering Contracts where bespoke conditions based on accepted industry practice are used eg JCT, NEC or ICE
c) Where Frameworks, DPS' or Dynamic Markets are being used.

Implied Terms

23.3 Contracts falling within the scope of the Procurement Act have various implied terms as set out in Section 67, 68, 78 and 79 of the Procurement Act.

23.4 Information will also need to be published in relation to payments made for Contracts subject to the Procurement Act in accordance with Sections 69 and 70 of the Procurement Act.

24 Contract Management

24.1 The Authorised Officer is responsible for contractual spend over the duration of a Contract, and must scrutinise and challenge Supplier performance, costs and progress, and must take appropriate measures and sanctions to improve Supplier poor performance.

24.2 The Authorised Officer must ensure that an Officer is assigned to manage every Contract. This must be recorded on the Contracts and Grants Register.

24.3 The Authorised Officer must ensure that Contract specifications contain suitable key performance indicators to incentivise appropriate service delivery and to highlight poor performance.

24.4 The Authorised Officer must undertake suitable due diligence checks of a Supplier's technical and organisational measures to fulfil their obligations as Data Processors under the General Data Protection Regulation.

24.5 Any Officer designated with responsibility for managing a Contract should complete the Government Commercial College Foundation Contract Management Training.

Assessment of Contract Performance

24.6 Contracts subject to the Procurement Act which include KPI's in accordance with Section 52(1) of the Procurement Act will need to be considered in accordance with the requirements set out in Section 71 of the Procurement Act.

25 Leases and Other Credit Agreements

25.1 The Authorised Officer must ensure that prior to entering into any lease or credit arrangement which has a capital cost, the cost must first be approved for inclusion in the Capital Investment Plan in accordance with Financial Regulations relating to capital expenditure.

26 Grants

26.1 The Authorised Officer must follow the principles, processes and template documents of these CSO's as appropriate for awarding grants prior to entering into any Grant arrangements.

26.2 Grant funding arrangements should be considered carefully to decide whether they are in fact a procurement and need to be awarded in accordance with these Contracts Standing Orders. A genuine Grant funding arrangement is not a procurement. However, Officers should consider whether the purpose that the Grant is being provided for could be achieved through a procurement process. Advice should be sought from the Head of Procurement as to whether the Procurement Act applies in relation to any proposed Grant.

26.3 Before awarding any Grant with an estimated value of £100,000 and above, the Authorised Officer must consult the Chief Financial Officer.

26.4 For the purpose of the UK Subsidy Control Regime a ‘grant award’ proforma must be completed for all Grants regardless of value and returned to Procurement Services, prior to award of the Grant, who will update the national BEIS database with details of the grant.

26.5 All Grant agreements shall be recorded in the Contracts and Grants Register.

27 Payment Outside of Standard Procure to Pay Procedures

27.1 The Chief Financial Officer will make payments on account only on certificates (or other forms approved by the Chief Financial Officer) which have been issued by the Authorised Officer, or the architect/engineer/supervising officer appointed to deal with a particular Contract.

27.2 An Authorised Officer may where there has been written agreement with the Chief Financial Officer (setting out the parameters) make purchases and payments via a purchasing card. Purchasing cards must only be used in accordance with the Council’s Purchasing Card Compliance Policy, any exception to the Policy must be agreed in advance with the Chief Financial Officer.

27.3 The Chief Financial Officer will withdraw the use of purchasing cards should the above not be complied with. Instances of non-compliance can result in disciplinary action in accordance with CSO 2.1.

27.4 Payment for goods, works and services are not to be made in advance of delivery other than in a low Contract Value and low risk situation or where it is industry practice to do so that has been agreed in writing with the Appropriate Officer.

28 Claims

28.1 The Authorised Officer must inform the Director of Legal and Governance of all claims by or against Suppliers which are the subject of formal dispute resolution or litigation between the Council and the Supplier.

TABLE 1

Value Band	Total Contract Value	Procurement Options	Additional procedures
1	£0 - £30,000	**CSO Section 11** • Must demonstrate Best Value • Must use in-house or Corporate Contract where applicable unless otherwise agreed with the Head of Procurement • Use Local Supplier where possible (where compatible with the Procurement Act, Procurement Regulations (and associated legislation/regulations)) • Consider using purchasing card for low value, low risk purchases	• All quotes in writing • Contracts of £5,000 and above must be recorded on the Council's e-sourcing portal • All Contracts of £5,000 and above to be entered in the Contracts & Grants Register
2	£30,000 – Threshold for Goods and Services	**CSO Section 12** • Must use in-house or Corporate Contract where applicable unless otherwise agreed with the Head of Procurement • Consider availability of an existing suitable Framework or DPS • seek minimum of four quotes inviting local Suppliers, if available (where compatible with the Procurement Act, Procurement Regulations (and associated legislation/regulations)) **or** • Open Tender process where advertising occurs for the purposes of inviting Tenders	• Consider all pre-procurement requirements and Regulated Below Threshold Contract requirements (where applicable) • All quotes in writing • Use the Council's e-sourcing portal for quotes or formal Tender • All Contracts to be entered in the Contract & Grants Register
3	Light Touch Contracts, Concession Contracts and Works Contracts £214,904 to relevant Threshold	**CSO Section 13** • Must use in-house or Corporate Contract where applicable unless otherwise agreed with the Head of Procurement • Consider availability of an existing suitable Framework or DPS • Open Tender process or process agreed by the Head of Procurement.	• Consider all pre-procurement requirements and Regulated Below Threshold Contract requirements (where applicable) • Use the Council's e-sourcing portal for quotes or formal Tender • All Contracts to be entered in the Contracts and Grants Register
4	Above relevant Threshold	**CSO Section 14** • Must use in-house or Corporate Contract where applicable unless otherwise agreed with the Head of Procurement • Consider availability of an existing suitable Framework or DPS (call-off) • Formal Tender process • Full Tender process with advert published in Central Digital Platform in accordance with Thresholds	• All proposed Contracts must be referred to Procurement Services • Consider all pre-procurement requirements • Use the Council's e-sourcing portal for formal Tender • Complete Tender Evaluation Report for Contract award • All Contracts to be entered in the Contracts & Grants Register

PART 3H Officer Employment Procedure Rules

In these Rules 'chief officer' means the Chief Executive and Strategic Directors and Directors. 'Senior Officer' means Chief Officer as defined and Deputy Directors and Assistant Directors.

1 Attempts to Influence an Appointment

1.1 Candidates for any appointment will be disqualified if they directly or indirectly canvass members.

1.2 A member of Council shall not provide a reference for any candidate for appointment to the employment of the Council and must not in any way seek to influence improperly the choice of candidate for any appointment.

1.3 An officer who has agreed to act as a referee for a candidate may not take part in the recruitment process.

2 Candidates Related to Members or Officers

2.1 Candidates for any appointment with the Council must state in their application if a member or Senior Officer is a relative. Anyone who fails to do this will be disqualified, or if appointed, liable to instant dismissal on grounds of gross misconduct.

2.2 Members and Senior Officers must inform the appropriate Strategic Director, Director, Deputy Director, or Assistant Director if they know that any candidate is related to them. The Strategic Director, Director, Deputy Director, or Assistant Director must ensure that the appointing body is made aware of the relationship.

2.3 Members and Senior Officers must inform the appropriate Strategic Director or Director in writing if they know that a relative is appointed. The Strategic Director or Director will inform the Monitoring Officer who will record the appointment.

2.4 All candidates must be made aware of the Rules contained in paragraph 2.

2.5 For the purposes of these Rules:

2.5.1 "Relative" means spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons.

2.5.2 "Partner" in paragraph 2.5.1 above means a member of a couple who live together.

3 Appointments to Chief Officer Posts - Chief Executive

3.1 Where there is a vacancy in the post of Chief Executive an appointment panel will be established by the Staffing Committee to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing.

3.2 The appointment panel must include at least one member of the Executive.

3.3 Where the appointment panel decides that the appointment will not be made exclusively from among the Council's existing officers, the panel shall:

3.3.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.

3.3.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

3.3.3 Make arrangements for a copy of the statement in paragraph 3.3.1 above to be sent to any person on request.

3.3.4 Where a post has been advertised, the appointment panel shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.

3.4 Where the appointment panel has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.

3.5 The proper officer will send the information under paragraph 3.4 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.

3.6 The Council must approve the appointment of the Chief Executive. The Panel's recommendation for appointment will not be referred to the Council for a decision until one of the following is satisfied:

3.6.1 The Leader of Council has notified the appointment panel within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.

3.6.2 The proper officer has notified the appointment panel that s/he has received no objection from the Leader of Council within that specified timescale, or

3.6.3 The appointment panel is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

3.7 Full Council must also approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new appointment.

3.8 Where no qualified person has applied or where the panel is unable to make a recommendation for appointment the panel shall make further arrangements for advertisement in accordance with paragraph 3.3.2 above.

4 Appointments to Chief Officer Posts - Other Chief Officers

4.1 If there is a vacancy in a chief officer post, other than that of Chief Executive, the Staffing Committee will decide whether to fill the post. If the Committee decides not to fill the post, it must determine how the duties of the post are to be carried out.

4.2 If the Staffing Committee decides to fill the post, the Committee may establish an appointments panel to make the appointment or delegate the power to make the appointment to the Chief Executive, or her/his nominee. Either the appointments panel, the Chief Executive, or her/his nominee, as the case may be, shall have full delegated powers to decide how the post will be filled, including on what terms and conditions, advertising, short listing and interviewing.

4.3 An appointment panel must include at least one member of the Executive.

4.4 Where the appointment panel, the Chief Executive or her/his nominee, decide that the appointment will not be made exclusively from among the Council's existing officers, the panel, Chief Executive or her/his nominee shall:

4.4.1 Draw up a statement specifying the duties of the post and any qualifications or qualities to be sought in the person to be appointed.

4.4.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

4.4.3 Make arrangements for a copy of the statement in paragraph 4.4.1 above to be sent to any person on request.

4.4.4 Where a post has been advertised, the appointment panel, the Chief Executive or her/his nominee, shall either interview all qualified applicants for the post or select a shortlist of qualified applicants and interview those included on the shortlist.

4.5 Where the appointment panel, Chief Executive or her/his nominee, has selected a candidate for appointment they must notify the proper officer of the name of that candidate together with any other relevant details.

4.6 The proper officer will send the information provided under Paragraph 4.5 to every member of the Executive and will inform them of the timescale during which any objection to the proposed offer of appointment should be made to the Leader of Council.

4.7 No offer of appointment shall be made by the appointment panel, Chief Executive or her/his nominee, as the case may be, until one of the following is satisfied:

4.7.1 The Leader of Council has notified the appointment panel or Chief Executive or her/his nominee within the specified timescale that no member of the Executive has objected to the proposed offer of appointment.

4.7.2 The proper officer has notified the appointment panel, Chief Executive or her/his nominee, that s/he has received no objection from the Leader of Council within that specified timescale, or

4.7.3 The appointment panel, Chief Executive or her/his nominee, is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

4.8 Full Council must approve any salary package, as defined in the Council's Pay Policy Statement, of £100,000 per annum or more before it is offered in respect of a new post not listed in Appendix B of the Pay Policy Statement or if it is proposed to pay more than the top of the salary range for an existing post in Appendix B (excluding pay awards) unless paragraph 9 of the pay Policy Statement applies.

4.9 Where no qualified person has applied, or where the Panel, Chief Executive or her/his nominee, is unable to make an appointment from the candidates that have been interviewed, the Panel, Chief Executive or her/his nominee, shall make further arrangements for advertisement in accordance with Paragraph 4.4.2 above.

4.10 The provisions detailed in paragraphs 4.1 to 4.9 above do not apply where an interim appointment is to be made, either from the Council's existing officers or externally, and where that interim appointment is for a period not exceeding 12 months. The Chief Executive may appoint interim chief officers in such circumstances and may extend any such interim appointment after consultation with the Chair of Staffing Committee if in the best interests of the Council to do so.

5 Appointments to Other Officer Posts

5.1 The appointment of officers below Chief Officer is the responsibility of the Chief Executive or her/his nominee, and members may not make or be involved in such appointments.

6 Disciplinary Procedures - The Chief Executive (Head of Paid Service), Monitoring Officer, and Chief Finance Officer

6.1 For the purpose of these procedures, disciplinary action has the meaning set out in the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended),

6.2 The Chief Executive, Monitoring Officer or Chief Finance Officer (referred to below in each case as the "relevant statutory officer") may be suspended on full pay for the purpose of investigating alleged misconduct by her/him.

6.3 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may take disciplinary action short of dismissal against a relevant statutory officer or recommend to full Council that a relevant statutory officer be dismissed for disciplinary action .

6.4 Where a potential disciplinary matter in respect of the Chief Executive, Monitoring Officer or the Chief Finance Officer arises:

6.4.1 The matter will be considered by the Chief Officer Disciplinary Committee.

6.4.2 Where, following a full investigation and hearing, the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

6.4.3 The proper officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of Council, on behalf of the Executive, to the proper officer.

6.5 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer, and must do so before notice of dismissal (if required) is given. The Chief Officer Disciplinary Committee's recommendation for dismissal will not be referred to Council for a decision until one of the following is satisfied:

6.5.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

6.5.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

6.5.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

6.6 If the Chief Officer Disciplinary Committee is proposing dismissal of the relevant statutory officer, this proposal must go before the Independent Panel, appointed under s.102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

6.7 Where the proposed dismissal is for disciplinary action, Council must take into account, in particular: -

(a) the recommendations of the Chief Officer Disciplinary Committee.

(b) any advice, views or recommendation of the Independent Panel referred to above

(c) the conclusions of any investigation into the proposed dismissal; and

(d) any representations from the relevant statutory officer

before the taking of a vote at the meeting on whether or not to approve such a dismissal.

6.8 The Independent Panel must be appointed by the Authority at least 20 days before the relevant meeting and must include two Independent Persons.

6.9 In relation to action short of dismissal, the relevant statutory officer has a right of appeal to Staffing Committee. There is no right of appeal beyond this level.

Disciplinary Procedures - Other Chief Officers, Deputy Directors, and Assistant Directors

6.10 Where a potential disciplinary matter arises which concerns a Strategic Director, Director, Deputy Director, or Assistant Director (referred to below in each case as the "relevant officer"), other than the Monitoring Officer or Chief Finance Officer the disciplinary procedures contained in the Joint Negotiating Committee (JNC) Agreement for Chief Officers will apply.

6.11 Subject to the provisions set out below, the Chief Officer Disciplinary Committee may dismiss for disciplinary action or take disciplinary action short of dismissal against Strategic Directors, Directors (other than the Director of Finance in relation to dismissal) Deputy Directors or Assistant Directors.

6.12 Where a potential disciplinary matter in respect of a relevant officer (other than the Monitoring Officer or Chief Finance Officer) arises, the steps to be taken under the disciplinary procedures are:

6.12.1 When the matter involves a Strategic Director or Director (other than the Director of Finance) the Chief Executive will undertake a preliminary investigation of the complaint. The preliminary investigation may in certain circumstances, including the prior involvement in the matter by the Chief Executive, be undertaken by another Chief Officer or by not fewer than two elected members. Where the matter involves a Deputy Director or Assistant Director, the Strategic Director will undertake a preliminary investigation of the complaint. This preliminary investigation may in certain circumstances, including the prior involvement in the matter by a Strategic Director, be undertaken by the Chief Executive, another Chief Officer or by not fewer than two elected members.

6.12.2 Unless the decision on the preliminary investigation is either that the complaint does not warrant a full investigation, or, if established, could be resolved informally, for example, through an unrecorded informal warning, the matter will be referred to the Chief Officer Disciplinary Committee, acting as the Investigating Committee under the JNC Agreement for Chief Officers. The Committee must include at least one member of the Executive and will have full delegated powers to act.

6.12.3 The employee will have a right of appeal against any disciplinary action to the Staffing Committee which must include at least one member of the Executive. There is no right of appeal beyond this level.

6.13 Where the Chief Officer Disciplinary Committee considers that dismissal is the appropriate course of action they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

6.14 The Proper Officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any

objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.

6.15 The Committee must not give notice of the dismissal until one of the following is satisfied:

6.15.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

6.15.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

6.15.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

7 Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - The Chief Executive, Monitoring Officer, and Chief Finance Officer

7.1 Only full Council can approve the dismissal of the Chief Executive, Monitoring Officer, or Chief Finance Officer ("relevant statutory officers") and must do so before notice of dismissal is given.

7.2 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant statutory officer, they must notify the proper officer giving particulars, in addition to the person's name, that are relevant to the proposed dismissal.

7.3 The proper officer will send that information including the person's name, to every member of the Executive and will inform them of the timescale during which any objection to the proposed dismissal should be made by the Leader of Council on behalf of the Executive, to the proper officer.

7.4 The Staffing Committee's recommendation for dismissal will not be referred to Council for a decision until either paragraph 6.6.1 or 6.6.2 or 6.6.3 is satisfied. There is no requirement for the involvement of an Independent Panel in the case of proposed dismissals for reasons other than disciplinary action.

Dismissal other than for Disciplinary Action (for example dismissal by reason of redundancy) - Other Chief Officers, Deputy Directors, and Assistant Directors ("relevant officers")

7.5 Where the Staffing Committee considers that dismissal is the appropriate course of action in respect of a relevant officer, they must notify the proper officer giving the particulars in addition to the person's name that are relevant to the proposed dismissal.

7.6 The proper officer will send that information, including the person's name, to every member of the Executive and will inform them of the timescale during which any

objection to the proposed dismissal should be made by the Leader of the Council, on behalf of the Executive, to the proper officer.

7.7 The Committee must not give notice of the dismissal until one of the following is satisfied:

7.7.1 The Leader of Council has notified the Committee within the specified timescale that neither s/he nor any other member of the Executive has objected to the proposed dismissal,

7.7.2 The proper officer has notified the Committee that s/he has received no objection from the Leader of Council within that timescale, or

7.7.3 The Committee is satisfied that any objection received from the Leader of Council within the specified timescale is not material or well founded.

PART 4 CODES AND PROTOCOLS

PART 4A Members' Code of Conduct

This Code applies to Elected Members and voting Co-opted Members of City of Bradford Metropolitan District Council in all aspects of their public life.

The Council expects Members to follow this Code when they are:

- conducting the work of the Council
- representing the Council on any external organisation, and
- otherwise acting in their official capacity.

This Code does not apply to what Members do in their purely private and personal lives.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of the Council or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

a) is a member of any committee or sub-committee of the authority, or;
b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

1. Everyone in public office at all levels, all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the Seven Principles of Public Life, also known as the Nolan Principles- See Appendix A.

2. In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

3 In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence, and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

4. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

5. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

6. The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

7. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

8. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of councillor conduct

9. This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

10. Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct Respect

11. **As a councillor:**

- **I treat other councillors and members of the public with respect.**
- **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

11.1 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

11.2 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

11.3 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Council, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Members' Code of Conduct, and Council employees, where concerns should be raised in line with the Council's Protocol on Member-Officer Relations.

11.4 The Protocol on Member- Officer Relations set out in the Council's Constitution forms part of this Code and any breach of the requirements of that Protocol by a councillor or voting co-opted member shall be treated as a breach of this Code.

Bullying, harassment and discrimination

12. As a councillor:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

12.1 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

12.2 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such

conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

12.3 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

12.4 The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Impartiality of officers of the Council

13. As a councillor:

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

13.1 Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

14. As a councillor:

- **I do not disclose information:**

  a. given to me in confidence by anyone
  b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless

    i. I have received the consent of a person authorised to give it;
    ii. I am required by law to do so;
    iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    iv. the disclosure is:

      - **reasonable and in the public interest; and**
      - **made in good faith and in compliance with the reasonable requirements of the local authority; and**
      - **I have consulted the Monitoring Officer prior to its release.**

- **I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

- **I do not prevent anyone from getting information that they are entitled to by law.**

14.1 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

15. As a councillor:

- **I do not bring my role or local authority into disrepute.**

15.1 As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or the Council and may lower the public's confidence in your or the Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the Council into disrepute.

15.2 You are able to hold the Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Council whilst continuing to adhere to other aspects of this Code of Conduct.

Use of position

16. As a councillor:

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

16.1 Your position as a councillor provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

Use of Council resources and facilities

17. As a councillor:

- **I do not misuse Council resources.**
- **I will, when using the resources of the Council or authorising their use by others:**

  a. act in accordance with the Council's requirements; and
  b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which I have been elected or appointed.

17.1 You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

17.2 These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Council's own policies regarding their use.

17.3 The Protocol on Members' Use of Council Resources including use of Email and the Internet set out in the Council's Constitution forms part of this Code and any breach of the requirements of that Protocol by a councillor or voting co-opted member shall be treated as a breach of this Code.

Complying with the Code of Conduct

18. As a Councillor:

- **I undertake Code of Conduct training provided by the Council.**
- **I cooperate with any Code of Conduct investigation and/or determination.**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

18.1 It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust

in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

Interests

19. As a councillor:

- **I register and disclose my interests.**

19.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

19.2 You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

19.3 You should note that **failure to register or disclose a disclosable pecuniary interest** as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

19.4 **Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

Gifts and hospitality

20. As a councillor:

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

- **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

- **I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

20.1 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you

reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Dispensations

21. Any request for a dispensation must be made in writing to the Monitoring Officer.

21.1 The Council, on written request is permitted to grant dispensations where it considers that:

- without the dispensation, the number of councillors of the decision making body prohibited from participating in any particular business would be so great a proportion of the decision making body that it would impede the transaction of the business
- without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter.
- the dispensation is in the interests of persons living in the authority's area
- without a dispensation each councillor of the Executive would be unable to participate on a particular matter, or
- it is otherwise appropriate to grant a dispensation

Training

22. It is a mandatory requirement that councillors complete a training course on Child Sexual Exploitation. Councillors will be sent details by email of the course they are required to complete and the course must be completed within 6 months of the councillor's election or re-election or in the case of co-opted members their co-option or the renewal of their co-option. Current councillors, including current co-opted members are also required to complete a training course on Child Sexual Exploitation and must do so within 3 months of being sent details by email of the course. Councillors will be required to repeat the training if the content is significantly amended, for example as a result of changes to statutory guidance.

Allegations of a Failure to Comply with the Code of Conduct

23. All complaints alleging a failure to comply with this Code will be considered in accordance with the procedure agreed by full Council.

24. Should there be a conflict between this Code and the Council's Protocols on Member- Officer Relations, Members' Use of Council Resources including use of Email and the Internet and Gifts and Hospitality, this Code will take precedence.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organizations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Interests

Registering interests

Disclosable Pecuniary Interests and Other Registerable Interests

1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012".

2. You should also register **details** of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

3. "**Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in **Table 1** below.

4. **"Partner"** means

   - a spouse or civil partner, or
   - a person with whom you are living as husband or wife, or
   - a person with whom you are living as if you are civil partners.

5. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

Sensitive Interest

6. A '**sensitive interest'** is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.

7 Where you have a **'sensitive interest'** you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

8. Where a matter arises at a **meeting** which directly relates to one of your **Disclosable Pecuniary Interests** as set out in **Table 1**, you must disclose the interest and:

   8.1 not participate in any discussion or vote on the matter and

   8.2 must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest – see paragraph 21 above.

9. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

10. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your **Other Registerable Interests** (as set out in **Table 2**):

    10.1 you must disclose the interest.

    10.2 you may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and

    10.3 must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

11. Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate,

    11.1 you must disclose the interest.

    11.2 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and

    11.3 you must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

12. Where a matter arises at a meeting which ***affects:***–

    a. your own financial interest or well-being;
    b. a financial interest or well-being of a relative or close associate; or
    c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

    you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

13. Where a matter (referred to in paragraph 12 above***) affects*** the financial interest or well-being:

    a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
    b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

    13.1 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and

    13.2 must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

14 Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as an Executive member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council:- (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate Tenancies	Any tenancy where (to the councillor's knowledge):- (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.

Securities	Any beneficial interest in securities* of a body where: (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: (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 councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

a) any unpaid directorships

b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority

c) any body

(i) exercising functions of a public nature
(ii) directed to charitable purposes or
(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

PART 4B MEMBER AND OFFICER PLANNING CODE OF CONDUCT

1 Introduction

1.1 This Code is applicable to all town and country planning related matters that fall to be determined by the Council as local planning authority and the general principles are applicable to the exercise of other regulatory functions of the Council.

1.2 Any references in this Code to members of the Planning Panel or the Regulatory and Appeals Committee are also intended to include alternate members only where they sit or propose to sit as a member of the Planning Panel or the Regulatory and Appeals Committee but this provision shall not apply to Para 4.3 below.

1.3 This Protocol provides rules (set out in **bold** type) and guidance (in *italics*) for members, co-opted members and officers in dealing with town and country planning related matters.

2 Membership of the Regulatory and Appeals Committee and Planning Panel

2.1 **Any member having a significant involvement in planning or development matters, and so is likely to be regularly prevented from any direct input into the Committee's or the Planning Panel's business, should not serve on the Regulatory and Appeals Committee or the Planning Panel.**

2.2 **Members of the Regulatory and Appeals Committee or the Planning Panel should never personally act as agents for people pursuing a planning matter with the Council.**

It is important to secure public and business confidence in the planning system that planning matters are dealt with openly, fairly and without any suspicion of Members or officers having a personal interest in the outcome of planning decisions.

3 Declarations of Interest

3.1 **Members must strictly comply with the requirements as to disclosure of interests contained in the Members' Code of Conduct.**

3.2 **A member with a disclosable pecuniary interest must comply with the requirements in the Members' Code of Conduct and not participate in the decision-making process. The member must also declare their interest and leave the meeting room during consideration of the matter in which they have the disclosable pecuniary interest. Any member present who is not a member of the Panel and who has a disclosable pecuniary interest in any matter being considered must also declare their interest and leave the meeting room.**

3.3 Members with a disclosable pecuniary interest must also absent themselves from the discussion of the matter during any official briefing process.

This principle is important in order to ensure fairness and transparency of decision-making. It should also be noted that where a Member has an interest in an item, then any obligation not to participate extends outside formal meetings. It applies equally to other official dealings related to the matter in question, for example any contact with the planning officers who are dealing with the application.

In this regard members should be aware that, whilst they are not prevented from seeking to explain or justify a proposal in which they have a disclosable pecuniary interest to an appropriate officer, this code places greater limitations on members than would apply to an ordinary member of the public and sensible steps must be taken to ensure openness and fairness in the decision-making process. In particular it is advisable to notify the Monitoring Officer in writing of your own application (or that of a relative or employer where known).

- ***Note that the proposal will always be reported to Panel for decision and not dealt with by officers under the scheme of delegation. - Consideration should be given to whether it is advisable to employ an agent to act on the affected member's behalf in dealing with officers - Note that affected members have a right to make written representations to officers about the proposal.***

- ***Failure to disclose a disclosable pecuniary interest is a criminal offence. Section 34 of the Localism Act 2011 creates criminal offences relating to councillors' and co-opted members' duties under the Code of Conduct. A brief guide to the offences is set out below:***

- ***Consequences of failure to Register and Declare Disclosable Pecuniary Interests (s.34(1))***

  A member is guilty of a criminal offence if without reasonable excuse they fail to register disclosable pecuniary interests in accordance with the Code of Conduct or after declaring a disclosable pecuniary interest at a meeting or individual executive decision meeting fails to notify the monitoring officer to update the register or fails to disclose a disclosable pecuniary interest and /or participates in a discussion and/ or votes on an item where they have a disclosable pecuniary interest.

  Providing False or Misleading Information when registering and declaring Disclosable Pecuniary Interests (s.34 (2))

  A member will be guilty of an offence if when registering and / or notifying the monitoring officer of a disclosable pecuniary interest, declaring interests at meetings (including individual executive decision-making meetings), s/he either:

  - ***provides false or misleading information and the member knows the information is false or misleading or***

  - ***is reckless as to whether the information is true and not misleading.***

Prosecutions and Penalty

Any alleged offence will be investigated by the Police and prosecuted by the Director of Public Prosecutions, not the Council.

3.4 Aside from the legal requirement to disclose disclosable pecuniary interests, Planning Members should also disclose interests other than disclosable pecuniary interests that might give rise to a public perception that such a member's dealings with a planning matter may be governed not just by issues of the public interest. A member may regard herself/himself as not having such an interest in a planning or regulatory matter if that matter solely relates to:

3.4.1 Another relevant authority of which s/he is a member
3.4.2 Another public authority of which s/he is a member
3.4.3 A body to which s/he has been appointed or nominated by the Council as its representative.

Provided the member does not have a disclosable pecuniary interest as a result of any financial gain they receive as part of that role.

Examples of circumstances in which Members and Officers would be expected to disclose an interest and not participate in consideration of the related item include:

- ***A member or officer's own application or made on her/his own behalf or circumstances where (despite the requirements of paragraph 2.2 above) a member or officer is representing or acting as agent (in any capacity) for an applicant. Any such application must be dealt with at an area planning panel. [A member will usually have a disclosable pecuniary interest in any planning application made on their behalf].***

- ***The involvement of a member or her/his family in a consultancy, agency or company that may potentially be involved in related land or property dealings or construction within the district***

- ***Close working relationships, friendships or family connections of a member or officer with a consultancy, agency, developer, construction company or land or property owners (other than a member's own home) which operates in the locality and has an interest in a planning application or development generally within the district.***

- ***Close neighbours involved in a planning application.***

- ***Where a Planning Member lives in very close proximity to the Site or location of issues related to a planning matter and it could be perceived by the public that the member concerned could be directly affected in their personal capacity by the matter in issue.***

- ***Where an elected member is also a member, representative or employee of an organisation, charity, society, campaigning or pressure group or club, which has a direct interest though not necessarily a pecuniary interest in a planning application, including a voluntary organisation, development or partnership agency, housing association, etc.***

- ***Membership of another committee, sub-committee or advisory body of the Council that is promoting, advocating approval of, or has passed a resolution opposing an application.***

- ***Where a member has an interest which is not a disclosable pecuniary interest as set out above in land or property subject to discussion as part of the Local Plan process.***

There may be circumstances where a member only becomes aware that s/he has an interest during discussion of the item at the meeting. In the circumstances the member concerned should bring this to the attention of the chair disclose the nature of the interest, and leave the meeting room during all subsequent consideration of the item. The legal responsibility lies with individual members to disclose an interest where appropriate. Legal advice should always be sought where in doubt, but generally speaking members should always err on the side of declaring an interest where there is any uncertainty.

4 Predetermination and Bias

4.1 **Members of the Planning Panel or the Regulatory and Appeals Committee should avoid openly expressing a view for or against a proposal or act as advocate for the views of interested supporters or objectors in advance of the meeting until after they have heard or considered all relevant material evidence and arguments (including issues observed at any related formal site visit).**

To do so could lead a fair minded and informed observer to conclude that there was a real risk that the member concerned had predetermined the outcome.

4.2 **Where despite the advice given in 4.1 a planning member has put themselves in a position where they could be considered or perceived to have predetermined the outcome of a planning decision then they must disclose this fact at the start of the meeting and a record of such disclosure will be made in the minutes of the meeting. The member concerned must not then participate in any discussion or determination of the item.**

4.3 **Having disclosed that they could be considered or perceived to have predetermined the outcome of a planning decision then having stood down from the Regulatory and Appeals Committee or Planning Panel during discussion of an item it is not appropriate for that member to seek to speak as an objector or supporter of the application or planning proposal in question.**

Planning members need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in a transparent, open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. The determination of a planning application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly, with the added possibility that an aggrieved party may seek Judicial Review of the way in which a decision has been arrived at, or complain to the Ombudsman on grounds of maladministration.

Members should be aware that in most cases issues of predetermination will not amount to a personal or prejudicial interest for the purposes of the Council's Members Code of Conduct. However, depending on the facts of the case there is the potential for allegations of breaches of paragraph 14 and/or 15.1 of the Council's Members Code of Conduct i.e. because a planning member who renders the decision of a council unlawful due to predetermination might reasonably be regarded as bringing the authority or her/his office into disrepute or attempting to use their position on the determining panel/committee to improperly confer or secure advantage for their self or another person.

There may be cases where issues of predetermination also bring into question possible issues of personal and prejudicial interests. An example of this would be where a planning member has publicly made a firm statement about how an application should be determined where that member also has a close friendship or association with the applicant or an objector. In such circumstances both a declaration of a personal and prejudicial interest; and a disclosure that the member could be considered or perceived to have predetermined the outcome of the planning decision should be made.

The Council's Constitution allows for planning applications to which the Town and Country Planning (Consultation) (England) Direction 2021 apply to be referred by the Strategic Director Growth to the Planning Panel so that the Panel can express its views and then, if the Panel would have been minded to grant the application, make a recommendation to the Regulatory and Appeals Committee. This process gives rise to the possibility of a member of the Panel who is also a member of the Committee having expressed their views and voted on an application by the time the application comes before the Committee for determination. It is in order for such "dual hatted" members to fully participate when the application is considered by the Committee. However; in the interests of transparency, affected members are advised to publicly disclose their involvement with the Planning Panel but stress that they are approaching the matter at the Regulatory and Appeals Committee with an open mind and in the light of any new material planning issues that may be brought to their attention since the Planning Panel considered the application.

5 Planning Applications from Councillors or Officers

5.1 **If a councillor, officer employed within the planning service, or an officer recognised as part of the Council's Senior Leadership submits their own proposals or those of a spouse, partner, business associate or client, or close relative to the Council, they must take no part in its consideration. The Council's**

Strategic Director Growth must be informed of such proposals. All such applications must clearly state on the application form the status of such a councillor or officer.

These proposals must always be reported to the Committee or Planning Panel as main items and must not be dealt with by officers under delegated powers.

5.2 **As part of the officer report to the Committee or Planning Panel, the Strategic Director Growth must confirm the reason why the application is being reported to the Committee or Planning Panel in accordance with this requirement and name the officer or councillor concerned.**

6 Planning Applications from the Council

6.1 **Proposals by the Council in relation to its own development must be treated in the same way as those by private developers in accordance with DoE Circular 19/92, or any other relevant circular, particularly in relation to officer advice and consideration of the planning merits of the application.**

6.2 **Councillors who sit on both the initiating committee and the determining Planning Panel or Regulatory and Appeals Committee must declare an interest and leave the meeting room when the application is being considered.**

7 Officer Reports

7.1 **All officer reports to the Planning Panel or the Regulatory and Appeals Committee should generally be in writing and fully detailed, including the substance of all objections and other representations received.**

7.2 **Oral reports should generally only be used to update members about further material information or representations received after the agenda has been circulated. Oral reports may also be necessary where items have had to be referred to the Planning Panel or the Regulatory and Appeals Committee outside the main agenda for reasons of urgency. However, even in these circumstances officers should where time permits present a written report summarising the main material issues which can be circulated to members and interested parties.**

7.3 **Where oral reports or updates are given the minutes of the meeting should confirm that this information was given orally and fully note the substance of relevant information given in the oral report.**

7.4 **All reports should contain an exposition of the local development plan context, relevant planning policies, site history, a technical appraisal, and suggested reasons for approval/refusal/service of notices; any relevant conditions/ planning obligations and a clear recommendation.**

7.5 **Where the recommendation contained in the report would, if acted upon, be contrary to any policies set out in the local development framework then the report should fully detail the material circumstances justifying the recommendation.**

Site Visits

7.6 **Any elected member on the Planning Panel or the Regulatory and Appeals Committee who has been lobbied or taken part in discussions on independent site visits with respect to a planning matter, aside from the Committee or Planning Panel's approved site visit, must declare this at the Planning Panel or Committee meeting when the application is considered.**

7.7 **Any member of the Planning Panel or Regulatory and Appeals Committee may request a site visit. Site visits will only take place where the Chair is satisfied that the benefit in a site visit taking place is clear and substantial. A site visit is only likely to be necessary where –**

7.7.1 the impact of the proposed development is difficult to visualise with the plans and any supporting material, including photographs taken by officers; or

7.7.2 the comments of the applicant cannot be expressed adequately in writing.

7.8 **During a site visit any meeting of the Planning Panel or Regulatory and Appeals Committee is 'in session' and, in particular, the Chair is responsible for presiding over proceedings during a site visit.**

Any member, who has previously declared a prejudicial interest in an agenda item subject to a site visit, should not participate in the related site visit.

7.9 **Members should attend the site visit as a group and any representations on the site visit made by third parties may only be allowed at the discretion of the Chair and must be made to the visiting Planning Panel or Regulatory and Appeals Committee members as a whole.**

7.10 **Generally speaking such representations will only be allowed on the invitation of the Chair in order to clarify factual matters not apparent to members by way of visual inspection of the site alone.**

7.11 **Individual members should not enter into separate discussions with third parties on site visits in isolation from the Planning Panel or Regulatory and Appeals Committee Members as a whole.**

7.12 **No decision in respect of the planning application must be made on the site visit.**

8 Lobbying

8.1 **Elected members on the Planning Panel or Regulatory and Appeals Committee should avoid organising the support or opposition to planning applications,**

acting as an advocate in support or opposition to an application or lobbying other members.

Where a member is in this position they must declare an interest in the item and not participate.

8.2 **Elected members on the Planning Panel or Regulatory and Appeals Committee must refer any approaches by lobbyists, agents, applicants, etc to planning officers.**

8.3 **Where members of the Planning Panel or the Regulatory and Appeals Committee are approached by developers wishing to discuss or make a special presentation of their development proposals outside of the formal meeting, then such requests should be declined.**

If a special presentation would be helpful in reaching a decision, then with the agreement of the chair, this should be arranged as part of a formal meeting of the Planning Panel or Regulatory and Appeals Committee so that other interested parties are able to participate if they wish. The chair may, at her/his discretion, arrange a special meeting for this purpose.

8.4 **Elected members must not put pressure on officers for a particular recommendation when officers are preparing reports for Panel.**

8.5 **More senior officers of the Council should not exert pressure on planning case officers to alter their recommendation on how a planning matter should in their professional opinion be determined.**

The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion.

8.6 **Ward councillors who also sit on the Planning Panel or the Regulatory and Appeals Committee, when in receipt of representations from constituents must confine themselves simply to communicating the views of their constituents to planning officers or to the chair and the Planning Panel or Committee as a whole. They should not adopt a firm and fixed position on an application or other matter prior to the item being fully considered.**

Where appropriate; correspondents or lobbyists should be directed to another ward councillor who is not on the Planning Panel or the Regulatory and Appeals Committee.

8.7 **In order to ensure transparency of decision-making and avoid any imputation of unfair lobbying of the Committee or Planning Panel members, ward councillors who are not members of the Committee or panel should not attend or participate in official briefing meetings during discussions of items they are supporting or objecting to. The current agreed arrangements for briefing Committee and Planning Panel members on legal and procedural issues are included in the Appendix to this Code.**

8.8 **Party whips or the chairs of the Committee or Planning Panel must not direct any member, or officer acting under delegated powers, to vote on or determine an item in a particular way.**

A standard letter explaining that members of the Committee and the Planning Panel have a neutral position on planning matters is available from the Strategic Director Growth . This should be sent out to all applicants and objectors when representations are received.

As all ward members receive lists of planning applications in their ward, those not on the Committee or the Planning Panel should be advised of possible approaches by lobbyists in light of the constraints applicable to the Committee and Planning Panel members.

9 Gifts and Hospitality

9.1 **Where members of the Planning Panel or the Regulatory and Appeals Committee are offered hospitality or gifts from any person who they know or suspect to be an applicant, agent, or interested party (including an objector) in a planning matter due to be considered by the Planning Panel/Committee this should be declined.**

Part 4D of the Council's Constitution contains detailed advice on the Protocol for Members Gifts and Hospitality.

10 Right to make Representations

10.1 **All Council members have the right to make written comments on an application and attend meetings of the Committee and the Planning Panel. Ward members also have the right to speak. Other members (subject to any issues concerning the need to declare an interest and not participate as discussed elsewhere in this Code) who have indicated that they wish to make representations on behalf of supporters or objectors may speak at the discretion of the chair and in line with procedures drawn up by the Strategic Director Growth in consultation with the chair.**

Members when approached should advise lobbyists, agents, applicants and objectors of any known public consultation arrangements, the standard representation system adopted by the Council (including timescales), for which there are information sheets and notes for guidance, and the public speaking rights available.

11 Committee and Planning Panel Members Meeting Lobbyists

11.1 **On those limited occasions where elected members on the Committee or the Planning Panel do meet lobbyists, etc, outside formal meetings or organised site visits they should do so whenever possible in the presence of a professional officer, preferably a planning officer. This is especially important if the lobbyists concerned are professionally represented.**

11.2 **On attending any such meeting elected members of the Planning Panel or Regulatory and Appeals Committee should agree only to listen and question but should either express no comment or make it clear that they are unable to commit themselves to a point of view with lobbyists, agents, applicants or third party objectors, etc, prior to the full determination of the application by the Panel or the Committee.**

11.3 **The agenda of any such meeting should be restricted to material planning matters and relevant development plan policies as advised by the planning officer.**

11.4 **Elected members should not attempt to negotiate on planning matters with applicants, lobbyists, agents, or third party objectors, etc.**

11.5 **At the conclusion of any such meeting it must be made clear that any comments made by the elected members are personal rather than those of the Council, are made without prejudice and are provisional pending other evidence, consultations and officer advice.**

11.6 **A full record should be taken of the meeting and agreed outcomes should be minuted.**

11.7 **Where hospitality is offered a record of that offer should be kept, whether it is accepted or not. Where hospitality is unavoidable it should be kept to a minimum.**

It is important that members are seen to have taken account of all material considerations and representations before making a decision. Unrestricted contact with applicants, lobbyists, agents, or third party objectors outside of formal meeting runs the risk of decisions being perceived to be partial.

12 Pre-application Discussions – Members and Officers

12.1 **It should always be made clear at the outset that discussions will not bind the Council to making a particular decision and that any views expressed are personal, provisional and given without prejudice to full and proper consideration of any application that maybe made subsequently.**

12.2 **Advice should be consistent and based upon the Local Development Plan and other material considerations.**

12.3 **A written note should be made of any discussions or meetings. Two or more officers should attend potentially contentious meetings. A follow-up letter from the Council should set out the matters discussed, comments made, and any agreed action.**

12.4 **Care must be taken to ensure that advice is not partial (nor seen to be) otherwise a subsequent report could appear to be advocacy. To maintain impartiality, and its appearance, it is preferable that councillors do not take part in such discussions. Should there, however, be occasions when councillors are involved they should be advised by appropriate professional officers from the Council (which must always include a senior planning officer) and be authorised, on a**

case-by-case basis, by the Planning Panel or following notification to the chair or deputy chair. The actual officer(s) who will attend must be agreed in advance between the chair and the Strategic Director Growth .

12.5 **The involvement of councillors in such discussions should be recorded in the Committee or Planning Panel report (where appropriate) and notes of the meeting (which should always be sent to all parties attending the meeting) must be kept on the planning file.**

13 Decisions by Officers Under Delegated Powers

13.1 **The principles and spirit of this Code apply equally to planning decisions taken by officers under delegated powers.**

13.2 **All such decisions must be made on their planning merits and in accordance with Standing Orders and the Scheme of Delegation of Planning Decisions.**

14 Function of Agenda Preparation Meeting

14.1 **The role of the agenda preparation meeting should be confined to appraising the chair of the planning implications and representations made about particular applications or other planning matters for the purpose only of deciding which of these should be referred to the Committee or Planning Panel or can be dealt with by officers under the Scheme of Delegation of Planning Decisions. When a member requests in writing, or by any other formal means, that an application which relates to their ward be considered by the Committee or the Planning Panel, as appropriate, the application shall be considered by the Committee or Panel in accordance with the Scheme of Delegation approved by the Regulatory and Appeals Committee.**

14.2 **No actual decisions on any individual applications should be made at an agenda preparation meeting by officers, nor should any pressure be put on officers or directions given by the chair, other members or more senior officers on how a particular application or planning matter should be determined by officers.**

14.3 **Under Article 14 of the Constitution, the Strategic Director Growth is always entitled to refer any item to the Planning Panel or the Regulatory and Appeals Committee where s/he considers it expedient to do so. The Strategic Director Growth should not be pressurised or instructed to waive the exercise of this right where she/he considers this to be desirable.**

15 The Decision of Officers

15.1 **No decision of officers acting under delegated powers should be taken without the benefit of a proper written appraisal of all the relevant planning issues.**

15.2 **A full and formal record of the decision must be made, including details of the relevant part of the Scheme of Delegation giving authority to the officer concerned, any relevant planning conditions, and any relevant reasons for refusal or reasons for serving planning notices.**

15.3 **All such written records should be dated and kept in an official 'Record of Delegated Decisions' that must be open to public inspection.**

15.4 **Any decisions taken under delegated powers should be taken entirely separate to the agenda preparation meeting.**

15.5 **There should not be any reference to the agenda preparation meeting in the Record of Delegated Decisions.**

16 Enforcement

16.1 **The Standards Committee has responsibility for dealing with any breach of this Code.**

16.2 **Allegations of any breach must be made in writing to the Monitoring Officer.**

16.3 **Breach of the rules applying to officers may be the subject of disciplinary action.**

17 Training in the Planning Process for Planning Members

17.1 **All full and alternate members of the Planning Panel or the Regulatory and Appeals Committee must undertake initial training on how the planning system operates as provided by the Council in a seminar and/or workshop programme, or individual training sessions with Members, within 8 weeks of appointment to their role.**

17.2 **Newly appointed planning members must not sit as members of the Planning Panel or the Regulatory and Appeals Committee unless or until they have obtained a certificate issued by the Assistant Director Planning confirming that they have received such initial training; save that the Director of Legal and Governance may, in consultation with the Chair of the Panel/Committee, grant a temporary dispensation allowing a member who has not yet received such initial training to participate in a meeting in the interests of efficient administration in order to ensure the meeting is quorate.**

17.3 **Where a temporary individual dispensation has been granted to a planning member in accordance with 17.2 above; where practicable the member concerned should receive a detailed briefing on the material planning issues by officers prior to the meeting and be subsequently required to receive initial training as soon as reasonably practicable thereafter.**

17.4 **All Members with a role within the planning process must take reasonable steps to attend or participate in relevant update and refresher training/briefing initiatives as and when such initiatives are made available by the Council.**

18 Annual Review of Planning Decisions

18.1 **Officers will make arrangements to provide for an annual review of planning decisions, including decisions to take enforcement action, made by its committees, officers, by the Planning Inspectorate on appeal and of cases considered by the local government ombudsman. The review will be reported to the Regulatory and Appeals Committee for consideration.**

18.2 **The review will provide for the selection of sample decisions and will include examples from each area of the district and of both major and minor applications. If deemed appropriate by the Chair of the Regulatory and Appeals Committee site visits will also be arranged to view some of the sample sites "as built".**

The Audit Commission in its Building in Quality: A Study of Development Control (Local Government Report) (published 14th May 1992) recommended that planning members should be given the opportunity to revisit a sample of implemented planning permissions in order to assess the quality of decision-making. Such a review should act as an aid to improve the quality and consistency of decision-making, strengthen public confidence in the planning system, and help identify areas that justify review of planning policies or procedures.

All full and alternate members of the Planning Panel and the Regulatory and Appeals Committee will be invited to the review meeting.

APPENDIX

Order of Business at the Regulatory and Appeals Committee and Planning Panel and the Briefing Arrangements

1. A short all party briefing restricted to members of the Committee or the Planning Panel and advising officers will take place prior to the Committee or the Planning Panel meetings to deal with any questions from members about legal and procedural issues such as obtaining advice about declarations of interest. Any member who intends to declare an interest on any item on the agenda should absent her or himself during substantive discussion of the item at the briefing.

2. The meeting will be opened and the officer report presented on each of the items on the agenda of the Committee or the Planning Panel. Ward members, developers, the public and other third parties will be heard at the discretion of the chair and in accordance with established protocol agreed by the chair in accordance with the Council's Constitution. Questions of clarification will be answered and at this point the meeting will have the discretion to either move to a decision or to defer a decision until later in the day because of the need for further information, legal advice or a site visit. Site visits will be agreed.

3. If site visits have been agreed these will take place.

4. On return from site visits the Committee or the Planning Panel may decide to meet as a whole for a further briefing in order to receive advice and discuss any issues which may have arisen from any requests for further information, legal advice arising from the meeting or from the site visits. Any member who has declared an interest (and the interest is a prejudicial interest on any item on the agenda) should absent her or himself during discussion of the item at the briefing.

   This order of business will have the advantage of transparency in that no discussion on the merits of an application will have taken place before all parties have had the chance to have their say.

PART 4C Protocol on Member-Officer Relations

1 Introduction

1.1 Effective local governance and community leadership depends on good working relationships between members and officers.

1.2 This Protocol provides rules (set out in **bold** type) and guidance (in *italics*) for members, co-opted members and officers in their working relations with each other.

The Protocol covers the more common working situations, but is not comprehensive. The principles underlying it may be applicable to other situations.

1.3 This Protocol applies only to working relations between members in their role as members and officers in their capacity as officers.

2 Working Relations

2.1 **Members and officers shall establish sound and effective working relations that seek to engender mutual respect and put aside any personal differences.**

2.2 *Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to councillors and the Council and to carry out the Council's work under the direction and control of the Council, their committees and sub-committees. Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers. Close personal familiarity must be avoided in the course of Council business.*

2.3 *The National Conditions of Service for Staff in Local Government provide:*

> **"The public is entitled to demand, of a local government officer, conduct of the highest standard."**

2.4 Members and officers must recognise their different roles, needs and objectives. They must be ready to discuss positively how working relations between each other can most effectively be developed. Members and officers must set aside any personal differences in the interests of maintaining effective working relations.

2.5 It is important that officers develop political awareness of issues that are sensitive to the individual political groups represented on the Council.

3 Courtesy and Respect

3.1 **Members and officers will adopt reasonable standards of behaviour and courtesy towards each other and will not take or attempt to take unfair**

advantage of their position. Members and officers will treat each other with mutual respect.

3.2 *The use of more extreme forms of behaviour and emotion is rarely conducive to establishing mutual respect and is not a basis for constructive discussion. On the other hand, over familiarity can be misconstrued and give rise to unhelpful tensions.*

3.3 *Members and officers should have regard to the formality of the occasion as to the mode of address they choose to adopt. In particular, in formally convened meetings and/or meetings open to the public a formal mode of address should be adopted. In all other cases members and officers will respect preferred modes of address.*

4 Officers Giving Advice and Information to Political Groups

4.1 **Advice and information given by officers to political groups will only relate to Council business. Officers will not advise on political business.**

4.2 **Members will organise political group meetings to distinguish between Council and political business. Officers will not attend political meetings whilst political business is being discussed.**

4.3 **Officers will be even handed in giving advice and information when briefing a political group or members individually.**

4.4 **Officers will respect the confidentiality of any political group discussion at which they are present or with individual members and will not relate the content of any discussion to another political group or member.**

4.5 *The existence of political groups is recognised by legislation. It is common practice for political groups to consider matters of Council business, whether collectively within the political group as a whole or at pre-meeting briefings involving the members of the political group on the decision making body. Officer advice and information may legitimately be sought by political groups to enable them to consider the options for dealing with Council business.*

4.6 *Council decisions can only be made by the Council, the Executive or a delegated decision making body of the Council and not by political groups.*

4.7 *Officers shall tender their advice impartially and, where advice is sought from more than one political group, officers must offer the same advice to each political group. Officers may be asked questions at a briefing but these rules do not require an officer to inform other political group briefings of the questions and answers given.*

4.8 *Officers should be mindful that their responsibility in giving advice and information is to the relevant decision making body and that giving advice to pre-meeting briefings is no substitute.*

4.9 *Where officers have given advice and information in briefings to all political groups represented on the committee, it may be appropriate, with the agreement of the chair, to indicate this fact at the decision-making meeting. Officers may then state that they have no further additional advice or comment to make on their reports.*

4.10 *Both members and officers should be mindful that the presence of persons who are not members of the Council at political group meetings or pre-meeting briefings may limit any advice and information an officer may provide. Persons who are not members or co-opted members of the Council are not bound by the Members' Code of Conduct.*

5 Support Services to Members

5.1 **Members will, except where arrangements are otherwise approved, use support services and resources provided by the Council only for Council business. Support services shall not be used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or of the office to which the member has been elected or appointed. Support Services shall not be used for campaigning activity. Support services shall also not be used for private purposes save as detailed in the Protocol on Members Use of Council Resources including Use of E-mail and the Internet.**

5.2 *The Council provides support services to members (including stationery, typing, printing, photo-copying, personal computers, laptop computers, e-mail and internet facilities, travel, transport and parking arrangements, etc.) to assist members in discharging their role as members of the Council.*

5.3 *E-mail and internet facilities must not be used by members or officers on behalf of members to publish to the public at large or a section of the public any material which, in whole or part, appears designed to affect public support for a political party contrary to the Local Government Act 1986.*

5.4 *In using e-mail facilities for Council business, members should address communications only to appropriate named members, officers or other persons and should avoid the use of wider circulation lists, including those to Council employees, which may constitute a section of the public under the 1986 Act.*

5.5 *Members should seek guidance from the Director of Legal and Governance on any communication intended for wider circulation.*

5.6 *Support services are provided to the political group leaders by the Chief Executive's Office. Individual services may, in addition, provide support services to an executive member with portfolio, lead members and chairs of any committee or panel.*

6 Communications

6.1 **Officers will not, without the agreement of the author, copy a letter marked as 'private' or 'confidential' or both from a member to another member.**

6.2 **Members shall not, within their communications, purport to make decisions on behalf of the Council.**

6.3 *Most correspondence will be open and may be copied as a part of the normal arrangements for dealing with the matter within it. Members may, from time to time, raise matters confidentially with officers and such confidences shall be respected.*

6.4 *It may be necessary or appropriate for an officer to discuss the content of a confidential letter with another member, particularly where political consultation is required before action is taken under officer delegated powers. In these circumstances, the letter should not be copied or shown to another member or the identity of the author revealed.*

6.5 *Individual members (other than duly delegated executive members) have no power to make decisions on behalf of the Council. Members shall avoid suggesting or implying within their correspondence that they have made Council decisions. Members wishing to write correspondence relating to recent decisions should liaise with relevant officers in order to avoid any confusion.*

6.6 *Official communications letters and decision documents on behalf of the Council in relation to the Council's functions should be made by the relevant officer. In exceptional circumstances it may be appropriate for an official communication to be made by a member and this should only be undertaken in liaison with the relevant officer.*

7 Electronic Communications

7.1 **Members and officers must not use to their advantage information that has been communicated to them in error.**

7.2 *The use of e-mail and other electronic facilities is encouraged. Whilst electronic communications will tend to involve less formality than written communication, members and officers should avoid in e-mail and other electronic communication between them a level of informality that may be perceived as close personal familiarity.*

7.3 *Members and officers should only circulate e-mail communications to intended recipients and wide or general circulation should be avoided.*

7.4 *Members and officers are advised to include a caveat within e-mails on the following lines:*

7.4.1 This email, and any attachments, may contain Protected or Restricted information and is intended solely for the individual to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Bradford Council will not accept any liability for damage caused by computer viruses emanating from any

attachment or other document supplied with this email. Emails may be subject to recording and / or monitoring in accordance with relevant legislation.

8 Specific Member/Officer Working Relations

8.1 **Members and officers will not allow a working relationship to become so close or appear to be so close as to bring into question the officer's ability to deal impartially with other members and political groups.**

8.2 *There should be close working relations between, on the one hand, executive members with portfolio, executive committee and other committee and panel chairs and other members designated as having a lead, link or shadow responsibility, and on the other hand relevant members of Senior Leadership, and other senior officers.*

8.3 *Executive members with portfolio, executive committee and other committee and panel chairs may routinely be consulted by officers prior to them making decisions under delegated powers. The law only allows for decisions relating to the discharge of any of the Council's functions to be taken by full Council, the Executive, a committee or member of the Executive or a committee, sub-committee or an officer. It is important that it is clear who made a decision.*

8.4 *The Director of Legal and Governance is responsible for determining the agenda for a formally convened meeting of a committee or panel. The chair of the committee or panel will be consulted as a part of the agenda preparation for meetings.*

8.5 *Officers having delegated decision-making authority are entitled, where considered expedient, to refer a matter to the Executive, Governance and Audit Committee, Wellbeing Board, the Regulatory and Appeals Committee, Licensing Committee or appropriate Committee or sub-committee for decision. Senior Leadership are responsible for the contents of all reports submitted in their name.*

8.6 *Members must acknowledge that officers within a department are accountable to their superior officer. Officers should always be prepared to assist members, but they cannot go beyond the bounds of the authority given to them by their superior officer and they should not be asked to do so.*

9 Overview and Scrutiny Committees

9.1 *When discharging their roles of overview and scrutiny and holding the Executive to account, Overview and Scrutiny Committees may request or require Executive members to attend meetings and answer questions. Executive members may require briefings from officers to assist them in responding to such questioning. In responding, officers must seek to ensure that the information provided is factually correct and complete. Officers must be mindful in providing support to Executive members that such support does not undermine the integrity of the member or their own impartiality as an officer. Overview and Scrutiny committee members may question officers at committee meetings and when conducting a scrutiny. Whilst questions may be challenging, members should seek to question officers in a*

positive and constructive way and should avoid any emotive or aggressive approach.

9.2 *In responding officers should be open, constructive and helpful and should seek to provide full answers.*

10 Involvement of Ward Councillors

10.1 **Ward Members will be invited to attend any public meeting organised by the Council which relates to issues within their ward.**

10.2 *Ward Members must be appraised of local issues within their ward and involved in any public meeting or consultation exercise. They must be notified, at the outset, of any consultation on a local issue in their ward.*

11 Involvement on Other Bodies

11.1 *Members and officers are occasionally appointed as the Council's representative or nominee to another body. Members and officers may be members of other bodies other than by reason of their position in the Council. Where members or officers are in the capacity of company Director or Trustee they must, in making decisions for that body, have regard to the interests of that body. There is the potential therefore for a conflict of interest between that of the Council and the other body to occur (for example, the provision of confidential information).*

11.2 *Where members and officers are involved with other bodies, they must in their working relations with each other be mindful as to the possibility of a conflict of interest. In the case of any conflict, members and officers should seek advice from the Director of Legal and Governance.*

12 Members Access to Information and to Council Documents

12.1 **Officers will provide relevant information, access to documents, advice and explanation that members may reasonably request and is necessary for them to fulfil their responsibilities as a councillor. A request will only be refused for reasons clearly stated in accordance with the law.**

12.2 **Members will use any information provided only for the purposes of properly performing their duties as councillors and shall treat as confidential all information received unless made public by law or with the express or implied consent of the Council.**

12.3 **Members will not disclose or use confidential information for personal advantage or advancement or for the advancement of their friends, family members, employer or business interests or to the disadvantage or discredit of the Council or anyone else.**

12.4 *Members are free to approach any Council department for information. A request may relate to one or more of the following:*

12.4.1 *Information which is recorded or readily ascertainable.*

12.4.2 *Access to a specific document or documents.*

12.4.3 *Information which is not readily available without research.*

12.5 *A request should be made to the Appropriate Officer in the first instance, normally the responsible manager. It is for the Appropriate Officer to determine what information ought reasonably to be provided in response to the request. A response should be provided within 5 working days, but if this proves not possible, the delay must be explained and a clear indication should be given when a substantive response will be provided.*

12.6 *A 'document' includes any document or recorded information produced with Council resources whether in electronic or physical form, but does not include any document that forms a part of the internal workings of a political group.*

12.7 *Members shall, on request, be provided with a copy of any document unless it contains exempt information within the meaning of Schedule 12A of the Local Government Act 1972.*

12.8 *Members who do not sit on the Executive, a relevant committee, sub-committee or panel may only see documents which contain exempt information within the meaning of Schedule 12A of the 1972 Act if they can demonstrate a clear 'need to know'.*

12.9 *Members should, before requesting information, consider whether the information is necessary for them to discharge their duties as a councillor. Members may be asked to demonstrate their 'need to know' where this is not clear to the Appropriate Officer by virtue of their membership of the Executive, committee or panel or their representational role. Information should not be sought simply because members are curious about a matter.*

12.10 *In the event of a refusal, the Executive, the relevant committee or panel may determine the question of access to documents.*

12.11 *Members will necessarily acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Members should never disclose or use confidential information for the personal advantage or advancement of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.*

13 Member Briefings

13.1 **Officers will make arrangements for briefing the Political Group leaders, executive members with portfolio and committee and panel chairs and other members designated as having a lead, link or shadow responsibility, about business within their remit.**

13.2 *The Appropriate Officer will, except in the case of the Overview and Scrutiny Committees, the Regulatory and Appeals Committee (including panels appointed by the Committee), area committees and the Standards Committee, arrange briefings having first consulted the Leader of Council, the appropriate executive member with portfolio or their nominee as may be appropriate.*

13.3 *In the interests of efficiency, briefings will normally be all-group with members meeting together. There shall be a facility for breaks to take place at the request of any political group to have consultations. At the request of a political group, briefings may take place separately with each political group making the request. When undertaken separately, the Appropriate Officer will provide the same information to each political group.*

14 Managing Tension Between Different Roles

14.1 **Members and officers must recognise the different roles and responsibilities of bodies established within the constitution and the potential for tension between them.**

14.2 **Members and officers must seek to manage any such tension so as not to compromise the integrity of each other and the bodies involved.**

14.3 *Members of bodies making requirements of officers, such as the production of a report, must acknowledge the need of officers to balance resources between competing demands of all bodies.*

15 Personal Interests

15.1 **Officers must not through their relationships with members seek to advance their personal interests or to improperly influence decisions.**

15.2 **Members must not seek to use their position as members to advance the personal interests of officers.**

15.3 **A member must not give a reference on behalf of an officer if the member is in any way involved in the recruitment process.**

16 Publicity

16.1 *The law prohibits the Council from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party.*

16.2 *In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters:*

16.2.1 W*hether the material refers to a political party or to persons identified with*

a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another

16.2.2 W*here the material is part of a campaign, the effect which the campaign appears to be designed to achieve*

16.2.3 T*he Council may not give financial or other assistance to a person for publication of material which the Council is prohibited from publishing itself.*

16.3 **Members must not use or seek to use council money or resources including officer time, office facilities and I.T. equipment for the production or issue of any material that may contravene these requirements.**

17 Criticism of Members and Officers

17.1 **Members and officers shall not engage in open criticism of each other.**

17.2 **Members will not comment openly or through the media on the conduct of officers and officers will not comment openly or through the media on the conduct of members. This rule is particularly applicable to comment by a member or officer in relation to any pending or ongoing complaint or disciplinary process involving a member or officer.**

17.3 *Members and officers may consider that criticism is from time to time justified. However, it is generally neither possible nor appropriate for officers or members to defend themselves in a public forum. Furthermore, open criticism may prejudice the bringing of disciplinary proceedings in circumstances where this might otherwise be appropriate. Open criticism is unlikely to be conducive to good member/officer working relations and may be damaging to morale within the Council.*

17.4 *Comment in relation to ongoing disciplinary proceedings may be used in the proceedings and prejudice their outcome.*

17.5 *Officer concern about the behaviour of members may be dealt with by reference to the appropriate provisions of this Code or through the procedure for dealing with member complaints.*

18 Political Group Leaders and the Chief Executive

18.1 **The political group leaders and the Chief Executive will seek to develop appropriate working relations.**

18.2 *Regular briefing arrangements between the political group leaders and the Chief Executive are an essential part of the democratic machinery of the Council. It is important that the Chief Executive, as Head of the Paid Service, is accessible by all political groups represented on the Council through their respective leaders.*

19 Problems with Working Relations between Members and Officers

19.1 **Members and officers will seek to resolve any problems arising within their working relations.**

19.2 **The relevant political group leader and the Chief Executive will seek to resolve by mediation and conciliation any unresolved problem or breakdown in working relationships between members and officers. Where the problem or breakdown relates to the group leader's own relationships with officers the deputy group leader and the Chief Whip will work with the Chief Executive in place of the group leader.**

19.3 *It is the responsibility of both members and officers to tackle and resolve problems arising within their working relationship. If this is not possible, the member and officer concerned must inform their political group leader and Chief Executive respectively. The political group leader and Chief Executive will endeavour to establish arrangements whereby any breakdown can be resolved.*

20 Enforcement

20.1 The Standards Committee has responsibility for dealing with any breach of this Protocol.

20.2 Allegations of any breach must be made in writing to the Monitoring Officer.

20.3 The rules in this Protocol relating to officers are equivalent to disciplinary rules in respect of which the relevant disciplinary procedures may be applied, subject to the approval of the Chief Executive.

20.4 In the event that a problem in working relations between a member and an officer cannot be resolved under paragraph 19 above, the relevant political group leader will refer it to the Standards Committee and the Chief Executive will refer it to the appropriate disciplining officer of Senior Management.

PART 4D Protocol for Members on Gifts and Hospitality

1 Introduction

This protocol provides guidance for members of Council and independent and co-opted members (voting and non-voting) to assist in ensuring compliance with the requirements relating to Gifts and Hospitality contained in the Members' Code of Conduct.

2 General Caution

2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally which are (or which you reasonably believe to be) offered to you because you are a councillor.

2.2 Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality and the presumption is that you do not normally accept significant gifts or hospitality.

2.3 The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. However, you should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.

2.4 No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This Protocol offers general principles to enable you to make your own decision.

3 Criminal Law

3.1 It is a criminal offence corruptly to solicit (ask for) or receive any gift, reward or advantage as an inducement to doing or agreeing to do anything in respect of any transaction involving the Council.

4 Limits of Guidance

4.1 This Protocol does not apply to:

4.1.1 Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to the Monitoring Officer.
You should always register a gift or hospitality if it could be perceived as something given to you because of your position.

4.1.2 The acceptance of facilities or hospitality provided to you by the Council.

4.1.3 Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

4.1.4 Gifts and hospitality received by the Lord Mayor and Deputy Lord Mayor in the course of their civic duties.

5 Meaning of Gifts and Hospitality

5.1 The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible.

5.2 Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event freely provided or heavily discounted.

5.3 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets.

5.4 Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

5.5 Members are reminded that attendance at conferences at home or abroad must be undertaken in accordance with the agreed policy and procedures which are available on Councillors' Web. Specifically approval of the Chief Executive, the appropriate Strategic Director, Director or Director of Legal and Governance and the Group Whip is required in advance of any booking.

6 Appropriate Gifts and Hospitality

6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member subject always to the principles in paragraph 2.3 above.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (eg tea, coffee and other normal beverages and biscuits).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (below £25.00 such as pens, calendars, diaries, flowers and other mementos and tokens).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (eg inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (eg arising from twin-town and other civic events).

7 Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

7.1 Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.

Please Note: “Reward” includes remuneration, reimbursement and fee.

7.2 Never accept a gift or hospitality of significant value or whose value is excessive in the circumstances.

7.3 Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:

- From parties involved with the Council in a competitive tendering or other procurement process.
- From applicants for planning permission and other applications for licences, consents and approvals.

- From applicants for grants, including voluntary bodies and other organisations applying for public funding.

- From applicants for benefits, claims and dispensations.

- From parties in legal proceedings with the Council.

7.4 Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.

7.5 Do not solicit (ask for) any gift or hospitality and avoid giving any perception of so doing.

8 Gifts Received and Donated to the Lord Mayor's Appeal

8.1 It has become customary for some members on receiving gifts of value not to retain these personally but to pass them to the Lord Mayor's Appeal Office for use in relation to the Lord Mayor's Appeal.

8.2 Members may continue to do this, but should indicate this intention to the provider and make this clear on the registration of gifts and hospitality form.

9 Registration of Gifts and Hospitality and notification to the Monitoring Officer

9.1 The Members' Code of Conduct provides that:

A member must register with the Monitoring Officer, within 28 days of its receipt any gift or hospitality with an estimated value of at least £25.00. Details of the nature and source of that gift or hospitality should be included.

9.2 If you are in doubt as to the value of a gift or hospitality you should register it as a matter of good practice and in accordance with the principles of openness and accountability in public life.

9.3 A member should also register an accumulation of small gifts you receive from the same source over a short period, for example a couple of months, that add up to £25 or over in the interests of transparency.

9.4 Members must complete the gifts and hospitality registration form for all notifications and should include the name of the person or organisation who gave you the gift or hospitality, the date on which you received it, the reason it was given and its value or estimated value.

9.5 Members must also register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

9.6 Members should always notify the Monitoring Officer of any gift or hospitality offered to you if it could be perceived as something given to you because of your position even where the hospitality falls below £25.

10 Reporting of Inappropriate Gifts and Hospitality

10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council. You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

10.2 You may thereafter be required to assist the Police in providing evidence.

11 Enforcement

11.1 The Standards Committee has responsibility for dealing any breach of this Protocol.

11.2 Allegations of any breach must be made in writing to the Monitoring Officer.

11.3 A breach of this protocol shall also amount to a breach of the Members' Code of Conduct.

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PART 4E Protocol on Members Use of Council Resources Including Use of E-mail and the Internet

1 Introduction

1.1 The Council provides computers and IT facilities for use by members in the course of their work with the Council. For practical reasons the Council allows use of the equipment for other purposes. This Protocol sets out the requirements and limitations of use of the equipment.

1.2 'Equipment' means any computer hardware and software provided by the Council, including peripherals, telephones and other devices used for information management and communication.

1.3 This Protocol provides rules (set out in **bold** type) and guidance (in *italics*) for members of Council and independent and co-opted members (voting and non-voting).

1.4 The rules comprise requirements for use of Council resources under paragraph 17 of the Code of Conduct for Members and Co-opted Members. The rules do not apply to the use of your own personal equipment.

2 Application

2.1 This Protocol applies to use by members of any Council equipment, whether in Council premises or elsewhere.

3 Health and Safety

3.1 **You must take all reasonable precautions to ensure the safe use of equipment.**

3.2 *This responsibility applies to your own health and safety and that of other users.*

Health and safety matters include computer layout and stability, electrical connections, visual affect, seating and comfort, extent of use and all other known risks.

4 Security

4.1 **You must take all reasonable precautions to ensure the security of equipment provided for your use.**

4.2 *This includes making reasonable arrangements (as if the equipment is your personal property) to prevent loss or damage. Members are not however obliged to effect their own insurance arrangements for the equipment.*

4.3 **You must use access password arrangements to prevent unauthorised use by others and maintain secrecy of such arrangements.**

4.4 *Arrangements must be adequate to prevent unauthorised access to information and services. Guidance on passwords can be found in the Council's IT Password Policy on Bradnet.*

4.5 **You must make reasonable arrangements for the security of information stored on disc including prevention of unauthorised use and deletion of information no longer needed.**

5 Personal Responsibility and Accountability

5.1 **You must report any defect or damage at the earliest opportunity and provide access to the equipment or return it to the Appropriate Officer for repair.**

5.2 **You must return the equipment promptly when required and at the end of your term of office.**

5.3 *You are personally responsible for equipment provided for your use and you must be prepared to account for its use.*

6 Legal Obligations

6.1 **You must use equipment provided for your use lawfully.**

6.2 *There are a wide variety of civil wrongs and criminal offences which can be committed by use of computers. A brief summary of the main legal obligations is contained at the end of this protocol.*

7 Private/Business Use

7.1 **You may use equipment for private use but you must comply with this Protocol in so doing.**

7.2 **Your private use must not prejudice the use of the equipment for your Council use.**

7.3 **You must not use equipment for private business use or personal gain.**

7.4 **You must not use network data storage applications for private use.**

7.5 You must not use equipment for political purposes unless that use could reasonably be regarded as likely to facilitate or be conducive to, the discharge of the functions of the Council or of the office to which you have been elected or appointed. See also paragraph 14 below.

7.6 *Private use is permitted as a convenience only, and to help you develop your IT skills. Private use should not therefore become disproportionate to Council use.*

7.7 *You must take appropriate precautions to separate your private use from appearing to be Council use. For example, you must use different letter and memo styles, signatures, email addresses, websites and files.*

7.8 *You may use equipment in relation to other public or voluntary sector appointments to which you have been nominated or appointed by the Council or in respect of which your appointment arises by virtue of you being a councillor.*

8 Monitoring

8.1 **You must co-operate with any reasonable arrangements made to monitor use of equipment in your control.**

8.2 *The Council may monitor your use of equipment, whether for Council use or private use. The purpose of monitoring is to ensure effective use of Council equipment and compliance with the law and this protocol.*

9 Training

9.1 **You are responsible for developing your skills in using equipment through training courses and materials available to you, to ensure your proper and effective use of it.**

10 E-mail Use

10.1 **Maintain your inbox to ensure effective use and carry out regular housekeeping.**

10.2 *Delete mail containing obscene or racist or offensive material after forwarding to: itcustomerservice@bradford.gov.uk*

10.3 *Mark confidential e-mails clearly.*

10.4 *Include the following form of confidentiality warning in case of misdirection of e-mails.*

This email, and any attachments, may contain Protected or Restricted information and is intended solely for the individual to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Bradford Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this email. Emails may be subject to recording and / or monitoring in accordance with relevant legislation.

10.5 *Use composite address lists ('all users') sparingly, particularly for bulky material as this puts heavy pressure on storage limits.*

10.6 **Do not use e-mail for unlawful or improper purpose.**

This includes:

10.6.1 *Using another person's identification without authority.*

10.6.2 *Reading another person's mail without authority.*

10.6.3 *Copying material which is subject to copyright without licence.*

10.6.4 *Private business use or for personal gain.*

10.6.5 *Sending abusive, bullying, obscene, unlawfully discriminatory for example racist, sexist, harassing, defamatory or offensive material as text or image.*

10.6.6 *Downloading .exe files without checking for viruses.*

10.6.7 *Sending personal data (within the meaning of the Data Protection Act 2018) without the authority of the data holder or the data subject.*

11 World Wide Web Use

11.1 **Do not download any information which is obscene,** *unlawfully discriminatory for example* **racist, sexist, pornographic or offensive. If you need to research information of this nature you must obtain written authority from your group whip.**

11.2 *Remember your visit to a site may be identifiable.*

12 Printing and copying

12.1 **Do not print anything that comes within the meaning of 'unlawful or improper purpose' above.**

13 Confidential Information

13.1 **Do not use equipment, or allow it to be used to communicate personal data (covered by the Data Protection Act) or confidential information to any person not authorised to receive it.**

13.2 *You must take particular care with any personal data or confidential information you have on the equipment in order to avoid any unauthorised disclosure or breach of confidentiality. Delete such information when you no longer need it.*

14 Publication of Material Designed to Affect Support for a Political Party

14.1 **Under section 2 of the Local Government Act 1986 the Council is prohibited from publishing or arranging for the publication of any material which, in whole or in part, appears to be designed to affect public support for a political party. This law applies to the use by members of Council equipment.**

14.2 Section 2 provides that in determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time

and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters;

14.2.1 Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.

14.2.2 Where the material is part of a campaign, the effect which the campaign appears to be designed to achieve.

14.3 *This rule is likely to apply to sending unsolicited e-mails or printed material with contents described in paragraph 14.2 to a wide number of people, particularly during an election or other political campaign.*

14.4 *This rule does not prevent*:

14.4.1 *Normal correspondence.*

14.4.2 *The receipt and retention of political material that relates to Council business.*

14.4.3 *Viewing websites of political parties and groups.*

14.4.4 *Using the equipment to discuss with other members the business of the Council including motions.*

14.4.5 *The inclusion in emails or website of factual information about a councillor provided it is not within the above meaning of political material'.*

15 Fax and telephone

15.1 **Apply these rules, where they are relevant, to your use of fax and telephones provided by the Council.**

16 Enforcement

16.1 The Standards Committee has responsibility for dealing with any breach of this protocol.

16.2 Allegations of any breach must be made in writing to the Monitoring Officer.

16.3 A breach of this protocol shall also amount to a breach of the Members' Code of Conduct.

17 Additional guidance

17.1 Additional guidance can be found within the Council's IT Acceptable Use Policy on Bradnet

17.2 When posting on social media, even if you do not describe yourself as a councillor, your post may fall within the scope of the Members' Code of Conduct if you are

discussing local authority business or your role as a councillor. Guidance relating specifically to the use of social media can be found within the Council's Social Media Protocols on Bradnet. This should be read alongside Best Practice Guidelines for Managing a Social Media Site and Bradford Council Social Media Code of Conduct. These can also be found on Bradnet.

Legal Obligations (paragraph 6.2)

Computer Misuse Act 1990
Creates criminal offences covering unauthorised accessing of computers, hacking, eavesdropping and causing virus attacks.

Copyright, Design and Patents Act 1998
Enables enforcement of rights of authors and designers including those relating to software and electronically stored material.

Data Protection Act 2018
Gives individuals a right of access to personal data about them held on a computer. Establishes principles for dealing with personal data and liability and offences for non compliance.

Defamation Law
Defamation proceedings may be brought in relation to defamatory material published or communicated by electronic means including e-mail and websites.

Discrimination Law
Use of email and websites may be evidence of unlawful discrimination.

Evidence
A court or tribunal may order the production of material held electronically, including emails where relevant to legal proceedings.

Obscene Publications Act 1959
The criminal offences under this legislation include the transmission electronically of obscene material.

Protection from Harassment Act 1997
Provides for offences and civil remedies for harassment, evidence of which may be contained in emails and websites.

Protection of Children Act 1978
Offences in relation to indecent photographs of children include those stored electronically.

Telecommunications Act 1984
Use of a public communications system to transmit obscene or indecent images is an offence.

PART 4F Protocol for the filming or recording of Council, Council Committee and Panels and Executive meetings

1 Introduction

The Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record decision making in action at any Council meeting that is open to the public.

The Council also welcomes the use of social media, such as bloggers, tweeters, Facebook and YouTube users.

This Protocol provides practical information to assist anyone considering filming, videoing, photographing or making audio recordings of meetings.

2 Before the meeting

Anyone intending to film or record a meeting should contact the Democratic Services Agenda Contact officer named in the report for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.

Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms.

3 General

Arrangements for recording will be advertised in advance on the agenda to ensure late arrivals missing the Chair's announcement are aware of recording taking place.

The Chair of the meeting or the relevant Executive Member will be informed of any intention to film and s/he will make an announcement to attendees before the start of the meeting informing attendees that the whole or part of the meeting may be filmed. Anyone who remains at the meeting or during the consideration of the relevant item after the Chair's announcement will be deemed to have consented to the broadcast of their image.

A notice will also be posted on the door of the meeting room advising everyone who attends that the meeting may be filmed and that by attending the meeting they are consenting to the broadcast of their image.

Filming or recording must be non intrusive and the Council's Paragraphs 4.1.1 of Part 3b of the Constitution provides for the removal of a member of the public from a meeting in order to maintain orderly conduct or to prevent misbehaviour at a meeting. The Chair of a meeting may also call any part of the meeting room to be cleared in the event of a general disturbance.

4 During the meeting

Filming or recording of Meetings should:

- Not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chair has discretion to suspend or stop filming or recording at any time and to take appropriate action if anyone is, in their opinion, doing so in a disruptive manner.

- Recording should not be accompanied by excessive noise in recording or setting up or re-sitting equipment when Members are considering business.

- Oral commentary is not permitted during the meeting as this would be disruptive to the good order of the Meeting.

- Not seek to ‘overview’ sensitive information such as close ups of confidential papers or private notes

- Usually take place from the designated area in the meeting room for the public.

- Not obstruct others from observing and participating in the proceedings.

- Not be intrusive on any member of the public who attends the meeting who indicates at the start of the meeting that they do not wish to be filmed or recorded.

- Cease immediately if and when the meeting agrees to formally exclude the Press and public due to business of an Exempt or Confidential nature (see 'Exempt or confidential business' below).

- Not film images of children (those under the age of 18 years) or vulnerable adults who might be attending the meeting.

- The Council reserves the right to respond to any inappropriate and misleading editing of a recording of a meeting which has been published in the public domain.

- When published or broadcast, recordings should be accompanied by information including when and where the recording was made and the context in which the discussion took place.

- Be overt (ie clearly visible to anyone at the meeting).

- Cease, unless continued filming has been explicitly agreed with the Council’s Building Custodian, when the meeting is formally concluded.

5 Exempt or confidential business

All meetings of Council, the Executive, Committee, Sub Committee and Panel meetings are open to the public except in limited circumstances where the Council is legally required, or allowed, to close the whole or part of the meeting to the public. The circumstances where business is 'exempt' or 'confidential' are set out in Paragraphs 4.2 and 4.3 of Part 3b of the Constitution.

6 Data Protection and other responsibilities

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation.

The Data Protection Act 2018, does not prohibit the overt filming and recording of council meetings, where participants have given their consent to be so filmed or recorded. However, under no circumstances will filming, recording or photographs of children (under 18) be allowed without the expressed written consent of a parent or guardian.

If an individual films or in any way records or uses personal data from a Council meeting for a commercial purpose then they should be registered as the Data Controller for that information. It will be the responsibility of the individual concerned to ensure that they are appropriately registered and are fully compliant with applicable laws and procedures.

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PART 4G Protocol for Webcasting of Council Meetings

1 Introduction

The City of Bradford Metropolitan District Council has agreed that certain meetings should be the subject to live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber and Committee Room 1 for this purpose. Exempt or confidential items (included in Part B of any Agenda) will not be web cast. This protocol does not affect existing restrictions in the Council's Standing Orders on the recording, photographing or filming of proceedings by any person other than the Council.

2 Main Provisions

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 2018 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:

2.1 The Lord Mayor or Chair of the meeting has the discretion to terminate or suspend the webcast if in their opinion continuing to web cast would prejudice the proceedings of the meeting. Circumstances that could lead to suspension or termination of web casting include public disturbance or other suspension of the meeting or the potential infringement of the rights of any individual.

2.2 No exempt or confidential agenda items shall be web cast, and no part of any meeting will be web cast after the Council has voted to exclude the press and public because there is likely to be disclosure of exempt or confidential information.

2.3 Subsequent to the meeting editing of the webcast may take place if there is a legal reason, confidential personal information was inadvertently disclosed, defamatory comments made or an exceptional circumstance occurs during filming. Requests for the editing of the content of a webcast can be made to the Director of Legal and Governance who will authorise any removal of content (if appropriate, in consultation with the Leaders of the two largest political groups on the Council).

2.4 Subject to paragraph 2.5 below all archived webcasts will normally be available to view on the Council's website for a period of one month.

2.5 Archived webcasts or parts of webcasts may be removed from the Council's website if the Director of Legal and Governance considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of the law, for example Data Protection or Human Rights legislation or provisions relating to confidential or exempt information.

a) The Council owns the copyright in the webcasts.

b) Any elected Member who is concerned about any webcast should raise their concerns with the Director of Legal and Governance.

c) Webcasts containing personal or confidential information will not be retained or archived.

d) The Council will endeavour to ensure that children and young people under the age of 16 or any person considered to be vulnerable will not be filmed.

2.6 If the web cast is halted by a technical reason Public-i will inform the Director of Legal and Governance or her representative as soon as is practically possible so the meeting can be informed of what has occurred. The Director of Legal and Governance will be informed by Public-i of the explanation why the webcasting failed as soon as possible, what can be done to resume it and/ or recover the lost recording and what action will be taken to prevent a reoccurence. The political group leaders will be informed of the corrective action being undertaken.

2.7 A member of the public attending the meeting must indicate if they have concerns about being filmed to the Director of Legal and Governance or her representative on arrival. Advice will then be given on the best place to sit in the meeting room to avoid being filmed. If the attendee is making a spoken contribution to the meeting action will be taken to ensure that the webcast operator focuses the camera on the Lord Mayor or Chair. If despite these precautions individuals are filmed, the Council can accept no liability as attendance at the meeting is on the basis that consent is given to filming.

3 Agenda Front Sheets and Signage at Meetings

Included in each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

WEBCASTING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Lord Mayor or Chair will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Generally the public seating areas will not be filmed. However, by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting or training purposes.

If you have any queries regarding this, please contact Committee Services on 01274 432241 or CommitteeSecretariat2@bradford.gov.uk or speak to a Council Officer present at the meeting before its commencement..

4 Conduct of Meetings

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Lord Mayor or Chair may also terminate or suspend the web casting of the meeting, in accordance with this protocol. This will be confirmed by the Lord Mayor or Chair making the following statement:-

“I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing. I have the discretion to terminate or suspend filming, if in my opinion allowing filming to continue would prejudice the proceedings of the meeting. Members are reminded that the cameras are activated by the sound system and that they must switch on microphones when speaking.

Public seating areas will not be filmed, but if any member of the public has concerns they should move to these seats (Mayor/ Chair to indicate the seats not in camera range). If a member of the public is making a contribution to the meeting and does not want to be filmed they must indicate now to my officers. Every effort will be made not to film the contribution but by attending you are consenting to the webcast and the use of your speech”

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PART 5 MEMBERS' ALLOWANCES

1 Members' Allowances Scheme

1.1 The City of Bradford Metropolitan District Council ("the Council") in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 hereby makes this scheme.

1.2 This scheme may be cited as the City of Bradford Metropolitan District Council Members' Allowances Scheme, and shall have effect commencing 1 October 2003 and in subsequent years, as may be amended from time to time and until revoked in accordance with paragraph 9.

1.3 In this scheme:

'Councillor' means a member of the Council.
'Year' means the twelve months ending on 31 March.
'Index' means the percentage increase provided for by the local government pay settlement for the year in question.
'Pension Regulations' means the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003 (SI2003/1022).
'Approved duty' means a duty specified under Schedule 1 below for the payment of dependent carer, subsistence and travelling allowances.

2 Basic Allowance

2.1 Subject to paragraph 11, for each year a basic allowance of £13,463 shall be paid to each councillor.

3 Special Responsibility Allowance

3.1 Subject to paragraph 11, for each year, a special responsibility allowance shall be paid to those councillors who hold special responsibilities in relation to the Council that are specified in sub-paragraph (2) below, and the amount of each allowance shall be the amount specified against that special responsibility in that paragraph.

3.2 Special responsibility allowances will be determined by reference to a percentage of the special responsibility allowance paid to the Leader of the Council. The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances:

Position	Percentage of Leaders SRA	SRA
Leader of the Council	100%	37,056
Deputy Leader of Council	50%	18,528
Leader of 2nd Group	70%	25,939
Deputy Leader of 2nd Group	45%	16,675
Leader of 3rd Group	50%	18,528
Deputy Leader of 3rd Group	35%	12,970
Chief Whip (1st Group)	45%	16,675
Chief Whip (2nd & 3rd Group)	35%	12,970
Executive Member (with Portfolio)	70%	25,939
Executive Member (without Portfolio)	45%	16,675
Executive Assistants	30%	11,117
Opposition Shadow Executive Members (2nd Group)	12.5%	4,632
Chair of Standards Committee	10%	3,706
Chair of Corporate Governance & Audit Committee	35%	12,970
Chair of Employee Appeals Panel	20%	7,411
Deputy Chair of Employee Appeals Panel	15%	5,558
Chair of Corporate Overview & Scrutiny Committee	35%	12,970
Chair of Overview & Scrutiny Committees	35%	12,970
Chair of Area Committees	35%	12,970
Chair of the Regulatory & Appeals Committee	35%	12,970
Members of the Police and Crime Panel	16.5%	6,133
Members of the Regulatory and Appeals Committee	8%	2,965
Chair of Planning Panel	35%	12,970
Members of Planning Panels	8%	2,965
Chair of Corporate Parenting Panel	15%	5,558
Chair of Bradford District Appeals Panel	20%	7,411
Deputy Chair of the Bradford District Appeals Panel	15%	5,558
Chair of Licensing Committee	35%	12,970
Chair of West Yorkshire Joint Services	20%	7,411
Members of the Fostering Panel	8%	2,965
Members of the Adoption Panel	8%	2,965

3.3 No Member shall receive more than one Special responsibility allowance. Where a member would otherwise be entitled to more than one Special responsibility allowance the highest allowance will apply.

3.4 The Leader, Deputy Leader and Chief Whip of a political group will only be paid a Special Responsibility Allowance for that role, if that group holds at least 15% of the membership of Council.

4 Co-optees Allowance

4.1 A statutory co-optees allowance shall be payable to those co opted members on the Childrens Services Overview and Scrutiny Committee as follows:

Childrens Services Overview and Scrutiny Committee	
Church and Parent Governor Representatives	597

5 Dependent Carers' allowance

A dependant carers' allowance may be claimed by a councillor for the provision of care to enable him/her to attend an approved duty. The allowance is subject to the following conditions:

5.1 The allowance is payable for the care of any dependent person within the members' household.

5.2 The allowance is only payable when the care is provided by someone who is not a household or family member.

5.3 In the case of childcare members shall, wherever possible, use a registered carer.

5.4 The amount payable will be for the actual cost of care.

5.5 Payment will be made to the member, not the carer.

5.6 Members will be required to sign a declaration that they have complied with these conditions.

6 Travelling and Subsistence Allowances

6.1 A councillor may claim any cost s/he incurs in accordance with paragraph 12 below subject to the limits specified in Schedule 2.

7 Pensions

7.1 With effect from 1 April 2014, any Councillor who is not an active member of the Councillors pension scheme will no longer have access to the pension scheme. Councillors who are currently contributing to the pension scheme will only be allowed to remain in it, until the end of their current term in office. Councillors elected after April 2014 will not be entitled to access the pension scheme.

8 Annual Adjustment

8.1 All rates of allowances payable under this scheme shall be increased on 1 October in each year up to and including 1 October 2018 by the index.

8.2 Where the only change made to the scheme is that caused by the annual application of the index the scheme shall not be deemed or considered to have been amended.

9 Suspension or Withdrawal of Allowances

9.1 In accordance with Parts 2 and 3 of the Local Authorities (Members' Allowances) (England) Regulations 2003 the Standards Committee shall receive a report in relation to any member who is suspended from acting as a councillor and shall have the power to suspend, withdraw or require reimbursement of any allowances, in whole or in part, relating to any such period of suspension.

Where a member is sentenced to imprisonment for a term of not less than 3 months, the Council will suspend payment of an allowance pending settlement of any appeal.

10 Renunciation

10.1 A councillor may by notice in writing given to the Director of Legal and Governance, elect to forego the whole or any part of her/his entitlement to an allowance under this scheme.

11 Part-year Entitlement

11.1 The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowance where, in the course of the year, this scheme is amended or that councillor becomes, or ceases to be a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

11.2 If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:

11.2.1 beginning with the year and ending with the day before that on which the first amendment in that year takes effect, and

11.2.2 beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year.

The entitlement to such allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

11.2.3 Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor shall be to a basic allowance as bears to the whole the same proportion as the number of days during which her/his term of office subsists bears to the number of days in that year.

11.2.4 Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the whole of a period mentioned in sub-paragraph (2), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his/her term of office as a Councillor subsists bears to the number of days in that period.

11.2.5 Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillors entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

11.2.6 Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in subparagraph (2) of that paragraph any such special responsibilities as entitle him/her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during s/he has such special responsibilities bears to the number of days in that period.

12 Claims

12.1 A claim for travelling and subsistence allowances under this scheme shall be made in writing within three months of the date of the duty in respect of which the entitlement to the allowance arises. A claim for all allowances under this scheme or any allowance under any other provisions shall be made in writing or electronically on the claim forms available from the Members Support Unit.

12.2 Other than in exceptional circumstances, the rate for travel by public transport shall not exceed the amount of the ordinary standard class fare or any more cost-effective fare.

12.3 Members may claim a travelling allowance for a journey outside the District. Members will be expected to use public transport wherever possible. Allowances for the use of a member's own vehicle for a journey outside the District in excess of 50 miles will only be paid if the journey is authorised by the Director of Legal and Governance in advance. Where the use of a private vehicle is for the members' convenience reimbursement will not exceed the cost of making the journey by public transport.

12.4 In the case of subsistence expenses, the amount shall not exceed the maximum allowance specified in Schedule 2.

13 Payments

13.1 Monthly payments shall be made in respect of basic and special responsibility allowances specified in this scheme.

13.2 Where a payment of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 12, s/he is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which s/he is entitled.

14. Parental Leave

14.1 In accordance with the Parental Leave Policy for Elected members, members are entitled to up to 6 months' maternity and adoption leave with the option to extend by a further 6 months by agreement. Relevant members are also entitled to a maximum of 2 weeks' paternity leave.

14.2 Members are entitled to receive their basic allowance in full whilst on maternity, paternity or adoption leave. In addition, members entitled to a special responsibility allowance (SRA) shall continue to receive their allowance in full whilst on such leave. If a replacement is appointed to cover the period of absence that person is also entitled to an SRA on a pro-rata basis for the period of the temporary appointment as detailed in the Policy.

14.3 Full details of the Parental Leave Policy can be found here:

SCHEDULE 1 - APPROVED DUTIES

There is specified as an approved duty for the purpose of the payment of travelling and subsistence allowances attendance at:

(1) A meeting of the Executive

(2) A meeting of a committee of the Executive

(3) A meeting of the Council, a committee or sub-committee.

(4) A meeting of some other body to which the Council makes appointments or nominations.

(5) A meeting of any committee or sub -committee of a body to which the Council makes appointments or nominations.

(6) A meeting which has been authorised by the Council, a committee or sub-committee of the Council and one or more other authorities, or a sub-committee of a joint committee and to which representatives of more than one political group have been invited.

(7) A meeting of a local authority association of which the Council is a member.

(8) Duties undertaken on behalf of the Council in pursuance of any standing order requiring a member or members to be present while tender documents are opened.

(9) Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.

(10) Duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of section 342 of the
Education Act 1996.

(11) Any other duty approved by the Council in connection with discharging the duties of the Council or its committees or sub-committees.

SCHEDULE 2 - TRAVELLING AND SUBSISTENCE EXPENSES

Travelling Expenses

Normally Members are expected to travel by bus or standard class rail. Claims for car allowances will therefore only be paid where there is no suitable alternative public transport available or there are special circumstances.

Motor Cars Rates – from 13 December 2011

Up to	999cc	45 p per mile
1000cc to	1199cc	45 p per mile
Exceeding	1200cc	45 p per mile

Motor Cycle Allowance

Up to 124cc	24 p per mile
125cc +	24 p per mile

Cycle Rate 20 p per mile

Subsistence Allowances

In each instance only the actual cost incurred may be claimed with the following being the maximum rates claimable:

Day Subsistence Rates

Breakfast allowance (more than 2 hours away from normal residence, before 11.00am)	£4.92
Lunch allowance (more than 2 hours away from norm residence, between 12.00 and 14.00)	£6.77
Tea allowance (more than 2 hours away from normal residence, between 15.00 and 18.00)	£2.67
Evening meal allowance (more than 2 hours away from normal residence, after 19.00)	£8.38

Overnight Subsistence

Absence overnight from usual place of residence	£79.82
Absence in London	£91.04

In normal circumstances all overnight accommodation should be booked through the Council's offices, that will seek out the most reasonably priced accommodation available, to be paid for directly by the Council thus avoiding any claims for reimbursement.

Occasionally it may be necessary for a member to find a hotel at short notice. Where in such circumstances a member on Council business books accommodation in central London, the Council is prepared to make reasonable adjustments to the specified limit**.**

Meals Provided Free of Charge

Members are required to deduct an appropriate amount from the subsistence allowances in respect of any meals provided free of charge by an authority or body during the period to which the allowance relates. The allowance cannot therefore be claimed where a free meal has been provided.

Meals Taken on Trains

Where main meals are taken on trains during the period for which there is an entitlement to a subsistence allowance the reasonable cost of meals (including VAT) shall be reimbursed in full. This will the n replace the meals allowance set out above.

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Part 6 General Principles of Conduct for Employees of the Council

Expectation
The public is entitled to expect the highest standards of conduct and behaviour from employees of the Council. These general principles reflect that expectation. These general principles are part of the conditions of employment of employees.

Conduct and Behaviour
Employees must undertake their work with care, act in good faith and comply with all relevant instructions, rules, procedures, standards and other requirements. Employees must be honest, polite, reliable and conscientious in carrying out their work.

Law and Trust
Employees must uphold the law and act in a way that reflects the trust the public places in them.

Neutrality
Employees must comply with decisions of the Council and must not allow their own opinion to interfere with their work.
Employees must make decisions on behalf of the Council objectively and on their merit, having regard only to relevant information.
Employees must act impartially and not allow their neutrality to be put in question by accepting inappropriate gifts or hospitality.

Personal Interests
Employees must not allow their personal interests to conflict with the Council's interests nor make use of their employment to further their private interests.

Relationships with Others
Employees must relate to the public, councillors, contractors and each other fairly, sympathetically, with respect, and without bias, discrimination or abuse.

Public Resources
Employees must use public funds and resources responsibly and lawfully and must not use them for unauthorised personal use.
Employees must act as guardians of public funds and resources and make all reasonable arrangements for their security.

Information and Confidentiality
Employees must readily provide available information to the public and councillors that they are entitled to and must comply with restrictions placed on confidential information.

Duty to Report
Employees must report activity they believe to be unlawful or improper.