

Royal Borough of Greenwich

Constitution

**Council Constitution
Approved at the
Council Meeting,
28th November 2001**

**(including all amendments/updates
agreed up to and including 4th December
2024)**

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PART 1

Summary, explanation and glossary of terms

The Royal Borough of Greenwich's Constitution

Royal Borough of Greenwich has agreed a Constitution. It sets out how the Council operates, how decisions are made and how its procedures ensure decisions are efficient, transparent and accountable to local people. The Council is required to have a Constitution by law. Some of the contents are required by the law, whilst others have been chosen by the Council.

What's in the Constitution?

The Constitution is divided into 7 parts.

Part 1 contains this summary and explanation and a glossary of terms used in the Constitution.

Part 2 contains the 16 Articles. These set out the basic rules governing the Council's business, including the rights of citizens and how the key parts of the Council operate.

Part 3 sets out which parts of the Council are responsible for carrying out its functions. The law specifies the functions which full Council or its committees must carry out. These are called 'Council functions', and are mainly agreeing major policies and the annual budget, and planning and licensing.

The Leader of the Council, who is responsible for all executive functions, is appointed by the Full Council for a four year term (appointed at the Annual Meeting following the Borough-wide elections). The Leader appoints the Cabinet (up to 10 councillors including the Leader of the Council). The Leader of the Council is responsible for determining the scheme of delegation. Most functions can be delegated, and delegations are listed here, along with the terms of reference of Member-level bodies and the Council's consultative arrangements.

Part 4 contains more detailed procedures. These regulate meetings of the Council, its committees, Overview and Scrutiny committee and the Executive (Cabinet). There are procedures governing access to meetings and reports, and how the Council agrees its budget and major policies. Finally there are procedures controlling the Council's finances, contracts and the employment of staff.

Part 5 has codes of conduct for councillors and council staff, and a protocol governing member/officer relations. The councillors' code of conduct is a locally adopted Code. The Council's Standards Committee is responsible for investigating complaints that councillors have breached the code. The staff code of conduct is intended to provide guidance on standards of conduct. It will complement the councillors' code, and will be incorporated in staff terms and conditions of employment.

Part 6 sets out the scheme of allowances for councillors. The Council has agreed this taking account of the recommendations of the pan-London independent remuneration panel, managed by London Councils.

Part 7 has the Council's organisation and management structure.

How the Council operates

The Council of the Royal Borough of Greenwich is composed of 51 councillors. Each councillor is elected by the voters in one of the 17 wards that comprise the Borough. Each ward is represented by 3 councillors. Whole Council elections take place every 4 years.

Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee promotes high standards of conduct by councillors, assists councillors to observe the Code of Conduct, in particular by ensuring access to training, and decides what action to take following an investigation into an alleged breach of the Code of Conduct, having sought and taken into account the views of an independent person appointed for that purpose.

How Decisions are made

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Royal Borough's overall policies and set the budget each year. The Council appoints committees to carry out some Council functions, appoints and holds to account the Leader of the Council and may hold annual state of the borough debates.

The Council considers Motions and Questions submitted by councillors and there is provision for public questions and deputations. The Council also receives petitions submitted by local residents and debates the action being taken in response.

The Council appoints committees and delegates some of its functions to them, such as planning and licensing functions. It appoints the Civic Mayor, the Leader of the Council (for a four-year term) and agrees the annual calendar of Member-level meetings.

The Leader of the Council

The Leader of the Council is appointed for a four year term at the first annual meeting of the Council following the Borough-wide elections. All executive functions reside with the Leader of the Council and he/she appoints the Cabinet, agrees the scheme of delegation of executive functions to the Cabinet, its sub-committees and Chief Officers. Executive functions are all functions which are not specifically reserved by law to the Council.

The Cabinet

The Council appoints the Leader, who in turn appoints the Cabinet and assigns to each Cabinet Member a specific portfolio. The Cabinet is responsible for those executive functions delegated to it by the Leader of the Council.

Each Cabinet Member is responsible for the development of policy in their portfolio and for bringing forward specific proposals. Cabinet Members can take individual decisions in line with the scheme of delegation detailed in Part 3A of the Constitution.

When key decisions are to be discussed or made, 28 days' advance will be given where such decisions can be anticipated. Meetings of the Cabinet are open for the public to attend, except where personal or confidential matters are being discussed.

The Leader, Cabinet and individual Cabinet Members have to make decisions which are in line with the Council's overall policies and budget. If the Leader, Cabinet and individual Cabinet Members wish to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny Committee

The Overview and Scrutiny Committee, and the six Scrutiny Panels, support the work of the Cabinet and the Council. They allow citizens to have a greater say in Council

matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery. The Cabinet or the Council may also consult Overview and Scrutiny Committee, and the Scrutiny Panels, on forthcoming decisions and the development of policy.

Each Scrutiny Panel will also undertake a more in-depth review on a matter of importance to the public on services provided by the Authority or by other public bodies whose work impacts on residents. The work programme for the whole function is set annually by the Full Council following suggestions from Overview and Scrutiny Councillors.

The Overview and Scrutiny Committee and the Scrutiny Panels are all be 'politically balanced' – i.e. their memberships should be in the same proportion as the size of the political parties on the Council as a whole.

The Standards Committee

This consists of three councillors, from all political parties represented on the Council, and three independent members. The Committee is chaired by one of the Independent Members. Its role is to promote high standards of conduct in the way councillors and co-opted members undertake their duties, to provide training and advice on the code of conduct and to decide what action to take following an investigation into an alleged breach of the Code of Conduct, having sought and taken into account the views of an independent person appointed for that purpose.

Council staff

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

Citizens' rights

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

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees, and of the Cabinet, except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive (if more than 5% of electors sign such a petition the Council will hold a borough-wide referendum on whether to have a directly-elected mayor for the borough);
- bring concerns to the direct attention of the Council by asking a councillor to present a petition at a Council meeting, or by asking to address the Council as part of a deputation, or by asking a question at a Council meeting during 'public question time';
- find out, from the Cabinet's forward plan, what key decisions are to be decided by individual Cabinet Members, the Cabinet or officers, and when;
- see reports and background papers, and any record of decisions made by the Council and the Cabinet;
- complain to the Council using its complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints procedure;
- complain to the Chief Executive if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

GLOSSARY OF TERMS

Articles	The basic rules governing the Council's business, which cannot be suspended.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The 9 portfolio-holding Councillors who, together with the Leader, form the Executive. Also, meetings of the Leader and Cabinet are known as Cabinet Meetings.
Call-in	A procedure which allows Overview & Scrutiny Committee Members to examine a decision taken by, or on behalf of, the Cabinet.
Chair	The person appointed to chair meetings of a committee and who may have special responsibilities for organising the committee's work programme or representing the committee.
Chief Executive	The most senior Council Officer. Also known in legislation as the Head of Paid Service.
Chief Officer	The most senior Council Officers comprising the Chief Executive and the Directors responsible for managing the Council's Directorates.
Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order.
Constitution	The document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Co-optee/Co-opted	A non-voting, non-Councillor appointed to serve on a Committee/Sub-Committee in an advisory capacity.
Councillors	Elected representatives who collectively are the

	Members of the Council (sometimes called 'Members')
	.
Delegated Powers	Specific powers given to a particular Cabinet Member, Officer, Committee or Sub-committee to take decisions on behalf of the Council or of the Executive.
Executive	The Leader and Members of the Cabinet collectively form the Executive, and are legally responsible for implementing council policies within the budget and policy framework set by the Council. Decision taking may be delegated to individual Cabinet Members, Cabinet Committees or to officers.
Executive functions	The powers and duties specified by law or in the Council's constitution that are the specific responsibilities of the Leader, who may delegate them to the Cabinet, Cabinet Members, Chief Officers or Joint Committees.
Exempt Information	Information falling into one of 7 categories set out in the Local Government Act 1972 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules.
Functions	Duties or powers which the Council has to provide services to or on behalf of the residents of the Borough.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive.
Joint Committee	A body appointed jointly with one or more other local authorities to carry out duties on behalf of all the appointing local authorities, Government Act 1972 e.g. Eltham Crematorium Joint Committee, South East London Waste Disposal Group.
Key Decision	A decision taken, or to be taken, by or on behalf of the Executive, which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or

	more Wards. The criteria used to identify Key Decisions are set out in the Access to Information Procedure Rules.
Leader	The Councillor in who resides all executive functions and who is appointed by the Council, for a four year term, to provide leadership to the Council and who appoints the Cabinet and determines the delegation of functions to Cabinet, its committees, individual Cabinet Members and Chief Officers.
Local Authority	The statutory organisation responsible by law for the provision of certain local services. The term local authority means the organisation as a whole i.e. all Councillors, the Cabinet and Officers. The word 'Council' is also sometimes used to mean the local authority, but 'Council' can also mean just the councillors, or the part of the local authority which is not the Executive.
Mayor	The Councillor appointed by the Council to chair meetings of the Council – see Article 5. The Mayor has special representative and ceremonial responsibilities, but is not a political leader (as the Mayor can be in some other local authorities).
Minority Group	Any of the minority political groups on the Council. "Leader of the Opposition" means the leader of the largest minority political group on the Council.
Monitoring Officer	The officer responsible ensuring that everything that the Council does is fair and lawful. In Greenwich the Monitoring Officer is the Director of Legal & HR.
Officers	The paid employees of the Council.
Overview & Scrutiny Committee	A committee appointed by the Council to provide support and advice to the Cabinet by contributing to the review and development of policy; and to hold the Cabinet to account by questioning, challenging and monitoring their performance.

Policy Framework	The plans and strategies which have to be adopted by the full Council and in accordance with which the Cabinet have to operate – see Article 4.
Procedures	Detailed rules in Part 4 which govern how the Council operates and how decisions are taken.
Protocols	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
Quorum	The minimum number of people who have to be present before a meeting can take place.
Standing Orders	The procedure rules which must be followed in respect of how meetings are conducted, or how contracts will be let.
Virement	Transfer of funds from one area of expenditure to another. 'To vire' means to move funds from one part of the budget to another.
Whip	The instruction given to members of a political party group to vote or act in accordance with the group's decisions. The whip can also mean the person (councillor) appointed by a political party group to enforce the group's decisions and carry out organisational duties on behalf of the group.

PART 2

Articles of the Constitution

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution is the Constitution of the Royal Borough of Greenwich.

1.03 Purpose of the Constitution

The purposes of the Constitution are to:

- (a) ensure that decision making is transparent – decision-makers should be clearly identifiable to citizens and should explain the reasons for their decisions;
- (b) support the active involvement of citizens in the decision-making process;
- (c) enable decisions to be taken efficiently and effectively;
- (d) create a powerful and effective means of holding decision-makers to public account;
- (e) ensure that decisions are reviewed or scrutinised independently of the person who took the decision;
- (f) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (g) help councillors represent their constituents more effectively; and

- (h) provide a means of improving the delivery of services to the community.

1.04 **Interpretation and review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes of the Constitution.

The Council will monitor and evaluate the operation of the Constitution as provided by Article 15.

Article 2 – Members of the Council**2.01 Composition and eligibility**

- (a) **Composition.** The Council comprises 55 councillors, elected by the voters of 23 wards. 14 of the wards are represented by 2 councillors. 9 of the wards are represented by 3 councillors.
- (b) **Eligibility.** Only registered voters of the borough, or those living or working in the borough, may be elected or hold office as councillors. Council employees, or persons who are otherwise disqualified, may not be elected or hold office.

2.02 Election and terms of councillors

The regular election of councillors is on the first Thursday in May every four years. The term of office of councillors starts on the fourth day after being elected, and

- (a) in the case of the Leader, finishes on the day of the annual meeting after the whole Council election which follows his or her election as Leader, and
- (b) in the case of all other councillors, finishes on the fourth day after the date of the next whole Council election.

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) maintain the highest standards of conduct and ethics.
 - (ii) respond to constituents' enquiries and representations fairly And impartially;
 - (iii) participate in the governance of the Council;
 - (iv) effectively represent the interests of their ward and of individual constituents; and
 - (vi) be available to represent the Council on other bodies.
- (b) **Rights and duties**
 - (i) Councillors will have such rights of access to documents, information, land and buildings of the Council as are

necessary for them to carry out their functions properly and in accordance with the law.

- (ii) Councillors will not make public any information which is confidential or exempt without the consent of the Council, and will not divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
 - (iii) "Confidential" and "exempt" information is defined in the Access to Information Procedures in Part 4 of this Constitution.
- (c) A councillor may refer, in line with the Council's procedures, to Overview and Scrutiny Committee or to a Scrutiny Panel any matter which is relevant to its functions and which:
- (i) relates to the discharge of any function of the Council, and
 - (ii) affects all or part of the ward for which that councillor is elected, or any person who lives or works in that ward, and
 - (iii) is not a licensing or planning decision, a matter where there is a right of review or appeal or which is vexatious, discriminatory or not reasonable to be included in the agenda or to be discussed at a meeting, or
 - (iv) any other matter specified in an order made by the Secretary of State.

In considering whether to exercise this power, the councillor must have regard to any guidance issued by the Secretary of State and the Council's procedures for managing Councillor Call for Action.

2.04 **Conduct**

- (a) Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations and Guidance in Part 5 of this Constitution and abide by the Seven Principles of Public Life (the 'Nolan Principles').
- (b) Councillors will fully co-operate with any investigation following an allegation that they, or any other member, may have breached the Code of Conduct.

2.05 **Allowances**

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

Article 3 – Citizens and the Council**3.01 Citizens' rights**

Citizens have the following rights.

(a) **Voting and petitions.** Citizens on the electoral roll for the area may vote and to sign a petition to request a referendum for an elected mayor. Residents of the Borough may also bring concerns to the direct attention of the Council by asking a councillor to present a petition at a Council meeting, by asking to address the Council as part of a deputation, or by asking a question at a Council meeting during 'public question time'.

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

- (i) attend meetings of the Cabinet and full Council and their committees, except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
- (ii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
- (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

Citizens' rights to information are explained in more detail in the Access to Information Procedures in Part 4 of this Constitution.

(c) **Participation.** Citizens have the right to ask questions at the Council meeting and to take part in community events, and may be invited to contribute to the work of overview and scrutiny panels. Citizens' rights to participate are explained in more detail in the Access to Information Procedures in Part 4 of this Constitution.

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

- (i) the Council under its complaints scheme;
- (ii) the Ombudsman, after using the Council's own complaints scheme;

- (iii) the Chief Executive about a breach of the Councillor's Code of Conduct.

3.02 **Citizens' responsibilities**

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm property owned by the Council, councillors or officers.

Article 4 – The Full Council**4.01 Meanings**

- (a) **Policy Framework.** The Policy Framework means the following plans and strategies: -

Required by law

- Crime and Disorder Reduction Strategy.
- Children and Young People's Plan.
- Licensing Authority Policy Statement and Statement of Licensing Policy.
- Gambling Policy Statement.
- Local Implementation Plan.
- Plans and strategies which together comprise the Development Plan.
- Youth Justice Plan.
- Pay Policy Statement.

Not required by law

- Greenwich Carbon Neutral Plan.
- Corporate Plan.

- (b) **Budget.** The Budget includes allocating revenue and capital resources to different services, programmes and projects, proposing contingency funds, setting the council tax base and the council tax, decisions relating to controlling the Council's borrowing requirement and its capital expenditure and setting virement limits.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft or not) to the Secretary of State to:

- approve a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993, or
- dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution except where authority has been delegated to a committee or Chief Officer appointed by the Council;
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) approving proposals in connection with the preparation of an altered or replacement development plan, prior to public consultation;
- (d) making decisions about any matter in carrying out an executive function which is covered by:
 - (i) the Policy Framework, where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework, or
 - (ii) the Budget, where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the Budgetsubject to the urgency procedure contained in the Budget and Policy Framework Procedures in Part 4 of this Constitution;
- (e) appointing the Leader of the Council;
- (f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them except where authority has been delegated to a committee appointed by the Council;
- (g) appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by the Council;
- (h) adopting an allowances scheme under Article 2.05;

- (i) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (j) confirming the appointment of the Chief Executive;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) electing a Mayor of the Royal Borough of Greenwich each Municipal Year (at the Annual Council Meeting);
- (m) determining the annual work programme of overview and scrutiny activities;
- (n) approving a Local Code of Conduct for Members;
- (o) the setting of the Council Tax;
- (p) the annual Statement of Accounts;
- (q) all other matters which, by law, must be reserved to Council.

4.03 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 **Responsibility for functions**

The Council will maintain Schedule B in Part 3 of this Constitution which sets out the responsibilities for Council functions.

Article 5 – The Mayor**5.01 Role and function of the Mayor**

At the Annual Council Meeting, the Council will elect the Mayor and the Mayor will appoint the deputy Mayor. Neither the Mayor nor Deputy Mayor may be a Member of the Cabinet.

5.02 Unless he or she resigns or becomes disqualified, the Mayor will continue in office until a newly elected Mayor becomes entitled to act, and will continue to be a member of the Council notwithstanding the provisions of Article 2.02.

5.03 The Mayor, and in his or her absence, the Deputy Mayor, will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community, and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- (d) to promote public involvement in the Council's activities;
- (e) to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
- (f) in the absence of the chair of Overview and Scrutiny Committee, to decide whether an executive decision which would be contrary to the Policy Framework or to the Budget needs to be made as a matter of urgency .

Article 6 – Overview and Scrutiny Committee**6.01 Terms of reference**

- (a) The Council will appoint an Overview and Scrutiny Committee to carry out the functions conferred by section 21 of the Local Government Act 2000.
- (b) The Overview and Scrutiny Committee will appoint standing overview and scrutiny panels to carry out functions within a specified remit.
- (c) Overview and Scrutiny Committee may appoint ad hoc overview and scrutiny panels to carry out time limited reviews within an overall work programme approved by the Council, or may allocate the function to standing panels.

6.02 Overview and scrutiny committee

Within its terms of reference, overview and scrutiny committee will:

- (a) co-ordinate the work of standing and ad hoc overview and scrutiny panels;
- (b) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (c) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, or the crime and disorder functions of the Council or of the relevant Chief Office of Police, or matters relating to the health service in the borough;
- (d) review and/or scrutinise decisions made or actions taken by other public sector partners and regional and sub regional partnerships on matters which affect the whole or any part of the borough or all or any persons resident or present in the borough;
- (e) make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any of the functions or matters set out in paragraphs (c)

and (d) above;

- (f) consider any matter affecting the area or its inhabitants; and
- (g) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

6.03 **Overview and scrutiny panels**

- (a) **Policy development and review.** Standing and ad hoc overview and scrutiny panels may:
 - (i) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (ii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iii) question members of the Cabinet, committees and chief officers about their views on issues and proposals affecting the area; and
 - (iv) liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Standing and ad hoc overview and scrutiny panels may:
 - (i) review and scrutinise the decisions made by and performance of the Cabinet, committees and council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question members of the Cabinet, committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the Cabinet and Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).

- (c) **Resources.** Overview and Scrutiny Committee will draw up a work programme for the officers employed to support its work, and will exercise overall responsibility for any finances made available to it.
- (d) **Annual report.** Overview and Scrutiny Committee will report annually to full Council on its workings, and make recommendations for future work programmes and amended working methods if appropriate.

6.04 **Proceedings of Overview and Scrutiny Committee and panels**

Overview and Scrutiny Committee and panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedures in Part 4 of this Constitution.

Article 7 – The Leader and Cabinet**7.01 The Leader**

The Leader will be elected at the first annual meeting after the ordinary Council elections, and whenever there is a vacancy, the Council will elect a replacement. The Leader who will hold office until:

- (a) the day of the first annual meeting after the next ordinary Council elections, or
- (b) he/she ceases to be a councillor otherwise than by retirement, or
- (c) he/she is removed from office by a resolution of the Council.

7.02 The Deputy Leader

The Leader will appoint a member of the Cabinet to be Deputy Leader. The Deputy Leader will act in place of the Leader if for any reason the Leader is unable to act or if the office of Leader is vacant. The Deputy Leader will hold office until the end of the Leader's term of office, unless:

- (a) He or she resigns as Deputy Leader or ceases to be a councillor, or
- (b) He or she is removed from office by the Leader.

The Leader must fill any vacancy in the office of Deputy Leader.

7.03 The Cabinet

- (a) The Cabinet will consist of the Leader and between 2 and 9 other councillors who will appointed and may be removed by the Leader.
- (b) If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet will act in the Leader's place or will arrange for a Cabinet member to act in the Leader's place.

7.04 Functions

- (a) The Leader will carry out all of the Council's executive functions which are not the responsibility of any other part of the Council,

whether by law or under this Constitution, or which have not been delegated by the Leader.

- (b) The Leader delegates the Council's executive functions in accordance with the scheme of delegation set out in Schedule A of Part 3 of this Constitution.
- (c) The Leader will allocate and may re-assign or vary the portfolios of Cabinet members and will set out those portfolios in Schedule A of Part 3 of this Constitution.

7.05 **Proceedings**

Proceedings of the Cabinet will take place in accordance with the Cabinet Procedures in Part 4 of this Constitution.

Article 8 – Regulatory and other committees**8.01 Regulatory and other committees**

The Council will appoint the committees in column 1 of section 1 of Schedule B in Part 3 of this Constitution to discharge the functions described in column 3.

8.02 Conflicts of interest

If a councillor is a member both of a committee, and of Overview and Scrutiny Committee or a Scrutiny Panel, then

- (a) if Overview and Scrutiny Committee or Scrutiny Panel is scrutinising decisions or proposals in relation to the business of that committee, the councillor must not speak or vote at the meeting unless a dispensation to do so is given by the Standards Committee or the Chief Executive;
- (b) if Overview and Scrutiny Committee or Scrutiny Panel is reviewing policy in relation to the business of that committee, the councillor must declare his/her interest before the relevant agenda item is reached, but need not withdraw from the meeting.

8.03 Access to information

Regulatory and other committees will comply with the Access to Information Procedures in Part 4 of this Constitution.

8.04 Cabinet members on regulatory and other committees

A member of the Cabinet may serve on a committee if otherwise eligible to do so as a councillor.

Article 9 – Standards Committee**9.01 Standards Committee**

The Council will establish a standards committee to promote high standards of conduct.

9.02 Composition

- (a) **Membership.** The Panel will be composed of:
 - (i) three councillors, appointed by the Council, together with named deputies; and
 - (ii) three independent persons who are not councillors or officers of the Council or of any other local authority, police authority or fire authority.
- (b) **Independent members.** Independent members will not be entitled to vote at meetings but their views will be sought and taken into consideration.
- (c) **Chair.** An independent member will chair the Panel.
- (d) **Independent Person:** The Panel will be advised by an independent person appointed by the Council prior to deciding what action should be taken following the investigation of a complaint that a member or co-opted member has breached the Code of Conduct. The Independent Person may not be an independent member of the Standards Committee.

9.03 Role and function

The Panel will have the following roles and functions:

- (a) To promote high standards of conduct by members.
- (b) To advise the Council on the adoption or revision of a Code of Conduct and related Codes

- (c) To assist members to observe the Code of Conduct, in particular by ensuring access to training.
- (d) To consider and grant dispensations from requirements relating to interests set out in the Code of Conduct upon receipt of a written request made to the Chief Executive by a member or co-opted member. Having had regard to all relevant circumstances, Committee may grant a dispensation if it:
 - (i) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - (ii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
- (e) To draw up a protocol for receipt and consideration of complaints
- (f) To consider any written complaint that a member has failed to comply with the Code of Conduct and, if thought fit, to refer the complaint to the Chief Executive for investigation
- (g) To decide what action to take following an investigation, having sought and taken into account the views of an independent person appointed for that purpose.

Article 10 – Community Forums

10.01 Area, composition and function

The Council will have community engagement arrangements as determined by the Authority.

Article 11– Joint arrangements**11.01 Arrangements to promote well-being**

The Council, the Leader or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise council functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (b) The Leader and/or the Cabinet may establish joint arrangements with one or more local authorities to exercise executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out in paragraph (d) below, the Leader and/or the Cabinet may only appoint Cabinet members to a joint committee. Those members need not reflect the political composition of the local authority as a whole.
- (d) The Leader and/or the Cabinet may appoint members to a joint committee from outside the Cabinet where (i) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population; or, (ii) if the joint committee has members from five or more local authorities. In cases relating to (i), the Leader and/or the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the

area. The political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements, including any delegations to joint committees, are in the Council's scheme of delegation in Part 3 of this Constitution.

11.03 **Access to information**

- (a) The Access to Information Procedures in Part 4 of this Constitution apply to joint arrangements.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities, then its access to information procedures are the same as those applied to the Cabinet.
- (c) If the joint committee contains members who are not on the executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 **Delegation to and from other local authorities**

- (a) The Council may delegate council functions to another local authority or, in certain circumstances, to the executive of another local authority.
- (b) The Leader and/or the Cabinet may delegate executive functions to another local authority or to the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept delegated functions from another local authority is reserved to the Council.

11.05 **Contracting out**

- (a) The Council (for council functions) and the Leader or Cabinet (for executive functions) may contract out functions to another organisation. The functions must be those 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 contacting principles.

- (b) There must be no delegation of the Council's discretionary decision making.

Article 12 – Officers**12.01 Management structure**

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Structure.** The Chief Executive will determine and publicise a description of the overall departmental structure of the Council, showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.
- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the Chief Executive as the Head of Paid Service, the Director of Finance as the Chief Finance Officer, the Director of Legal & HR as the Monitoring Officer and the Head of Scrutiny as the Scrutiny Officer.

12.02 Functions of the Head of Paid Service

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

12.03 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.04 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Chief Executive and make reports or recommendations in respect of them to the Standards Committee.

- (e) **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.05 **Duty to provide sufficient resources to the Chief Finance Officer and Monitoring Officer**

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

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer relations in Part 5 of this Constitution.

12.07 **Employment**

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

Article 13 – Decision making**13.01 Responsibility for decision making**

The Council will issue and keep up to date a record of which part of the Council or individual has responsibility for particular types of decisions, or decisions relating to particular areas or functions. This record is in Part 3 of this Constitution.

13.02 Principles of decision making

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

- (a) the action must be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights and the promotion of equality;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

13.03 Decisions

- (a) Decisions relating to the functions listed in Article 4.02 will be made by full Council and not delegated.
- (b) Key decisions must be made in accordance with the Access to Information Procedures in Part 4 of this Constitution. Key decisions are executive decisions which are likely to:
 - (i) result in the Council incurring or making significant expenditure or savings, having regard to the budget for the service or function concerned; or
 - (ii) have a significant effect on communities living or working in more than one ward.

The criteria to assist in determining whether a decision is a key decision are set out in the Appendix to the Access to Information Procedures.

13.04 Decision making by the full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the Cabinet and Cabinet Members

Subject to Article 13.08, the Cabinet and Cabinet Members will follow the Cabinet Procedures in Part 4 of this Constitution when considering any matter.

13.06 Decision making by Overview and Scrutiny Committee

Overview and Scrutiny Committee and Scrutiny Panels will follow the Overview and Scrutiny Procedures in Part 4 of this Constitution when considering any matter.

13.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures in Part 4 of this Constitution as apply to them.

13.08 Decision making by Council bodies acting as tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure 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.

Article 14 – Finance, contracts and legal matters**14.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders in Part 4 of this Constitution.

14.03 Legal proceedings

The Director of Legal & HR is authorised to institute, defend 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 & HR considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

- (a) 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 & HR or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.
- (b) Any contract with a value exceeding £50,000 entered into on behalf of the Council in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the Common Seal of the Council attested by at least one officer.
- (c) Documents or contracts referred to in Article 14.04 can be signed electronically as well as physically.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal & HR. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give

effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director of Legal & HR should be sealed. The Director of Legal & HR, or some other person authorised by him/her, will attest the affixing of the Common Seal and this can be done electronically as well as physically.

Article 15 – Review and revision of the Constitution**15.01 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that purposes of the Constitution are given full effect. In undertaking this, the Monitoring Officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

- (a) Full Council may change this Constitution, but only after considering a proposal by the monitoring officer.
- (b) The Council will take reasonable steps to consult with local electors and other interested persons in the area, should it propose to change from a leader and cabinet form of executive to alternative arrangements.
- (c) The Chief Executive may change the management structure set out at Part 7 of this Constitution.
- (d) The Monitoring Officer may from time to time make the following changes to the Constitution:
 - (i) such changes as may be necessary to comply with or give effect to any change in the law;
 - (ii) such consequential changes as may be necessary to reflect any decision made by the Council, Cabinet, Cabinet Members, Committees, Sub-Committees or Chief Officers;

- (iii) such other minor or incidental changes as may seem appropriate to make the Constitution internally consistent, up to date and readily understandable.
- (e) Changes made by the Monitoring Officer under paragraph (d) will be notified to the Leader of the Council, the Leader of the Opposition and the Chair of Overview and Scrutiny Committee and reported to the next Council meeting for information.

Article 16 – Suspension, interpretation and publication of the Constitution**16.01 Suspension of the Constitution**

- (a) **Articles.** The Articles may not be suspended.
- (b) **Rules of procedure.** Full Council may suspend the Procedures in Part 4 of this Constitution to the extent permitted within those Procedures and the law. A motion to suspend any Procedure may not be moved without notice, unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.02 Interpretation

The ruling of the Mayor as to how this Constitution is interpreted or applied, or as to any proceedings of the Council, may not be challenged at any meeting of the Council. Any ruling will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

The Chief Executive will:

- (a) give a printed copy of this Constitution to each member of the Council upon delivery to the Chief Executive of that member's declaration of acceptance of office on first being elected to the Council;
- (b) ensure that copies of this Constitution 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; and
- (c) ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

PART 3

Responsibility for functions

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Schedule B	Council functions
	<ul style="list-style-type: none">1 General scheme of delegation of Council functions2 Additional delegations to Chief Officers
Schedule C	Proper officer functions
	<p>The law requires the Council to appoint a “proper officer” to perform specified tasks or carry out specified formal or administrative functions such as holding or maintaining specified records, receiving notices etc. This schedule lists the proper officer in respect of each of those functions.</p>
Schedule D	Consultative arrangements
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Preamble - General Principles

(a) Council functions

The role and functions of the Full Council are set out in Article 4. Full Council is broadly responsible for determining the Policy Framework – the major policies within which Council services are delivered - and the overall Council budget.

There are also specific statutory functions, such as planning and licensing functions, which are the responsibility of Full Council. These statutory functions are generally delegated to committees appointed by the Full Council, or to Chief Officers.

Council delegations are set out in Schedule B.

(b) Executive functions

All other functions (i.e. which are not the responsibility of Full Council or of committees appointed by Full Council) are executive functions, and are the responsibility of the Leader of the Council.

The Leader has delegated responsibility for executive functions to the Cabinet, to Cabinet members, to Chief Officers and to joint committees with one or more other Councils.

The Leader's delegations are set out in Schedule A.

The Leader may vary or withdraw a delegation to a Cabinet member at any time, either generally or in relation to a specific decision, and may allocate the matter to himself or herself, to the Cabinet, to another Cabinet member, to a Chief Officer or to a joint committee. Any change must be in writing and will take effect when only received by the Monitoring Officer. The Leader will provide a written record of any change of delegation to the next Council meeting.

Where executive functions have not been delegated by the Leader, he or she will carry them out or will delegate them to:

- The Cabinet or a committee of the Cabinet
- A Cabinet member
- An Officer of the Council
- Joint arrangements with one or more local authorities
- Another local authority

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Any delegation must be in writing and will take effect when only received by the Monitoring Officer. The Leader will provide a written record of any in-year delegations to each Annual Meeting of the Council, as provided for by the Cabinet Procedures in Part 4C of this constitution.

(c) Delegation to Chief Officers

Both council and executive functions can be delegated to chief officers. These delegated functions broadly concern:

- The general management of service delivery, including the management of staff resources and departmental budgets;
- The detailed implementation of policies and the delivery of services in accordance with the overall decisions and directions of the relevant member-lead body;
- The carrying out of statutory functions within the terms of policies and directions of the relevant member-level body;
- The carrying out of statutory functions within the terms of policies and directions of the relevant member-level bodies, and ensuring that the Council fulfils its statutory functions.

Schedule A - Executive FunctionsLeader's general scheme of delegation of executive functions 2022/23

1. Cabinet Members and Portfolios

Cabinet Portfolios 2022/23

Cabinet Member	Portfolio
Councillor Anthony Okereke	Leader of the Council
Councillor Averil Lekau	Deputy Leader - Climate Change, Environment and Transport
Councillor Ann-Marie Cousins	Community Safety and Enforcement
Councillor Adel Khaireh	Equality, Culture and Communities
Councillor Mariam Lolavar*	Inclusive Economy, Business and Skills
Councillor Matthew Morrow	Children and Young People
Councillor Denise Scott-McDonald	Health and Adults' Social Care
Councillor Pat Slattery	Housing, Neighbourhoods and Homelessness
Councillor Aidan Smith	Regeneration
Councillor Ivis Williams	Finance, Resources and Social Value

*Councillor Lolavar is presently on maternity leave. For the period of her absence, Councillor Denise Hyland is appointed as the Cabinet Member for Inclusive Economy, Business and Skills.

2. Leader's general scheme of delegation of executive functions 2022/23

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Policies					
Recommend to Council plans and strategies which make up the policy framework ¹ (Council approves drafts and adopts final plans and strategies)					
Agree in year changes to the policy framework to the extent permitted by Council or by the constitution					
Initiate consultation on new draft corporate policies and strategies and amendments to existing ones					
Agree new corporate policies and strategies which would not result in a key decision being taken following consultation					
Agree new corporate policies and strategies which would result in a key decision being taken following consultation					
Initiate consultation on draft new service policies and strategies and amendments to existing ones					

¹ Community Strategy, Community Safety Strategy, Development Plan, Licensing and Gambling Policy, Local Transport Plan, Youth Justice Plan

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree new service policies and amendments to existing ones, post consultation, which would <u>not</u> result in a key decision being taken.					
Agree new service policies and amendments to existing ones, post consultation, which would result in a key decision being taken.			x		
Agree submissions of evidence to royal commissions, parliamentary committees and similar bodies					
Agree responses to consultation					X
Finance					
Prepare and submit estimates and amounts to Council to calculate the budget requirement and the Council Tax, and connected matters					
Recommend treasury management strategy to Council					
Consider reports from external auditors (including the management letter) and agree appropriate action					
Make bid for funding with resource implications of more than £500k					

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Make bid for funding with resource implications of £500k or less					
Approve budget transfers between services up to £500k					
Approve budget transfers between services heads £500k and over					
Write off debts up to £100k					
Write off debts £100k and over					
Resources					
Dispose of non-land assets up to £100k					
Dispose of non-land assets £100k and over					
Agree use of trading and charging powers					x
Approve scheme and estimate report up to £20m					
Approve scheme and estimate report £20m and over					
Implementation of the Community Right to Challenge provisions of the Localism Act 2011			x		
Accept tenders within budget and below £500k					

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Accept tenders within budget and £500k and over, provided they are the lowest price, or within 10% of the lowest if it the most economically advantageous					
Accept all other tenders	2				
Agree any restructuring proposal which would involve the redundancy or early retirement of highly paid employees, ³ or where the capital cost to the pension fund relating to an employee or group of employees is greater than £50,000 or where the proposal affects more than one department					
Agree any restructuring proposal which would involve the redundancy or early retirement of any employee, where this is required to implement a decision by the Executive in relation to the Medium Term Financial Strategy and associated measures					
Second staff to other local authorities					

² In consultation with the Lead member

³ Officers receiving in excess of £50,000 p.a. inclusive of all allowances

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree increase in fees and charges in line with or below inflation or where an increase provides for recovery of the Council's costs ⁴					
Agree increase in fees and charges by more than inflation ⁵					
Agree eligibility criteria for access to Council services where there is a statutory responsibility to provide a service					
Consider reports from Overview and Scrutiny Committee					
Consider inspection and corporate reports of statutory agencies					
Constitution					
Respond to petitions to full Council	X				
Respond to call in of decision ⁶					
Appoint and remove Cabinet members and decide their portfolios					
Appoint members to joint committees which carry out executive functions, and decide the number of members to be appointed and their term of office					

⁴ For executive functions only. Fees for e.g. planning and licensing matters are set by the committee or chief officer

⁵ For executive functions only. Fees for e.g. planning and licensing matters are set by the committee or chief officer

⁶ Whoever took the decision will respond. If it was Cabinet, an urgency Cabinet will respond

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree appointments of members to joint committees which carry out at least one Council function, and agree the number of members to be appointed and their term of office					
Nominate representatives to school governing bodies					
Appoint representatives to all other outside bodies					
Appoint advisory bodies, working groups, etc. to advise the Leader, Cabinet Members, or Cabinet as a whole on executive functions					
Functions delegated to Cabinet which, in the opinion of the Chief Executive, require a decision before the next meeting of the Cabinet					
Children					
Agree schools admission policies					
Agreeschools budget strategy					
Agree schools capital allocation strategy					
Agree proposal to permanently increase or decrease a school's roll up to two forms of entry					

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Make arrangements to hear appeals against exclusion of pupils, admission appeals and appeals by governing bodies					
Land					
Make compulsory purchase order					
Acquire land or property following CPO					
Acquire other land or property					
Agree programme of property disposals					
Dispose of land or property, with a notional value exceeding £100,000, not in the disposals programme or at an undervalue					
Dispose of land or property, with a notional value of £100,000 or less, not in the disposals programme or at an undervalue					
Dispose of land or property at less than the market rate.	X				
Dispose of land or property where there is a statutory right to acquire					
Dispose of land or property in the disposals programme and at market value					
Agree to the appropriation of land	X				

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree leases of land or property					
Agree leases of land or property at below market rates					
Agree asset management plan					
Agree rents and terms of tenancies for residential housing					
Designate conservation areas					
Agree, following consultation with the relevant Area Planning Committee, the Adoption of Conservation Area Appraisal and Management Strategies and related matters, e.g Conservation Area boundaries, buildings for local listing and recommendations to English Heritage regarding statutory listing of buildings.					
Grants					
Make one off grants and loans up to £10k					
Make one off grants and loans between £10k and £20k					
Make one off grants and loans above £20k					

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree SLAs and SLA funding to voluntary organisations including commissioning					
Festivals					
Agreement to the funding, including awarding grants, for the Greenwich Festivals.					

Planning, development and highways					
Prepare, alter or replace a development plan - submit draft proposals to Council/ Planning Board for approval for public consultation					
Supplementary planning documents – agree proposals for consultation					
Agree supplementary planning documents following consultation					
Approval of implementation of Strategic* Traffic or Parking Management Schemes					
Approval of implementation of non-strategic Traffic Management Schemes					
Publication of and consultation on traffic regulation orders					

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Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Determination of traffic regulation orders, following publication and consultation, and for which no significant and substantial or material objections have been received					
Determination of traffic regulation orders, following publication and consultation, and for which significant and substantial or material objections have been received		x			
Responding to consultation on transport issues of regional or national significance		x			
Responding to consultation on transport issues from service providers, TfL, Government or London Councils on highway and traffic operational matters					x
Joint arrangements					
National and provincial agreements regulating staff employment					
Appoint parking adjudicators					
Fix parking penalty charges					
Fix clamping penalty charges					
Administer and enforce traffic orders controlling heavy lorries					
Arrange concessionary fares					

Part 3

Functions	Leader(also as lead member)	Lead member	Cabinet	Joint Cttee	Chief Officer
Agree levels of fixed penalties					
Determination of parking appeals relating to private land					
Waste disposal					
Administer grants to London wide voluntary organisations					
Provided crematoria services					
Issues relating to the London Local Joint Committee as applicable					

3 Additional delegations to Chief Officers

All executive functions, other than those allocated under section 1, are delegated to the Chief Officers listed in this section.

In addition, Chief Officers will exercise powers or duties specifically delegated to them by the Leader, Cabinet member or Cabinet.

Chief Officers may authorise officers under their control to exercise functions delegated to Chief Officers.

A. All Chief Officers

A.1 All Chief Officers are responsible for the general management of their Department and the services it provides. This includes: -

- the planning and discharge of departmental functions in accordance with Council policies and legislative requirements;
- the management of staff resources and professional leadership;
- the control and management of departmental budgets in accordance with Financial Regulations;
- the maintenance of appropriate monitoring arrangements to ensure the effectiveness and efficiency of service delivery;

Part 3

- the provision of effective arrangements for consulting and involving the public
- ensuring that the Council fulfils its statutory obligations;
- compliance with Contracts Procedures in respect of the letting of contracts;
- the determination of all general staffing issues within his/her department, including changes, within budget provision, to staffing structures and departmental establishments;
- recording key decisions made by officers.

These general management responsibilities are always subject to any policies agreed by the Leader, Cabinet Member or Cabinet and guidelines and procedures established by the Chief Executive. In cases where it is not clear or there is disagreement as to the appropriate level at which a decision should be taken, the Chief Executive has authority to make a ruling in accordance with the general principles set out in this Section.

Chief Officers are responsible for ensuring that their staff are aware of and comply with Council policies and procedures.

A.2 All Chief Officers have authority to incur expenditure to implement executive decisions and to meet statutory obligations within the levels set for the budgets for which they are responsible, subject to compliance with Financial and Contracts Procedures. This includes: -

- authority to incur revenue expenditure on activities and matters already agreed by the Leader, Cabinet member or Cabinet and contained within the revenue budget for that year, and where otherwise authorised by Financial Regulations;
- authority to commence capital schemes under £100,000 which are included in approved capital and planned maintenance programmes;
- authority to invite and accept tenders, subject to compliance with Contracts Procedures.

A.3 The following paragraphs set out the general delegations to Chief Officers. Specific delegations are set out in the scheme of delegation to officers

B. Chief Executive

B.1 To act on behalf of the Leader, Cabinet Member, Cabinet or Chief Officer in respect of any of their functions on a matter which in his/her opinion is urgent.

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- B.2 To make grants up to £5,000 to voluntary organisations where the activities concerned do not fall within the responsibility of any other Department.

- C. Director of Finance

- C.1 To undertake the responsibilities in respect of contracts and the Approved List of Contractors as set out in Contracts Procedures.
- C.2 To exercise delegated powers and undertake the detailed responsibilities in respect of the financial management of the Council (as set out in Financial Regulations). In particular, to maintain (including authority to amend) procedures, produced in accordance with Financial Regulations.
- C.3 To undertake the detailed responsibilities in respect of Risk Management and ensuring Value for Money.
- C.4 To have responsibility for all executive functions concerning Corporate Finance, Internal Audit, Anti-Fraud, Financial Operations and Payroll, Revenue Service and Benefits Service, ICT and Digital Services, Customer Services with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.
- C.5 To delegate responsibility to the Assistant Director Financial Processing and Systems to act as “The Greenwich Director” on the Board of GS Plus as defined in the Articles of Association of the Company and exercise all relevant powers pursuant to the position. In the absence of the Assistant Director the role to be undertaken by the Chief Executive.

- D. Director of Legal & HR

- D.1 To exercise the functions of the Council’s Solicitor and Chief Legal Officer, including the approval of contract terms, the conveyancing of land and property and the signature of documents on behalf of the Council.
- D.2 To be responsible for the authentication of documents and contracts as prescribed by Financial and Contracts Procedures.
- D.3 To institute, defend or settle legal proceedings as directed by the Chief Executive or another Chief Officer; and to be responsible for the

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authorisation of certain Officers of the Council to prosecute, defend or appear in any legal proceedings on the Council's behalf.

- D.4 To have responsibility for all executive functions concerning Legal Services and Human Resources with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.

E. Director of Children's Services

- E.1 To have responsibility for all executive functions concerning Children's Social Care, Safeguarding, Looked After Children, Care leavers, Disabled Children, Special Education Needs, Education Attainment, School Admission and Place Planning, Youth Services, Children's Centres, Early Help, Youth Offending Services, Troubled Families / Families First with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.

F. Director of Regeneration, Enterprise and Skills

- F.1 To have responsibility for all executive functions concerning:
- Regeneration including delivery of the priority investment programme
 - Planning, enforcement and building control,
 - Employment and Skills, including GLLAB, special employment initiatives, support to business
 - Corporate and HRA Property (including acquisitions, disposals, licences or leases for land or property)
 - Capital projects and property maintenance
 - Sustainability
 - Housing strategy, development (including relationship with RPs), HRA capital commissioning

with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.

G. Director of Health and Adult Services

- G.1 To have responsibility for all executive functions concerning Adult Social Care, Older People Day Care Nursing, Residential Care, Healthier Communities, Supported Housing, Adult Safeguarding, Public Health and Community Wellbeing, Care Commissioning, Occupational Therapy and

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Enablement with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.

G.2 To deputise for the Chief Executive in her / his absence.

H. Director of Public Health

H.1 To have responsibility for all executive functions concerning all of the Council's duties in relation to public health, including

- all of the Council's duties to take steps to improve public health
- preparing an Annual Report on the health of the local population
- any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations
- exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health
- the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
- the Council's public health response as a responsible authority under the Licensing Act 2003,
- such other public health functions as the Secretary of State may specify in regulations

J. Director of Housing and Safer Communities

J.1 To have responsibility for all executive functions concerning:

- Environmental Health,
- Trading Standards,
- Safer Communities,
- Licensing,
- Asset Management,
- Tenancy Services,
- Home Ownership,
- Housing Needs and Options,
- Digital Greenwich and Smart Cities

with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee

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K. Director of Communities, Environment and Central

- K.1 To have responsibility for all executive functions of the Council concerning Corporate Communications, Community Engagement, Parks and Open Spaces, Sport and Leisure (GLL Client), Waste Management, Street Sweeping, Mortuary, Cemeteries & Crematoria, Emergency Planning, Anti-Poverty, Policy and Performance, Third Sector Commissioning, Film Unit, Arts and Culture, Tourism, Electoral Registration, Web Management, Registrars, Transportation and Parking including road safety, active travel, Corporate Governance and Mayor's Office with the exception of those functions reserved for decision by the Leader or delegated to a Cabinet Member, Cabinet or a Joint Committee.

4 Delegations to joint committees

The following executive functions are exercised through joint arrangements with other local authorities under section 101(5) Local Government Act 1972.

The Leader may appoint non-Cabinet Members to Joint Committees where those Committees cover 5 or more local authorities).

1. the following employment and general functions are delegated to the London Councils' Leaders Committee:
 - (a) national and provincial agreements regulating the employment of staff;
 - (b) the training of staff;
 - (c) information generally affecting human resources issues;
 - (d) health, safety and welfare matters;
 - (e) representation on national negotiating bodies dealing with pay and conditions of employment of staff;
 - (f) providing a conciliation and arbitration service in the resolution of staffing disputes;
 - (g) liaising with relevant employers' associations in relation to staffing matters;
 - (h) providing services to and representing and consulting on the common interests of London local authorities;
 - (i) providing forums for the discussion of matters of common concern;
 - (j) formulating policies for the development of democratic and effectively managed local government; and

- (k) providing information on local government issues relevant to London.
- 2 The following transport and environment functions are delegated to the London Councils' Transport and Environment Committee:
- (a) The appointment of parking adjudicators for the purposes of the Road Traffic Act 1991; fixing penalty charge levels for infraction of parking orders; agreeing arrangements in connection with the clamping and recovery of vehicles including charges and penalties; formulation of common practices throughout greater London in respect of vehicle parking penalties; any ancillary matters associated with these functions.
 - (b) The administration, modification and enforcement of traffic orders controlling the use of heavy lorries in greater London at night and during week-ends.
 - (c) The arrangements, including those with transport operators under section 50 London Regional Transport Act 1984, for concessionary fares for the elderly and disabled entitling them to use public transport in greater London free of charge during prescribed hours and the use of taxis at reduced rates of charge and all ancillary matters associated with these functions.
 - (d) Agreement to the levels of fixed penalties for any fixed penalty offence under the London Local Authorities and Transport for London Act 2003 and the London Local Authorities Act 2004, and any other functions required or permitted to be carried out by the joint committee under those Acts.
 - (e) Functions delegated to TEC to enter into the arrangement with the British Parking Association were and continue to be delivered pursuant to section 1 of the Localism Act 2011;
 - (f) Provision of an appeals service for parking on private land for the British Parking Association under contract; and
 - (g) making and enforcing pan-London Traffic Orders to facilitate the introduction of a pan-London Safer Lorries Scheme and make traffic orders covering the whole of London.

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3. The following grants functions are delegated to the London Councils Grants Committee:

Administering grants to voluntary organisations under a scheme established under Section 48 Local Government Act 1985 on behalf of participating boroughs and in accordance with the constitutional and procedural arrangements set out in the scheme.

4. Crematoria functions are delegated to the Eltham Crematorium Joint Committee
5. Waste disposal functions are delegated to the South East London Waste Disposal Group
6. The following functions in relation to Joint Committee of London Local:

The discharge executive functions that relate to joint activities in areas of growth and opportunities for devolution to the sub-region as follows:

1. Strategic management and expenditure of the Annual Budget as defined by the Inter Authority Agreement made between Local London Members.
2. Strategic management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the Local London Members in addition to the annual budget.
3. Approval of an annual business plan.
4. To collaborate on and coordinate a range of activities and opportunities that arise through greater devolution of powers from central government.
5. Securing local benefits and sustainable growth for the geographical areas of Local London Members.
6. Securing the long-term benefits for the functions carried out and services provided by Local London Members collectively, individually or in partnership with others.
7. Strategic and operational coherence to the collaborative work of Local London Members in relation to securing local benefits.
8. Joint bidding for funding, training and employment programmes, e.g. funding from the European Union and Regional Growth Fund (RGF) where bids from one Borough will not be entertained.

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9. Establishing and facilitating the implementation of a programme for Local London Members which ensures local benefit and sustainable long term growth.

Any other executive functions relating to joint activities or areas of common concern in relation to growth and opportunities for devolution to the sub-region in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources as allocated to the joint committee.

Schedule B - Council functions

1. Functions where the Council or committees of the Council will take decisions

Decision making body	Membership	Function	Delegation of function
Full Council	All members of the Council	Functions relating to elections as set out in Regulation 2 and Section D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations).	The Chief Executive in respect of all paragraphs in Section D, except 1, 6, 8, 9 and 17.
		Functions relating to the name and status of the area and individuals as set out in Regulation 2 and Section E of Schedule 1 to the Functions Regulations.	
		Making, amending, revoking or re-enacting byelaws.	
		Promoting or opposing local or personal bills.	
		Functions relating to local government pensions.	These functions are delegated to the Pension Fund Investment and Administration Panel.
		Making and amending standing orders, including financial and contracts procedures.	

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Decision making body	Membership	Function	Delegation of function
		Adopting and amending a scheme for members' allowances.	The General Purposes Committee may agree minor changes in the level of allowances paid under this scheme.
		Approving the Council's statement of accounts, income and expenditure and balance sheet.	
		Making payments or providing other benefits in cases of maladministration.	Functions relating to local settlements are delegated to the Chief Executive.
		Functions relating to health and safety under any "relevant statutory provision" within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the council's capacity as employer.	These functions are delegated to the Director of Housing and Safer Communities.
		Appointing and revoking the appointment of any individual <ul style="list-style-type: none"> to any office other than an office in which he or she is employed by the authority to any body other than <ul style="list-style-type: none"> the Council a joint committee of two or more authorities which carries out 	These functions are delegated to the General Purposes Committee. NB. The Chief Executive, in consultation with the Leader and Party Whips, has delegated authority to establish Appointment Panels

Decision making body	Membership	Function	Delegation of function
		functions, all of which are the responsibility of the Cabinet; or - to any committee or sub-committee of such a body.	and make appointment to the Panel.
Full Council	All members of the Council	Appointing staff other than 1 st and 2nd tier.	These functions are delegated to the relevant Chief Officer.
		All functions relating to town and country planning and development control as specified in Regulation 2 and section A Schedule 1 to the Functions Regulations, other than those delegated to the Planning Board or to Area Planning Committees.	These functions are delegated to the Director of Regeneration, Enterprise and Skills.
		All functions relating to licensing and registration as set out in regulation 2 and section B of Schedule 1 to the Functions Regulations, apart from paragraph 37, other than those delegated to the Planning Board or to Licensing Committee.	These functions are delegated to the Director of Housing and Safer Communities.
		All functions relating to the Licensing Act 2003, other than those delegated to the Licensing Committee under Part A of the Committee's Terms of Reference	These functions are delegated to the Director of Housing and Safer Communities.

Decision making body	Membership	Function	Delegation of function
		The registration of common land or town and village greens and the variation of rights of common as set out in paragraph 37 of section B to Schedule 1 to the Functions Regulations.	These functions are delegated to the Director of Regeneration, enterprise and Skills except where on the advice of the Director of Legal & HR the matter, due to a conflict of interest, should be determined by the General Purposes Committee.
		Appointing 1 st and 2nd tier staff.	These functions are delegated to the General Purposes Committee. Full Council must confirm the appointment of the Chief Executive. NB. The Chief Executive, in consultation with the Leader and the Party Whips, has delegated authority to appoint individual Appointment Panels.
Licensing Committee	15 members of the Council	Determination of applications for registrations, permits or licenses which fall under Parts A and B of the Committee's Terms of Reference.	

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		Determination of licenses, registrations and permits as detailed in Part A of the Committee's Terms of Reference.	This is delegated to the Licensing Sub-Committees.
Planning Board	An ordinary committee of 10 member of the Council	Determining applications for planning permission and for registrations, permits or licences asset out in Part A of Schedule 1 to The Local Authorities (Function & Responsibilities) (England) Regulations 2000 (as amended)	So far as the matter is not reserved to the Planning Board or Local Planning Committee (as set out at paragraphs 4 and 5 below), these functions are delegated to the Director of Regeneration Enterprise and Skills as the Director with portfolio (referred to as "Chief Planning Officer").

Decision making body	Membership	Function	Delegation of function
Local Planning Committee	An ordinary committee of 8 members of the Council	Determining applications for planning permissions and for registrations, permits or licences as set out in Part A of Schedule 1 to the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 (as amended) in so far as the matter is not reserved to the Planning Board as set out paragraphs 4 & 5 below.	So far as the matter is not reserved to the Planning Board or Local Planning Committee (as set out at paragraphs 4 & 5 below), these functions are delegated to the Director of Regeneration Enterprise & Skills as the Director with portfolio (referred to as "Chief Planning Officer")
		The exercise of powers relating to the tree preservation and the protection of hedgerows as set out in Part I (46, 47 and 47A) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	
Director of Regeneration Enterprise & Skills		All development, control and planning matters, except for those matters reserved for decision by Member level bodies	
		Determining all applications under the Town & Country Planning Acts and related legislation and the Planning (Listed Building and Conservation Area)	

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		Act 1990 except for those matters reserved for decision by Member level bodies.	
		Determining Planning and related applications submitted on behalf of the Council under the Town and Country Planning General Regulations 1992 except for those matters reserved for decision by Member level bodies.	
		To require a right of entry to premises under the terms of Section 324 and 325 of the Town and Country Planning Act, and, where appropriate, carry out surveys for the purposes of any of the following acts : Public Health Acts 1875 to 1961, Highways Act 1980, Housing Acts 1957 to 1964, Town and Country Planning Act 1990, London Building Acts 1939 & Building Act 1984.	
General Purposes Committee	4 members of the Council	To take decisions on minor matters which are not executive functions and which require Member level decisions in between full Council meetings.	

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Standards Committee	3 members of the Council and 3 independent non-voting	Promoting and maintaining high standards of probity and conduct within the Council.	
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Decision making body	Membership	Function	Delegation of function
	members	Advising the council on the adoption or revision of its Code of Conduct.	
		Monitoring and advising the council about the operation of its Code of Conduct in the light of best practice, changes in the law.	
		Assisting members and co-opted members of the Council.	
		Ensuring that all members of the Council have access to training in the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code.	
		Consideration of complaints that Members have breached the Code of Conduct following a report of the Independent Person.	
		Grant exemptions from political restrictions.	

2. Council functions where officers will take decisions

Officer	Function
Chief Executive	Functions relating to elections as set out in all paragraphs in Section D to the Functions Regulations, except 1, 6, 8, 9 and 17
	Determining claims and payments to Members in accordance with the Council's Members' Allowances Scheme and authorising, for the purposes of payments under the Scheme, attendance by Members in official and courtesy visits on behalf of the Council, including visits outside the U.K.
	Making payments and providing other benefits to achieve local settlements in cases of maladministration.
Director of Finance	Managing the Pension Fund and implementing the provisions of the Local Government Pension Scheme Regulations.
Director of Regeneration, Enterprise and Skills	All development control and planning matters, except for those matters reserved for decision by Member level bodies.
	All functions relating to the powers and duties of the Council as Highways Authority, except for those functions reserved for decision by Member level bodies.
	Determining all applications under the Town & Country Planning Acts and related legislation and the Planning (Listed Building and Conservation Area) Act, 1990 except for those matters reserved for decision by Member level bodies.
	Determining planning and related applications submitted on behalf of the Council under the Town & Country Planning General Regulations, 1992 except for those matters reserved for decision by Member level bodies.
	To require a right of entry to premises under the terms of Section 324 and 325 of the Town and Country Planning Act, and, where appropriate, carry out surveys for the purposes of any of the following Acts: Public Health Acts, 1875 to 1961 Highways Act 1980 Housing Acts, 1957 to 1964 Town and Country Planning Act 1990 London Building Acts 1939 and Building Act 1984
	Issuing licences, permits and notices under the Highways Act, 1980, except for those matters reserved for decision by Member level bodies.

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<u>Director of Housing and Safer</u>	All licensing and registration functions listed in section B of schedule 1 to the Functions Regulations, except for those matters reserved for decision by Member level bodies.
<u>Communities</u>	Discharge of the Council's Functions under the Scrap Metal Dealers Act 2013.

Schedule C – Proper officer appointments

There are various statutory requirements for the appointment of Proper Officers to carry out certain functions of the Council.

With the exception of documents to be executed under the seal of the Council, any officer to whom powers have been delegated is the Proper Officer for the purposes of authenticating any notice, order or other document which they are authorised or required by or under any enactment to give, make or secure.

In addition, the persons listed below have been appointed as the Proper Officers for the purposes of the functions specified. The appointed Proper Officer may make arrangements, as appropriate, for the proper officer functions so assigned to be carried out on his/her behalf or in his/her absence.

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
LOCAL GOVERNMENT ACT, 1972	
Section 83(1) the officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act.	Chief Executive
Section 83(3)(b) the officer before whom a declaration of acceptance of office of Mayor or Deputy Mayor should be made.	Chief Executive
Section 84 the Officer to whom a person elected to any office under the Act may give written notice of resignation.	Chief Executive
Section 86 the Officer to declare any vacancy in any Office under the Section.	Director of Communities, Environment and Central
Section 88(2) the officer who may convene a meeting for the election of Mayor of the Borough.	Director of Communities, Environment and Central

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<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
Section 89(1) the Officer who shall receive notification of casual vacancies occurring in the office of Councillor.	Director of Communities, Environment and Central

Section 100B (2) the officer who shall decide which reports or parts of reports relate to items during which, in his/her opinion, a meeting is not likely to be open to the public.	Chief Executive and relevant Chief Officers as appropriate in consultation with Director of Legal & HR
Section 100B (7)(c) the officer who shall decide on request whether to supply copies of any documents supplied to Members of the Council in connection with any items included in an agenda for the benefit of any newspaper.	Chief Officer of Services concerned in consultation with Director of Legal & HR
Section 100C(2) the officer who shall make a written summary of the proceedings of the whole of a meeting or the part, as the case may be, to provide members of the public with a fair and coherent record of the proceedings when the minutes, or a part, are excluded from publication or inspection because they disclose exempt information.	Director of Communities, Environment and Central
Section 100D(1)(a) the officer who shall compile a list of background papers for each report or part of a report which is open to inspection by members of the public under Section 100(b) or 100(c)(1) of the Act.	Chief Executive and relevant Chief Officers as appropriate.
Section 100D(5) the officer who shall decide which documents relating to the subject matter of any report, disclose any facts or matters on which the report is based or have been relied upon to a material extent in preparing the report.	Chief Executive and relevant Chief Officers as appropriate.
Section 100F(2) the officer who shall decide whether a	Chief Executive and

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
document is not open to inspection under Section 100F(1) of the Act because it discloses exempt information of a description for the time being falling within the paragraphs of Schedule 12A to the Act.	relevant Chief Officers as appropriate
Section 100G the officer who shall maintain a register of the names and addresses of Members and membership of committees, lists of delegation and the like.	Director of Communities, Environment and Central
Section 115(2) the officer to whom money properly due from officers shall be paid	Director of Finance
Section 146(1) the officer to certify Council's entitlement to securities held in company books and/or dividends/interest arising from securities	Director of Finance
Section 151 the officer to be responsible for the proper administration of the Authority's financial affairs	Director of Finance
Section 223 the officer authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Director of Legal & HR
Section 225(1) the officer with whom a document of any description is deposited pursuant to the Standing Orders of either House of Parliament or to any enactment or instrument and who shall receive and retain documents in the manner and for the purposes directed by the Standing Orders or enactment or instrument, and shall make notes or endorsements on, and give such acknowledgements and receipts, in respect of the documents as may be so directed.	Director of Legal & HR
Section 229(5) the officer who shall certify a photographic copy of a document in the custody of the Authority, or of a document which has been destroyed while in the custody of the Authority or of any part of any such document.	Director of Legal & HR

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<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
Section 233 the officer to receive documents required to be served on the Authority	Director of Legal & HR
Section 234(1) - the officer who may sign any notices, orders or other documents that the Council is required/entitled to give make or issue	Director of Legal & HR
Section 238 the Officer who shall certify a printed copy of a bye law of the Authority.	Director of Legal & HR
Schedule 12, part 1, para. 4(2)(b) the Officer who shall sign a summons to attend a Council meeting.	Chief Executive
Schedule 12, part 1, para. 4 (3) the Officer to whom a Councillor shall give notice in writing desiring summonses to attend meetings of the Council to be sent to an address specified in the notice other than his/her place of residence.	Chief Executive
Schedule 14, part 2, para. 25(7) the officer who shall verify a resolution of the Council under this paragraph (resolutions applying or disapplying provisions of the Public Health Act 1875-1961).	Director of Legal & HR
Section 87(2) the officer responsible for publishing the Notice of Vacancy for any council seat	Head of Electoral Services
LOCAL GOVERNMENT ACT 1972	
Section 30(5) Officer to whom notice of a Local Government Ombudsman's report is to be served.	Chief Executive
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	
Section 16 Notices requiring details of interest in land	Director of Service in consultation with Director of Legal & HR
Section 41 the Officer to certify copies of any resolution, order, report or minutes of proceedings of the Authority	Director of Legal & HR

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
as evidence in any legal proceedings.	
EUROPEAN PARLIAMENTARY ELECTIONS ACT 2002	
Schedule 4, Para 1 the Officer to be the Acting Returning Officer for European Parliamentary Elections and Greater London Authority Elections and all other powers in relation to such elections	Chief Executive
REPRESENTATION OF THE PEOPLE ACT 1983	
Section 8 – Officer to appoint a Registration Officer for the purpose of registering electors and approving the appointment of Deputy Electoral Registration Officer.	Chief Executive
Section 18A-18E - Officer responsible for the division of the area into polling districts and keeping the districts under review.	Chief Executive
Section 35 – the Officer to be the Returning Officer at an election of London Borough councillors	Chief Executive
Section 28 – Officer to be the Acting Returning Officer at an election of a Member of Parliament	Chief Executive
Sections 82 and 89 – Officer to receive election expense declarations returns and the holding of those documents for public inspection	Chief Executive
LOCAL GOVERNMENT & HOUSING ACT, 1989	
Section 2(2) the officer responsible for the preparation and maintenance of a list of politically restricted posts.	Director of Finance
Section 3(3) the officer responsible for certifying that a post is/is not politically restricted.	Director of Finance
Section 5(1)(a) the officer responsible for performing the duties of the Monitoring Officer imposed by this section	Director of Legal & HR

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
of the Act.	
CIVIL EVIDENCE ACT 1995	
Section 9 - The Officer certify documents for the purpose of proving they form part of Council records and admitting the document in evidence in civil proceedings	Director of Legal & HR
LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS, 1990	
The officer who shall receive notices relating to the establishment and membership of political groups and the wishes of political groups with regard to the filling of committee seats allocated to them.	Chief Executive
LOCAL AUTHORITY (MEMBERS' ALLOWANCES) REGULATIONS, 2003	
Regulation 13 the officer who shall receive written notice from a Member electing to forgo entitlement to allowances under Regulation 14.	Director of Communities, Environment and Central
Regulation 10 – 17 the officer responsible for the maintenance of the Members Allowances Scheme and payments in accordance with the Scheme.	Director of Communities, Environment and Central
NATIONAL ASSISTANCE ACT 1948 AND NATIONAL ASSISTANCE (AMENDMENT) ACT 1951	
Proper officer to seek an order for removal of persons into care	Director of Children's Services or Director of Health and Adult Social Care in consultation with Director of Legal & HR

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
REGISTRATION SERVICES ACT 1953	
Proper officer for Births, Deaths and Marriages	Director of Finance
Section 9 – the officer responsible for appointing an officer to act as interim superintendent registrar or interim registrar where the current (superintendent) registrar ceases to hold office. (Officer to be appointed from existing deputies or where there are no deputies the proper officer shall make a fresh appointment).	Director of Finance
Section 13 – the officer responsible under a local scheme for:- fixing hours of attendance of registrars; the distribution of business between registrars; transferring registrars within or between districts and supervising the administration of the provisions of the Act	Director of Finance
Section 20 (b) - the officer responsible for the exercise of functions set out under this section.	Director of Legal & HR
LOCAL GOVERNMENT ACT 2000	
Section 9FB - the officer to promote the role of, and to provide support to, the overview and scrutiny committee. The officer to provide support and guidance to the officers and members in relation to the overview and scrutiny committee	Head of Corporate Services
LOCAL GOVERNMENT ACT 2003	
Section 25(1) – the officer to report on the robustness of estimates for budget calculation purposes and the adequacy of financial reserves	Director of Finance
PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984, FOOD SAFETY (GENERAL FOOD HYGIENE) REGULATIONS 1995 AND THE MILK AND DAIRIES GENERAL REGULATIONS 1969	

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Housing and Safer Communities
CIVIL EVIDENCE ACT 1995	
To certify Council records for the purposes of admitting the document in evidence in civil proceedings.	Director of Legal & HR
CRIME AND DISORDER ACT 1998	
Section 12 to apply for the discharge or variation of a Child Safety Order	Director of Children's Services in consultation with Director of Legal & HR
No. STATUTE AND FUNCTION PROPER OFFICER	
Sections 17 and 37 to have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	All Chief Officers
CRIMINAL JUSTICE AND POLICE ACT 2001	
Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Chief Executive in consultation with Director of Legal & HR and Director of Service
LOCAL GOVERNMENT FINANCE ACT 1988	
Section 114 -the officer who shall issue a report if it appears that the executive has made a decision that:- has or could result in expenditure being incurred unlawfully; that has or could cause loss or deficiency or could result in unlawful entry on the Council's account.	Director of Finance
Section 116 the officer required to notify the Council's	Director of Finance

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
auditor of the date, time and place of any meeting to discuss a report prepared under section 114	
Section 139A the officer upon whom the secretary of state may be serve notice for the supply of information in relation to exercise of te secretary of state's functions. The officer required to furnish the secretary of state with the requested information	Director of Finance
LOCAL AUTHORITIES CONTRACTS REGULATIONS 1997	
Regulation 4- the officer to receive copies of certificates issued in relation to a contract	Director of Legal & HR as Monitoring Officer
Regulation 7- the officer to sign certificates to be issued in relation to a contract	Director of Finance
LOCALISM ACT 2011	
Section 29 – officer responsible for establishing and maintaining a register of Members and co-opted members interests	Director of Legal & HR
NATIONAL HEALTH SERVICE ACT 2006	
Section 2B – officer responsible (by virtue of section 73A) for taking appropriate steps to improve health in the borough	Director of Public Health
Section 249 – officer responsible for cooperating with the prison service with a view to securing and maintaining the health of prisoners	Director of Public Health
Section 73A(1)(d) officer responsible in relation to planning for or responding to emergencies involving risk to public health	Director of Public Health
Section 73A(1)(e) officer responsible for cooperating with responsible bodies in relation to assessment and	Director of Public Health

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
management of risks posed by offenders	
Schedule1- officer responsible for:- the medical inspection/treatment of pupils; weighing and measuring of pupils; provision of contraceptive services and conducting or assisting any research in relation to their functions.	Director of Public Health
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012	
Regulation 12 The officer responsible for producing a written record of an executive decision taken at a meeting or by an individual Cabinet member	Director of Communities, Environment and Central
Regulation 14 the officer responsible for making available for public inspection copies of records, relevant reports and background papers in respect of executive decisions	Director of Communities, Environment and Central and relevant Chief Officer
Regulation 7 the officer responsible for excluding from the agenda and reports to be made available to the public the whole or any part of the report relating to an item of business during which the public is likely to be excluded, and deciding whether documents should be supplied to a newspaper	Director of Communities, Environment and Central
Regulation 10 the officer responsible for informing the chair of Overview and Scrutiny Committee that a key decision for which 28 days' notice has not been given is to be taken, and for making a notice as to this available for public inspection	Director of Communities, Environment and Central
Regulation 16 the officer responsible for deciding whether documents contain exempt information or political advice, and whether they should not therefore	Director of Legal & HR

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<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>
be made available for inspection by members	

LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) (ENGLAND) REGULATIONS 2011	
Regulation 4 the officer responsible for publishing the number that is equal to 5% of the number of local government electors in the area	Director of Communities, Environment and Central
Regulation 11 the officer responsible for notifying the Secretary of State and petition organiser after receipt of a petition, including where it is held to be valid or not valid	Chief Executive
Regulation 8 the officer responsible for taking the necessary procedural steps on receipt of a petition, including amalgamating petitions	Chief Executive
LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001	
The officer responsible for notifying members of the Cabinet of the proposed appointment or dismissal of a Chief Officer or Deputy Chief Officer	Chief Executive
NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012	
Regulation 14 – responsible officer for functions under the Licensing Act 2003 including making representations in relation to the application, variation and review of premises licences and early morning alcohol restriction orders	Director of Public Health

<u>Relevant Statutory Provision and Function</u>	<u>Proper Officer(s)</u>

LOCAL AUTHORITIES (PUBLIC HEALTH FUNCTIONS AND ENTRY TO PREMISES BY LOCAL HEALTHWATCH REPRESENTATIVES) REGULATIONS 2013	
Regulations 3 to 8 – officer responsible for carrying out functions of secretary of state including provision relating to weighing and measuring of children; health checks; universal health visitors; sexual health services; public health advice and providing information to relevant persons in preparation for local public health protection arrangements	Director of Public Health
MISCELLANEOUS	
Section 41 Local Government (Miscellaneous Provisions) Act 1976 – the officer to certify true copies of resolutions in Minutes of proceedings etc.	Director of Legal & HR
Section 19, Land Charges Act the officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975	Director of Regeneration, Enterprise and Skills
Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority or his/her nominee	Chief Executive

Schedule D – Consultative arrangements

Statement of Principles on Open Government

The Council aims to have clear and effective decision-making procedures in which:

- the Council is accountable to local people;
- the decision-making processes are transparent and understandable;
- members of the local community can be involved in discussions about policy and service development;
- there are mechanisms by which the Council can listen and respond to the views of the local community.

The Constitution embodies the Council's commitment to open government.

Important elements are:

- There is provision at Full Council meetings to receive public deputations, for petitions to be presented, and for questions by members of the public. Members of the public may speak on or can express their views on reports that are to be discussed at Full Council meetings.
- The Overview and Scrutiny Committee and the Scrutiny Panels may undertake reviews of important local issues. This could include any aspect of the Council's performance or the work of other organisations. There is scope for 'evidence' to be taken from members of the public, and for representative stakeholders to be involved in reviews where appropriate.
- Advance notice of matters to be decided at Cabinet meetings will be given and whenever a key decision is to be taken there will be, where possible, 28 days notice. Members of the public are able to attend meetings of the Cabinet and may ask to speak on matters on the agenda.
- Effective mechanisms will be maintained for engaging with the local community as part of the Council's Greenwich Strategy initiative, Best Value and Service Improvement Programmes, and other policy development and planning processes.
- An important element of the Council's consultation and communication mechanisms is the Great Get Togethers and Housing Neighbourhood Panels.

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- A wide range of issues are determined at a local level by the three Area Planning Committees. Members of the public can speak on planning and local environmental issues at the Area Committee meetings.
- Licensing applications are considered by the three Licensing Sub-Committees which all allow for public involvement.
- Community participation and involvement is an integral part of Neighbourhood Renewal and Local Service Partnership initiatives.

The Council has always sought to promote access to information and will continue to ensure that all sections of the community are able to access its meetings; in particular

- meetings venues will normally be fully accessible
- meetings will be widely publicised
- copies of agenda documents will be publicly available in advance of the formal meetings where decisions are to be taken;
- reasons will be given where reports have to be kept confidential
- we will try to provide translations of agendas or interpreters when so requested, and support or facilities for people with a disability or sensory impairment.
- babysitting/carers allowances can be claimed in appropriate cases in respect of attendance at Council and Committee meetings.

Schedule E - Terms of reference – Member-level Bodies 2020/21

1. Full Council

The following specific matters are reserved for decision by the Full Council:

- a. adopting and changing the Constitution;
- b. approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c. approving proposals in connection with the preparation of an altered or replacement development plan, prior to public consultation;
- d. making decisions about any matter in carrying out an executive function which is covered by:
 - i) the Policy Framework, where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework, or
 - ii) the Budget, where the decision maker is minded to make it in a manner which would be contrary to or not wholly in accordance with the Budget.

subject to the urgency procedure contained in the Budget and Policy Framework Procedure in Part 4 of the Council's Constitution;

- e. appointing the Leader of the Council;
- f. agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and appointing their chairs and vice-chairs (except in respect of committees appointed by the Cabinet in relation to executive functions);
- g. agreeing the list of outside bodies to be appointed to and making appointments accordingly unless the appointment is an executive function or has been delegated by the Council (N.B. where an in year vacancy arises the appointment to be made by the Chief Executive, in consultation with the relevant Party Whip);

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- h. adopting an allowances scheme under Article 2.05 of the Council's Constitution;
- i. changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- j. confirming the appointment of the Chief Executive;
- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. electing a Mayor of the Royal Borough of Greenwich each Municipal Year (at the Annual Council Meeting);
- m. determining the annual work programme of overview and scrutiny activities;
- n. approving a Local Code of Conduct for Members;
- o. the setting of the Council Tax;
- p. approving the annual Statement of Accounts;
- q. agreeing the overall pay banding for the Council's chief officer structure which includes all posts with a remuneration of £100,000 or over and also agreeing specific severance packages which exceed the limit of £95,000 set out in the Small Business, Enterprise and Employment Act 2015 (not including permitted contractual obligations) and authorising any application to MHCLG and/or the Treasury to waive the provisions.
- r. all other matters which, by law, must be reserved to Council.

In addition, the following matters may also be considered at meetings of the Full Council in accordance with the Council and Committee Procedure Rules (Part 4, Schedule A of the Council Constitution):

- i) Receipt of petitions, public deputations and public questions
- ii) Members Questions
- iii) As appropriate reports of committees (or sub-committees) on matters within their terms of reference
- iv) Motions of which Notice has been given by two or more members.

1.1 General Purposes Committee

- a. To appoint members to fill vacancies which arise from time to time on committees established by the Council in accordance with the wishes of the relevant political group.
- b. To appoint and revoke the appointment of any individual:
 - to any office other than an office in which he or she is employed by the Council
 - to any body other than:
 - the Council
 - a joint committee of 2 or more authorities which carries out functions, all of which are the responsibility of the Cabinet
- c. To decide on the up rating of subsistence, travel and carers allowance rates, and to make inflation-only increases in basic and special responsibility allowances.
- d. To determine applications for the registration of common land or town and village greens and the variation of rights of common as set out in paragraph 37 of section B to Schedule 1 to the Functions Regulations, where on the advice of the Director of Legal & HR it would not be appropriate for the Director of Regeneration, Enterprise and Skills to exercise her / his delegated authority.
- e. To agree the salary level for posts with a remuneration of £100,000 or over in relation to a specific appointment.
- f. To determine Human Resources Strategies/Policies and individual matters on behalf of Council.

1.2 Pension Fund Investment and Administration Panel

- a. To exercise all relevant functions conferred by regulations made under the Public Services Pensions Act 2013
- b. To consider and decide all matters regarding the management of the pension fund's investments and administration and to determine the

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delegation of powers of management of the fund and to set boundaries for the managers' discretion.

- c. To decide all matters relating to policy and target setting for and monitoring the investment performance of the pension fund
- d. At least once every three months, to review the investments made by the investment managers and consider the desirability of continuing or terminating the appointment of the investment managers.
- e. To consider and make recommendations on policy and staff related issues which have an impact on the pension fund directly or indirectly through changes in employer pension contribution rates and through Fund employers' early retirement policies.
- f. To consider triennial valuation reports prepared by the Fund's actuaries, with recommended employer contributions.
- g. To receive monitoring reports from the Director of Finance on all matters relevant to the Pension Fund and the Administering Authority's statutory requirements.
- h. To receive reports as appropriate from the Pension Board.

2 Overview and Scrutiny Call-in Sub-Committee

To exercise on behalf of the Council the powers to call-in Executive decisions in accordance with the Overview and Scrutiny Committee procedures (Part 4, Schedule B of the Council's Constitution).

3. Overview and Scrutiny

3.1 Overview and Scrutiny Committee

- a. To co-ordinate and oversee all overview and scrutiny functions on behalf of the Council.
- b. To monitor and keep under review upcoming key decisions and forthcoming Cabinet business as published under the Access to Information Procedures in Part 4D of this Constitution.

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- c. To recommend to Council each year an annual work programme of overview and scrutiny activities. This may include the scrutiny or review of services or activities of other organisations which are relevant to the social, environmental or economic wellbeing of the Borough or its residents.
- d. To undertake scrutiny functions in respect of overarching issues which affect a number of service and subject areas, or which may be allocated specifically to the Committee by the Council, or which do not fall within service or subject areas of any Scrutiny Panel.
- e. In appropriate cases where matters fall within the remit of more than one Scrutiny Panel, to determine which panel will assume responsibility for any particular issue.
- f. To monitor action on matters referred by Overview and Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, to ensure that they are managed efficiently and in accordance with the Council's Constitution and Overview and Scrutiny Procedures.
- g. To consider the outcome of Scrutiny reviews undertaken by the Scrutiny Panels and refer recommendations to the Chief Executive.

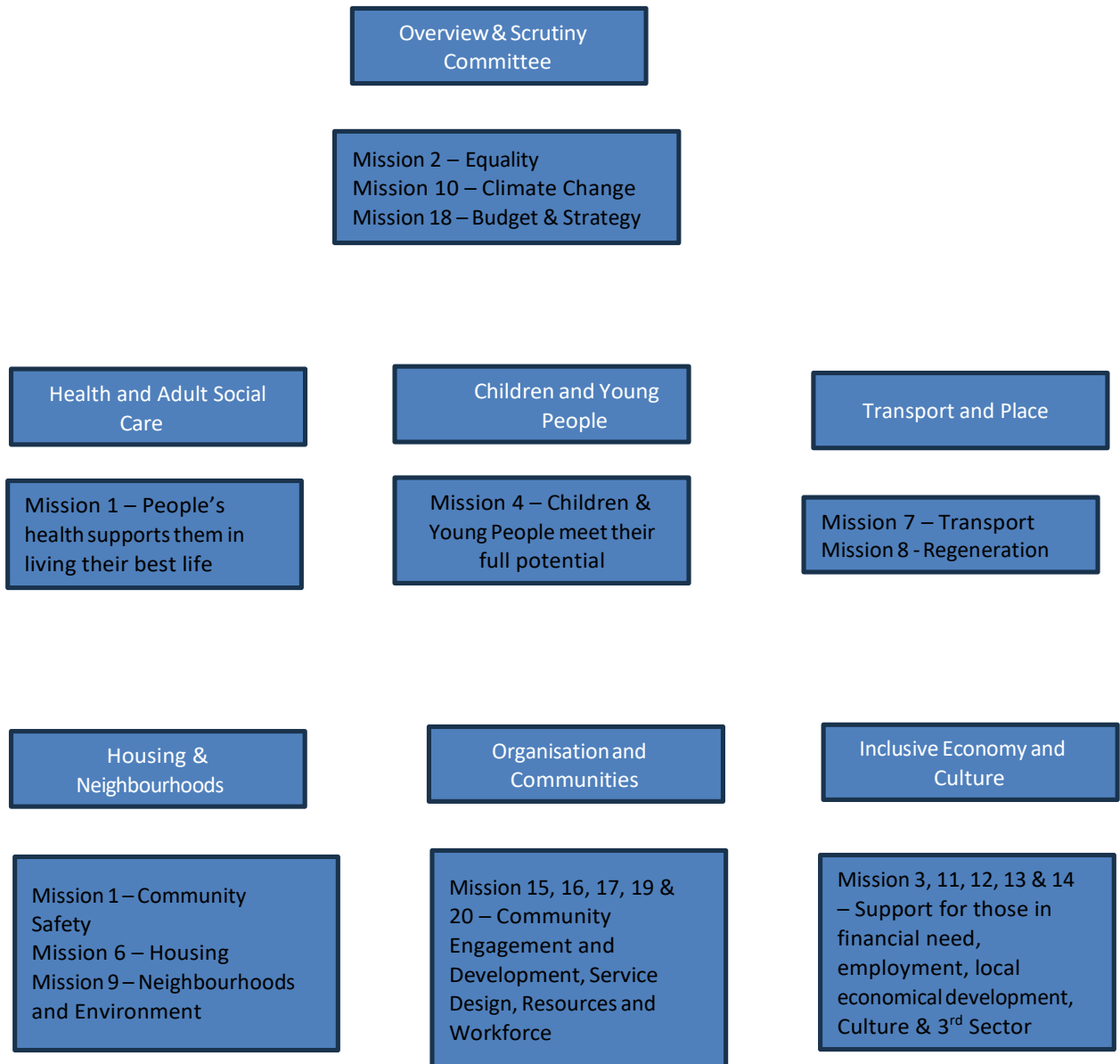
3.2 Scrutiny Panels

- a. To scrutinise in relation to functions assigned to the Panel issues relating to:
 - Performance Management
 - Value for Money
 - Holding the Executive to account
 - External bodies
 - Tackling inequality
- b. To monitor the budget management and general performance of Council services within the Panel's remit.
- c. To review and/or scrutinise the outcome of decisions made or actions taken by or on behalf of the Cabinet (including action taken under delegated powers) in relation to functions within the Panel's remit.

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- 3.3 The Scrutiny Panels are set out in the chart below together with details of their areas of responsibility by reference to Our Greewich Missions.

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4. Planning Board

4.1 Scope

- 4.1.1 The purpose of the Planning Board is to consider strategic development management and consideration of those Council matters referred to at Part 3 (Responsibility for Functions); Schedule B.1 – Council Functions and as more particularly set out as set out in Part A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) as delegated under paragraph 4.3 below.
- 4.1.2 More local matters are dealt with by the Local Planning Committee as set out at section 5 of this Part.
- 4.1.3 Most matters are dealt with by an officer.
- 4.1.4 The development of planning policy is an executive function and is formulated by the Council's Leader and Cabinet.

4.2 Definitions

- 4.2.1 In relation to proposals coming before the Planning Board:
 - (a) A '**Strategic Application**' means for these purposes as proposals for:
 - (i) residential development comprising [50] or more dwellings; and
 - (ii) development, including commercial, retail, and industrial developments, where the floor space to be created by the development is [3,000] square metres or more; and
 - (b) A '**Major Application**' means for these purposes, by reference to the Town and Country Planning (Development Management Procedure) (England) Order 2015, as proposals for:
 - (i) the winning and working of minerals or the use of land for mineral-working deposits;
 - (ii) waste development;
 - (iii) the provision of dwellings where the number of dwellings to be provided is 10 or more;

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- (iv) development to be carried out on a site having an area of 0.5 hectares or more and where it is not known whether the number of dwellings to be provided is 10 or more; or
- (v) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more.

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4.3 Delegation

4.3.1 The Planning Board will consider and determine all Strategic Applications.

4.3.2 In the circumstances set out at 4.4 below, the Planning Board will consider and determine the following Major Applications:

<i>An application for:</i>	<i>as defined by:</i>	<i>in respect of (scale):</i>
(a) planning permission	Part III or s.293A Town and Country Planning Act (T&CPA) 1990	all Major Applications
(b) reserved matters approval	s.92 T&CPA 1990	all Major Applications
(c) permission in principle	s.58A T&CPA 1990	all Major Applications
(d) listed building consent	s.8(7) Planning (Listed Buildings and Conservation Areas) Act 1990	where submitted with a Major Application for other permissions listed in this table
(e) permission to develop land without compliance with conditions previously attached	s.73 T&CPA 1990	all Major Applications other than where the Chief Planning Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair) considers that: <ul style="list-style-type: none"> i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site; or ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

4.3.3 The Planning Board may consider and determine any other applications for planning permission, consent, approval or matter falling within the scope of the Planning Board, as set out in these terms of reference, which the Planning Board has specifically indicated it wishes to consider itself.

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- 4.3.4 Any other item of business may be referred to the Planning Board where the Chief Planning Officer or the Monitoring Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair), is of the opinion that the item is within the scope of the Planning Board's or the Local Planning Committee terms of reference and should be considered by the Planning Board.

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- 4.3.5 Except as contained in these Paragraphs 4.3 (Planning Board) and 5.2 (Local Planning Committee), responsibility for the exercise of all functions relating to town and country planning and development control and associated or related matters, as specified the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), is delegated to the Chief Planning Officer as set out at Part 3 Schedule B of the Council's Constitution.

4.4 Referral and reservation

- 4.4.1 Items of business are to be considered or determined by the Planning Board where:

- (a) a Major Application is recommended for approval contrary to the policies of the statutory development plan(s) and which, in the opinion of the Chief Planning Officer, constitutes a significant departure from those policies;
- (b) where [20] or more individual persons have submitted objections in writing to a Major Application that raise material planning considerations which, in the opinion of the Chief Planning Officer, cannot be overcome by planning conditions or planning mitigation;
- (c) where a Member has requested that a Major Application be referred (or "called-in") for consideration by the next appropriate Planning Board and where the request:
 - (i) was made within [15] working days of the Member being notified of the application;
 - (ii) sets out in writing:
 - (1) how the Major Application will affect their Ward; and
 - (2) their reasons as to why the Major Application should be determined by the Planning Board; and which
 - (iii) has been accepted by the Chief Planning Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair), as amounting to valid planning reasons for referral to the Planning Board;
- (d) a Major Application is made in respect of any land owned by the Council or for development of any land by the Council or by the Council jointly with any other person (except for matters which in the opinion of the Chief Planning Officer are minor);
- (e) the Chief Planning Officer is of the opinion that any proposal for development, application or matter is of strategic significance and should be considered by the Planning Board; or
- (f) the Planning Board reserves to itself any other applications for planning permission, consent or approval that would otherwise fall within the terms of reference of the Local Planning Committee but which the Planning Board has specifically indicated it wishes to consider itself.

4.5 Procedure on proposals against officer recommendation

- 4.5.1 Where a member of the Planning Board considers it likely that they will propose a motion to determine an application contrary to the officers' reported recommendation, whether for approval or refusal or changes to conditions or S106 planning obligations, the member(s) concerned are requested to seek advice and drafting assistance from the Chief Planning Officer and, if referred, the Monitoring Officer or their nominated staff (the planning and legal officers).
- 4.5.2 Before voting on a motion, the effect of which is to determine an application contrary to the officers' recommendation, whether for approval or refusal or changes to conditions or S106 planning obligations, the Chair is to:
- (a) ensure that the proposer and seconder have identified the planning reasons for the motion (which may need to be justified in the event of an appeal or other challenge), which shall be required to be placed in writing, if considered necessary by the Chair, before being further considered by the Planning Board;
 - (b) ensure that relevant conditions or requirements to any resulting decision have been identified as a part of the motion (the detailed compilation and drafting of which may be delegated to the Chief Planning Officer);

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- (c) invite officers to provide planning advice on the clarity and validity of the reasons, including any associated risks, prior to further debate; and
- (d) consider, if there is any concern about the reasons or proposed conditions, whether to:
 - (i) adjourn the meeting for a short period in order for the Planning Board and/or the proposer and seconder of the motion to obtain advice from the planning officers present; or
 - (ii) defer the item to another meeting for the reasons or proposed conditions to be the subject of further advice and to then be tested and discussed at the next convened meeting.

4.6 Other matters

- 4.6.1 The Planning Board will agree and keep under review this scheme of delegation setting out which matters may be dealt with by the Planning Board, the Local Planning Committee and which of its powers are to be discharged by an officer.
- 4.6.2 The Planning Board will agree and keep under review a scheme for public speaking in respect of meetings of the Planning Board and the Local Planning Committee.

5. Local Planning Committee (Part 3 (Responsibility for Functions); Schedule B – Council Functions)

5.1 Scope

- 5.1.1 The purpose of the Local Planning Committee is to consider local planning and development management matters.
- 5.1.2 Unless a matter is reserved to the Planning Board or referred to the Local Planning Committee under the scheme of delegation below, any application for planning permission, consent, consultation or approval will be dealt with by an officer in exercise of the delegation of planning functions to the to the Director of Regeneration, Enterprise and Skills (being the Director with portfolio for exercising the local planning authority functions and referred to here as the '**Chief Planning Officer**') as set out at Part 3B1 of this Constitution.
- 5.1.3 Strategic Applications, Major Applications and other matters are dealt with by the Planning Board as set out at section 4 of this Part.
- 5.1.4 The development of planning policy is an executive function and is formulated by the Council's Leader and Cabinet.

5.2 Delegation

- 5.2.1 Other than Strategic Applications, Major Applications and those other matters reserved to the Planning Board set out at Section 4 above, in the circumstances set out at 5.3 below the Local Planning Committee will consider and determine the following matters ('**Local Applications**')

<i>An application for:</i>	<i>as defined by:</i>	<i>in respect of (scale):</i>
(a) planning permission	Part III or s.293A Town and Country Planning Act (T&CPA) 1990	all applications other than Strategic Applications, Major Applications and any other matters reserved to the Planning Board
(b) permission in principle	s.58A T&CPA 1990	all applications other than Strategic Applications, Major Applications and any other matters reserved to Planning Board
(c) listed building consent	s.8(7) Planning (Listed Buildings and Conservation Areas) Act 1990	where submitted with an application for other permissions listed in this table

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(d)	permission to develop land without compliance with conditions previously attached	s.73 T&CPA 1990	<p>all applications other than Strategic Applications, Major Applications and any other matters reserved to Planning Board, except where the Chief Planning Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair), considers that:</p> <ul style="list-style-type: none"> i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site; or ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.
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5.2.2 Any other item of business may be referred to the Local Planning Committee where the Chief Planning Officer or the Monitoring Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair), is of the opinion that the item is relevant to the Planning Board's or the Local Planning Committee terms of reference and should be considered by the Local Planning Committee.

5.2.3 Except as contained in these Paragraphs 4.2 (Planning Board) and 5.2 (Local Planning Committee), responsibility for the exercise of all functions relating to town and country planning and development control and associated or related matters, as specified the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), is delegated to the Chief Planning Officer as set out at Part 3 Schedule B of the Council's Constitution.

5.3 Referral and reservation

5.3.1 Items of business are to be considered or determined by the Local Planning Committee where:

- (a) a Local Application is recommended for approval but would not accord with the Council's approved planning policies and, in the opinion of the Chief Planning Officer, would constitute a significant departure from the provisions of the adopted Development Plan;
- (b) a Local Application is recommended for approval and [12] or more individual persons have submitted objections in writing that raise material planning

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considerations which, in the opinion of the Chief Planning Officer, cannot be overcome by planning conditions or planning mitigation;

- (c) a Member considers a Local Application will impact on their Ward has requested that the application be referred (or “called-in”) for consideration by the next appropriate Local Planning Committee and where the request:
 - (i) was made within [15] working days of the Member being notified of the application;
 - (ii) sets out in writing the planning considerations relevant to the proposal and stating why those matters warrant referral to the Local Planning Committee; and
 - (iii) has been accepted by the Chief Planning Officer, in consultation with the Chair or in the absence of the Chair, the Vice-Chair), as amounting to valid planning reasons for referral to the Local Planning Committee;
- (d) a Local Application is submitted in respect of any land owned by the Council or for development of any land by the Council or by the Council jointly with any other person (except for matters which in the opinion of the Chief Planning Officer are minor);
- (e) an application is been submitted by, or in respect of any land owned by:
 - (i) a Member of the Council;
 - (ii) a chief officer or deputy chief officer of the Council; or
 - (iii) an officer who, in the opinion of the proper officer, is directly employed in planning matters or in support of the Planning Board or Local Planning Committee; or
- (f) the Chief Planning Officer is of the opinion that any proposal for development, application or matter should be considered by the Local Planning Committee; or
- (g) the Chief Planning Officer or Monitoring Officer, in consultation with the Chair (or in the absence of the Chair, the Vice-Chair), is of the opinion that any other item of business falling within the Planning Board’s or the Local Planning Committee terms of reference should be considered by the Local Planning Committee.

5.4 Procedure on proposals against officer recommendation

- 5.4.1 Where Members consider it likely that they will propose a motion to determine an application contrary to the officers’ reported recommendation, whether for

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approval or refusal or changes to conditions or S106 planning obligations, the Members concerned are requested to seek advice and drafting assistance from the Chief Planning Officer and, if referred, the Monitoring Officer or their nominated staff (the planning officers).

- 5.4.2 Before voting on a motion, the effect of which is to determine an application contrary to the officers' recommendation, whether for approval or refusal or changes to conditions or S106 planning obligations, the Chair is to:
- (a) ensure that the proposer and seconder have identified the planning reasons for the motion (which may need to be justified in the event of an appeal or other challenge), which shall be required to be placed in writing, if considered necessary by the Chair, before being further considered by the Committee;
 - (b) ensure that relevant conditions or requirements to any resulting decision have been identified as a part of the motion (the detailed compilation and drafting of which may be delegated to the Chief Planning Officer);
 - (c) invite officers to provide planning and legal advice on the clarity and validity of the reasons, including any associated risks, prior to further debate; and
 - (d) consider, if there is any concern about the reasons or proposed conditions, whether to:
 - (i) adjourn the meeting for a short period in order for the Committee and/or the proposer and seconder of the motion to obtain advice from the planning officers present; or
 - (ii) defer the item to another meeting for the reasons or proposed conditions to be the subject of further advice and to then be tested and discussed at the next convened meeting.

4. Licensing Committee

Part A

The Licensing Committee will undertake all functions of the Authority under the 2003 Act that are not the responsibility of the Council, as follows:

- make recommendations to the Council on the Statement of Licensing Policy;
- review the Statement of Licensing Policy within statutory intervals, keeping the policy under review at other times and undertaking appropriate consultations;
- advise the Authority in respect of matters relating to the protection of

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- children from harm;
decide the extent to which the Authority will recommend the classification of films;

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- monitor the impact of licensing on regulated entertainment in general and live music and dancing in particular;
- refer reports to the Planning Authority on the situation concerning licensed premises including the general impact of alcohol related crime and disorder;
- consider current licenses or applications for licenses where a valid representation has been made and not withdrawn;
- receive reports on the needs of the local tourist economy and the cultural strategy for the area;
- receive reports on the employment situation in the area;
- consider measures to promote the music, dancing and theatre for the wider cultural benefit.

The Director of Housing and Safer Communities has delegated authority, in consultation with the Chief Executive and Leader, to determine whether licensing matters should be considered by the Licensing Committee. Except where it is decided that a matter should be determined by the full Licensing Committee, the Licensing Authority accepts the Secretary of State recommendations that delegation by the Licensing Committee will be approached in the following way:

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection made	If no objection made
Application for personal licence with unspent convictions	All cases	
Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties	All cases	
Application for premises licence/club premises certificate	If a relevant representation made. *	If no relevant representation made
Application for provisional statement	If a relevant representation made.	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made. *	If no relevant representation made

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Matter to be dealt with	Sub Committee	Officers
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc.		All cases
Decision to object when local authority is a consulted and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice.	All cases	
Classification of Films		All cases
Re-classification of Films		All cases

*Where all persons required by the Act have agreed that a hearing is not necessary then it shall be for the Chair of the Licensing Committee to determine whether to dispense with a hearing under Section 9 of the Licensing Act 2003 (Hearings) Regulations 2005.

Licensing Sub-Committees operating under delegated authority by the Licensing Committee will receive reports on matters determined by Licensing Officers with delegated authority.

- The consideration and determination of the following where a valid representation has been made and not withdrawn:
- application for a Personal Licence;
- application for Personal Licence with unspent convictions;
- Revocation or suspension of personal licence by local authority where it becomes aware of convictions or immigration penalties

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- application for Premises Licence or Club Premises Certificate;
- application for provisional statement;
- application to vary a Premises Licence or Club Premises Certificate;
- application to vary Designated Premises Supervisor;
- application for transfer of Premises Licence;
- application for interim authorities;
- application to review a Premises Licence or Club Premises Certificate;
- determination of a Police Representation to a Temporary Event Notice;
- decision to object when the Authority is a consultee and not the relevant authority considering the application.
- determination of an appeal by the premises license holder in relation to interim steps imposed following a police application for a summary license review.

Part B

Under the Gambling Act 2005 the Licensing Committee will undertake all functions that are not the responsibility of the Council, as follows:

- make recommendations to the Council on the Statement of Licensing Policy;
- review the Statement of Licensing Policy within statutory intervals, keeping the policy under review at other times and undertaking appropriate consultations;
- consider current licenses or applications for licenses where a valid representation has been made and not withdrawn.

The Director of Housing and Safer Communities has delegated authority, in consultation with the Chief Executive and Leader, to determine whether licensing matters should be considered by the Licensing Committee. Except where it is decided that a matter should be determined by the full Licensing Committee, the Licensing Authority accepts the Secretary of State's recommendations regarding delegation by the Licensing Committee in the following way:

X indicates the lowest level to which decisions can be delegated.

Matter to be dealt with	Full council	Licensing (sub) committee	Officers
Three year licensing statement of	X		

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Matter to be dealt with	Full council	Licensing (sub) committee	Officers
principles			
Policy not to permit casinos	X		
Fee Setting – when appropriate			X (subject to Executive approval)
Application for premises licences/provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Review of a premises licence		X	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X

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Matter to be dealt with	Full council	Licensing (sub) committee	Officers
Alcohol licensed premises gaming machine permits for between 2 & 4 machines where there are no representations			X
Alcohol licensed premises gaming machine permits for between 2 & 4 machines where there are representations		X	
Alcohol licensed premises gaming machine permits for applications in excess of 4 machines		X	
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Licensing Sub-Committees operating under delegated authority by the Licensing Committee will receive reports on matters determined by Licensing Officers with delegated authority. The stated authority is the lowest level that decision could be taken.

The consideration and determination of the following where a valid representation has been made and not withdrawn:

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- an application for a premises licence;
- an application for variation of a premises licence;
- an application for transfer, following representations by the Commission;
- an application for a provisional statement
- a review of a premises licence;
- an application for a club gaming permit or club machine permit.

The consideration and determination of the following;

- cancellation of a club gaming or club machine permit;
- decision to give a counter-notice.

Licensing issues other than those that fall under the Licensing Act 2003 or the Gambling Act 2005, the Licensing Committee will undertake the functions as follows:

1. The consideration and determination of applications for registrations, permits or licences, which fall into one of the following categories:
 - i) opposed applications (including renewals) for massage and special treatments;
 - ii) All applications for licences under Schedule 3, The Local Government (Miscellaneous Provisions) Act, 1982 (sex establishments);
 - iii) applications for site licences under the Caravan Sites and Central Development Act, 1960;
 - iv) opposed applications for approval of premises as a venue for civil weddings under the Marriage Act, 1994;
 - v) applications for licences to keep listed dangerous wild animals;
 - vi) revocation of existing licences;
 - vii) applications for Section 34 permits for new amusement arcades.
 - viii) functions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

Licensing Review Sub-Committee

The Licensing Review Sub-Committee will determine:

Part 3

- a) An application to review a Premises Licence or Club Premises Certificate issued under Section 52(2) of the Licensing Act 2003;
- b) An application to review a Club Premises Certificate under Section 88(2) of the Licensing Act 2003;
- c) Decision on appropriate interim steps following a police application for a summary license review under Section 53a (2) of the Licensing Act 2003;
- d) A review of a premises license following a summary review application under Section 53A (1) of the Licensing Act 2003;
- e) A review of Premises Licence following closure order under Section 167(5)(a);
- f) An application to review a Premises Licence under Section 201 of the Gambling Act 2005.

5. Standards Committee

- (a) To promote high standards of conduct by members.

Part 3

- (b) To advise the Council on the adoption or revision of a Code of Conduct and related Codes
- (c) To assist members to observe the Code of Conduct, in particular by ensuring access to training.
- (d) To consider and grant dispensations from requirements relating to interests set out in the Code of Conduct upon receipt of a written request made to the Monitoring Officer by a member or co-opted member. Having had regard to all relevant circumstances, Committee may grant a dispensation if it:
 - (i) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (ii) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (iii) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - (iv) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
 - (v) considers that it is otherwise appropriate to grant a dispensation.

N.B. With regard to (d)(i) above the Chief Executive has authority to agree a dispensation to a member in relation to proportionality.

- (e) To draw up a protocol for receipt and consideration of complaints.
- (f) To consider any written complaint that a member has failed to comply with the Code of Conduct and, if thought fit, to refer the complaint to the Chief Executive for investigation
- (g) To decide what action to take following an investigation, having sought and taken into account the views of an independent person appointed for that purpose.

6. Audit and Risk Management Panel

To provide an independent assurance of the adequacy of the risk management framework and the associated control environment, including the effectiveness of the Internal Audit and Corporate Anti-Fraud functions. In particular:

- a. To receive the annual review of internal controls and be satisfied that the Annual Governance Statement properly reflects the risk environment and any actions required to improve it.
- b. To consider (but not direct) the annual plans of the Internal Audit and Corporate Anti Fraud Services and to monitor performance throughout the year.
- c. To consider summaries of specific Internal Audit reports as requested and to seek assurances that action has been taken where necessary.
- d. To receive regular reports covering implementation of the Council's risk management policy and strategy to determine whether strategic risks are being actively managed.
- e. To report to Council on the risk management framework.
- f. To consider the effectiveness of the relationships between external and internal audit, inspection agencies and other relevant bodies, and to ensure that the value of the audit process is actively promoted.
- g. To receive reports on audit issues arising from the financial statements, external auditor's opinion and reports to members, and monitor management action in response to such issues.
- h. To provide input into the appointment of the council's external auditor.
- i. To maintain an audit overview of the council's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.

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- j. To consider the Council's audit arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- k. To comment on the Treasury Management Strategy, review the previous year's outturn position and to undertake a mid-year review.
- l. To comment on the Capital Strategy.

7. Housing Consultative Bodies

7.1 Local Housing Panels

- a. To draw up, publicise and monitor an annual Neighbourhood Action Plan to address local needs. Then to work with the Neighbourhood Manager to deliver the plan.
- b. To draw up and sign up to the Neighbourhood Tenant Participation Compact.
- c. To agree performance standards for key neighbourhood housing services and make recommendations on service delivery standards for the Council departments where practicable.
- d. To investigate and support fundraising from other sources to resource local community initiatives.
- e. To agree priorities for the neighbourhood Community Safety Budget.
- f. To be consulted on proposed changes and improvements to housing policy.
- g. To contribute to determining priorities for the neighbourhood Capital Programme.
- h. To monitor progress on all the neighbourhood's housing improvement and maintenance programmes.
- i. To monitor the quality of resident consultation and involvement.
- j. To receive and discuss any issues or reports from any Residents' Groups in their Area.

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- k. To publicise to the community the work of the Panel.
- l. To ensure that the panel accurately reflects local residents views.
- m. To feed the Neighbourhood/Panel's views to the Council, through the Tenants' Consultative Forum or other bodies as appropriate.
- n. To promote opportunities for involvement in the Neighbourhood and Borough.
- o. To build partnerships with other agencies to benefit the Neighbourhood.

7.2 Leaseholders Forum

- a. To promote the interests and rights of Leaseholders.
- b. To facilitate communication and consultation and build a partnership between leaseholders and the Council.
- c. To enable Leaseholder representatives to express their views on the provision of services to leaseholders.

7.3 Borough-wide Housing Panel

- a. To assist the Council in setting the overall strategic direction and priorities for the Neighbourhood Services.
- b. To promote and act on recommendations from the Diversity Review Board and work with the Borough Wide Leaseholder Forum.
- c. To develop the Tenant Compact.
- d. To make recommendation on housing budgets and rent levels.
- e. To make recommendations on borough-wide issues (both housing and broader issues, including common concerns raised across the Neighbourhood Panels.

Part 3

- f. To make recommendations to support and resources needed for effective tenant involvement.

8. Royal Borough of Greenwich and Joint Committee

The functions of the Committee shall relate to all employees whose terms and conditions of employment are negotiated by the National Joint Council for Local Government Services and shall include the following:-

- a. To establish regular methods of negotiation between the Local Authority and its employees in order to prevent differences and to adjust them should they arise, but excluding any matter pertaining to an individual employee.
- b. To consider any relevant matter referred to it by the Council, a Committee, a Joint Committee or the Chief Executive of the Local Authority, or by any of the trade unions.
- c. To make recommendations to the Council as to the application of the terms and conditions of service and the training and development of those employed by the Authority.
- d. To discharge such other functions specifically assigned to the Committee by the Council or any other matter which the Committee deems to be appropriate having received proper advice from the Chief Executive.
- e. The Committee shall not consider any matter relating only to a single Council department except as a referral from that department's joint consultative body.

9. Standing Advisory Council on Religious Education

To advise the Council upon such matters connected with religious worship in county schools and the religious education to be given in accordance with an agreed syllabus as the Education Authority may refer to the Council or as the Council may see fit. In particular the following:-

- a. Methods of teaching, the choice of materials and provision of training for the teachers.

Part 3

- b. To consider whether it is appropriate for the requirement for Christian collective worship to apply in the case of particular schools or groups of pupils at a school, upon application by the Headteacher.
- c. To consider the requirement of the LEA to review its current agreed syllabus.

10. Appointments Panel

To undertake all stages in respect of the appointment or dismissal of Chief Officers and Deputy Chief Officers in accordance with the Council's Officer Employment Procedures (Part 4, Schedule H of the Council's Constitution).

- N.B. The Chief Executive, in consultation with the Leader and the Party Whips, has authority to establish individual Appointment Panels and to appoint members in accordance with the wishes of the Leader of the Council and the respective Party Whips.

11. Margaret McMillan Field Study Centre Trust Sub-Committee

To undertake the functions of the Council as Trustee of the Margaret McMillan Field Study Centre.

12. Health and Wellbeing Board

- (a) To encourage persons who arrange for the provision of any health or social care services in Greenwich to work in an integrated manner so as to advance the health and wellbeing of the people in the area;
- (b) To provide such advice, assistance or other support as it thinks appropriate to encourage the making of arrangements under section 75 National Health Service Act 2006 in connection with the provision of such services;
- (c) To encourage persons who arrange for the provision of any health-related services in the area to work closely with the Health and Wellbeing Board;
- (d) To encourage persons in paragraphs (a) and (c) above to work closely together;
- (e) To prepare and publish the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy.
- (f) To appoint and delegate functions to such sub-committees as it thinks appropriate.

13. Corporate Parenting Board

The Board will provide oversight of the Royal Borough of Greenwich's role as a corporate parent, and will provide a forum for looked after children to participate and provide an opportunity for them to talk about relevant issues.

NB The Board is not a Committee of the Council under s.101 of the Local Government Act 1972 and will have no delegated powers and is not subject to the rules under the 1972 Act and Part 8 of the Council's Constitution requiring public access to agendas and meetings.

14. Pension Board

The Board will assist the Administering Authority in its role of Scheme Manager of the Pension Scheme. Such assistance is to:

- Assist the Royal Borough of Greenwich Administering Authority as Scheme Manager:
 - to secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS
 - to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
 - Any such other matters as the LGPS regulations may specify.
- Secure the effective and efficient governance and administration of the LGPS for the Royal Borough of Greenwich Pension Fund
- Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.

NB The Board is not a committee constituted under Section 101 of the Local Government Act 1972. Therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board.

PART 4

Rules of Procedure

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- B Overview and Scrutiny committee procedures
- C Cabinet procedures
- D Access to Information procedures
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SECTION I - MEETINGS OF COUNCIL**Ruling of the Mayor at Council Meetings**

- A1.1 The ruling of the Mayor as to the construction or application of these Standing Orders, or as to any proceedings of the Council, may not be challenged at any meeting of the Council.

Annual Meeting of the Council

- A1.2 Each year the Council will hold an Annual Meeting. In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days after the retirement of the outgoing Councillors. In any other year, the Annual meeting will take place in March, April or May. In addition to the Annual Meeting the Council may arrange a civic function to mark the inauguration of the Mayor.

- A1.3 The order of business at the first Annual Meeting of the Council following borough-wide elections will be:

- 1 Election of Mayor.
- 2 Appointment of Deputy Mayor.
- 3 Apologies for absence.
- 4 Announcements (if any).
- 5 Election of Leader.
- 6 Leader to notify the Council of the appointment of Cabinet members.
- 7 Delegations and Executive Responsibilities.

The Leader to report:

- (a) as to the allocation of Cabinet Portfolios;
- (b) on the delegation of executive functions to cabinet committees and other arrangements for the discharge of executive functions.

- 8 Notification from the Party Groups as to the Members appointed as Leader and Deputy Leader of the Opposition (largest Minority Group), other party leaders, and party whips.
- 9 Establishment of Committees to deal with matters which are neither reserved to the Council nor are executive functions; determination of the terms of reference and number of seats on such committees and the allocation of seats to political groups in accordance with the political balance rules.
- 10 Appointment of the memberships of Committees for the ensuing year (in accordance with nominations made by party groups) and the appointment of Committee Chairs and Vice-Chairs.
- 11 Approval of a programme of ordinary meetings of the Council and its Committees for the ensuing year.
- 12 Appointment of representatives to serve on outside bodies.
- 13 Consideration of any other business set out in the notice convening the meeting.

A1.4 The order of business at the Annual Meeting of the Council other than following the borough elections will be:

- 1 Election of Mayor.
- 2 Appointment of Deputy Mayor.
- 3 Apologies for absence.
- 4 Announcements (if any).
- 5 Delegations and Executive Responsibilities.

The Leader to report:

- (a) as to any changes to the Cabinet;
- (b) as to the allocation of Cabinet Portfolios;
- (c) on the delegation of executive functions to cabinet committees, chief officers and joint committees and other arrangements for the discharge of executive functions.

- 6 Notification from the Party Groups as to the Members appointed as Leader and Deputy Leader of the Opposition (largest Minority Group), other party leaders, and party whips.
- 7 Establishment of Committees to deal with matters which are neither reserved to the Council nor are executive functions; determination of the terms of reference and number of seats on such committees and the allocation of seats to political groups in accordance with the political balance rules.
- 8 Appointment of the memberships of Committees for the ensuing year (in accordance with nominations made by party groups) and the appointment of Committee Chairs and Vice-Chairs.
- 9 Approval of a programme of ordinary meetings of the Council and its Committees for the ensuing year.
- 10 Appointment of representatives to serve on outside bodies.
- 11 Consideration of any other business set out in the notice convening the meeting.

Ordinary Meetings of the Council

- A1.5 Ordinary meetings of the Council will be held on dates determined by the Council, or called by the Chief Executive for the transaction of general business.
- A1.6 The order in which business appears on the agenda at ordinary meetings of the Council will be as follows:
- 1 Apologies for Absence.
 - 2 Minutes of the Last Meeting.
 - 3 Announcements.
 - 4 Declarations of Interest.
 - 5 Notice of Members wishing to exceed the 5 Minute rule.
 - 6 Petitions.

- 7 Deputations.
- 8 Public Questions.
- 9 Members' Questions.
- 10 Matters for Early Debate.
- 11 Reports from the Cabinet in relation to the Council's budget and policy framework.
- 12 Reports for decision of the Overview and Scrutiny Committee, its Sub-Groups or Scrutiny Panels.
- 13 Reports for decision of other Member-Level bodies.
- 14 Reports of Officers.
- 15 Motions of which Notice has been given.
- 16 Information reports, as appropriate, on matters considered by Council Committees.
- 17 Any further business as specified on the agenda.

Special Meetings of the Council

A1.7 Special meetings of the Council will be held as follows:

- (a) on the instructions of the Council, or the Mayor, or the Leader for the purposes of considering items of business requiring a more detailed discussion than might be possible at an ordinary meeting.
- (b) on the instructions of the Chief Executive or the Monitoring Officer in order to deal with statutory business within laid down timescales, or in other special circumstances.
- (c) on requisition in writing by five Members of the Council, specifying the business to be transacted at such meeting.

- A1.8 The Chief Executive, after consulting the Mayor and the Leader, will determine the date and time of a Special Meeting. A special meeting requisitioned by five Members will be held within two weeks of receipt of notice of requisition. (Local Government Act 1972, Schedule 12, Para.3)
- A1.9 At special meetings of the Council called under paragraph A1.7, only items 1, 3, 4, and 5 of the list at paragraph A1.6, plus the item(s) of special business, may be taken.

Variation in the Order of Business

- A1.10 The order of business at ordinary and special meetings of the Council may be varied as follows: -
- (a) In the absence of the Mayor, the first item of business will be to appoint a Chair for the meeting;
 - (b) The Mayor, or the Council on a motion put, seconded and carried without debate, may vary the order of business after items (1) to (5) have been disposed of;
 - (c) The Mayor may determine that related items of business may be taken together.
 - (d) At ordinary meetings only, under paragraph A1.46, each political party may select one item each on the agenda for 'Early Debate'.

Date and Time of Council Meetings

- A1.11 Except as permitted under paragraph A1.12, all meetings of the Council will commence at 19.00 hours unless otherwise decided by the Council.
- A1.12 The Mayor may, at his/her discretion, vary the date and time or cancel a meeting of the Council due to lack of business or other special circumstances.

Notice of Council Meetings

- A1.13 At least five clear days (excluding Saturdays, Sundays and Public Holidays) before a meeting of the Council, the Chief Executive will send

notice of the time and place of the meeting, and an agenda, to every Member of the Council. In cases of urgency, a meeting may be called at less than five days notice, in which case the notice and agenda will be sent immediately. If, despite notice of a meeting having been issued, one or more Members do not receive notice, the validity of the meeting will not be affected.

Quorum

- A1.14 The quorum of the Council is one-quarter of the whole number of Members of the Council.
- A1.15 If a quorum is not present within half an hour after the time the meeting was due to commence, the meeting will be abandoned and the Chief Executive will arrange a new date and time after consultation with the Mayor.
- A1.16 If during the meeting, a quorum ceases to be present, no further decisions may be taken until a quorum is again present. The Mayor may call a short adjournment, or may end the meeting with any remaining business deferred to a special meeting at a time and date to be determined by the Mayor, or until the next ordinary meeting.

Minutes

- A1.17 The minutes of every meeting of the Council will be printed and presented to the next following Ordinary meeting of the Council for confirmation. Where this is impracticable owing to the shortness of time between meetings, the minutes will be presented to the Ordinary meeting of the Council next following that meeting.
- A1.18 Minutes may be challenged on accuracy only, before they are signed.

Petitions

- A1.19 Any Member of the Council may present a petition and may read or summarise briefly the substance. Petitions will be received without debate and referred to the relevant Chief Officer, copied to the corresponding Cabinet Member, for investigation and response. The outcome of the investigation to be reported back to the Full Council within two meetings.

Deputations

- A1.20 Deputations representing a group of members of the public, who are residents or tax payers in the Borough or businesses based in the Borough, may apply to address the Council at an ordinary meeting on a matter in which the Council has powers or duties. Application may be made by giving notice to the Chief Executive not later than one week prior to the meeting concerned, but the Mayor may, at his/her discretion, allow an application at shorter notice.
- A1.21 The Mayor will determine whether or not to agree to receive the speakers as a deputation to the Council meeting. If a request is not agreed, the Chief Executive will write to the person or persons concerned explaining the reasons for the decision.
- A1.22 There is no limit on the number of persons forming a deputation, but no more than two may speak, and their speeches must be limited to seven minutes in total unless extended with the agreement of the Council.
- A1.23 After presenting their case, the members of the deputation will take no further part in the meeting.
- A1.24 The appropriate Cabinet Member, or another Member invited by the Mayor, may speak in response.
- A1.25 Paragraph A1.20 shall not apply where the matter concerned appears as an item of business on the agenda for the relevant Council meeting. In such circumstances the provision for public involvement at a meeting under paragraph A1.37 shall apply.

Public Questions

- A1.26 A maximum of 30 minutes will be allowed at ordinary Council meetings for questions by members of the public, subject to the discretion of the Mayor. Members of the public wishing to ask questions must give notice of their questions to the Chief Executive no later than noon five working days before the meeting.
- A1.27 Each member of the public will be restricted to a maximum of two questions at any one meeting. Each question must consist of no more than one part.

- A1.28 All questions must relate to matters in which the Council has powers or duties.
- A1.29 The Mayor, acting on the advice of the Chief Executive, has the power to disallow any question he/she feels to be improper. In addition, questions will not be accepted if they fall into one of the following categories:-
- (a) if a question in the same substance has been put by the same individual or organisation in the previous three months, unless there has been a change in Council policy in that time;
 - (b) if a question is on a personal basis;
 - (c) if the questioner is not a resident or local taxpayer of the Borough, or a business based in the Borough;
 - (d) if the questioner is a Council employee or former employee and the question arises from their current or previous employment of work;
 - (e) if the question is defamatory, frivolous or offensive;
 - (f) if the question response requires the disclosure of confidential or exempt information (as described in the Access to Information Rules);
 - (g) if the Council has resolved the issue raised and the question has been brought to a close.
- A1.30 If any question is disallowed the Chief Executive will write to the questioner explaining the reasons for the decision.
- A1.31 The Chief Executive will, if necessary, put questions into an appropriate form without affecting the substance, and will identify the appropriate Cabinet Member to respond to each question.
- A1.32 Copies of all questions to be submitted to the Council will be printed in the order in which they are received.

Procedure for Dealing with Public Questions

- A1.33 The Mayor will announce that public questions will be taken. The Chief Executive or the Mayor will announce the question number, the name of the person who gave notice of the question and the name of the Cabinet Member (or other Councillor) who is to answer the question. The questions received shall be set out in a note which shall be laid round the Chamber at the Council meeting. The Mayor will then announce that the person who submitted the question may ask one supplementary question for clarification purposes only. If the person is not present or is not represented, the question will not be put and will be answered in writing.
- A1.34 If there is insufficient time to reply to all questions of which notice has been given, the Chief Executive will deal in writing with those not dealt with at the meeting.
- A1.35 If there are insufficient questions to fill the time allocated then Council business will proceed.
- A1.36 A record of all questions by members of the public of which notice had been given and the replies, including questions answered in writing, will be appended to the Minutes of the meeting concerned and circulated to all Members of the Council.

Other Provision for Public Involvement

- A1.37 At the discretion of the Mayor, members of the public present at a meeting may address the Council on any agenda item. In exercising that discretion the Mayor will have regard to the efficient conduct of business at the meeting, and may give priority to members of the public who have given notice in advance of the meeting. The application to address the Council will not be accepted if they fall into one of the following categories:-
- (a) if a request in the same substance has been put by the same individual organisation in the previous three months, unless there has been a change in Council policy in that time:
 - (b) If a request is on a personal basis:
 - (c) If the request is not from a resident or local taxpayer of the Borough, or a business based in the Borough.

- (d) If the request is from a Council employee or former employee and the question arises from their current or previous employment or work;
- (e) if the request is defamatory, frivolous or offensive;
- (f) if the response to the request requires the disclosure of confidential or exempt information (as described in the Access to Information Rules).

Members' Questions

A1.38 At ordinary meetings there will be provision for written and oral questions by councillors to Cabinet Members or Committee Chairs.

Written Questions

A1.39 Notice of written questions must be received by the Chief Executive:

- a in the case of agenda items, no later than noon three working days before the meeting;
- b in the case of all other items, no later than noon five working days before the meeting.

The questions received shall be set out in a note which shall be laid round the Chamber at the council meeting. The note shall also set out the reply of the relevant Cabinet Member or Committee Chair to each written question. The note shall comprise two parts:

- a. Written questions and replies which relate to matters not specifically on the agenda for that meeting of the council.
- b. Written questions and replies relating directly to items on the agenda for that council meeting.

A1.40 At the council meeting, the Mayor shall ask the council to receive the note of written question and replies. The Mayor shall allow supplementary questions to be asked relating directly to the original written question or the answer given. Only one supplementary may be asked for each written question, and priority shall be given to the councillor who submitted the written question concerned.

A1.41 A record of the written questions and replies, and a summary of the supplementary questions and replies, shall be included in the minutes of the meeting.

A1.42 Supplementary questions to written questions which relate to specific items on the agenda shall be taken when the item concerned is reached, prior to that item being debated.

Oral Questions

A1.43 At the council meeting, a maximum of 10 minutes will be allowed for members' oral questions to members of the Cabinet; the Leader to respond or identify a relevant Cabinet Member to respond on each individual question.

A1.44 After the expiration of 10 minutes, the council shall move on to next business. If there are no members wishing to ask questions prior to the expiration of 10 minutes, the council shall move on to next business at that stage.

A1.45 A summary of the oral questions taken at the meeting and the replies shall be included in the Minutes.

Matters for Early Debate

A1.46 Each political party may select one item of business on an agenda for consideration during the 'Matters for Early Debate' item on the Council agenda. The order in which early debate items are taken will be determined by each Party in rotation choosing the 1st, 2nd and 3rd items, unless a different order is agreed between the whips of the parties concerned.

A1.47 The approval of the budget and determination of the level of Council Tax will be an additional item for early debate - and taken first - at the relevant Council meeting each year - unless a special Council meeting is called for the purpose.

Reports of the Cabinet or of Individual Cabinet Members

A1.48 The Leader or the Cabinet, or individual Cabinet Members may submit to Council, for consideration, proposals in relation to the Council's budget or policy framework.

A1.49 The Leader or other Cabinet Member will move either:

- (a) the recommendation(s) in the report; or
- (b) the recommendation(s) in the report with specified amendment(s); or
- (c) alternative recommendations to those set out in the report; or
- (d) in the case of First Reading reports submitted under paragraph A1.51, that the report be received.

A seconder is not required.

A1.50 The Leader or the Cabinet may report for information to Council on key decisions or other issues of interest. During consideration of such a report a Member may move that the report, or a specific item within the report, be referred back to the Cabinet for further consideration. No other motions will be permitted on decisions or action taken by the Cabinet on matters within its powers as set out in the Council's constitution.

Reports of the Overview and Scrutiny Committee or Scrutiny Panels

A1.51 At ordinary meetings (or at special meetings called for that purpose), the Council will consider any reports submitted to it from the Overview and Scrutiny Committee or a Scrutiny Panel. The Chair of the Overview and Scrutiny Committee may determine the order in which such reports appear.

A1.52 Each Overview and Scrutiny Committee or Panel report may be introduced by the Chair of the Overview and Scrutiny Committee or by the Chair of the Scrutiny Panel or other appropriate member.

A1.53 The Chair of the Overview and Scrutiny Committee or Scrutiny Panel will move either:

- (a) the recommendation(s) in the report; or
- (b) the recommendation(s) in the report with specified amendments; or

- (c) alternative recommendations to those set out in the report.

A seconder is not required.

Reports of other Member-Level bodies

- A1.54 At ordinary meetings (or at special meetings called for that purpose), the Council will consider any reports submitted to it from the Standards Committee or from other Member-level bodies as specified within their Terms of Reference. The Chief Executive will determine the order in which such reports appear on the agenda.
- A1.55 The Mayor will, in turn, call the agenda item of each report, whereupon the Chair of the body concerned or other appropriate Member will move that the report be received and, if appropriate, that recommendation(s) contained in the report be agreed. A seconder is not required. The mover of the report may speak to introduce the report.

Reports of Officers

- A1.56 At ordinary meetings (or at special meetings called for that purpose), the Council may consider reports from officers on matters within its powers and responsibilities. The Chief Executive will determine the order in which officers' reports appear on the agenda.
- A1.57 The Mayor will move the recommendation(s) in the report. A seconder is not required.

Motions of which Notice has been given

- A1.58 Except as otherwise provided in these procedures, notice of every motion must be in writing, signed by at least two Members of the Council, and delivered to the Chief Executive not later than noon six working days before the Council meeting. The Chief Executive will date and number notices in the order in which they are received. No Member may put their name to more than two motions on the same agenda.
- A1.59 Every motion must be relevant to some matter for which the Council has a responsibility, or which affects the Borough or its inhabitants. No motion to rescind any resolution passed within the preceding six

months, and no motion to the same effect as one rejected within the preceding six months, will be accepted. It will be open to the Mayor, advised by the Chief Executive, to determine that a motion is out of order, whereupon the Member giving notice of such motion will be so informed by the Chief Executive and the motion excluded from the agenda for the meeting.

A1.60 The Chief Executive will set out in the agenda for ordinary or special meetings of the Council all motions accepted for the agenda in the order in which they have been received (unless the Member giving such a notice intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it in writing). Where a motion could have financial, legal or significant other implications for the Council, the Chief Executive will draw these to the attention of the Council.

A1.61 The Mayor will, in turn, call the agenda item of each motion, whereupon the motion will be moved, seconded and may be debated. The mover of a motion will have the right to speak last in any debate, and will have a right of reply to close debate on any amendment that has been moved and seconded to the motion.

A1.62 If the motion set out in the agenda is not moved or seconded either by the Member who gave notice or some other Member, it will be treated as withdrawn.

A1.63 The Council may with the consent of the mover resolve that any motion of which notice has been duly given may, upon being moved and seconded, be referred to the Cabinet for consideration and that a report be submitted to the Council within three ordinary meetings.

Motions without Notice

A1.64 The following motions may be moved without notice having been given under paragraph A1.58:

- (a) to appoint a chair of the meeting, if the Mayor is not present
- (b) in relation to the accuracy of the Minutes
- (c) to change the order of business on the agenda
- (d) to refer a matter to an appropriate body or individual
- (e) to appoint a committee or member arising from a matter on the agenda

- (f) to receive reports or to move recommendations on the reports on the agenda, where the recommendations have been moved by the relevant Cabinet Member, Committee Chair, or other Member in accordance with paragraphs A1.49, A1.53, A1.55 and A1.58
- (g) to propose a motion on a matter contained in a report being considered at the meeting in accordance with paragraph A1.67
- (h) to withdraw a motion
- (i) to amend a motion
- (j) to proceed to the next business
- (k) that the question be now put
- (l) to adjourn a debate
- (m) to adjourn a meeting
- (n) to suspend a particular paragraph in these Procedures
- (o) to exclude the Press and public in accordance with the Access to Information Procedures
- (p) to not hear further a member named under paragraph A1.91, or to exclude them from the meeting under paragraph A1.92
- (q) to give the consent of the Council where its consent is required by this Constitution.

Rules of Debate

A1.65 Except as otherwise provided in these Procedures, a motion or amendment to a motion may not be discussed unless it has been proposed and seconded. If he/she declares his/her intention to do so, the seconder may reserve his/her right to speak later in the debate. The Mayor may require a motion or amendment to be put in writing.

A1.66 Subject to any specific requirements of these Procedures, Councillors have the right to speak on items and may:-

- (a) propose an amendment to the recommendation(s), or motion before the Council;
- (b) move that the matter or a specific aspect be referred back to the relevant Member-level body or Chief Officer; or
- (c) propose a motion on a matter contained in the report.

A seconder is required in the case of (a), (b) or (c).

A1.67 A Member wishing to speak on a matter should indicate to the Mayor and wait to be called. A Member when speaking shall address the

Mayor. A Member must direct his/her speech to the question under discussion.

- A1.68 While a Member is speaking the other Members must remain seated, unless rising to make a point of order or in personal explanation as follows:-
- (a) A Member may rise on a point of order and will be entitled to be heard forthwith. A point of order must relate only to an alleged breach of these Procedures or of a statutory provision, and the Member must specify the Procedure or statutory provision and the way in which he/she considers it has been broken.
 - (b) A Member rising in personal explanation will be heard as soon as the Member who is speaking is finished, unless the Member speaking is prepared to yield. A personal explanation must be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- A1.69 The ruling of the Mayor on a point of order or on the admissibility of a personal explanation is final and not open to discussion.
- A1.70 Whenever the Mayor rises during a debate, any Member then standing must resume his/her seat and the Council will be silent.
- A1.71 No Member other than the Leader of the Council (or in his/her absence the Deputy Leader of the Council) and the Leader of the Opposition may speak for more than five minutes in any debate unless prior notice has been given in writing to the Chief Executive by 10.00 a.m. on the day of the meeting and the consent of the Council (to be ascertained without debate) has been given by a show of hands. Any consent so given will operate in each case for a maximum of five minutes only. The exemption allowing the Leader of the Council and the Leader of the Opposition to speak for more than five minutes does not apply in respect of Adjournment Motions moved under paragraph A1.83. The five minute rule does not apply at Annual Meetings of the Council in respect of the election of Mayor or of the Deputy Mayor, including speeches made by the retiring office-holders.
- A1.72 A Member who has spoken on any motion may not speak again whilst it is the subject of debate, except:-

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation.

However, the Mayor has discretion to waive this restriction, if he/she considers it appropriate, to allow the Leader of the Council (or other relevant Cabinet Member), Leader of the Opposition or Leader of the second Opposition Party to speak more than once in a debate.

A1.73 No Member may move more than one amendment to any motion. Notice of the amendment is not required.

A1.74 An amendment must be relevant to the motion and must be either: -

- (a) to refer a subject of debate to the Cabinet or other Member-level body concerned for consideration or re-consideration;
- (b) to leave out words and/or figures;
- (c) to leave out words and/or figures and insert or add others;
- (d) to insert or add words and/or figures.

A1.75 Only one amendment may be moved and discussed at a time and no further amendment may be moved until the amendment under discussion has been disposed of.

- A1.76
- (a) If an amendment is lost, other amendments may be moved on the original motion.
 - (b) If an amendment is carried, the motion as amended will become the substantive motion, upon which any further amendment may be moved. The mover of the agreed amendment will take over the right to exercise a right of reply to close the debate on any further amendment or on the substantive motion.

A1.77 A Member may with the consent of the Council, signified without discussion: -

- (a) alter a motion of which he/she has given notice, or
- (b) with the further consent of his/her seconder alter a motion which he/she has moved;

if (in either case) the alteration is one which could be made as an amendment.

A1.78 The mover of a motion or amendment may withdraw it with the consent of his/her seconder and of the Council, which will be signified without discussion. No Member may speak upon it after the mover has asked permission for its withdrawal, unless permission has been refused.

- A1.79
- (a) Prior to a vote being taken on an amendment, the mover of the substantive motion shall have a right of reply to close a debate on the amendment.
 - (b) Following a vote on an amendment, unless any Member indicates to the Mayor that he/she wishes to move a further amendment, the Mayor will move directly on to the vote on the substantive motion.

Interruptive Motions

A1.80 A Member may move at the end of another Member's speech: -

- (a) that the question be now put, or
- (b) in the case of matters presented for information or discussion, that the Council proceeds to the next business.

A1.81 On a motion to proceed to next business the Mayor, unless he/she is of the opinion that the matter before the meeting has been insufficiently discussed, will put to the vote the motion to proceed to next business.

A1.82 On a motion that the question be now put the Mayor, unless he/she is of the opinion that the matter before the meeting has been insufficiently discussed, will put to the vote the motion that the question be now put. If it is passed then the appropriate Member will be given his/her right of reply before the matter being discussed is put to the vote.

Adjournment Motions

- A1.83 A Member may move “that the Council do adjourn”. The motion must be seconded, but the seconder may not speak beyond formally seconding. The mover, and a speaker replying on the invitation of the Mayor, may each speak for five minutes only unless extended with the consent of the Council. This includes the Leader of the Council, and the Leader of the Opposition. The question will then be put. A second motion to adjourn under this paragraph may not be moved within a period of 20 minutes. A Member may not move or second such motions more than once a meeting.
- A1.84 Where business stands adjourned as provided in these Procedures, it will be carried forward to the next ordinary meeting of the Council unless otherwise determined by the Mayor.

Confidential Matters

- A1.85 A motion to exclude the public from the meeting may be moved during or prior to an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that otherwise there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972.
- A1.86 The motion must specify the item of business concerned and the grounds for the exclusion of the public in terms of the criteria in that Schedule.

Voting

- A1.87(a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put. The method of voting at meetings of the Council is by show of hands, provided that voting is confirmed by roll-call if demanded by any member immediately after a vote by show of hands is taken, and supported by four other members, who shall all rise in their places, calling for division. Before confirming the voting by roll-call a bell will be rung for two minutes, following which the doors to the chamber will be closed and no member will be admitted until the roll-call has been completed. For this purpose, the Chief Executive will call the names of all members and every member

present will answer “for” or “against” or “not voting”. How each member present voted in a division (including those present but not voting) will be recorded in the Minutes.

A1.87(b) Immediately after the vote is taken on the Authority’s budget, including the calculation for the Council Tax or issuing the precept a recorded vote will be held. Before confirming the voting by roll-call a bell will be rung for two minutes, following which the doors to the chamber will be closed and no member will be admitted until the roll-call has been completed. For this purpose, the Chief Executive will call the names of all members and every member present will answer “for” or “against” or “not voting”. How each member present voted in a division (including those present but not voting) will be recorded in the Minutes.

A1.88 A member may have recorded in the minutes in relation to any motion that is carried without a division, by notifying his/her wish to that effect before the next business is commenced:-

- (a) his/her dissent from the decision;
- (b) his/her abstention on the matter (or that he/she is reserving his/her position); or
- (c) whether he/she cast his/her vote for or against the motion.

A1.89 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote, regardless of whether he/she has used his/her first vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

A1.90 Where there are more than two persons nominated to fill any position, including a casual vacancy on a Member-level body or an appointment to any other body, and of the votes given there is not an overall majority in favour of one person, the name of the person (or persons) having the least number of votes will be deleted from the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person. Where there are several vacancies and more persons nominated than vacancies exist, the procedure will be similar, except that voting will cease when the number of names has been reduced to the number of vacancies to be filled. In cases of this nature, each Member will have the same number of votes as there are vacancies.

Disorderly Conduct

A1.91 If at a meeting any Member, in the opinion of the Mayor, misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "That the Member [named] be not further heard". If seconded, the motion will be put and determined without discussion.

A1.92 If the Member named continues his/her misconduct after a motion under paragraph A1.91 has been carried the Mayor may move "That the Member [named] do leave the meeting" (in which case the motion will be put and determined without seconding or discussion).

Disturbance by the Public

A1.93 At any meeting of the Council, the Mayor has power to order the removal of any member of the public interrupting the proceedings or otherwise misbehaving or conducting himself/herself in a manner prejudicial to the proper and orderly conduct of the meeting. In case of general disturbance by members of the public, the Mayor may order all or part of the public seating area to be cleared.

Short Adjournments

A1.94 The Mayor may at any time, if he/she thinks it desirable, adjourn a meeting for a time to be specified by him/her, or for as long as he/she considers necessary.

Length of meeting

A1.95 When the meeting has sat for three and a half hours (excluding adjournments), the Mayor will invite Members to extend the meeting by a further 30 minutes on a show of hands without discussion. Unless the meeting is extended, the Mayor will announce that the meeting is closed. Subsequent additional extensions may be agreed in the same manner.

A1.96 Prior to the meeting being closed in accordance with paragraph A1.95, the Mayor will call the headings of the items of business remaining outstanding, whereupon Members will indicate, without debate, whether they agree or object to the recommendation(s) within that item. Items agreed without any Member objecting will be approved.

Any objection to an item will result in that item, at the discretion of the Mayor, either being put to the vote without debate or being deferred if the advice of the Chief Executive is that the matter cannot safely be determined without proper deliberation. Any Member so wishing has the right to record dissent on any individual item.

Attendance of Members

- A1.97 Every Member attending a meeting of the Council, or of any Member-level body of which he/she is a Member, must sign his/her name in the attendance book or sheet provided for that purpose which will be prima facie evidence of his/her attendance.

Suspension and Amendment of Council Procedures

- A1.98 All of these Council Procedures may be suspended by motion, either with or without notice having been given, if at least one half of the whole number of Members of the Council are present (providing that the result of suspension will not be to contravene a statutory provision). Suspension may only be for the duration of the meeting.
- A1.99 Any motion moved without notice under paragraph A1.59 which would add to, vary or revoke these Council Procedures will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

SECTION 2 – COMMITTEES AND SUB-COMMITTEES

Application of Council Rules of Procedure

- A2.1 All of the Council Procedures apply to meetings of full Council. None of the Council Procedures apply to meetings of the Cabinet which has its own Procedures. Only Council Procedures A1.12, A1.13, A1.37, A1.91, A1.92 and A1.93 apply to meetings of Committees and Sub-Committees, with the substitution of the word 'Chair' for 'Mayor'.

Appointment of Committees

- A2.2 The Council will, at its Annual Meeting, establish Committees as required or permitted under the Articles in Part 2 of the Constitution.

- A2.3 In establishing Committees, the Council will determine their functions, the number of seats on each, and the allocation of seats to each political group, in accordance with the political balance requirements of the Local Government and Housing Act, 1989 and the Local Government (Committees and Political Groups) Regulations 1990. The Council will give effect to the wishes of each political group as to who is to be appointed to the seats which are allocated to that group. The Council will also determine whether deputies should be appointed to a named committee and appoint members accordingly.
- A2.4 The Council may not appoint any member of a Committee to hold office later than the next Annual Meeting of the Council.
- A2.5 The Council may at any time alter the appointments to a Committee, provided that it acts in accordance with the wishes of each political group in determining whether and when to terminate appointments made in accordance with the wishes of that political group.
- A2.6 The Council, when establishing a Committee, will appoint its Chair and Vice-Chair. A Member who chairs a body which carries out executive, overview and scrutiny or regulatory functions may not at the same time chair another such body which carries out different functions nor will a Member be permitted to chair more than one Best Value Review Team or Scrutiny Panel. In the event of a vacancy arising in the office of Chair or Vice-Chair of a Member-level body, the General Purposes Committee will fill the vacancy as soon as practicable. If both the Chair and Vice-Chair are absent from a meeting, the relevant body shall elect a person to chair the meeting for the time being.
- A2.7 The Mayor may be appointed as an ex-officio member on Committees appointed by the Council, in which case the Deputy Mayor may be designated to attend meetings, with voting rights, as a substitute in the Mayor's absence. Similarly, the Chairs of Committees may be appointed as ex-officio members of the Sub-Committees or Area Committees appointed by their Committees. The Leader of the Council may also be appointed as an ex-officio member of Committees appointed by the Council. Ex-officio appointments count as part of a political group's allocation of seats.

Appointment of Sub-Committees

- A2.8 Apart from the Scrutiny and Overview Committee and the Standards Committee, no Committee may establish Sub-Committees except with the agreement of the Council.
- A2.9 Paragraphs A2.3, A2.4 and A2.5, with appropriate amendment, apply to the establishment of Sub-Committees.
- A2.10 The Chair and Vice-Chair of a Sub-Committee may be appointed by the Member-level body establishing the Sub-Committee.

Programme of Meetings

- A2.11 The Council at its Annual Meeting will determine the programme of regular meetings of standing Member-level bodies for the ensuing year, except that in cases of urgency a Chair may, at his/her discretion, vary the date and time or cancel it due to lack of business or other special circumstances.

Special Meetings

- A2.12 Special meetings of Member-level bodies may only be called by the Chief Executive, acting in consultation with the relevant Chair.

Quorum of Member-level Bodies

- A2.13 Except where authorised by statute, otherwise indicated in these Procedures or ordered by the Council, the quorum of any Member-level body is one-third of the number, rounded up to the nearest whole number, of Councillors appointed as members of that body, excluding vacancies, but in no case less than three. Ex officio Members are not included for the purposes of calculating the size of a quorum, but are counted as part of a quorum if present at the meeting. Non-voting co-optees are not included for the purposes of calculating the size of a quorum, nor are they counted as part of a quorum if present at the meeting.
- A2.14 If a quorum for a meeting is not present, either:
- (a) the meeting may be abandoned, in which case the Chief Executive will arrange a new date and time after consultation with the Chair, or

- (b) in appropriate circumstances, those present whilst the meeting is inquorate may informally consider the business on the agenda, and notes may be taken, but no formal decisions on the business may be made.

Resignations and Vacancies

- A2.15 A Member wishing to resign from a Member-level body must give notice to that effect in writing to the Chief Executive, who will report on the matter to the next appropriate meeting of the Council or, in the case of a Sub-Committee, the body that appointed to the Sub-Committee. The Council or the appointing body, as the case may be, may consider altering the membership of the Member-level body or Sub-Committee concerned, providing that it continues to comply with the political balance rules.

Voting at Meetings of Member-level Bodies

- A2.16 Voting at meetings of Member-level bodies is by show of hands and the result will be declared at the meeting. In the case of an equality of votes, the Chair of the meeting has a second or casting vote. A Member may have his/her vote recorded to any motion, whether that person cast his/her vote for the motion or against the motion or whether he/she abstained from voting.

Minutes of Meetings of Member-level Bodies

- A2.17 The minutes of every meeting of a Member-level body will be recorded and presented to a subsequent meeting of that body for confirmation.
- A2.18 No motion or discussion may take place upon the minutes except as to their accuracy, and any question on this point will be determined by a majority of the members of the body attending who were present when the matter in question was decided. Once confirmed, with or without amendment, the person presiding will sign the minutes.

Attendance of Members

- A2.19 A Member of the Council has the right to attend meetings of Committees and Sub-Committees of which he/she is not a Member (except for appeals panels, review boards or similar bodies) but may only speak with the permission of the Chair and does not have the right to vote. A Member attending such a meeting must record his/her attendance in the attendance book by writing after his/her name the words 'Standing Orders'.

Overview and Scrutiny Committee

- A2.20 No member of the Scrutiny and Overview Committee may also be a member of the Cabinet.

General Purposes Committee

- A2.21 The quorum for meetings of the General Purposes Committee shall be 2.
- A2.22 Political groups represented on the Council which have not been allocated a seat on the General Purposes Committee may appoint a nominated member who may attend meetings and speak (but not vote) on matters on the agenda.

Pension Fund Investment and Administration Panel

- A2.24 The quorum for meetings of the Pension Fund Investment and Administration Panel shall be 2.

SECTION 3 - STATE OF THE BOROUGH DEBATE

Calling of the debate

- A3.1 The Leader will call a state of the Borough of Greenwich debate annually on a date and in a form to be agreed with the Mayor.

Form of the Debate

- A3.2 The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include

holding workshops and other events prior to or during the state of the Borough debate.

Chairing the Debate

A3.3 The debate will be chaired by the Mayor.

Outcome of the Debate

A3.4 The outcome of the debate will be:

- (a) Disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) Considered by the Cabinet as appropriate when making proposals to the Council in respect of any matter which forms part of the Council's budget and policy framework.

B Overview and Scrutiny Procedures

B1 **General arrangements**

- (a) The Council will appoint an Overview and Scrutiny Committee and Standing Scrutiny Panels, which between them will discharge the functions conferred by Section 9F Local Government Act 2000, by Section 19 of the Police and Justice Act 2006, and by virtue of regulations made under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).

Overview and Scrutiny Committee – terms of reference

- (b) The terms of reference of Overview and Scrutiny Committee are:
- (i) To co-ordinate and oversee all overview and scrutiny functions on behalf of the Council.
 - (ii) To monitor and keep under review the Forward Plan of key decisions and forthcoming Cabinet business to be prepared and updated monthly under the Access to Information Procedures in Part 4D of this Constitution.
 - (iii) To recommend to Council each year an annual work programme of overview and scrutiny activities. This may include the scrutiny or review of services or activities of other organisations which are relevant to the social, environmental or economic well being of the Borough or its residents.
 - (iv) To undertake scrutiny functions in respect of overarching issues which affect a number of service and subject areas, or which may be allocated specifically to the Committee by the Council, or which do not fall within the service or subject areas of any Scrutiny Panel.

- (v) In appropriate cases where matters fall within the remit of more than one Scrutiny Panel, to determine which panel will assume responsibility for any particular issue.
 - (vi) To monitor action on matters referred from Overview and Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, to ensure that they are managed efficiently and in accordance with the Council's Constitution and Overview and Scrutiny Procedures.
 - (vii) To consider, or where practicable to allocate to the appropriate Scrutiny Panel or Panels for consideration, First Reading reports in relation to the Council's Budget and Policy Framework and to report to the Chief Executive with recommendations to Cabinet.
- (c) Overview and Scrutiny Committee will appoint a Call-in Sub-Committee comprising 3 Members: the Chair and Vice-Chair of Overview and Scrutiny Committee and an Opposition Member. Each of the 3 Members may have named deputies who may attend and vote as a substitute in the event of the absence of the appointed Member. A Member who has signed the notice, in line with Procedure Rule B9, calling in an executive decision can not sit on the Call In Sub- Committee which considers the matter. Call-in Sub-Committee will exercise on behalf of Overview and Scrutiny Committee the powers to review or scrutinise Executive decisions that have been called-in in accordance with the procedures in paragraph 9 of these Procedures.

Scrutiny Panels – Terms of Reference

- (d) The terms of reference of Scrutiny Panels are:

- (i) To review and monitor the services provided in relation to a specified service or subject area.
- (ii) To monitor the budget management and general performance of Council services within the Panel's remit.
- (i) To review and/or scrutinise the outcome of decisions made or actions taken by or on behalf of the Cabinet (including action taken under delegated powers) in relation to functions within the Panel's remit.
- (iv) To scrutinise the work of partnership bodies including the delivery of Local Area Agreement targets.
- (v) To make reports and/or recommendations in connection with any of the matters within its terms of reference.
- (e) The Healthier Communities and Adult Social Care Scrutiny Panel is responsible for the review and/or scrutiny of matters relating to the health service in the borough.
- (f) The Community Safety and Environment Scrutiny Panel, together with the Overview and Scrutiny committee, is responsible for the review and/or scrutiny of decisions made, or other action taken, in connection with the discharge by the Council or of the relevant Chief Police of their crime and disorder functions. When the Panel makes a report and/or recommendation it will at the same time provide a copy to the relevant Chief Officer of Police, Police Authority, Probation Committee and Health Authority.

B2 Membership of Overview and Scrutiny Committee and Scrutiny Panels

- (a) Members of the Cabinet may not be appointed to serve on the Overview and Scrutiny Committee, nor any Scrutiny Panel. No councillor may be involved in scrutinising a decision in which he/she has been directly involved.
- (b) The membership of Overview and Scrutiny Committee will be the Chair and Vice Chair of Overview and Scrutiny Committee, the chairs of all standing Scrutiny Panels and opposition councillors appointed in accordance with the principles of political balance. In addition, when considering education

matters, Overview and Scrutiny Committee will include in its membership the following voting representatives:

- 1 Church of England diocese representative;
 - 1 Roman Catholic diocese representative; and
 - 2 parent governor representatives.
- (c) The Council will appoint the members of standing and ad hoc Scrutiny Panels in accordance with the principles of political balance. The members of Scrutiny Panels may include non-voting co-optees.
- (d) The Scrutiny Panel dealing with education matters will include in its membership the following voting representatives:
- 1 Church of England diocese representative;
 - 1 Roman Catholic diocese representative; and
 - 2 parent governor representatives.
- (e) The Council will appoint the Chair and Vice-chair of Overview and Scrutiny Committee, and the Chairs and Vice-chairs of Scrutiny Panels.

B3 Meetings of Overview and Scrutiny Committee and Scrutiny Panels

- (a) The Council and Committee Procedures in Part 4A of this Constitution apply as appropriate to meetings of Overview and Scrutiny Committee and Scrutiny Panels, including those relating to:
- approval by Council of an annual programme of ordinary meetings
 - arrangements for calling additional meetings
 - the quorum for meetings
 - agendas and minutes
 - chairing meetings and the conduct of proceedings
 - the appointment of sub-committees
 - resignations and vacancies

- arrangements for public access to information and public participation in meetings.
- (b) Any member of the Council may give written notice to the Chief Executive requesting a Councillor Call for Action as defined in the Council's procedures and legislation which is relevant to the functions of the Committee to be included on the agenda. On receipt, the Chief Executive will review the request, and subject to it complying with the agreed criteria (that the pro-forma has been completed, that mechanisms for resolution have been tried and that the submission does not fall within any exemptions and exclusions), ensure that the matter is included on the next available agenda.

B4 Work programme and conduct of business

- (a) The work programme of overview and scrutiny activities will be prepared on an annual basis and agreed by Council. The work programme may include time-limited reviews as requested by the Cabinet and may include the review and scrutiny of services or activities of other organisations which are relevant to the well being of the Borough or its residents.
- (b) Full Council or the Chief Executive (in consultation with the Chair of the Overview and Scrutiny Committee) may amend the work programme to include any specific issue or review requested by Cabinet or Council or as a Councillor Call for Action.
- (c) In considering whether or not to amend the work programme, regard may be had to any representations made by those requesting the amendment as to why it would be appropriate to do so, the resources available and the priorities of other matters in the work programme. If it is decided not to amend the work programme, notice must be given to those who requested the amendment of the decision and the reasons for it. If it is decided that the work programme shall be amended, a copy of any report or recommendations made to Cabinet or Council in relation to the matter shall be provided to those who requested the amendment.
- (d) The role of Overview and Scrutiny Committee and Scrutiny Panels in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedures in Part 4E of this Constitution.

- (e) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Overview and Scrutiny Committee and Scrutiny Panels may make proposals to the Cabinet in relation to matters within their terms of reference.
- (f) Within the budget provision allocated by the Council to support overview and scrutiny functions, and in accordance with the approved work programme, Overview and Scrutiny Committee and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development, and may appoint advisers and assessors to assist them in this process. They may undertake 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.

B5 Reports from Overview and Scrutiny Committee and Scrutiny Panels

- (a) Once it has completed its deliberations on a matter within its work programme, Overview and Scrutiny Committee or a Scrutiny Panel will prepare and submit a formal report to the Chief Executive. The Chief Executive will: -
- (i) if the proposals are consistent with the existing Budget and Policy Framework, submit the report to the Cabinet or appropriate Chief Officer for consideration, or;
 - (ii) if the recommendation would require a departure from or a change to the Budget and Policy Framework, submit the report to the Cabinet and then subsequently to Council.
- (b) The members of Overview and Scrutiny Committee or a Scrutiny Panel will try

to agree on a report and recommendations, which may include options or alternative courses of action. However, if the Members of the Committee or Panel cannot agree on one single final report, then one minority report may also be prepared and submitted to the Chief Executive for consideration with the majority report.

- (c) A report of Overview and Scrutiny Committee or Scrutiny Panel should normally be considered within 2 months of being submitted to the Chief Executive.
- (d) Where a Scrutiny Panel's recommendations fall to be determined by the Cabinet or by a Chief Officer (i.e. in respect of recommendations which can be implemented under powers delegated to officers), the decisions taken will be reported back to Overview and Scrutiny Committee or Scrutiny Panel. An appropriate Cabinet Member or the relevant Chief Officer, or representative, may be required to attend the meeting to present the response.
- (e) Where a Scrutiny Panel's recommendations relate to Council functions and therefore fall to be considered by the Council, the report will normally be considered by the Cabinet within 2 months of its submission, and then subsequently by the Council together with the recommendations of the Cabinet.

B6 Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committee and Scrutiny Panels have additional rights to documents and to notice

of meetings as set out in the Access to Information Procedures in Part 4D of this Constitution.

- (b) Nothing in these Procedures prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee or Scrutiny Panel, depending on the matter under consideration.

B7 Councillors and Officers giving account

- (a) Overview and Scrutiny Committee or any Scrutiny Panel may scrutinise and review the discharge of any of the Council's functions or the exercise of its powers, including the effect of decisions made and actions taken. As well as reviewing documentation, it may require members of the Cabinet and/or senior officers to attend before it to provide information in relation to matters within their remit. It is the duty of those Members and Officers to attend if so required. It is not anticipated that Officers below third tier will be called to give evidence, except in exceptional circumstances when those Officers have specific technical knowledge or expertise. All requests for Officer attendance must be made through the appropriate Chief Officer or his/her nominated representative.
- (b) Where the relevant Member or Officer is unable to attend on the required date, Overview and Scrutiny Committee or Scrutiny Panel may, in consultation with the Member or Officer concerned, arrange an alternative date for attendance.

B8 Attendance by others

- (a) Overview and Scrutiny Committee or a Scrutiny Panel may invite other people to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, members, and officers in other parts of the public sector, and may invite them to attend or arrange for their views to be obtained by other means (e.g. public meetings, surveys and questionnaires)

- (b) The specific statutory powers are to be exercised by the Healthier Communities and Adult Social Care Scrutiny Panel.

Scrutiny of Crime and Disorder Functions

- (c) the specific statutory powers are to be exercised by the Overview and Scrutiny Committee and the Community Safety and Environment Scrutiny Panel.

B9 Call-in

The “Call-in” procedure provides a means by which Members of the Council are able to request that executive decisions made but not yet implemented be reconsidered by the decision maker.

Statutory and sector guidance makes it clear that call-in should only be used in exceptional circumstances. It should not be used as a substitute for early involvement in the decision making process, or as a party political tool. Day to day management and operational decisions should not be subject to call-in.

Overuse or inappropriate use of the call-in mechanism dilutes its effectiveness and can impact upon the Council’s ability to function efficiently. Accordingly the Council has, in line with government guidance, incorporated appropriate safeguards.

- (a) Except in cases of urgency (in which case see paragraph B10 of these Procedures), decisions within the following categories may be ‘called in’ under the procedures set out in this paragraph:
 - (i) any decision taken by the Cabinet, Cabinet Committee or by any committee or sub-committee of the Cabinet authorised to take decisions on behalf of the Cabinet.
 - (ii) any decision taken by the Leader or by individual Cabinet Members, should they have delegated powers.
 - (iii) any key decision taken by officers under delegated powers.
 - (iv) any key decision taken under joint arrangements with one or more other local authorities.
- (b) When such a decision is taken, it will be published in accordance with the Access to Information Procedures in Part 4D of this Constitution. The person responsible for publishing the decision will send a record of the decision to members of Overview and Scrutiny Committee and of the relevant Scrutiny Panel on the day of publication.

- (c) The record of the decision will bear the date on which it is published and will specify when it will come into force. Except in cases of urgency, a decision will be implemented on the 5th working day after publication, unless it is called-in.
- (d) Any decision which has not been classified as urgent under the procedure in paragraph B10 may be called in by any two non-executive councillors.
- (e) The Chair and lead Opposition Member of Overview and Scrutiny Committee may make their own personal administrative arrangements to facilitate consideration and processing of matters referred to them in respect of call-in (e.g. use of a standard form; a deadline for the matter to be brought to his/her attention; use of support staff to receive and advise on requests).

- (f) The notice of call-in must be received (by post, hand delivery, or fax) by 5.00 p.m. on the day prior to the 5th working day after publication. It must be received at the office, or by the officer, designated by the Chief Executive to receive such notices. The notice must specify:
- (i) the decision that is being called-in;
 - (ii) the identity of the decision maker(s);
 - (iii) the reasons for calling-in the decision; and
 - (iv) the alternative decision sought.

The ability to call-in a decision relates only to decisions taken but not yet implemented. Accordingly, a call-in notice can only be submitted once the decision to which it relates has been taken.

Review procedure on receipt of a notice of call-in

- (g) All notices of call-in shall be subject to review by the Monitoring Officer (in consultation with the Chair of the Overview and Scrutiny Committee), who shall as soon as is reasonably practicable determine whether the call-in is valid and should be referred to the Overview and Scrutiny Call in Sub-Committee for consideration.
- (h) The Monitoring Officer (in consultation with the Chair of the Overview and Scrutiny Committee) may reject a notice of call-in as invalid for one or more of the following reasons:
- (i) it has not been submitted by at least 2 non-executive members;
 - (ii) it is received after the deadline set out in paragraph B9(f) of these Procedure Rules;
 - (iii) it does not contain all of the information required in paragraph B(9)(f)(i) to (iv) of these Procedure Rules;
 - (iv) it concerns a decision taken in accordance with the urgency provisions set out in paragraph B10 of these Procedure Rules;
 - (v) it relates to a decision that has previously been called-in or has been the subject of pre-decision scrutiny;
 - (vi) it relates to a non-executive decision;
 - (vii) it concerns day to day management and/or operational decisions;

- (viii) it is potentially defamatory, vexatious, frivolous or offensive; or
 - (ix) it is in some other respect considered to be out of order, illegal, irregular or improper.
- (i) Where a notice of call-in is rejected as invalid by the Monitoring Officer, they will as soon as is reasonably practicable provide those members who submitted the notice with written reasons for the rejection.
- (j) For the avoidance of doubt, more than one notice of call-in can be submitted in relation to the same executive decision made but not yet implemented. Subject to the notices of call-in being accepted as valid, it will be normal procedure for them to be dealt with by the Overview and Scrutiny Call in Sub Committee as one item.
- Reference of Decisions called in for consideration by Overview and Scrutiny Call in Sub-Committee*
- (k) A decision called-in for consideration by Overview and Scrutiny Call in Sub- Committee will normally be considered at its next meeting, and must be considered within 20 working days of the notice of call-in. The Chief Executive will notify the Leader and relevant Cabinet Members and Chief Officers of the date and time of the meeting, and they may attend and address the meeting on the matter. If appropriate, the Chief Executive and relevant Chief Officers will ensure that other parties are advised of the call-in and the arrangements for the decision to be considered. On considering the matter, Call in Sub-Committee may either:
- (i) note the decision taken and agree to take no further action, in which case the decision called-in will have immediate effect and will be implemented; or
 - (ii) refer the decision to the decision-maker for reconsideration with comments, who must reconsider the decision within 20 working days of the referral. The final decision may be to confirm or amend the original decision, and this may not be subject to further call in.; or

- (iii) if the Sub-Committee considers that the decision is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, refer the decision with or without comments to Full Council.

Decisions referred to Full Council

- (l) A decision referred to Full Council in accordance with paragraph B9 (k)(iii) may be implemented immediately if:
 - (i) it is not practical to convene a quorate meeting of the full Council; and
 - (ii) the chair of Overview and Scrutiny Committee (or in his/her absence the Mayor or Deputy Mayor) agrees that the decision is urgent; and
 - (iii) the reasons why it is not practical to convene a quorate meeting of full Council, and the consent of the Chair of Overview and Scrutiny Committee, are noted on the record of the decision.
- (m) In all other cases, no further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. At the meeting it will receive a report of the decision and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse the decision as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council will be minuted and circulated to all Members in the normal way; or
 - (ii) amend the Budget or Policy Framework to encompass the decision and agree to the decision with immediate effect. In this case, no further action is required, save that the decision of the Council will be minuted and circulated to all Members in the normal way; or
 - (iii) where the Council accepts that the decision is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the Budget or Policy Framework to accommodate it, require the Cabinet to consider the matter in accordance with the advice of either the Monitoring Officer or the

B10 Call-in and urgency

- (a) The call-in procedure in Paragraph B9 does not apply where the decision being taken is urgent. A decision is urgent if any delay likely to be caused by the call in process would prejudice the Council's or the public interest. The record of the decision, and the notice by which it is made public, shall state that, in the opinion of the person or body making the decision, the decision is urgent and not subject to call-in. The Chief Executive or his/her nominee must agree both that the decision proposed is reasonable and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency will be monitored annually, and a report submitted to Council with proposals for review if necessary.

B11 The Party Whip

- (a) Members of Overview and Scrutiny Committee, Scrutiny Panels or any sub-committee of Overview and Scrutiny Committee are not bound by the party whip in respect of any matter while it is being considered by the Committee, Panel or sub- committee.
- (b) For this purpose, 'party whip' means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.

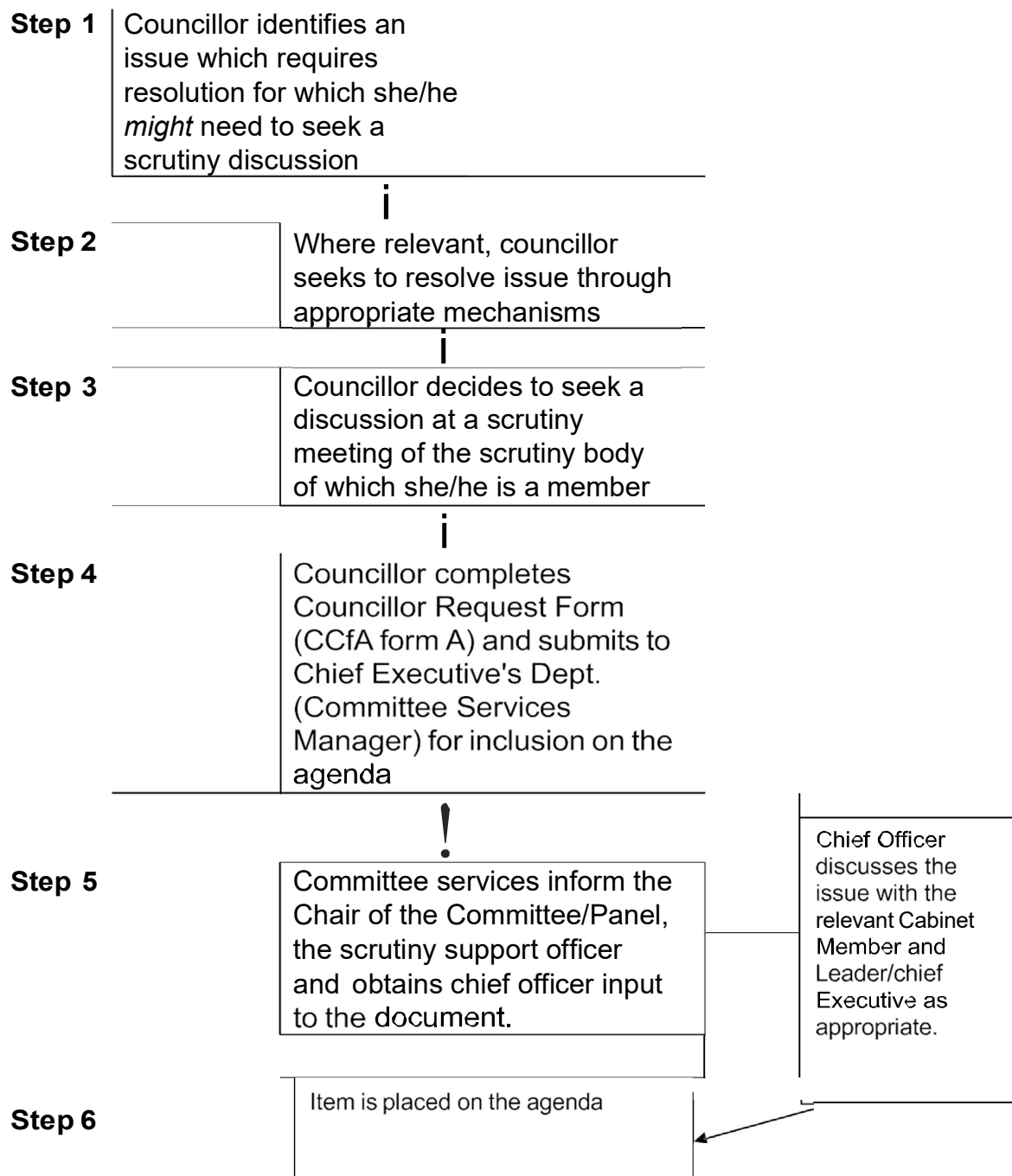
B12 Councillor Call for Action (CCfA)

- (a) That all Councillor Call for Action requests will be managed in line with the annexe to these Procedure Rules.
- (b) That no more than two CCfA requests will be considered at each meeting; and that no Member may submit more than one per meeting (NB: where more than two requests are received preference will be given to any member who has not previously submitted one in that Municipal Year. Those CCfA requests submitted for a particular meeting which were not included on the agenda to the body in question, as they fell foul of the maximum of two CCfAs per meeting rule, will be held back until

- (c) The initial consideration of any CCfA will be on the basis of the written pro-forma, submitted by the Member, and the written response of the relevant Chief Officer and Cabinet Member.
- (d) At the meeting the submitting Member will present his/her CCfA and the relevant Chief Officer will be given an opportunity to respond. There will be no public involvement in the initial consideration of the CCfA.
- (e) Following the presentation by the submitting Member and the response of the Chief Officer/Cabinet Member and any questions from the Committee or Panel, Members will decide to either:
 - Not review or make a report or recommendation concerning the matter.
 - Seek further information or clarification from the submitting Councillor, the relevant Cabinet Member or Chief Officer.
 - Propose to Council that the matter be reviewed as part of the Panel's work programme.

Councillor Call for Action (Flowchart 1) - Councillor request for an agenda item (member)

This process relates to requests for an item to be included on the agenda of a scrutiny body of which the requesting councillor is a member.



**Steps
7&8**

Part 4

Scrutiny body meets and decides whether or not to undertake further work on the issue raised

1

Scrutiny body agrees to undertake

Scrutiny rejects request for further action at this time. No further work undertaken.

ure

Step 9

more work on the issue and identifies the changes to the work programme for Council approval if required

1

Step 10

Council considers proposed changes together with comments from relevant cabinet members/chief officers

Step 11

Council agrees to changes to work programme

Council does not agree changes to work

Notify member who suggested CCFA

Step 12

Chief officer undertakes further work and in conjunction with cabinet member produces report back for scrutiny committee/panel

Stage 13

Scrutiny committee/panel considers report back and refers any recommendation to Cabinet via Overview and Scrutiny Committee.

The following expands on how the process set out in the flow chart would need to operate in practice:

Steps 1 and 2: guidance will be issued to councillors on the different mechanisms through which they might seek to resolve an issue. In order to ensure that CCfA does not become the mechanism of first resort, and overloads the scrutiny function, councillors will be *encouraged* to use other mechanisms before turning to a CCfA request.

Steps 4 and 5: on receipt of a CCfA request, the proposal will be examined to ensure that there is sufficient detail on the pro-forma document for the scrutiny body to assess the request for scrutiny work, and that the request has been received from a member of the scrutiny body at which the CCfA is aimed. If either of these tests fail, the pro-forma will be returned to the councillor submitting the request with an explanation of why it has been sent back at this stage.

If the CCfA request is fully completed and is from a member of the scrutiny body at which it is aimed, the relevant chief officer(s) and the Chief Executive will be informed of the CCfA. The chief officer(s)'s comments on the issue will be obtained [in consultation with the relevant cabinet member(s)] and included on the pro-forma. The CCfA will then be placed on the agenda of the scrutiny body's next available meeting.

A report will be prepared for each relevant scrutiny body (the Committee or its panels) for which CCfA requests have been received. This report, entitled 'Councillor Calls for Action' will set out the list of CCfAs which have been received for that scrutiny body and ask the scrutiny body to decide for each one whether or not it will undertake further work on the issue raised. For each CCfA, the original pro-forma, supplemented by the chief officer comments obtained, will be attached as an appendix to the report.

Step 6: the councillor proposing the CCfA will be given the opportunity to present her/his proposal at the scrutiny meeting. The length of time to present the proposal will be at the discretion of the Chair of the meeting but will not exceed five minutes. If there were to be a number of CCfA proposals appended to the CCfA report to the meeting, the Chair might need to limit the length of time allowed for the presentation to ensure the meeting is manageable.

The Chair may seek a response from the relevant Cabinet member(s) and/or chief officer(s). Following any presentation, the scrutiny body will take account of the comments from the chief officer (and any responses received at the meeting) and decide whether or not to take any further action on the issue. Guidance will be provided with regard to the issues which should be considered but, in essence, the decision is about the importance of the issue raised, the capacity of the scrutiny

body to pick up the issue and the impact that doing so would have on the work programme which has been agreed for the year by Council.

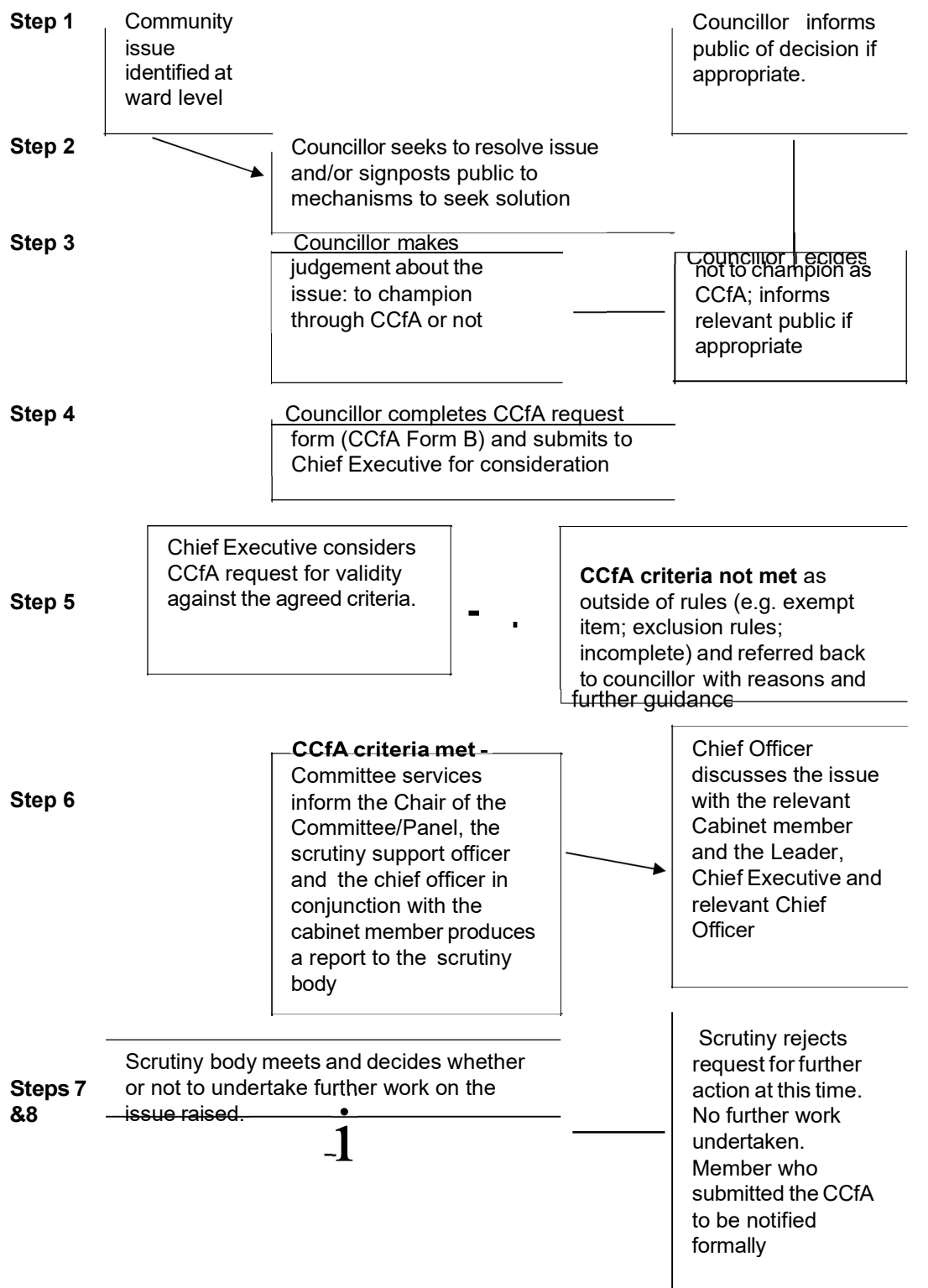
Once the Committee or scrutiny panel has reached a decision, this will be final.

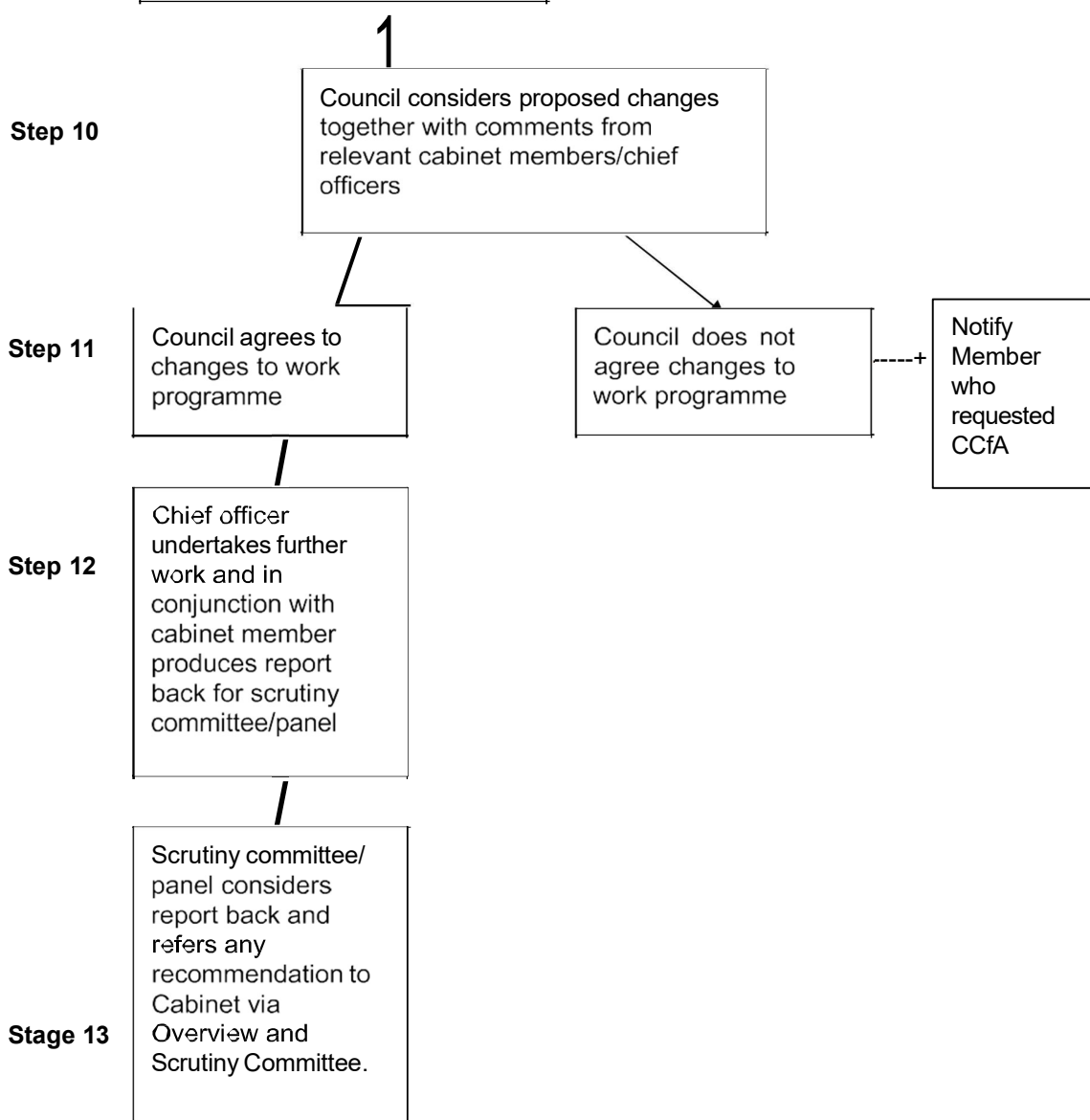
Step 8: if the scrutiny body were to agree to scrutinise the issue further, it would then need to scope the work, determine how it would collect evidence and set timescales for completion. (If the item were to be prioritised above existing work programme items, which could no longer be taken forward as a result, arrangements would need to be made to report back to Council because this would mean that the Council-approved work programme was being amended through a CCfA request.)

Steps 9-13 are self explanatory.

ANNEXE TO OVERVIEW AND SCRUTINY PROCEDURE RULES**Councillor Call for Action (Flowchart 2) - Councillor request for an agenda item**

(non-member) Process to be used where a councillor is not a member of the scrutiny body which has the remit which covers the issue in question.





Explanatory Note on Flowchart 2

The following expands on how the process set out in the flow chart would need to operate in practice:

Steps 2 and 3: these steps emphasise the need for the councillor to assess each issue on its merits (whether she/he has identified the issue or it is raised with them by constituents) and to seek a resolution through the variety of mechanisms already

open to them prior to considering taking the issue for ward as a CCfA. Guidance will

be prepared to assist councillors in this.

Step 4: again, a standard pro-forma, with evidence of the councillor having sought other routes for resolution, is required to be completed and submitted to the Chief Executive (Committee Services Manager).

Step 5: when a form is received, the Committee Services Manager will consult with the Chief Executive on whether the CCfA request complies with the agreed criteria (that the pro-forma has been completed, that mechanisms for resolution have been tried and that the submission does not fall within any exemptions and exclusions set out above). If the CCfA does not comply, the Committee Services Manager will write to the Councillor with the reasons.

Step 6: If the CCfA meets the agreed criteria, the Committee Services Manager will refer the matter within a specified timescale to the relevant chief officer(s) for their comments (in consultation with the relevant Cabinet member(s)) and a report will be placed on an agenda of the relevant scrutiny body. The decision of the scrutiny body will again be whether or not the matter should be taken further.

The criteria the Committee or Panel will use to decide whether or not to take the matter further may include:

- (a) Is it satisfied that reasonable attempts at a resolution have been made by the ward councillor?
- (b) Has it considered a similar issue recently and, if so, have the circumstances or evidence changed.
- (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the Councillor has received.
- (d) Is the matter currently being looked at by another form of local scrutiny such as the Local Involvement Networks?
- (e) Is the matter referred, an issue which needs to be prioritised above other elements of the body's work programme or could it be deferred to be included in the work programme for the next Municipal Year?

Guidance will be provided for scrutiny bodies on this decision making process. Again, once the Committee or scrutiny panel has reached a decision, this will be final.

Therefore the process is broadly similar to that for the first procedure (the main difference being that, should the scrutiny body decide not to pursue the matter, a formal response needs to be provided to the councillor who submitted the request).

C. Cabinet Procedures

C1 **Executive functions and delegations**

- (a) The Leader is vested with all executive functions. Schedule A in Part 3 to this Constitution sets out which executive functions are reserved to the Leader and which are delegated to:
 - (i) the Cabinet or a committee of the Cabinet;
 - (ii) a Cabinet member;
 - (iii) an officer;
 - (iv) joint arrangements with one or more local authorities; or
 - (v) another local authority.
- (b) The person or body who has been delegated an executive function will make executive decisions in respect of that function.
- (c) At the annual meeting of the Council, the Leader will present the scheme of delegation of executive functions in relation to the coming year.
- (d) Where the Leader has not delegated executive functions, the Leader will either carry them out or delegate them to a person or body listed in paragraph C1(a).
- (e) The Leader may vary or withdraw a delegation at any time, either generally or in relation to a specific decision, and may allocate the matter to himself or herself or to a person or body listed in paragraph C1(a). Any change must be in writing and will take effect only when it is received by the Chief Executive. The Leader will provide a written record of any change of delegation to the next Council meeting.

C2 **Further delegation of executive functions**

- (a) Subject to paragraph (d), where the Cabinet is responsible for an executive function, they may delegate it to a committee of the Cabinet, to an officer, to joint arrangements or to another local authority.
- (b) Subject to paragraph (d), where a committee of the Cabinet is responsible for an executive function, they may delegate it to an officer, to joint arrangements or to another local authority.

- (c) Subject to paragraph (d), where a Cabinet member is responsible for an executive function, they may delegate it to an officer, to joint arrangements or to another local authority.
- (d) The Leader may direct that paragraphs (a), (b) or (c) will not apply to functions delegated by him or her.
- (e) Where executive functions have been delegated, that does not prevent the person or body who delegated them from carrying them out themselves.
- (f) Persons or bodies to whom executive functions have been delegated will report their acts and proceedings promptly to and conform to any regulations made by the Leader or Cabinet as the case may be.

C3 Record of delegations

At the annual meeting of the Council, the Leader will present a written record of in year delegations made in the previous year. The record will contain the following information:

- (a) the extent of any authority delegated by the Leader to Cabinet members individually, including details of the limitation on their authority;
- (b) the terms of reference and constitution of such committees of the Cabinet as the Leader or the Cabinet appoints, and the names of Cabinet members appointed to them;
- (c) the nature and extent of any delegation of executive functions to any other authority or to any joint arrangements, and the names of Cabinet members appointed to any joint committee; and
- (d) the nature and extent of any delegation to officers, with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

C4 Conflicts of interest

- (a) If the Leader has a conflict of interest, this must be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest, this must be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If there is a conflict of interest where an executive function has been delegated to a committee of the Cabinet, to an individual member or to an officer, then the function will be exercised in the first instance by the person or body by whom the delegation was made. Otherwise the conflict of interest must be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

C5 Meetings

All meetings of the Cabinet (and its committees) will be held in public if it is to take executive decisions unless confidential or exempt information as defined in Part 4D, paragraph D10, is likely to be discussed. Should the Cabinet wish to exclude the press and public from all or part of a meeting, then it must comply with the requirement of the Access to Information Procedure Rules in Part 4D of the Constitution.

C6 Programme of meetings

The Leader is responsible for setting the date and time of Cabinet meetings and a schedule of programmed meetings will be submitted to the Annual Meeting of the Council. The Leader, the Chief Executive (and in the case of a committee of Cabinet, the Chair) may vary the date or time, or cancel a meeting, or call a meeting where one has not been scheduled.

C7 Chair

- (a) **Cabinet.** The Leader will preside. In his or her absence, the Deputy Leader will chair. In the absence of the Leader/Deputy Leader, the members of the Cabinet present will elect a chair.
- (b) **Meetings of committees of the Cabinet.** The Leader will preside if he or she is a member, otherwise the Cabinet will appoint a chair. In the chair's absence, the members present will elect a chair.

C8 Quorum

The quorum for Cabinet is 5. The Cabinet will set the quorum for meetings of any committees of the Cabinet. If a quorum is not present, either:

- (a) the meeting will be abandoned, in which case the Leader will arrange a new date and time, or
- (b) those present will informally consider the business on the agenda. While notes may be taken, no formal decisions may be made.

C9 Business

- (a) **Cabinet meetings.** The agenda for meetings of the Cabinet and committees of the Cabinet will be:
 - (i) considering the minutes of the last meeting;
 - (ii) declaring interests, if any;
 - (iii) considering matters referred (whether by an overview and scrutiny committee or by the Council) for reconsideration;
 - (iv) considering reports from overview and scrutiny committees; and
 - (v) considering matters set out in the agenda for the meeting. The agenda will indicate which matters are key decisions and which are not, in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

C10 Putting items on the agenda

- (a) **Cabinet.** The Leader may put on the agenda any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of the Cabinet or any member or officer in respect of that matter.
- (b) **Cabinet** The chair of any committee of the Cabinet, or any member of the Cabinet, may put on the agenda any matter where authority has been delegated to them.
- (c) **Cabinet meetings.** Any councillor may ask the Leader to put an item on the agenda for consideration. If the Leader agrees, that item will be considered at the next appropriate Cabinet Meeting. The notice of the meeting will give the name of the councillor

who asked for the item to be considered, who will be invited to attend the meeting.

- (d) **Cabinet meetings.** The Chief Executive will place an item on the agenda of the next appropriate meeting of the Cabinet or committee of the Cabinet if the overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet.
- (e) **Cabinet meetings.** The Chief Executive, Director of Finance or Director of Legal & HR may include an item for consideration on the agenda, and may require the Chief Executive to call a meeting.

C11 Consultation

- (a) Reports to the Cabinet about the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny panels, and the outcome of that consultation.
- (b) Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

C12 Attendance of persons other than Cabinet members

Councillors who are not members of the Cabinet, and members of the public, may attend meetings of the Cabinet and committees of the Cabinet. This right is subject to the rules which exclude access when confidential or exempt information is being discussed. These are set out in the Access to Information Procedures. Chief officers and statutory officers are entitled to attend.

C13 Public involvement

At the discretion of the Leader, councillors who are not members of the Cabinet, and members of the public who are present at a meeting, may address the Cabinet or a committee of the Cabinet on any agenda item. In exercising his or her discretion, the Leader will have regard to the efficient conduct of business and may give priority to those who have given notice in advance of the meeting. The Leader may limit the time for speaking, or may withdraw the permission to speak in order to bring the speech to a close.

C14 Deputations

At the discretion of the Leader, deputations representing members of the public may address the Cabinet or a committee of the Cabinet on any agenda item.

C15 Cabinet decisions

Executive decisions which have been delegated to the Cabinet or a committee of the Cabinet will be taken at a meeting convened in accordance with the Access to Information Procedures in Part 4 of the Constitution.

C16 Cabinet member decisions

- (a) Executive decisions which have been reserved to the Leader or delegated to individual Cabinet Members will be taken following consideration of a report which has previously been sent to the party leaders and shadow lead Members.
- (b) A report concerning a key decision must in addition be sent to the Chair of Overview and Scrutiny Committee and published at the Town Hall and on the website. A key decision may not be made by the Leader or a Cabinet member until five clear days have elapsed since the report was published.

C17 Voting

Voting at meeting will be by a show of hands. If the votes are equal, the chair of the meeting will have a second or casting vote.

C18 Minutes

The minutes of all meetings will be recorded and presented to a later meeting for confirmation. No discussion will take place on the minutes except as to their accuracy, and any question shall be decided by a majority of those members who were present at the meeting when the matter in question was decided.

C19 Other procedures

- (a) The Cabinet may otherwise follow such procedures as they may decide.

- (b) The audio/visual recording by members of the press and public of meetings of the Cabinet and its committees is not permitted without the prior consent of the Chair, in consultation with the Chief Executive.

D. Access to Information Procedures

D1 Scope

These procedures apply to all meetings of the Cabinet (and its committees), Council, Overview and Scrutiny Committee and Panels, area committees (if any), Standards Committee, Planning Board, Licensing Committee and Area Planning Committees (together called 'Meetings').

D2 Additional rights to information

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

D3 Rights to attend meetings

Members of the public may attend all Meetings, subject only to the exceptions in these procedures.

D4 Notices of meeting

The Council will give notice at the Town Hall and on the Council's web site of the date, time and place of all meetings at least five clear days before the meeting or, if the meeting is convened at shorter notice, at the time the meeting is convened.

D5 Access to agenda and reports before the meeting

The Council will make available five clear days in advance of a meeting, or as soon as they are available if the meeting is called at short notice, a copy of the agenda available for inspection at the Town Hall and on the Council's web site. At the same time the relevant reports, together with a list of background papers (other than published works) relating to the subject will be published and made available at the Town Hall and on the Council's web site.

If an item is added to an agenda in the five clear days a revised agenda, together with the corresponding report(s), will be published and made available at the Town Hall and on the Council's web site as soon as possible.

D6 Supply of copies

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

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item

D7 Access to minutes etc after the meeting

The Council will make available copies of the following for six years after a Meeting:

- (a) the minutes of the Meeting or records of decisions taken excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the Meeting; and
- (d) reports relating to items when the Meeting was open to the public.

D8 Background papers

- (a) **List of background papers.** The relevant Chief Officer will ensure that in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (i) disclose any facts or matters on which the report or an important part of the report is based; and
- (ii) which have been relied on to a material extent in preparing the report

This does not include published works or those which disclose exempt or Confidential Information (as defined in paragraph D10), and, in respect of Cabinet reports, the advice of a political advisor.

- (b) **Public inspection of background papers.** The Council will make available for public inspection for four years after the date of the Meeting one copy of each of the documents on the list of background papers. In relation to decisions of the Cabinet or an individual Cabinet Member the Council will make one copy of

each background paper available for inspection by the public at the Town Hall and on the Council's web site at the same time the agenda or corresponding report is published.

D9 **Summary of public's rights**

A written summary of the public's rights to attend Meetings and to inspect and copy documents must be kept at and available to the public at the town hall.

D10 **Exclusion of access by the public to meetings**

All meetings are open to the public unless confidential or exempt information is likely to be discussed.

- (a) **Confidential information – requirement to exclude public.** The public must be excluded from Meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- (b) **Exempt information – discretion to exclude public.** The public may be excluded from Meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the Meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the Meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- (c) **Meaning of confidential information.** Confidential information means information given to the council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order.
- (d) **Meaning of exempt information.** Exempt information means information falling within the following 7 categories (subject to any condition):

Paragraph Number	Qualification
1. Information relating to any individual.	

Paragraph Number	Qualification
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—</p> <p>(a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986; or (f) the Charities Act 1993</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes— (a) to give under any enactment a notice under or by virtue of	

Paragraph Number	Qualification
which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

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

Furthermore, information which—

- i. falls within any of paragraphs 1 to 7 above; and
- ii. is not prevented from being exempt by virtue of the qualifications,

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

D11 Exclusion of access by the public to reports (non-executive Member level bodies)

If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with paragraph 10, the Meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

D12 Cabinet Meetings – Exclusion of Press and Public

If the Cabinet proposes to exclude the press and public from a meeting while it considers confidential or exempt information, the Chief Executive will:

- a. 28 clear days before the meeting make available at the Town Hall and on the Council's web site a notice of the intention to exclude the press and public and the reasons why.

- b. 5 clear days before the meeting make available at the Town Hall (and published to the web site) a further notice of the intention to exclude the press and public and the reasons why, together with the details of any representations received about why the meeting should be held in public and the response to those representations.

Where it is impracticable to comply with these timescales, the public may only be excluded if the chair of the Overview and Scrutiny Committee, or if she or he is unable to act, the Mayor agrees that the meeting is urgent and cannot be reasonably deferred. The Chief Executive will make available at the Town Hall a notice setting out the reasons why the making of the decision is urgent and cannot reasonably be deferred and will publish that notice to the web site.

D13 Application of procedures to the Cabinet

Paragraphs D14 – D22 apply to the Cabinet (and its committees) and in relation to Chief Officer key decisions. Non-key decisions taken by the Cabinet (or a committee of the Cabinet) shall comply with Paragraphs D1 – D11 and shall be taken in public unless confidential or exempt information is likely to be disclosed.

D14 Procedure before taking key decisions

A key decision is defined in Article 13.03 of this Constitution.

Subject to paragraph D15 (general exception) and paragraph D16 (special urgency), a key decision may not be taken by the Leader, individual Cabinet Member, Cabinet (or a committee of Cabinet) or a Chief Officer unless:

- (a) a notice has been published to the Council's web site and at the Town Hall in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the notice. The notice to detail:
 - The subject matter
 - Details of the decision taker;
 - The date or period in which the decision will be taken;
 - The documents to be submitted to the decision taker;
 - The address from which the documents on which the decision will be taken will be available from;

- confirmation that other documents relevant to those matters may be submitted to the decision taker; ; and
 - The procedure for requesting details of those documents as they become available.
- (c) where the decision is to be taken at a Meeting of the Cabinet or its committees, notice of the Meeting has been given in accordance with paragraph D4 (notice of meetings).

Criteria and Guidance on Key Decisions is set out in the Appendix to these procedures.

D15 General exception

If a matter which is a key decision and has not complied with D14 (28 days notice of the decision), then subject to paragraph D16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has complied with D14;
- (b) the Chief Executive has informed the chair of the overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the Council's office and on its web sites; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (b) and (c) above.

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

D16 Special urgency

If paragraph D15 cannot be followed because the decision is urgent and can not be reasonably deferred, a decision can only be taken if the decision taker

(if an individual) or the chair of the body making the decision obtains the agreement of the chair of Overview and Scrutiny Committee. If there is no chair of Overview and Scrutiny Committee, or if the chair is unable to act, then the agreement of the Mayor, or in his/her absence, the Deputy Mayor will suffice.

As soon as reasonably practicable after agreement has been obtained that the decision is urgent and can not be reasonably deferred the decision taker must make available at the Town Hall, and published to the web site, a notice setting out the reasons.

D17 Report to council

(a) **When Overview and Scrutiny Committee can require a report.** If Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (i) included in the forward plan; or
- (ii) the subject of the general exception procedure under paragraph D15; or
- (iii) the subject of an agreement with the chair of Overview and Scrutiny Committee, or the Mayor/Deputy Mayor under paragraph D16;

Overview and Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the Overview and Scrutiny Committee, but is also delegated to the Chief Executive, who must require such a report on behalf of the Overview and Scrutiny Committee when requested by the chair or by resolution of Overview and Scrutiny Committee.

(b) **Cabinet's report to Council.** The Cabinet will prepare a report for submission to the next available Council meeting. If the next meeting is within 7 days of receipt of the written notice, or of the resolution of Overview and Scrutiny Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision and, if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

- (c) **Quarterly reports on special urgency decisions.** The Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in paragraph D16 (special urgency) in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.

D18 Record of decisions

After any meeting of the Cabinet or any of its committees, whether held in public or private, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

D19 Record of individual decision

As soon as reasonably practicable after a key decision has been taken by an officer, he/she will prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of paragraphs D7 and D8 (inspection of documents after meetings) will also apply to the making of key decisions by officers. This does not require the disclosure of exempt or confidential information.

D20 Publication of decision

- (a) The records of decisions taken by the Cabinet, Cabinet Committees and individual Cabinet Members, and key decisions taken by officers and under joint arrangements, will be published normally within one day of the decisions being taken. In accordance with the Overview and Scrutiny Procedures (Part 4B of this Constitution) the record will bear the date on which it has been published, and will specify when the decision(s) will come into force.
- (b) On publication the record will be available for public inspection at Woolwich Town Hall during normal office hours.
- (c) The record will also normally be made available on the day of publication on the Council's Website and Intranet, in the Members Information Room at Woolwich Town Hall and at Woolwich Library. It will be sent to the Members of the

Overview and Scrutiny Committee and the relevant Scrutiny Panels by the Council's normal delivery arrangements or by e-mail if practicable.

**D21 Overview and scrutiny committees
access to documents**

- (a) **Rights to copies.** Subject to paragraph D21 (b) below, Overview and Scrutiny Committee (including Scrutiny Panels) are entitled, within 10 days of making a request, to copies of any document which is in the possession or control of the Cabinet (or its committees) and which contains material relating to any business transacted at a meeting of the Cabinet where decisions are taken. This does not include meetings called for the purposes of briefing members of the Cabinet.
- (b) **Limit on rights.** Overview and Scrutiny Committee will not be entitled to:
 - (i) any document that is in draft form;
 - (ii) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
 - (iii) the advice of a political adviser.

D22 Additional rights of access for members

- a. All members of the Council are entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to:
 - I. Any business to be transacted at a meeting which the public may attend;
 - II. Any business which has been transacted at a meeting where the public were excluded;
 - III. Any decision made by a Cabinet Member; and
 - IV. Any key decision made by an Officer.
- b. These rights do not apply where the document contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the table in paragraph D10 above, or where the information relates to any terms proposed or to be proposed in the course of contractual negotiations.

- c. In the case of a Cabinet meeting, documents under (i) above will be available for inspection at least five clear days before the meeting or when the meeting is convened if later. Documents under ii, iii and iv above will be available for inspection within 24 hours of the end of the meeting or the taking of the decision.
- d. These rights of a Member are additional to any other right he / she may have.

CRITERIA AND GUIDANCE ON KEY DECISIONS

In deciding whether a matter constitutes a Key Decision to be subject to a 28 day public notice, the following tests should be used. An answer '**YES**' to either test would mean that the matter is a key decision.

EXEMPTIONS

- ✓ Investment/Divestment relating to operational decisions exercised under the Council's Treasury Management Strategy
- ✓ Decisions relating to the direct provision of services to individuals under the existing budgetary and policy framework
- ✓ Agreed delegations to Director of Regeneration, Enterprise and Skills in respect of Regeneration Programmes

BASIC CONDITIONS

The two tests should only be applied to decisions if they comply with the following basic criteria:

It is a necessary decision under delegated or executive powers.

The financial effect will result in the movement, allocation, reduction or increase of resources in respect of income or expenditure.

It has never previously been decided or specifically identified. *See below (1) for further guidance.*

It requires the specific reconsideration of a decision.

KEY DECISION TEST 1 - FINANCIAL LIMITS

Can you answer 'Yes' to the following questions? If so the decision will be deemed to be a key decision.

Do one of the following annual financial effects apply in respect of revenue? Is the decision expected to have either effect

Over £1,000,000 ?

Between £100,000 to £1000,000 **and** is more than 10% of the relevant budget?

See below (2) for further guidance

If in any doubt please refer your Directorate Finance Manager or Corporate Finance

Do one of the following aggregate financial effects apply in respect of capital? Is the decision expected to have an effect

Over £1,000,000 ?

Between £100,000 to £1,000,000 **and** is more than 10% of the relevant budget? *See below (2) for further guidance*

If in any doubt please refer your Directorate Finance Manager or Corporate Finance

KEY DECISION TEST 2 – SENSITIVITY AND IMPACT

Can you answer 'Yes' to the following questions?

Is it a decision that has a significant effect on an area covering 2 or more wards?

Is it a decision which is likely to be either sensitive, have a material impact, or have a significant effect upon the manner in which the Council conducts it's business?

Note:- The Chief Executive or the appropriate chief officer can require that a decision be treated as a key decision for reasons of sensitivity, funding or professional judgement, and also to ensure the consistent application of this test across the Authority.

FURTHER GUIDANCE

Further Guidance 1

How to determine whether a decision has already been specifically made

If there is an existing budget provision that defines the specific activity to which the decision relates there is good reason to consider that the decision has already been made. However, if the budget is to be used for a purpose not specified, or levels of delegation are breached, then the decision cannot be deemed to have been made.

Some Examples

1. **Decision Made** - the purchase of furniture and equipment for the town hall from the town hall furniture and equipment budget
Decision Not Made - the purchase of furniture and equipment for the town hall from the hall porters employee budget
2. **Decision Made** - the letting of a contract in respect of a school roof renewal contained within the agreed planned maintenance programme

Decision Not Made - the letting of a contract in respect of a school roof renewal from a contingency budget

3. **Decision Made** - the sale of an individual property which was identified in a disposal programme approved by Cabinet or Cabinet Committee

Decision Not Made - the sale of an individual property which was not specifically identified.

Further Guidance 2

What is a relevant budget. The test of reasonableness must be applied here:

Revenue:

In any case the relevant revenue budget will apply at no higher than division or service level. In some instances the relevant revenue budget may well apply at individual cost centre level where there is delegated responsibility. Generally the budget will be defined at the lowest level of budget holder responsibility.

Examples

1. The letting of a large-scale library equipment replacement contract – the relevant revenue budget will be considered at library service level. Not individual library level (too low) nor Public Services total budget level (too high).
2. The purchase of new books for a school – the relevant budget will be considered at individual school level.

Capital:

The relevant capital budget will apply at programme level.

Example

3. The letting of a contract to build a new school – the relevant budget considered will generally be related to the school specifically as an identifiable capital project.
4. If the build of a new school is part of a larger identified capital project, which has been agreed as such, it will be deemed to be budgeted at the programme level.

If in any doubt please refer your Directorate Finance Manager or Corporate Finance

E. Budget and Policy Framework Procedures

E1 The framework for executive decisions

- (a) The Council is responsible for the adoption of the Budget and Policy Framework as set out below and in Article 4. Once a budget or a policy is in place, it is the responsibility of the Cabinet to implement it.

Required by law

- Best Value Performance Plan;
- Children and Young People's Plan;
- NHS Local Delivery Plan (as incorporated in the Health Improvement Programme);
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Local Transport Plan;
- Plans and strategies which together comprise the Development Plan;
- Youth Justice Plan;
- Licensing Policy Statement.

Additional plans and strategies

- The Council's Vision Statement;
- The plan and strategy which comprise the Housing Investment Programme;
- Adult Learning Plan.

E2 Cabinet proposals for the budget or policy framework

- (a) The Cabinet will publish a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation. The Cabinet will publish the timetable in the forward plan, in the Council's annual plan, at the Town Hall and on the Council's web site.

- (b) As part of the consultation, the Cabinet will canvass the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration.
- (c) Overview and Scrutiny Committee or its Panels may investigate, research or report in detail, having regard to its Annual Plan as agreed by full Council. If Overview and Scrutiny Committee has carried out a review of policy in respect of the matter, it will report the outcome to the Cabinet.
- (d) The Cabinet will take any response from Overview and Scrutiny committee into account in drawing up proposals for submission to the Council. Its report to the Council will reflect the comments made by consultees and the Cabinet's response.
- (e) If the Council accepts the Cabinet's proposals without any objections, its decision will be effective immediately.
- (f) If the Council objects to the Cabinet's proposals for the policy framework, it must take the action set out in paragraph E3.
- (g) If the Council objects to the estimates and/or amounts submitted by the Cabinet before 8 February in any financial year in relation to the following financial year:
 - (i) to be aggregated in making a calculation in accordance with sections 32 to 37 or 43 to 49 Local Government Finance Act 1992, or to be used for such a calculation, or
 - (ii) to be stated in a precept under Chapter IV Part 1 Local Government Finance Act 1992

it must take the action set out in paragraph E4. This does not apply to calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U Local Government Finance Act 1992 or to precepts issued to give effect to those calculations.

E3 Council objection to policy framework proposals

- (a) Before the Council amends, approves or adopts the Cabinet's proposals, it must inform the Leader of any objections it has to them,

and require the Cabinet to reconsider its proposals in the light of those objections. It must also specify at least 5 clear working days within which the Leader may, on behalf of the Cabinet:

- (i) submit revised proposals and the reasons for any amendments, or
 - (ii) inform the Council of its disagreement with the Council's objections and its reasons.
- (b) The Chief Executive will convene a further meeting of the Council to be held when the period specified above has expired. At that meeting, the Council will take into account any of the matters in paragraph E3 (a) (i) and (ii) submitted by the Cabinet within the specified period when it amends, approves or adopts the Cabinet's proposals or revised proposals.

E4 Council objection to budget proposals

- (a) Before the Council makes a calculation or issues a precept, it must inform the Leader of any objections it has to the Cabinet's estimates or amounts, and require the Cabinet to reconsider them in the light of those objections. It must also specify at least 5 clear working days within which the Leader may, on behalf of the Cabinet:
 - (i) submit revised estimates or amounts and the reasons for any amendments, or
 - (ii) inform the Council of its disagreement with the Council's objections and its reasons.
- (b) The Chief Executive will convene a further meeting of the Council to be held when the period specified above has expired. At that meeting, the Council will take into account any of the matters in paragraph E4 (a) (i) and (ii) submitted by the Cabinet within the specified period when it amends, approves or adopts the Cabinet's proposals or revised proposals.

E5 Virements and in-year changes

In approving the Budget and Policy Framework, the Council will also specify the extent to which the Cabinet may, in accordance with paragraphs E8 and E9, vary within the Budget and make in-year changes to the Policy Framework. Any other changes to the Budget and Policy Framework are reserved to the Council.

E6 Decisions outside the budget or policy framework

- (a) In these procedures, 'executive decision taker' means the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer or a joint arrangement which discharges executive functions.
- (b) An executive decision taker must take decisions which are in line with the Budget and Policy Framework, subject to paragraphs E7, E8 and E9 (urgent decisions, variation and in year changes). Otherwise the Council must take the decision.
- (c) If an executive decision taker wants to take a decision outside the Budget and Policy Framework, he/she must first take advice from the Chief Executive, Chief Finance Officer or Monitoring Officer. If the advice from any of these officers is that the decision would be outside the Budget and Policy Framework, the executive decision taker must refer the decision to full Council, unless paragraph E7 applies (urgent decisions).
- (d) If Overview and Scrutiny Committee believe an executive decision taker is about to take a decision or action which would be outside the Budget and Policy Framework, they must take advice from the Chief Executive, Chief Finance Officer or Monitoring Officer. If the advice from any of these officers is that the proposed decision or action would be outside the Budget and Policy Framework, the executive decision taker must:
 - (i) take immediate steps to act within the Budget and Policy Framework, or
 - (ii) refer the proposed decision to full Council, unless paragraph E7 applies (urgent decisions).

E7 Urgent decisions outside the Budget or Policy Framework

- (a) An executive decision taker may take an urgent decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget, provided:

- (i) it is not practical to convene a quorate meeting of the full Council; and
 - (ii) the chair of Overview and Scrutiny Committee (or in his/her absence the Mayor or Deputy Mayor) agrees that the decision is urgent.
- (b) The reasons why it is not practical to convene a quorate meeting of full Council, and the consent of the Chair of Overview and Scrutiny Committee, must be noted on the record of the decision.
- (c) Following the decision, the executive decision taker will report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as urgent.

E8 Virement

- (a) The Council will have the budget heads described in the Budget.
- (b) Steps taken by an executive decision taker to implement Council policy may not exceed the budgets allocated to each budget head. However, they may vire across budget heads in accordance with the Financial Regulations in Part 4F of this Constitution.

E9 In-year changes to the Policy Framework

An executive decision taker may not change any plan or strategy that makes up the Policy Framework, except a change:

- (a) which would result in the closure or discontinuance of a service or part of service to meet a budgetary or operational constraint;
- (b) which is necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which is required by an organisation which is a partner to the plan or strategy; or

- (e) which relates to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

F. Financial Regulations

Section A: Financial Management

A1 Preface

- A1.1 These Financial Regulations govern the conduct of the financial administration of the Council and may only be amended or varied by resolution of the Council. The Financial Regulations are a key part of the Council's Corporate Governance arrangements.

A2 Council

- A2.1 The Council, as detailed in its Constitution, is responsible for making and amending from time to time such Financial Regulations as it considers necessary and desirable for the supervision and control of the finances, accounts, income, expenditure and assets of the Council in conformity with Article 14.01 (Financial Management) of the Constitution.

A3 Cabinet

- A3.1 The Cabinet is responsible for making sure that Council services are delivered, and for Executive functions. The Cabinet also leads Council-wide policy and strategy development on issues that cover all Council departments.

A4 The Overview and Scrutiny Committee

- A4.1 The Overview and Scrutiny Committee monitors and reviews Council services and performance to make sure that local needs and service standards are met. The Overview and Scrutiny Committee also monitors decisions made by the Council's Cabinet, and co-ordinates and oversees all overview and scrutiny functions on behalf of the Council.

A5 The Finance and Public Services Scrutiny Panel

- A5.1 The Finance and Public Services Scrutiny Panel is responsible for monitoring the budget management and general performance of Council services, scrutinising the outcome of decisions and actions taken by or on behalf of the Cabinet; and performance monitoring of key best value performance indicators.

A6 The Audit and Risk Management Panel

- A6.1 The Audit and Risk Management Panel provides an independent assurance of the adequacy of the risk management framework and the associated control environment of the Council, including the effectiveness of the Internal Audit and Corporate Anti-Fraud functions. The Panel maintains an audit overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour. The Panel considers the Council's audit arrangements for corporate governance and compliance with best practice.

A7 The Chief Executive

- A7.1 The Chief Executive is responsible for the corporate and overall strategic management of the authority as a whole. The Chief Executive must report to and provide information for the Cabinet, the full Council, the Overview and Scrutiny Committee and other committees. The Chief Executive is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Monitoring Officer, for the system of record-keeping in relation to all the full Council's decisions.

A8 The Monitoring Officer

- A8.1 The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and for reporting any actual or potential breaches of the law or administration to the full Council and the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A8.2 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. The Monitoring Officer must also ensure that Members are aware of decisions made by the Cabinet and of those made by officers who have delegated Cabinet responsibility.
- A8.3 The Monitoring Officer is responsible for advising all Councillors and officers about who has authority to take a particular decision.
- A8.4 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

A8.5 The Monitoring Officer (together with the Director of Finance) is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- a. initiating a new policy;
- b. committing expenditure in future years to above the budget level;
- c. incurring interdepartmental transfers above virement levels;
- d. causing the total expenditure financed from Council Tax, grants and corporately-held reserves to increase, or to increase by more than a specified amount.

A8.6 The Monitoring Officer is responsible for maintaining an up-to-date Constitution.

A9 Director of Finance

A9.1 The Director of Finance will be the Responsible Financial Officer in relation to the financial administration and stewardship of the authority. The Assistant Directors of Finance and the Departmental Finance Officers assist the Director of Finance to discharge his/her responsibilities. The statutory duties arise from:

- a. Sections 115 and 146 of the Local Government Act 1972
- b. Section 151 of the Local Government Act 1972
- c. Section 114 of the Local Government Finance Act 1988
- d. Local Government and Housing Act 1989
- e. Accounts and Audit Regulations 2003 and 2006

A9.2 The Director of Finance will authorise nominated deputies to act on his or her behalf, when required, in accordance with the requirements of the Local Government Finance Act 1988.

A9.3 The Director of Finance has a statutory responsibility to ensure that the accounts and supporting records of the Council are maintained and monitored in accordance with financial management standards. The Director of Finance is responsible for selecting accounting policies and ensuring that they are applied consistently. The Director of Finance must ensure that adequate systems and procedures exist to account for all income due and expenditure made on behalf of the Council and that

controls operate to protect the Council's assets from loss, waste, fraud or other irregularity.

A9.4 The Director of Finance is responsible for:

- a. advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- b. setting and monitoring compliance with financial management standards;
- c. providing financial information;
- d. preparing the revenue budget and the capital programme;
- e. treasury management;
- f. advising the Cabinet and/or the full Council on prudent levels of reserves for the authority;
- g. ensuring that the annual statement of accounts and associated statutory documents are prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA);

A9.5 The Director of Finance will provide full copies of the Financial Regulations and associated Financial Procedures to all Council Members following the Council elections.

A9.6 Under the Local Government Finance Act 1998 the Director of Finance will report to the full Council and Cabinet if the authority or one of its officers:

- a. has made, or is about to make, a decision which involves incurring unlawful expenditure;
- b. has taken, or is about to take, an unlawful action which has resulted or would result in the loss or deficiency to the authority;
- c. is about to make an unlawful entry in the authority's accounts.

A10 Chief Officers

- A10.1 For the purpose of these Financial Regulations the term Chief Officer means a Head of a Directorate or Department.
- A10.2 Each Chief Officer is responsible for ensuring that the Council's Financial Regulations and Financial Procedures are complied with at all times within the service area(s) under his or her control, and for ensuring that employees are properly trained to enable them to comply with the Financial Regulations and Financial Procedures.
- A10.3 Each Chief Officer is responsible for accountability and control of employees and the security, custody and control of all other resources including plant and equipment, buildings, materials, cash and stores appertaining to his or her service area(s).
- A10.4 Chief Officers must ensure that the Director of Finance and the Director of Legal & HR are given the opportunity to provide written comments and advice for all decision items reported to the Cabinet, the Council or any other approved Member body. Reasonable notice must be given to those officers in order that the comments on such reports can be provided. The timescales to be followed are included within Financial Procedures.
- A10.5 Chief Officers may delegate their authority to incur expenditure by means of a scheme of delegation and will keep a formal record of such delegation and any financial limits imposed. A copy of the record will be provided annually to the Director of Finance and every time it changes.

A10.6 Chief Officers are responsible for:

- a. Ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance;
- b. Signing contracts on behalf of the authority;
- c. Consulting the Director of Finance and seeking approval on any matter liable to affect the authority's finances materially before any commitments are incurred;
- d. Agreeing in-year virements within delegated limits, in consultation with Director of Finance, where required;

- e. Ensuring that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet;
- f. Controlling income and expenditure within their area and monitoring performance, taking account of financial information provided by the Director of Finance;
- g. Reporting on variances within their own areas;
- h. Taking any action necessary to avoid exceeding their budget allocation;
- i. Alerting the Director of Finance to any financial problems.

A11 Accounting

- A11.1 All the accounts and accounting records of the Council will be compiled and maintained in a manner and format agreed by the Director of Finance. The Director of Finance will determine the form, content and operation of the Council's Financial Systems.
- A11.2 Any Directorate/Departmental financial systems, accounting systems and financial organisation must be referred to, and agreed by, the Director of Finance prior to introduction or revision and must comply with standards set by the Director of Finance.
- A11.3 Chief Officers will ensure that all accounting transactions are recorded promptly and accurately in the Council's accounting systems.
- A11.4 Chief Officers must ensure that any reconciliations required from them by the Director of Finance are accurately completed and resolved in accordance with any timetable issued by the Director of Finance.
- A11.5 Chief Officers will comply with guidelines, instructions and timetables issued by the Director of Finance and supply the required information to ensure the closure of the Council's accounts.
- A11.6 The duties of identifying and providing information in respect of sums due to or from the Council and of calculating, checking and recording those sums will be separated as completely as possible from the duties of collecting or disbursing them. Where a complete

separation of duties cannot be achieved, the Director of Finance will be responsible for agreeing with the appropriate Chief Officer(s) the arrangements to be applied.

Section B: Financial Planning

B1 Introduction

B1.1 The full Council is responsible for agreeing the authority's policy framework and budget which will be proposed by the Cabinet. In terms of financial planning the key elements are:

- a. The corporate performance and development plan
- b. The budget
- c. The capital programme

B2 Policy Framework

B2.1 The full Council is responsible for approving the policy framework and budget. The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

B2.2. The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework with the financial limits set by the Council.

B3 Budgeting and Control

B3.1 The Council's Budget and Policy Framework Procedures are set out in Part 4 (E) of the Council's Constitution.

B3.2 Each year Chief Officers will prepare draft revenue budget proposals of expenditure and income for the forthcoming financial year in the form required by the Council.

B3.3 Chief Officers will prepare budget proposals in accordance with guidance and timetables issued by the Director of Finance. Budgets will be provided to the

Cabinet and Director of Finance who will report detailed budget proposals to the Council for approval.

B3.4 The Director of Finance will report to the Council on:

- a. the aggregate budget for all Directorates and Departments together with any other matters related to the revenue budget submitted for approval.
- b. the aggregate capital programme and financing arrangements.

B3.5 The approved annual revenue and capital budgets will form the basis of financial control for the ensuing financial year.

B4 Authority to Incur and Control Revenue Expenditure

B4.1 Chief Officers must ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify employees authorised to act on the Chief Officer's behalf or on behalf of the Cabinet in respect of payments and placing orders, together with the limits of their authority. Chief Officers may only incur revenue expenditure on activities and matters approved by the Council and contained within the budget for that financial year, except where there is otherwise an explicit authorisation to incur such expenditure in Financial Procedures.

B4.2 Chief Officers will be responsible for the control of their respective budgets and must keep under review at all times the current spending and income against each budget heading. Regular reporting of the position will be undertaken as specified in Financial Procedures. Each budget will have an identified, respective, responsible officer.

B4.3 Chief Officers will contain expenditure within the approved budget. If they are unable to do so by exercise of their delegated powers, they shall immediately inform the Director of Finance of the circumstances and provide a report on the position to the Cabinet with options provided to eliminate the identified overspend.

B4.4 At the end of the financial year, and following the formal closure of the revenue accounts, Chief Officers will report via the Director of Finance to the Cabinet on the outturn of expenditure and income in comparison with the

approved budget for the year. The Director of Finance will report to the Council on the aggregate revenue outturn for all services.

- B4.5 The reporting arrangements and limits for budget virements will be specified by the Director of Finance in Financial Procedures.

B5 Authority to Incur and Control Capital Expenditure and Planned Maintenance Schemes

- B5.1 The Council shall approve annually the Capital and Planned Maintenance Programmes for the authority including both schemes continuing from previous years' approved programmes and any new capital schemes.
- B5.2 Schemes must be costed prior to inclusion in the capital and planned maintenance programmes. For General Fund property schemes this is the responsibility of the Director of Regeneration, Enterprise and Skills. For Housing and non-property schemes this is the responsibility of the relevant Chief Officer
- B5.3 Capital schemes and planned maintenance schemes may not go to tender (or other procurement processes be undertaken) without the approval of the Council. For all property-related schemes and all other capital schemes over £100,000, approval to commence shall not be given until the full details of the scheme have been reported to Council, either at the time of approval of the capital and planned maintenance programmes or in an individual report. The information reported should include a full financial appraisal of capital and revenue costs, including preparatory costs, fees, the phasing of capital and planned maintenance expenditure and long term running costs.
- B5.4 All property disposals (except for Right to Buy Sales) shall be undertaken by the Director of Regeneration, Enterprise and Skills. He/she shall produce annually a disposal programme covering surplus land and property for approval by Council and shall have authority to dispose of any assets approved in that list.
- B5.5 At the end of the financial year, following the closure of the accounts, the Director of Finance shall report to Cabinet and Council on the aggregate capital expenditure compared to the capital budgets and the financing of the capital programme and the outturn position on planned maintenance programmes.

B5.6 Financial Procedures shall include the limitations on allowable cost increases, the authority of officers to accept tenders, reporting requirements and requirements for including schemes within the programme.

Section C: Risk Management And Control Of Resources

C1 Risk Management

- C1.1 The Director of Finance will be responsible for ensuring that adequate risk management arrangements exist within the Council. Chief Officers will ensure that all risks faced by their Directorates and Departments (including those projects and partnerships for which they have lead responsibility), whether financial or non-financial and whether insured or non-insured, are reported and recorded in the appropriate risk registers (together with measures for managing those risks and accountabilities) in accordance with the Council's Risk Management Policy and Risk Management Strategy. Chief Officers will ensure that all risks identified are regularly reviewed to ensure that risk registers are up to date and that controls and any further mitigating actions have been identified and implemented, where required.
- C1.2 Chief Officers will ensure that risk management is integrated within their Directorates/Departments' business processes, particularly in relation to strategic planning, financial planning, policy-making and review and performance management. Where applicable, risk management comments should be included in the appropriate reports to Members.
- C1.3 The Director of Finance will ensure that the appropriate risk registers are maintained for all types of current and potential new risks.

C2 Internal Control

- C2.1 Internal Control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- C2.2 The Director of Finance is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently and effectively, and in accordance with the statutory and other authorities that govern their use.

- C2.3. Chief Officers are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance and service targets.
- C2.4 The Director of Finance is responsible for preparing the statutory Annual Governance Statement (incorporating the Statement on Internal Control). The Annual Governance Statement is a corporate document signed by the Chief Executive and the Leader of the Council.

C3 Audit, Anti-Fraud, Inspection and Investigation

- C3.1 The Director of Finance will, in accordance with the Accounts and Audit Regulations 2003 and 2006, be responsible for maintaining an adequate and effective system of internal audit of the Council's activities. The Director of Finance is responsible for the development and maintenance of any anti- fraud and anti-corruption policy.
- C3.2 The Director of Finance is responsible for reviewing, appraising and reporting on the soundness, adequacy and application of financial and other related management controls and the extent of compliance with, and financial effects of established policies, plans and procedures. The Director of Finance must also review and report on the extent to which the Council's assets and interests are safeguarded from losses of all kinds arising from fraud and other offences, waste, extravagance, poor value for money or any other cause. The Director of Finance will arrange and conduct a continuous and current internal audit of the accounting, financial and other operations of the Council.
- C3.3 The Director of Finance will be responsible for the operation of the Council's Anti-Fraud Team. Any employee or Member who discovers, or has reasonable suspicion, of any fraud, theft, money-laundering or other irregularity is responsible for immediately reporting their concern to the Anti-Fraud Team.
- C3.4 The Director of Finance will be responsible for the production of an annual report on the work undertaken by the Audit/Anti-Fraud Teams in support of the Statement on Internal Control and the deliverance of good governance
- C3.5 The Director of Finance, other Chief Officers and their authorised representatives, must ensure that staff in their Directorates or Departments facilitate the free operation of the work undertaken by the Audit/Anti-Fraud Teams across the whole of the Council's

activities and operations. The Audit/Anti-Fraud Teams should be provided with unrestricted access to all

records, assets, personnel and premises including those of partnering and contracting organisations and with such information and explanations as it considers necessary to fulfil their responsibilities.

- C3.6 The Council may from time to time be subject to audit, inspection or investigation by external bodies such as the Audit Commission, HM Revenue and Customs, who have statutory rights of access.

C4 Staffing ⁷

- C4.1 The Chief Executive is responsible for providing overall management to staff. The Chief Executive is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

- C.4.2 Chief Officers are responsible for controlling staff numbers by:

- a. adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.
- b. the proper use of recruitment, selection and appointment procedures.

- C4.3 All staff must comply with Financial Regulations and Financial Procedures at all times. Any employee who, knowingly or by negligence commits, or is a party to, a breach of the Financial Regulations and Financial Procedures could be subject to disciplinary action as a consequence.

- C4.4 Staff must report known, intended or anticipated breaches of Financial Regulations and Financial Procedures to their respective Departmental Finance Officers or the Anti-Fraud Team as appropriate. These individuals are responsible for informing the Council's Section 151 Officer (Director of Finance).

C5 Gifts and Hospitality and Declarations of Interests

- C5.1 Chief Officers and employees must not accept any gift, reward, favour or benefit from any member of the public, organisation or company with whom they have been brought into contact by reason of their official duties unless there are specific circumstances approved by the Director of Finance. The

7 All references to Employees and Staff in these Regulations include Consultants, Interim Managers, Agency Employees and other non-permanent workers.

Director of Finance will detail the special circumstances in Financial Procedures. Each Directorate must maintain a Gift and Hospitality Register in which employees, consultants, agency employees and other non-permanent workers record offers of gifts and hospitality made, rejected and accepted.

- C5.2 Employees working for the Council must declare any potential conflicts of interest in accordance with the Council's "Officers' Declaration of Interest Policy". Chief Officers are required to maintain a register of interests which will cover personal, financial or business interests which may, or may be perceived to, influence judgement. A return must be completed by all employees falling within the Council's policy at least annually and whenever their circumstances change.

C6 Treasury Management

- C6.1 The Director of Finance will have the authority to aggregate all monies under the stewardship of the Council for the purposes of treasury management.
- C6.2 The Director of Finance will have the authority to take all decisions on borrowing, investment and financing in accordance with the Council's Treasury Management Strategy, having regard to the Council's Prudential Indicators and the Council's Treasury Management Policy.
- C6.3 All lending and borrowing instruments will bear the signature or facsimile signature of the Director of Finance or the deputies authorised by the Director of Finance.
- C6.4 The Director of Finance will report to the Council in accordance with procedures set out in the Council's Treasury Management Strategy and the CIPFA Prudential Code for Capital Finance in Local Authorities.

C7 Assets

- C7.1 Chief Officers should ensure that records and assets are properly maintained and securely held. Chief Officers should also ensure that contingency plans are in place for the security of assets and continuity

Part 4 of service in the event of disaster of system failure. Rules of Procedure

Section D: Systems And Procedures

D1 Income Management and Debt Recovery

- D1.1 Chief Officers will be responsible for managing income collection and ensuring that all potential sources of income are identified and maximised. Chief Officers must ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify employees authorised to act on the Chief Officer's behalf or on behalf of the Cabinet in respect of income collection.
- D1.2 The Director of Finance must approve the method of income collection for each type of income.
- D1.3 The Director of Finance, as Responsible Financial Officer, will have authority to determine the Council's procedures in respect of debt recovery and the write-off of debts. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

D2 Insurance

- D2.1 The Director of Finance will be responsible for effecting all insurance cover with the Council's approved insurers on behalf of the Council.
- D2.2 Chief Officers will provide prompt notification to the Director of Finance of the extent and nature of all potential new risks to be insured and of any alterations affecting insurable risks in their Directorates and Departments. New insurance cover requires the identification of an appropriate budget by the appropriate Chief Officer.
- D2.3 The Director of Finance will be responsible for negotiating all self-insured claims in conjunction, as and when necessary, with the Director of Legal & HR, other legal advisers, loss adjusters and loss assessors.
- D2.4 The Director of Finance will be responsible for co-ordinating with outside insurers all claims covered by external insurance.
- D2.5 Chief Officers or their nominated representatives will notify the Director of Finance in writing immediately upon the occurrence of any event that, to their knowledge, may give rise to an insurance claim either by the Council or against the Council.

D3 Payments to Employees and Members

- D3.1 The Director of Finance has prime responsibility for all payments of salaries and wages to all employees, including payments for overtime, and for payment of allowances to Members. The Director of Finance is responsible for the framework of control.

D4 Pension Fund

- D4.1 The Director of Finance will have the authority to manage any elements of the Council's Pension Fund retained in-house.

D5 Authorisation and Payment of Invoices

- D5.1 The Director of Finance will have the authority to determine payment arrangements.

D6 Procurement

- D6.1 The Director of Finance will have the authority to determine the arrangements for:

- a. the ordering and processing of goods, works and services;
- b. the Council's stores.

D7 Banking Arrangements

- D7.1 The Director of Finance or his/her duly authorised nominees (and they alone) will have the authority to:

- a. make arrangements with the Council's appointed bankers concerning the operation of the Council's bank accounts.

D8 Leasing Arrangements

- D8.1 The Director of Finance or his/her duly authorised nominees (and they alone) will have the authority to:

- a. negotiate and arrange the leasing of equipment, vehicles, goods and other assets to meet the Council's requirements and to sign all leasing agreements and related documents.

D9 Taxation

- D9.1 Relevant Chief Officers are responsible, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority. Relevant Chief Officers are responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by the due date as appropriate.

D10 Local Management of Schools

- D10.1 These Financial Regulations do not apply to schools and other institutions with delegated budgets under Local Management arrangements, the financial arrangements for which are contained in the Scheme for Financing of Maintained Schools and the Accounting Procedures Manual issued for that purpose.

D11 Trusts and Charities

- D11.1 The Director of Finance will have the authority, and be responsible, for the financial arrangements relating to the holding of funds on behalf of any Trust or Charity by the Council.

D12 Financial Procedures

- D12.1 In order to enable Chief Officers, the Director of Finance and all other employees to carry out their duties and responsibilities referred to in these Financial Regulations, the Director of Finance will have the authority to issue, update and amend such detailed Financial Procedures as the Director of Finance considers appropriate in respect of any part of the financial affairs of the Council.
- D12.2 Chief Officers will ensure that the Financial Procedures issued by the Director of Finance are applied and followed by all of their employees at all times. Should a Chief Officer wish to operate any procedure that differs from Financial Procedures, prior authorisation to the proposed procedure must be obtained in writing from the Director of Finance.
- D12.3 The Financial Procedures issued by the Director of Finance are an integral part of the Council's Financial Regulations and Corporate Governance arrangements.

D13.1 Trading Accounts/Business Units

D13.1 The Director of Finance is responsible for advising on the establishment and operation of trading accounts and business units.

Section E: External Arrangements

E1 Partnerships

- E1.1 The Leader of the Council is responsible for approving delegations, including the formulation and management of partnership arrangements and frameworks. The Leader of the Council has accountability for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E1.2 The Leader of the Council can delegate functions - including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Leader of the Council remains accountable for them to the full Council.
- E1.3 The Chief Executive represents the authority on partnerships and external bodies in accordance with the scheme of delegation.
- E1.4 The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial and operational administration in partnerships that apply throughout the authority.
- E1.5 The relevant Chief Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. The relevant Chief Officer must also consider the overall corporate governance arrangements including risk management and legal issues when entering into partnership arrangements. The relevant Chief Officer must ensure that the risks have been fully appraised before the Council enters into partnership arrangements, and that systems are in place to monitor and review those arrangements.
- E1.6 Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to the establishment of partnerships.
- E1.7 The Cabinet is responsible for approving the establishment of partnership arrangements including contractual arrangements for any work to be undertaken through partnership arrangements.

E2 External Funding

- E2.1 The relevant Chief Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

G Contract Standing Orders

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PART 1: GENERAL PRINCIPLES

1. *Introduction*

- 1.1 These Contract Standing Orders are part of the Council's Constitution and govern the award of all contracts for the supply to the Council of services, goods or materials or for the execution of works.
- 1.2 The purpose of these Contract Standing Orders is to provide a structure that enables the Council to make purchasing decisions that will:
 - (a) ensure compliance with all applicable legislation;
 - (b) further its corporate objectives;
 - (c) use its resources efficiently;
 - (d) procure the supply of quality services, goods and works for the Council that deliver value for money; and
 - (e) safeguards its reputation from any inference of dishonesty or corruption.
- 1.3 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) the principles of sustainability, efficiency, whole life costings and cost savings.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods) or services. They set out the minimum requirements that must be followed. Further information and guidance in the form of a Procurement Manual, to which due regard must be given, will be provided by the Procurement Team.

2. *Application and Compliance with Contract Standing Orders*

- 2.1 These Contract Standing Orders (CSOs) apply to the purchase by or on behalf of the Council of works, supplies (goods) and services.
- 2.2 These CSOs apply to all contracts including all purchase orders, the proposed award of concession contracts and all types of other contractual arrangement of any value entered into by or on behalf of the Council, except for the specific types of contracts and purchasing methods listed in CSO 2.3 and 2.4:
- 2.3 The following types of contracts fall outside of the scope of these CSOs:
 - (a) contracts of employment which make an individual a direct employee of the Council.
 - (b) agreements directly associated with the acquisition, disposal, or transfer of assets or land (to which the Financial Regulations shall apply).
 - (c) engagement of barristers (Counsel); and

(d) the allocation of grant funding which is governed under Part 3 of the Constitution.

2.4 For the avoidance of doubt, contracts between the Council and an entity with which it has a vertical arrangement as defined by Schedule 2, Part 1 of the Procurement Act 2023 (also known as (“Teckal”) companies) for the main purpose of delivering services to the Council, are governed by these CSOs.

2.5 Financial Parameters and Values

2.5.1 Where monetary figures refer to contract values against which an estimate of contract expenditure is made, the requirements shall not be artificially split to avoid competition, neither shall any other form of disaggregation be accepted for similar purposes.

2.5.2 All monetary values referred to within this document are total contract values, including all proposed extensions, not annual values, and exclude Value Added Tax unless otherwise stated.

2.6 Waivers

2.6.1 No waiver may be authorised to the application of CSO 1 or CSO 2 or compliance with the National Law.

2.6.2 The process required to waive the requirement for competitive procurement (direct award) is set out in CSO 22 (Award without Competition) and CSO 22.2 (Route 1: Waivers).

3. **Regulatory Context**

3.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:

- (a) National Law and all relevant statutory provisions;
- (b) the relevant and applicable procurement legislation, including:
 - (i) the Public Contracts Regulations 2015;
 - (ii) the Concession Contracts Regulations 2016;
 - (iii) the Procurement Act 2023; and
 - (iv) the Health Care Services (Provider Selection Regime) 2023 – otherwise known as the NHS Provider Selection Regime

as amended and updated from time to time; and

- (c) the Council's Constitution including these CSOs, the Council's Financial Regulations and Directorate Scheme of Delegation.

- 3.2 In the event of conflict between the above, the National Law and other UK legislation will take precedence then the Council's Constitution, the Council's Procurement Manual and guidelines, policies and procedures.

4. *Purchasing Responsibilities*

- 4.1 Each Chief Officer shall:
- (a) be responsible for all purchasing undertaken by his/her Directorate;
 - (b) be accountable to Cabinet for the performance of his/her duties in relation to purchasing;
 - (c) comply with the Council's decision-making processes including, where appropriate, implementing and operating a Scheme of Delegation;
 - (d) appoint an Assistant Director with responsibility for overseeing purchasing activity in their specific area and where relevant, acting as an authorised signatory on behalf of their Chief Officer through the Directorate Scheme of Delegation and set out in the Scheme of Management;
 - (e) appoint a Responsible Officer to undertake relevant purchasing and contract management activities within the service to which they are assigned; and
 - (f) take immediate action in the event of breach of these CSOs by reporting the breach to the Director of Legal Services.
- 4.2 A Responsible Officer is an Officer with responsibility for conducting purchasing processes or managing contracts for the purchase of works, supplies (goods) or services on behalf of the Council.
- 4.3 A Responsible Officer's duties in respect of purchasing are to ensure:
- (a) compliance with Regulatory Provisions, these CSOs, and to maintain the integrity of the procurement process;
 - (b) compliance with Regulatory Provisions and the Council's obligations relating to declarations of interest (including gifts and hospitality) affecting any purchasing or procurement process;
 - (c) that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used;
 - (d) that the purchasing process, from planning to delivery, incorporates (where appropriate) principles of sustainability, efficiency, whole life costings and cost savings;
 - (e) compliance with the Council's decision-making processes;
 - (f) that all contracts of £25,000 or more are included on the Council's Contract Register which is maintained by the Procurement Team;
 - (g) that they maintain records of all contracts and purchases below £25,000.

- (h) that value for money is achieved;
- (i) that appropriate advice is sought from Legal Services, Finance and Procurement and then followed;
- (j) that the Council's document retention policy and any requirements on record keeping as set out in these CSOs are complied with;
- (k) that for tenders above £100,000 a financial evaluation is or has been made of the financial standing of Suppliers as advised by the Director of Finance; and
- (l) that contracts are managed in accordance with CSO 10, and all relevant details required for publication under the Regulatory Provisions including under the Procurement (Transparency) Regulations 2023 and the Provider Selection Regulations 2023 are supplied to the Procurement Team for publication in a timely and compliant fashion.

- 4.4 It is a disciplinary offence to fail to comply with these CSOs. All employees have a duty to report breaches of the CSOs to their Director.
- 4.5 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase or procurement by or on behalf of the Council of works, supplies (goods) and services must immediately report that suspicion to the relevant Director.
- 4.6 Each Chief Officer will send their Directorate Scheme of Delegation to the Director of Finance before the start of each financial year and within 7 days of making any changes to the Scheme of Delegation.

5. *Role of the Procurement Team*

- 5.1 The Head of Procurement and the Procurement Team will provide advice and guidance to officers within the Council on all aspects of procurement, including routes to market, compliance with legislation and these CSOs and wider strategic ambitions such as achievement of Social Value outcomes.
- 5.2 The Procurement Team will support the Responsible Officer to ensure contracts specify any appropriate quality, performance, safety and other characteristics describing the requirement and meet all Regulatory Provisions.
- 5.3 The Procurement Team will be responsible for issuing and managing the eTendering process for all procurements valued at £25,000 or more unless where expressly permitted further to call-off procedures under Approved Frameworks, Dynamic Markets or Dynamic Purchasing Systems.
- 5.4 All communications the Council has with Suppliers during a tender process, from the commencement of the process until its conclusion, must be managed

by the Procurement Team. Any other communication between Suppliers and the Council during a procurement process is not permitted.

- 5.5 The Procurement Team will maintain the corporate contracts register for all contracts awarded valued at £25,000 and above.
- 5.6 The Procurement Team will submit all required Transparency Notices to the dedicated electronic portal/s specified by the Cabinet Office as required by the Regulatory Provisions.

6. Conflicts of Interest

- 6.1 In accordance with Regulatory Provisions, all officers must declare any personal interest in a matter they are dealing with, including one which may affect their impartiality in applying these CSOs.
- 6.2 All officers involved in a procurement process must complete a declaration of interest in the prescribed form prior to any involvement in any drafting of tender documents or any involvement in the evaluation of applicants or Suppliers tender submissions. This also applies to external consultants acting on behalf of the Council.
- 6.3 Specifically relating to contracts within the scope of The National Law, the Procurement Team will prepare a Conflicts Assessment in accordance with Section 83 of the Procurement Act 2023 before issuing a relevant Transparency Notice for any Covered Procurement and keep this under review throughout the process, as required.
- 6.4 In the event that:
 - 6.4.1 the Council becomes aware of a conflict of interest during a procurement process; and
 - 6.4.2 the conflict of interest may confer on a potential Supplier an unfair advantage in the procurement process; and
 - 6.4.3 the unfair advantage cannot be removed or otherwise neutralised,the Council must exclude the Supplier from any further involvement in the relevant procurement process.

7. Community Benefits

7.1 Local Suppliers

- 7.1.1 The Council is committed to Community Wealth Building, and this includes supporting local businesses and services where these can provide best value to the Council and to the borough.

7.1.2 Where legally and practically possible, the Responsible Officer shall include local (within the Royal Greenwich Borough boundary) Suppliers in requests for quotations and/or tenders at all values.

7.1.3 Details of how local Suppliers will be included in the procurement process shall be evidenced in either the Procurement Strategy Decision or where there is no Procurement Strategy Decision , in the Contract Award Decision.

7.2 Social Value

7.2.1 The Public Services (Social Value) Act 2012 requires public bodies to consider the economic, environmental and social benefits of their approaches to commissioning and procurement before the process starts, subject to complying with the Procurement Act 2023.

7.2.2 The Responsible Officer shall utilise the Council's Social Value Policy and Social Value Framework, as may be published, to determine suitable outcomes for their procurement exercise in conjunction with support from the Procurement Team.

7.2.3 Where the value of the contract is over £100,000 the Responsible Officer shall set out within the Procurement Strategy Decision the Social Value being sought.

7.3 Outcome Reporting

7.3.1 Chief Officers shall include within their annual contract management report as set out in CSO 10.3:

- (a) a summary of spend with local Suppliers both directly and through their supply chain;
- (b) the Social Value outcomes achieved against commitments agreed through the procurement process for all contracts where applicable.

8. **Corporate Procurement Board**

8.1 In order to ensure robust and consistent scrutiny of procurement and contracting processes, the Council has established a Corporate Procurement Board.

8.2 The responsibilities of the Corporate Procurement Board are to review and make recommendations to the Chief Officer including, but not limited to, the following matters:

- (a) procurement strategies;
- (b) contract awards; and

(c) contract modifications;

as are set out in these CSOs and where identified by Responsible Officers for review by the Corporate Procurement Board.

9. Procurement Decisions

- 9.1 The processes for approval of procurement activities are set out in these CSOs. Before approval is given, the Responsible Officer shall ensure that all the relevant information is fully documented and recorded in the decision ("Procurement Decision").
- 9.2 Responsible Officers should seek advice from the Procurement Team regarding the correct documentation to be used to request and record a Procurement Decision.
- 9.3 For the avoidance of doubt, the Approver is the Chief Officer unless all of the following apply:
- (a) the Directorate Scheme of Delegation has been published; and
 - (b) the Directorate Scheme of Delegation includes the specified decision relating to the proposed Procurement Decision; and
 - (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision(s) relating to the proposed Procurement Decision.

10. Contracts

10.1 General Principles

- 10.1.1 All purchasing decisions, however small the value, shall be made and evidenced in writing.
- 10.1.2 Confirmation of orders below £25,000 must be accompanied by an authorised Council purchase order in advance of the goods or services being delivered, or where the purchase is made in the case of unavoidable urgency, as soon as practicable thereafter.
- 10.1.3 All contracts of a value of £25,000 or more shall be made in writing in terms approved by the Director of Legal Services, and shall include clauses which set out, as a minimum:
- (a) the nature and extent of, as appropriate, the works, supplies (goods), services, material, matters or things to be carried out or supplied;
 - (b) the start date and the time within which the contract is to be

- performed;
- (c) quality requirements and/or standards which must be met;
- (d) requirements on the Supplier to hold and maintain appropriate insurance;
- (e) what happens in the event that the Supplier fails to comply with its contractual obligations (in whole or in part);
- (f) requirements on the Supplier to comply with all relevant National Law (which includes equalities and health and safety legislation).

10.2 Execution of Contracts

10.2.1 All contract must be in writing and comply with paragraph 10.1 above.

10.2.2 Where the value of a proposed contract:

- (a) is between £25,000 and up to £150,000, the contract must (unless otherwise required to be executed as a deed) be signed under hand by either the Chief Officer or by an Assistant Director where Delegated to do so within the Directorate Scheme of Delegation;
- (b) exceeds £150,000 the contract must be executed as a deed under the Common Seal of the Council attested by at least one officer, or must be signed by two officers nominated by the Director of Legal Services.

10.3 Contract Management and Performance

10.3.1 The Responsible Officer shall manage the contract effectively and with due regard to quality of service and budget in all cases.

10.3.2 The Responsible Officer shall keep records of contract performance in a format or electronic contract management system as may be agreed by the Director of Finance. Contracts will be measured against the following minimum criteria but may be subject to change:

- (a) Performance and compliance with specification and contract
- (b) Key Performance Indicators
- (c) Cost and any value for money requirements
- (d) User satisfaction and risk management
- (e) Social Value (delivery against targets)
- (f) Equality, Diversity and Inclusion
- (g) Supplier Financial Health Check
- (h) Relevant Due Diligence clarifications including Modern Slavery

10.3.3 Chief Officers shall produce a report on an annual basis summarising the performance against the criteria set out above of their key contracts (over £2M

whole life cost) in a format to be agreed and reported to the appropriate Scrutiny Committee.

- 10.3.4 Specific contract management and reporting requirements that apply individually to the Procurement Act and the NHS Provider Selection Regime are covered in Parts 2 and 3 respectively of these CSOs.

11. Transparency Notices

- 11.1 Both the Procurement Act and the NHS Provider Selection Regime set out a range of circumstances when it is necessary to publish Transparency Notices relating to the procurement, award and contract management of contracts within the scope of the Procurement Act or the NHS Provider Selection Regime. A list of these notices is included at Appendix 1.
- 11.2 Responsible Officers shall ensure that they maintain records of required transactions including details of contract management performance and contract modifications. The Procurement Team will be responsible for submitting Transparency Notices by the required electronic means.

PART 2: CONTRACTS UNDER THE PROCUREMENT ACT

12. Scope

- 12.1 The majority of contracts and procurement undertaken by the Council fall within the scope of the Procurement Act. This includes:
- All supplies
 - All construction / engineering or works contracts
 - Most services with the exception of Health-Related Services within the scope of the NHS Provider Selection Regime¹.
- 12.2 Part 2 of these Contract Standing Orders relate to contracts and procurement within the scope of the Procurement Act.
- 12.3 Part 3 of these Contract Standing Orders covers the requirements of the NHS Provider Selection Regime.

13. Pipeline Notices

- 13.1 The Procurement Act requires the Council to publish an annual procurement forward plan - a Pipeline Notice within 56 days of the beginning of each financial year. Chief Officers will provide the required information to the Procurement Team by the first week of January in each calendar year for all planned procurement activities in their department for the next 18 months from 1 April in that calendar year.
- 13.2 The Procurement Team will ensure that the information is collated and supplied in full to each of Finance and Legal Services by the end of January in each calendar year for their respective review and will facilitate its publication in accordance with the requirements.

14. Requirements for Covered Procurements²

14.1 Technical Specifications

- 14.1.1 Responsible Officers must ensure that when preparing contract documentation, and specifically when designing specifications of requirements, these must refer to performance or functional requirements and do not refer to:
- (a) a trademark, trade name, patent, design or type;
 - (b) a place of origin, a producer or supplier
 - (c) a design, a particular licensing model or a description of characteristics unless a United Kingdom standard applies unless:
 - (i) the standard adopts an internationally recognised equivalent;

¹ Contracts within the scope of the NHS Provider Selection Regime are set out in Part 3.

² A Covered Procurement is a contract above the relevant National Threshold – see Glossary

- or
(ii) there is no internationally recognised equivalent.

14.1.2 Where there are no other means by which to communicate the requirement accurately, the specification must allow equivalent products or services for which the Responsible Officer can request certification or other evidence that the required standard is met.

14.2 Duty to Consider Lots

14.2.1 For Public Contracts section 18 of the Procurement Act requires the Council to consider:

- (a) whether the goods, services or works to be supplied under the contract could reasonably be supplied under more than one contract; and
- (b) whether such contracts could appropriately be awarded by reference to lots.

14.3 Consideration of Barriers to Small and Medium Enterprises

14.3.1 Section 12 of the Procurement Act requires the Council to have regard to the fact that small and medium-sized enterprises may face particular barriers to participation in procurement processes and consider whether such barriers can be removed or reduced.

14.3.2 Responsible Officers must explain their rationale against the duties set out in CSOs 14.2 and 14.3 in the Procurement Strategy.

15. *Financial Thresholds and Procedures*

15.1 The table below sets out the rules applying to the choice of purchasing procedure for contracts at the stated threshold values.

15.2 There is a general presumption in favour of competition. The table below sets out the financial thresholds and procedures to be followed for all procurements within the confines of the Procurement Act³. Nothing in these CSOs prohibits the Responsible Officer seeking a greater number of quotations or following an open tender process if this is believed to be advantageous.

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
Value Below £100,000		

³ For procurements that fall within the Provider Selection Regime, see Part 3 of these Contract Standing Orders

PROCUREMENT THRESHOLDS AND PROCEDURES		
Value	Type of Contract	Procedure
less than £15,000	All	Seek at least one written quotation in advance
£15,000 to less than £25,000	All	Seek at least two written quotations in advance
£25,000 to less than £100,000	All	Seek at least three written quotations in advance
Value of £100,000 and above to National Threshold ⁴		
£100,000 to less than £1,000,000	Works	Any of the four options as applicable: <ul style="list-style-type: none">Below Threshold invitation to tenderMini Competition or Direct Award from an Approved Framework or Dynamic Market <u>or</u> Dynamic Purchasing System awarded under the Public Contracts Regulations 2015Seek at least four written quotations (Supplies and Services up to Threshold and Works up to £1,000,000)Seek at least four written quotations from a construction related Approved List to be advised by the Procurement Team (Works any value up to National Threshold)
£100,000 to less than the National Threshold	Supplies and Services Light Touch Services	
£1,000,000 and above to less than the National Threshold	Works	
Above National Threshold		
All values	All Contracts	Either: <ul style="list-style-type: none">Open or Competitive Flexible Tender process in accordance with the Procurement Act procedures; orMini Competition or Direct Award from an Approved Framework or Dynamic Market or Dynamic Purchasing System awarded under PCR2015

16. Approval to Proceed - Procurement Strategy Decision

16.1 Value Below £100,000

16.1.1 Approval

The process of inviting quotations where the whole life cost of the purchasing requirement is below £100,000 may only be carried out, by the Responsible

⁴ The National Threshold value is published annually by the Cabinet Office. Please refer to the Council's Intranet Page for the current value or seek advice from the Procurement Team. National Threshold amounts are inclusive of VAT.

Officer as authorised by the Chief Officer.

16.1.2 *Process*

Where the contract value is £25,000 or more, the Procurement Team will manage the process via the Council's selected eTendering system. The Procurement Team will advise and support the Responsible Officer in the choice of procurement procedure, market and required documentation.

16.2 Value of £100,000 and above

16.2.1 All applications for approvals to proceed to seek quotations or invite tenders for procurement valued at £100,000 or above must be the subject of a Procurement Strategy Decision, set out in the approved format, and submitted in advance to the relevant Approver. The Procurement Strategy Decision shall set out as a minimum the following:

- (a) an appropriate and proportionate business case setting out the requirements and costings;
- (b) the high-level specification detailing the quality required that is proportionate to the priorities of the Council;
- (c) the social value outcomes to be sought as part of the procurement process;
- (d) project and contract management arrangements;
- (e) all other key issues such as data governance, strategic implications for other council services etc., and management or risk as may be appropriate;
- (f) confirmation from Legal Services, the Procurement Team and Finance that they have been consulted and endorse the proposed Procurement Strategy Decision insofar as it gives rise to legal, procurement and finance implications

16.2.2 The Responsible Officer must, in addition, complete a risk assessment of the proposed procurement using the Greenwich Risk Assessment Process (GRAP) and then forward the completed assessment to the Procurement Team who will advise on the proposals and confirm the risk rating as either High Risk or Low Risk, as appropriate. -

16.2.4 Where the proposed Procurement Strategy Decision is a Key Decision the approval process shall include compliance with the rules relating to Key Decisions in the Constitution included in the Key Decision Appendix found in Part 4 of the Constitution.

- (a) Rules of Procedure; Section D - Access to Information Procedures including publication and call-in requirements; and
- (b) the Key Decision is taken at this stage and provided no Procurement

Strategy Decision Deviation arises, any subsequent report relating to the procurement or award of contract will not be a Key Decision.

16.2.5 The Procurement Strategy Decision may encompass a programme of multiple procurement activities of a similar nature over a period of time where this is beneficial and efficient for the Council. Any procurement carried out, and contract award made, following a Procurement Strategy Decision will need to be in accordance with these CSOs. In such cases the Procurement Strategy Decision shall include details of financial impact, procurement process and a date of expiry of the recommended procurement route, which in all circumstances shall be no longer than five (5) years.

16.3 Approval Process – Pre-Quote/Tender

Approval to proceed to quotation or tender for procurements valued £100,000 and above will be a Procurement Strategy Decision in accordance with the process set out in the table below.

PROCUREMENT STRATEGY DECISION APPROVAL ROUTE		
Risk	Value	Approver
Non-Key Decision		
Low Risk	From £100,000 to less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	From £100,000 to less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Key Decision		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk with Service Policy Change	£1,000,000 and above	Cabinet following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

17. Approval of Contract Awards

17.1 Competitive Awards below £100,000

17.1 All awards of below £100,000 will require the written approval of the relevant Chief Officer unless otherwise Delegated within the relevant Directorate Scheme of Delegation.

17.2 Award of £100,000 or more where there is an agreed Procurement Strategy Decision

17.2.1 Following the conclusion to the quotation or tendering process, the Contract Award Decision will be made following Award Approval Route A as set out in the table below providing that the procurement is compliant with the relevant Procurement Strategy Decision and is within the Approved Budget.

AWARD APPROVAL ROUTE A	
Compliant with the relevant Procurement Strategy Decision and within budget	
Risk	Approver
Low Risk	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk	Chief Officer

17.2.2 In certain cases the outcome of the procurement process may deliver the most advantageous or only solution at a cost higher than the agreed budget, or there has been a Procurement Strategy Deviation. In either of these cases, the Contract Award Decision will be made in accordance with Award Approval Route B as set out in the following table:

AWARD APPROVAL ROUTE B		
Deviation from Procurement Strategy Decision and/or above budget		
Risk	Key Decision Status ⁵	Approver
Low Risk	Either Key or Non-Key	Chief Officer
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board.
All Risks	Where the original Procurement Strategy Decision was not a Key Decision but the revised value of the proposed contract award results in the award becoming a Key Decision.	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

18. Procurement Routes

18.1 Choice of Routes

18.1.1 The Procurement Act allows for different procurement routes for Covered Procurements and Below Threshold procurements. Responsible Officers shall seek guidance from the Procurement Team as to the appropriate process to use in each circumstance, using the Procurement Thresholds and Processes table set out in CSO 15 as a guide to the minimum requirements.

18.2 Below Threshold Routes

The threshold requirements set out in the table at Section 7 of the Procurement Act sets out the minimum competitive procedures for procurements below the relevant National Thresholds for the purchasing need. In all cases the Responsible Officer may select an enhanced procedure if this is felt to be advantageous.

18.3 Above Threshold Routes

18.3.1 Where procurement is an Above Threshold procurement, the choice of procedures is limited by the Procurement Act to:

- (a) Open Procedure
- (b) Competitive Flexible Procedure
- (c) Competition or Direct Award through an Approved Framework
- (d) Use of Dynamic Markets or an existing Dynamic Purchasing System procured in accordance with the Public Contracts Regulations 2015
- (e) Direct Award in accordance with Chapter 3 of the Procurement Act (CSO 22.3)

⁵ Where a procurement exercise is a Non-Key Decision at Procurement Strategy Stage it will normally be estimated to be below the Key Decision Value Threshold – “the Value Threshold” (£1,000,000 at March 2024). If the resulting recommended bid value remains below the Value Threshold, then the decision is still Non-Key. However, if the value of the recommended bidder is now above the Value Threshold, the award of the contract becomes a Key Decision. Where the estimate at Procurement Strategy Stage was above the Value Threshold, the Key Decision has already been made.

18.3.2 The Procurement Team will advise Responsible Officers on the best choice of procedure to be selected for the need.

18.4 Pre-Selection Criteria - Above-Threshold Contracts

For contracts valued above the relevant National Threshold, the Responsible Officer will implement the prescribed selection criteria set out within the Procurement Act as Mandatory or Discretionary Exclusion Grounds in Schedules 6 and 7. The Procurement Team will advise on suitable formats and electronic means of applying these criteria.

18.5 Exclusion and Debarment

18.5.1 Chapter 6 of the Procurement Act sets out the conditions against which a supplier may be excluded or debarred from a procurement process or contract award.

18.5.2 Suppliers to whom the mandatory exclusion grounds apply shall be automatically excluded and those to whom discretionary exclusion grounds apply shall be excludable if in both cases the Council considers the circumstances could arise again.

18.5.3 The Council may also exclude a supplier for improper behaviour if it is felt that this Supplier has:

- (a) failed to provide information requested by the Contracting Authority,
- (b) provided information that is incomplete, inaccurate or misleading,
- (c) accessed confidential information,
- (d) unduly influenced the Contracting Authority's decision-making.

18.5.4 In the case of exclusion for improper behaviour, the Council must allow reasonable opportunity for the supplier to make representations and/or provide relevant evidence to support their application.

19. Submission and Opening of Tenders

19.1 All competitive procurements valued at or above £25,000, whether requests for quotation or invitation to tender shall be submitted and received by the Procurement Team utilising the Council's eTendering system.

19.2 The procurement of apprenticeship placement contracts is excluded from the requirement to use of the Council's eTendering system.

19.3 No tender received after the closing time and date specified for receipt of tenders shall be accepted unless the Council's Head of Procurement is satisfied that there is sufficient evidence of the tender having been dispatched

in time for it to have arrived before the closing date and time, or other exceptional circumstances apply, and the other tenders have not yet been opened.

- 19.4 If it is necessary that the period of time for submitting tenders be extended, this should be communicated to all Suppliers in writing in a fair and equal manner.

20. Evaluation of Quotes and Tenders

- 20.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in the tender or quotation documentation, in advance.
- 20.2 Save in exceptional circumstances and subject to approval in advance by the Director of Finance, all Covered Procurements shall be awarded on the basis of Most Advantageous Tender and not the lowest price.

21. Standstill Period and Assessment Summaries

- 21.1 Where the contract is a Covered Procurement; after award approval in accordance with CSO 17 has been completed and before the Council enters into the contract, the process below must be followed:
1. Assessment Summaries⁶ must be issued to all participants in the tender process. These will set out full details of scoring and comments against all scoring criteria included in the evaluation process. For unsuccessful suppliers this must include the scores and comments achieved by the most advantageous tender.
 2. A Contract Award Notice must be published
 3. A Mandatory Standstill period of eight (8) Working Days beginning on the day the Contract Award Notice is published
- 21.2 A contract may not be entered into until all of the above has been completed.

22. Award of Contract without Competition

22.1 Principles of Direct Award

- 22.1.1 Whilst competitive procurement is the preferred route in the majority of cases, there are circumstances where a single source (one quote only) award is the most suitable or the only viable option.
- 22.1.2 Direct Awards are only permissible where:

Route 1: a waiver is obtained from the requirements to comply with the competition requirements as set out in the table at CSO 15.2.

⁶ Assessment Summaries are provided to suppliers to set out their scores against the published criteria, and in case of unsuccessful bidders, why they were not awarded the contract.

- Route 2: This only applies to Below Threshold contract awards; or a contract award complies with the requirements of Chapter 3 of the Procurement Act; or
- Route 3: a Direct Award is permitted under the terms of an Approved Framework

OR

Part 3 of these CSOs applies and the Direct Award relates to contracts awarded in accordance with the provisions of the NHS Provider Selection Regime.

22.1.3 For avoidance of doubt, where invitations to tender are advertised on the open market but only one tender submission is received it is permissible, subject to meeting the necessary criteria, to award the contract to the sole tenderer. For the avoidance of doubt, there is no requirement to follow the Direct Award procurement route process because that process only applies if the original invitation to tender had not been advertised on the open market.

22.2 Route 1: Waiver (Direct Awards - Below Threshold)

22.2.1 Responsible Officers must fully document the rationale for the request in the Procurement Decision.

22.2.2 All Procurement Decisions seeking a waiver must include reference to the approval of the use of the waiver on behalf of the Procurement Team, Finance and Legal Services. If approval of the use of the waiver is not given the waiver may only be authorised by Cabinet.

22.2.3 A waiver from having to apply the competitive procurement routes set out in CSO 15 may be granted subject to one or more of the following conditions having been met:

- (a) a competitive exercise produced no tenders or inappropriate tenders;
- (b) a competitive process is inappropriate because there is no market or because there are legal or technical reasons that rule it out;
- (c) the urgency of the procurement justifies a direct award;
- (d) the need to protect the personal welfare of service users justifies a direct award;
- (e) additional deliveries (supplies or services) by the original supplier are required and the total spend remains Below Threshold.

22.3 Route 2 - Direct Award - Above Threshold

22.3.1 Chapter 3 of the Procurement Act sets out certain specific circumstances that

an Above Threshold contract may be awarded as a Direct Award.

22.3.2 A Direct Award may be made to Suppliers that are “not excluded” (CSO 18.5) where there is either a need to:

- (a) protect human, animal or plant life or health;

OR

- (b) protect public order or safety

in accordance with regulations as may be made under Section 42 of the Procurement Act.

OR

- (c) no suitable tenders have been received because one of the following applies:
 - (i) tender/s would be disregarded in an assessment or do not satisfy the Council’s requirements or the award criteria when assessed by reference to the assessment methodology and the relative importance of the published criteria;
 - (ii) there is evidence of corruption or collusion between Suppliers or between Suppliers and contracting authorities;
 - (iii) it materially breaches a procedural requirement in the tender notice or associated tender documents;

OR

- (d) one or more of the conditions set out in Schedule 5⁷ of the Procurement Act is met.

22.4 Route 3 - Direct Award under an Approved Framework

Where an Approved Framework satisfies the conditions for award of contract without competition between suppliers as set out in Chapter 4 of the Procurement Act, the Responsible Officer may recommend a Direct Award for approval, ensuring that the rationale for this is clearly set out in the Contract Award Decision and demonstrates best value for the Council.

⁷ Direct Award Justifications are set out in Appendix 3

22.5 Direct Award Approval Route

22.5.1 Where a Direct Award is as a result of an approved Procurement Strategy Decision for one or more of a proposed programme of procurement activities, the approval route is in accordance with CSO 17.

22.5.2 In all other cases the table below sets out the approval routes for requests to make direct award of contract. The Responsible Officer will undertake the risk assessment (GRAP) for Direct Awards over £100,000. Direct Awards Above Threshold are all considered to be High Risk and therefore approval must be sought from the Corporate Procurement Board.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
Low Value Direct Award	All	£15,000 or more and less than £25,000	Chief Officer, unless otherwise Delegated in the Scheme of Delegation
NON-KEY DECISION			
Direct Award Route 1 – Waiver Below Threshold			
Direct Award above £25K	All	£25,000 or more and less than £100,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Low Risk	Supplies or Services	£100,000 or more and less than the National Threshold	Chief Officer
	Works	£100,000 or more and less than £1,000,000	Chief Officer
High Risk	Supplies or Services	£100,000 or more and less than the National Threshold	Chief Officer following the recommendations of the Corporate Procurement Board
	Works	£100,000 or more and less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 2 – Over National Threshold			
High Risk	Supplies or Services	The National Threshold and above to less than £1,000,000	Chief Officer following the recommendations of the Corporate Procurement Board
Direct Award Route 3 – Approved Framework			
Low Risk ⁸	All	£25,000 or more and less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation

⁸ Approved Framework Direct Awards below the Key Decision threshold will be Low Risk unless there are exceptional circumstances, in which case the approval route will be as Route 2.

DIRECT AWARD APPROVALS			
Decision / Risk	Contract Type	Value	Approver
KEY DECISION			
Direct Award Route 1 – Waiver Below Threshold			
Low Risk	Works	£1,000,000 and above to less than the Works National Threshold	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk			Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
Direct Award Route 2 – Above National Threshold			
High Risk	Supplies or Services	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
High Risk	Works	the Works National Threshold and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
Direct Award Route 3 – Approved Framework			
Low Risk	All	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk	All	£1,000,000 and above	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

22.6 Direct Awards Register

The Procurement Team will maintain a register of Direct Awards valued at £100,000 or above.

23. ***Procurement of Personal Social Care and SEND Placements***

- 23.1 The Chief Officer having responsibility for the provision of personal social care services to individual adults or children and or Special Educational Needs and Disabilities (SEND) placements to children, shall be able to directly award contracts without the requirement for a formal award report where the following conditions are met:
- (a) the services fall within the definition of “User Choice Contracts” as set out in Schedule 5 of the Procurement Act; and

- (b) where the purchase is required in order that the Council may meet its statutory obligations and the application of these CSOs would prevent or delay the discharge of those statutory obligations.

23.2 The Chief Officer shall, however, maintain written records of decisions made in the award of social care or placement services and make arrangements to ensure that evidence exists to show that all such purchases are systematically reviewed to ensure that they appropriately meet the needs of the user and that they provide value for money in relation to national and local cost indicators.

23.3 All social care or placement services contracts (including the provision of nursing care, residential care, supported living) shall be made in writing, or, where this has not been possible due to urgency, confirmed in writing at the earliest opportunity and in any event within one calendar month of contract commencement. Any subsequent amendment of the contracted services shall similarly be made or confirmed in writing within one calendar month of the change.

23.4 This exemption shall not apply to block, Framework or term contracts for social care or to contracts for other types of goods, services or works; these shall be let in accordance with the general provisions of these Contract Standing Orders. The Chief Officer shall also take all reasonable steps to ensure that the use of collaborative procurement arrangements and the use of block, Approved Framework and term contracts for social care are maximised.

24. Contract Management under the Procurement Act

24.1 For Public Contracts within the scope of the Procurement Act; with the total value over its lifespan of £5,000,000 (including VAT)⁹ or more, the Responsible Officer must publish at least three Key Performance Indicators (KPIs) in respect of this contract.

24.2 Performance against the KPIs specified in the contract shall be reported via the Central Digital Platform at least once every 12 months. Additionally, if in the case performance has not been satisfactory, a Contract Performance Notice shall be published including details of the breach, the action taken to resolve the breach or details of the termination, within 30 days of the breach occurring.

24.3 The Responsible Officer shall ensure that full details of contract modification, early termination and general performance are recorded centrally and notified to the Procurement Team who will be responsible for issuing all Transparency Notices required by the Procurement Act.

⁹ Approximately £4,170,000 excluding VAT

- 24.4 Where a Contract Performance Notice indicates serious failure or termination details, the notice shall be approved in writing by the Chief Officer responsible for the service prior to publication.

25. Modifications (Variations and Extensions) to existing contracts

- 25.1 Where Modifications to existing contracts are made, these must be determined in accordance with the contract terms or agreement of the parties, for a specified period and made in accordance with the principles set out in the relevant legislation.
- 25.2 All Modifications must be fully documented and approved in advance of the execution of the Modification in accordance with the approvals in the table below.
- 25.3 Modifications to existing contracts will only constitute a Key Decision in circumstances where:
- (1) the initial procurement process and/or award of contract was not a Key Decision; and
 - (2) the financial value of the proposed modification (of if more than one modification has been made the cumulative total value to date of all modification made added to the proposed modification) when added to the unmodified contract value results in the value of the contract following modification meeting the Key Decision threshold; and/or
 - (3) the modified contract would meet the first Key Decision criteria
- 25.4 The table below sets out the requirements for Modifications together with the approvals route. Further guidance on Modifications will be available from the Procurement Team and set out in the Procurement Manual.
- 25.5 Where the modification is to a contract for works (construction) through an approved Construction Form of Contract that allows for change controls and where the overall value does not exceed the initial budget (including contingency) for the works, no formal report is required.

Description	Contract Type	Conditions	Approver
Modification Category 1: Permitted Variation or Extension			
Contract Extension or scope increase	Services and Supplies	The extension or scope change (e.g. optional service) is clearly set out in the terms and conditions of contract.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification Category 2: Simple Modification			

Description	Contract Type	Conditions	Approver
Modification of a contract awarded under PCR2015 or PA23 valued below the National Thresholds	All	Increase in cost results in the revised contract value still being below the "National Threshold"	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification of a contract awarded under PCR2015 or PA23 valued above the National Thresholds	Supplies or Services	Change in value up to 10% or threshold value of whole life cost or contract term.	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
	Works	Change in value up to 15% or threshold value of whole project cost	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification of Light Touch Contract	Light Touch Services	Provided no material change in scope or transfer of economic balance in favour of the Supplier	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Modification Category 3: Complex Modifications			
Modification of a contract awarded under PCR2015 valued above the National Thresholds	All	Change in value more than 10% for services or supplies or more than 15% for works but less than 50% in accordance with PCR2015 Regulation 72	Chief Officer following the recommendations of the Corporate Procurement Board
	All	Modifications that would result in an increase of 50% or more of the initial contract value	Not permitted. A new award process is required.
Modification to a Public Contract awarded under PA23	All	In accordance with permitted modifications within Section 74 and Schedule 8 of the Procurement Act	Chief Officer following the recommendations of the Corporate Procurement Board
Any Modification	All	Where the modification is a Key Decision in accordance with CSO 25.3	Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions

25.6 No Modification to increase scope and/or cost may be made until funding has been identified in accordance with the Council's Financial Regulations.

25.8 Modifications Register

The Procurement Team will maintain a register of all Category 3 and Key Decision contract modifications as set out in the table above.

26. Record Keeping

26.1 In accordance with Section 98 of the Procurement Act, the Council must keep sufficient records to justify the rationale for awarding or entering into a public contract as defined by section 3 of the Procurement Act.

- 26.2 This will include all Procurement Decisions and all correspondence between the supplier and the Council prior to the contract being entered into.
- 26.4 These records shall be maintained for a period of three years post contract award or until the point that a notice is published that there will be no award.

PART 3: NHS PROVIDER SELECTION REGIME

27. Scope

- 27.1 The NHS Provider Selection Regime (“PSR”) came into force on 1 January 2024 and applies to specific contracts relating to the delivery of health services to individuals as set out below:

CPV ¹⁰ Code	Description
85323000-9	Community health services, but only in respect of community health services which are delivered to individuals
85312330-1	Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health
85312500-4	Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals

- 27.2 Contracts and procurement processes falling within the scope of the PSR will follow different routes to procurements under the Procurement Act. For example, there are no thresholds against which to test the services, and therefore the standard Council Procurement thresholds in CSO 15 do not apply.
- 27.3 In all cases the Responsible Officer shall engage with the Procurement Team and Legal Services on the suitability and application of the appropriate process to use.

¹⁰ CPV = Common Procurement Vocabulary. Method of categorising procurement requirements.

28. **Direct Award Procedure**

28.1 The PSR is positive towards the potential for Direct Awards at all levels of contracting. The three Direct Award Procedures are set out in the table below:

PROVIDER SELECTION REGIME DIRECT AWARD PROCESSES		
Process	Value	Criteria for Award
Direct Award Process A	All Values	There is an existing provider for the services and that provider is the only provider
Direct Award Process B		Where patients have a choice of provider and the number of providers is not restricted by the relevant authority
Direct Award Process C		Where the existing provider is satisfying the contract and is likely to satisfy the new contract and the proposed contracting arrangements are not changing considerably from the existing contract

28.2 The Responsible Officer shall seek advice from the Procurement Team on the selection and application of the Direct Award Process.

28.3 Where one of the Direct Award Processes is chosen as the most appropriate, there will be no need for a business case report, however the rationale for the choice of process and award of provider shall be fully documented in the relevant form or report as set out in the request for approval below.

PSR DIRECT AWARD APPROVAL (A, B OR C)		
Risk	Value	Approver
NON-KEY DECISION		
Low Risk	Less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board
KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions.

28.4 The PSR is specific about certain information that shall be retained regarding the process for audit purposes. This information must be included within the report requesting approval.

29. **Most Suitable Provider and Competitive Processes**

- 29.1 The PSR also includes provision for a “Most Suitable Provider” and “Competitive” Process which accommodate different levels of comparison and competition.
- 29.2 The table below sets out the pre-tender and post-tender approvals route for these processes. A Procurement Strategy Decision is required in this case.

MOST SUITABLE PROVIDER AND COMPETITIVE PROCESSES		
PRE-TENDER – NON-KEY DECISION		
Risk	Value	Approver
Low Risk	less than £1,000,000	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board
PRE-TENDER – KEY DECISION		
Low Risk	£1,000,000 and above	Chief Officer subject to the publication and call-in requirements relating to Key Decisions
High Risk		Chief Officer following the recommendations of the Corporate Procurement Board and subject to the publication and call-in requirements relating to Key Decisions
CONTRACT AWARD		
Competitive Award Approval Route A		
Compliant with budget and Procurement Strategy	All values	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Competitive Award Approval Route B		
Above budget and / or deviant from procurement strategy	All values	Chief Officer following the recommendations of the Corporate Procurement Board

30. **Modifications of Contracts within the PSR**

30.1 The following table sets out the conditions and approvals process for modifications within the PSR.

PERMITTED MODIFICATIONS OF PSR CONTRACT	
Condition ¹¹	Approver
Type 1 Modification: Contracts Awarded Under Direct Award Process A or B	
Where the modification does not materially alter the character of the contract	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 2 Modification: Contracts Awarded Under	
<ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
the modification meets one or more of the following conditions: (a) It is clearly and unambiguously provided for in the original contract; (b) Optional additional service provision (such as pilot activities or projects) which are covered in the original contract; or (c) It is solely a change in the identity of the provider	Chief Officer unless otherwise Delegated within the Directorate Scheme of Delegation
Type 3 Modifications: Contracts Awarded Under	
<ul style="list-style-type: none"> • Direct Award Process C; or • the Most Suitable Provider Process or the Competitive Process; or • to contracts originally awarded under the Public Contracts Regulations 2015 	
the modification meets one or more of the following conditions: (a) It is made in response to factors outside of the control of the Council as long as the contract is not rendered materially different. (b) It is attributable to a decision of the Council as long as it does not materially alter the character of the contract and the cumulative change in the lifetime value is below £500K or below 25%.	Chief Officer following the recommendations of the Corporate Procurement Board

30.2 Contracts that do not meet the above criteria may not be modified.

31. **Urgency**

31.1 There are limited occasions where the Council may need to act urgently and award or modify contracts to address immediate risks to patient or public safety. In these circumstances the Responsible Officer may seek approval for award or modification of contracts as set out in the table below:

PSR Urgency Provisions		
Condition	Additional Requirements	Approver

¹¹ The Conditions for modification approval are set out in detail in Regulation 13 of the Provider Selection Regime.

Where one or more of the following circumstances occur, the Council may award or modify a contract without full application of the PSR procedures: (a) An unforeseen emergency (b) Urgent quality or safety concerns (c) An existing provider can no longer deliver the service	The modification or award must be long enough ONLY to manage the emergency and then apply the PSR requirements in full An urgent award notice must be issued	Chief Officer Submitted to the Corporate Procurement Board for noting
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32. PSR Standstill Period and Representations

- 32.1 All contracts awarded under the Provider Selection Regime are subject to a mandatory eight (8) Working Day standstill period.
- 32.2 The PSR allows for a process of “Representations” to be followed should any provider who might otherwise have been able to deliver the process believes that the Council has failed to apply the regime correctly and is able to set out reasonable grounds to support its belief and the representation is submitted in writing (which includes electronically) within eight working days of the start of the standstill period.
- 32.3 The Procurement Team and Legal Services will provide advice on the process to follow should a Representation be received under the PSR. This will include extension of the Standstill Period, the potential for further review by an external “Independent Patient Choice and Provider” panel at the provider’s request and must include maintenance of a full audit trail.

33. PSR Transparency Notices and Contract Management

- 33.1 Responsible Officers must provide to the Procurement Team all relevant information as required to meet the Transparency Notices requirements relating to procurement and contract award. Transparency Notices relating to the PSR are listed at Appendix 2.
- 33.2 Whilst contract management reporting is not required under the PSR, Responsible Officers must keep records of contract management details for the annual performance report as set out in CSO 10.

Appendix I: Transparency Notices

A1.1 Procurement Act

Notice	Details	Mandatory?
Planning Stage		
Pipeline Notice	Publish information on potential future procurements they expect to conduct that year (where the estimated contract value exceeds £2 million for the particular contract)	Yes
Planned Procurement Notice	Similar to the current Prior Information Notice (PIN), may be published to inform the market that a public body intends to publish a Tender Notice at a future date.	No
Preliminary Market Engagement	Published when a public body chooses to carry out preliminary market engagement. Under the current regime, details of a preliminary market engagement would typically be included in a PIN but the new regime splits this into two separate notices.	Yes
Procurement Stage		
Tender Notice	Renamed “contract notice” which must be published to commence a competitive procurement and invite tenders.	Yes
Transparency Notice	Required when a Direct Award is made	Yes
Below Threshold Tender Notice	Published prior to advertising a 'notifiable' below-threshold contract, which, in the case of central government is a contract with a value of £30,000 (inc VAT) or more and less than - £213,477 (inc VAT)	Yes
Contract Award and Execution		
Contract Award Notice	Published when a public body intends to make a contract award (i.e. following conclusion of the procurement but before the contract has been executed).	Yes
Procurement Termination Notice	Published if the Council wishes to abandon a procurement which has been initiated.	Yes if applicable
Contract Details Notice	Published within 30 days of contract execution (30 days following publication of the Contract Award Notice or 120 days for Light Touch Contracts) Where the contract has a value exceeding £2M a copy of the contract must also be published.	Yes
Below Threshold Contract Details Notice	As above, as soon as reasonably practicable.	Yes for notifiable awards
Contract Performance		
Contract Change Notice	Published when an above-threshold modification is made to a contract. No publication is required if the intended modification neither increases nor decreases the value of the contract by 10% or less (in the case of goods or services contracts), or 15% or less (in the case of works contracts).	If applicable
Contract Performance Notice	Publish information relating to achievement against KPIs, performance in general including poor performance. Also includes any breaches of contract.	Yes for contracts of £2,000,000 or more
Payments Compliance Notice	Published when a public body makes a payment under a contract, or when a payment becomes payable. These notices must be published within 30 days of the last day of the reporting period (quarterly)	Yes

Notice	Details	Mandatory?
Contract Termination Notice	Published within 30 days of contract termination (natural expiry or otherwise)	Yes

A1.2 NHS Provider Selection Regime

Notice Type	Direct award process A	Direct award process B	Direct award process C	Most suitable provider process	Competitive process
Clear intentions: Publish the intended approach in advance				Yes	
Clear intentions: Publish a notice for a competitive tender					Yes
Communicating decisions: Publish the intention to award notice			Yes	Yes	Yes
Confirming decisions: Publish a confirmation of award notice	Yes	Yes	Yes	Yes	Yes
Contract modification: Publish a notice for contract modifications	Yes	Yes	Yes	Yes	Yes

Appendix 2: Schedule 5: Above Threshold Justifications Direct Awards

1. Prototypes and development

The public contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of

- (a) testing the suitability of the goods or services,
- (b) researching the viability of producing or supplying the goods or services at scale and developing them for that purpose, or
- (c) other research, experiment, study or development.

2. Single suppliers

- (a) The public contract concerns the creation or acquisition of a unique work of art or artistic performance;

OR:

- (b)(i) due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and
- (b)(ii) there are no reasonable alternatives to those goods, services or works.

OR:

- (c)(i) due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and
- (c)(ii) there are no reasonable alternatives to those goods, services or works.

3. Additional or repeat goods, services or works

The public contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where:

- (a)(i) a change in supplier would result in the Contracting Authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and
- (a)(ii) the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.

OR

- (b)(i) the existing goods, services or works were supplied under a public contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published, and
- (b)(ii) the tender notice or any tender document in respect of that earlier contract set out:
 - (1) the Contracting Authority's intention to carry out a subsequent procurement of similar goods, services or works in reliance on this direct award justification, and
 - (2) any other information specified in regulations under section 95.

4. Commodities

The public contract concerns goods purchased on a commodity market.

5. Advantageous terms on insolvency

The award of the public contract to a particular supplier will ensure terms particularly advantageous to the Contracting Authority due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings – ie. if the supplier has:

- (a) become bankrupt or, in Scotland, the estate of the supplier has been sequestrated,
- (b) become subject to insolvency or winding-up proceedings,
- (c) had its assets subject to administration or receivership, including by a liquidator or court,
- (d) entered into an arrangement with its creditors,
- (e) become subject to a petition or application for any such procedures or arrangements, or
- (f) in any jurisdiction, been subject to a procedure or an application that corresponds to any procedure or application mentioned in this section.

6. Urgency

Where the goods, services or works to be supplied under the public contract are strictly necessary for reasons of extreme and unavoidable urgency, and as a result the public contract cannot be awarded on the basis of a competitive tendering procedure.

Note that urgency is unavoidable if it is not attributable to any act or omission of the Contracting Authority and could not have been foreseen by the Contracting Authority.

7. User choice contracts

User choice contracts are specified as “Light Touch” and also are supplied for the benefit of a particular individual where the Contracting Authority would, in awarding a contract for their supply, be required under an enactment to have regard to the views of the individual, or a person providing care to the individual (their “carer”), in relation to who should supply the services.

Direct award can be made when:

- (a) the individual to whom the services are to be supplied or their carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them, and
- (b) the Contracting Authority considers that it is not in the best interests of the individual to carry out a competitive tender

GLOSSARY OF TERMS

Term	Definition
Above Threshold	A procurement for a contract at or above the relevant National Threshold specified for Works, Supplies or Services. This applies only to the Procurement Act.
Approved Budget	The maximum budget available for a competitive procurement exercise as set out within the Procurement Strategy Decision at the Procurement Strategy stage.
Approved Framework	An internal or external Framework for specific services that has been approved by the Head of Procurement and the Director of Legal Services for use within the Royal Borough.
Approved List	A list of suppliers whose basic credentials have been checked. This normally relates to construction contract lists such as Constructionline for works contracts.
Approver	The Chief Officer unless all of the following apply: (a) the Directorate Scheme of Delegation has been published; and (b) the Directorate Scheme of Delegation includes the specified decision relating to procurement; and (c) the Directorate Scheme of Delegation has Delegated the officer postholder authorised to make the specified decision relating to procurement.
Assessment Summaries	Detailed responses provided to Suppliers setting out the results of the procurement process. This only applies to Above Threshold contracts and replaces the “Standstill Letter”
Award without Competition (also known as a Direct Award)	See the Glossary definition of “Direct Award” below
Below Threshold	A procurement process and/or a contract where the whole life cost falls below that specified as the National Threshold for those Services/Supplies/Works. This applies only to the Procurement Act

Term	Definition
Best Value	The Council's duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Set out in section 3 of the Local Government Act 1999
Central Digital Platform	The Central Government online reporting platform for contract and procurement information.
Competitive Flexible Procedure	A Covered Procurement that includes a number of different stages in accordance with Section 20 (2)(b) of the Procurement Act
Construction Form of Contract	Industry standard contract such as JCT or NEC that is commonly used for construction and engineering contracts.
Contracting Authority	A body as defined by section 2 of the Procurement Act
Covered Procurement (also called "Above Threshold" or a "Public Contract")	A procurement where the whole life costs is above the relevant National Threshold for services/supplies/works. This applies only to the Procurement Act.
Contract Award Decision	The decision to award a contract, either as following a competitive process, or as a Direct Award without competition.
Direct Award (also known as Award without Competition)	<p>Award of contract where only one quotation/tender has been sought for the specific requirement. This can be through a Framework where Direct Awards may be permitted, or outside, in accordance with the rules set out.</p> <p>It is not a Direct Award where the requirement was competitively tendered, but only one bid was received.</p>
Delegated	means the Chief Officer has delegated their power to make a decision, seek quotations and tenders, sign contracts, place orders and authorise payments, to an officer or officers as identified in the Directorate Scheme of Delegation.

Term	Definition
Directorate Scheme of Delegation	<p>A scheme setting out the Chief Officer's delegation of authority in relation to Contract Standing Orders which identifies:</p> <ul style="list-style-type: none"> (a) the Assistant Director(s) authorised to sign contracts on the Chief Officer's behalf under CSO 10.2, and (b) which Directorate officer postholders to whom the Chief Officer has Delegated the power to make decisions, seek quotations and tenders, place orders and authorise payments.
Dynamic Market	A form of electronic "Approved List" under the Procurement Act. This replaces the provision for a Dynamic Purchasing System under the Public Contracts Regulations 2015.
Dynamic Purchasing System	An electronic "Approved List" set out in the Public Contracts Regulations 2015. Existing Dynamic Purchasing Systems procured before October 28 th 2024 will remain active for their lifetime.
Framework	A contract between a Contracting Authority and one or more suppliers that provides for the future award of contracts without any guarantee of the volume of supplies by a Contracting Authority (or contracting authorities where they act collectively) being given to the supplier or suppliers.
Greenwich Risk Assessment Process "GRAP"	Format for determining whether a procurement (and its outcome) is "Low Risk" or "High Risk". Must be completed for all procurements valued above £100,000
High Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is high risk
Low Risk	Outcome of the GRAP where applying a range of criteria indicates that the proposed procurement is low risk
Most Advantageous Tender	Award criteria based on consideration of price, quality and wider benefits e.g. social value to the Royal Borough.

Term	Definition
Modifications	Variations, extensions or other changes to any Contract.
National Law	The Procurement Act, the NHS Provider Selection Regime and all other legislation and regulatory requirements in force from time to time which apply to public procurement.
National Threshold	The value in pounds sterling above which the contract is a Public Contract. This value includes VAT for the purpose of determining the threshold.
NHS Provider Selection Regime or “PSR”	The NHS Provider Selection Regime 2023 – implemented in accordance with the Health Care Services (Provider Selection Regime) Regulations 2023.
Open Procurement Procedure	A single stage tendering procedure in accordance with Section 20 (2)(a) of the Procurement Act.
Pipeline Notice	A list of annual projects or contracts identified for future procurement exercises. These are also called either the Procurement Forward Plan or Procurement Pipeline
Public Contract	Any contract or Framework for the supply, for pecuniary interest, of goods, services or works to a contracting authority which has an estimated value of not less than the threshold amount for the type of contract - ie. "Above Threshold".
Procurement Act	The Procurement Act 2023.
Procurement Decision	The process for approval of procurement activity, as set out in CSO 9.
Procurement Manual	A procurement guidance manual issued by the Director of Finance that sets out the requirements for procurement and contracting activity by the Council.
Procurement Strategy	The business case for the procurement, setting out what is intending to be purchased, why it is needed, how much (approximately) will be spent and how the procurement will be undertaken.
Procurement Strategy Decision	A document in an approved form seeking approval to a Procurement Strategy allowing the progress to seek

Term	Definition
	quotes or follow a competitive procurement process. A Procurement Strategy Decision only becomes effective when a decision on its content has been formally made in accordance the appropriate Council decision-making process.
Procurement Strategy Deviation	Where a competitive procurement has taken place but it does not meet all the conditions agreed in the Procurement Strategy. For example, use of a different Framework or a change in the evaluation criteria.
Procurement Team	Officers authorised by the Director of Finance to provide advice, support and guidance on procurement within the Council, as set out in CSO 5.
Regulatory Provisions	All current legislation governing the activities set out within these Contract Standing Orders as set out in CSO 3 and as may apply.
Responsible Officer	The Officer authorised by the Chief Officer to be responsible for leading the procurement and or contract management of a particular requirement.
Service Policy Change	Where there is a requirement to agree a new service policy or amendment to an existing service policy, post consultation, that would result in a Key Decision being taken.
Social Value	<p>The obligation on the Council to consider:</p> <ul style="list-style-type: none"> (a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and (b) how, in conducting the process of procurement, it might act with a view to securing that improvement.
Social Value Framework	A document setting out the Council's ambition and objectives to be achieved through Social Value

Term	Definition
Social Value Policy	The Council's policy to implement its Social Value obligation
Supplier	Procurement Act terminology – means supplier, provider, contractor, bidder and/or tenderer.
Transparency (Notices or Requirements)	Sets of information on procurement and contracting required to be published by electronic methods set out in the Acts for both the Procurement Act and the PSR.
Working Day	A day of the week excluding Saturday, Sunday and public holidays in England and Wales.

H Officer Employment Procedures

H.1. Appointment and dismissal of the Chief Executive, Chief Officers and certain Deputy Chief Officers

- (a) Subject to paragraph (d), the Appointments Panel will appoint, may take disciplinary action against and may dismiss the Chief Executive and all Chief Officers, and such Deputy Chief Officers as the Chief Executive shall from time to time designate for Member appointment. The Appointments Panel will include at least one member of the Cabinet.
- (b) Full Council must approve the appointment of the Head of Paid Service before an offer of employment is given. Full Council must approve the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer before notice of dismissal is given.
- (c) An offer of employment or notice of dismissal of the Head of Paid Service or a Chief Officer or Deputy Chief Officer may not be given until:
 - (i) the Chair of the Appointments Panel (or the Chief Officer) has notified the Chief Executive of the name of the person and any other relevant particulars; and
 - (ii) the Chief Executive has forwarded that information to every member of the Cabinet, together with the date by when the Leader may object to the appointment or dismissal; and
 - (iii) either:
 - (1) the Leader has notified the Chair of the Appointments Panel or Chief Officer by that date that no member of the Cabinet has any objection to the appointment or dismissal; or
 - (2) the Chief Executive has notified the Chair of the Appointments Panel or Chief Officer that no objection was received by that date from the Leader; or
 - (3) the Appointments Panel or Chief Officer is satisfied that any objection received from the Leader is not material or not well founded.
- (d) The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer may not be dismissed unless the procedure set out in the following paragraphs is complied with.
 - (i) The Council must invite the Independent Person, and at least one other

independent person who has been appointed by another authority, to be considered for appointment to a panel.

- (ii) At least 20 working days before the Council meeting which is to consider whether to approve a proposal to dismiss, the Council must appoint to the panel such independent persons who have accepted an invitation in accordance with the following priority order:
 - (a) the Independent Person;
 - (b) an independent person who has been appointed by another authority or authorities.
- (iii) The Council must appoint at least two people to the disciplinary panel.
- (iv) Before voting at the Council meeting which is to consider whether to approve a proposal to dismiss, the Council must take into account, in particular

H.2. any advice, views or recommendations of the panel;

H.3. the conclusions of any investigation into the proposed dismissal; and

H.4. any representations from the relevant officer.

- (a) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person

H.2 Appointments of Political Assistants

- (a) The Council may appoint up to three posts to provide assistance to the members of any political group to which members of the Council belong, to discharge any of their functions as members of the Council.
- (b) Each post shall first be allocated to a political group in accordance with Section 9 of the Local Government and Housing Act 1989, and will then fall to be filled from time to time in accordance with the wishes of that group. No post shall be allocated to a political group that does not qualify for one.
- (c) No appointment shall be made to any such post until the Council has allocated a post to each political group that qualifies for one. No more than one post shall be allocated to any one political group.

H.3. Appointments and dismissal of all other staff

- (a) The relevant Chief Officer or his/her nominee will appoint, may take disciplinary action against and may dismiss all Deputy Chief Officers not designated for Member appointment by the Chief Executive and all other staff.

H.4 The Chief Executive is authorised to (a) establish, in consultation with the Party Group Leaders, individual Appointment Panels based on the requirements of the post; and (b) appoint, in consultation with the Leader and Party Whips, Members to Appointment Panel.

PART 5

A Members' Code Of Conduct

Introduction and scope

1. You are an elected or voting co-opted member of the Royal Borough of Greenwich. You must comply with this Code whenever you carry out the Royal Borough's business, and your business as an elected or co-opted member.
2. Where you act as the Royal Borough's representative:
 - (a) on another local authority body, you must comply with that body's code of conduct.
 - (b) on any other body, you must comply with this Code, except to the extent that it conflicts with any lawful obligations which that body is subject to.

General principles

3. You must have regard to the following principles:

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 organisations 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 declare 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.

General conduct

4. You must treat others with respect.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Royal Borough or your position into disrepute.
6. You must not bully any person.
7. You must not intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or be dealing with an investigation or proceedings in relation to an allegation that a member (including yourself) has failed to comply with this code of conduct.
8. You must not do anything which compromises or is likely to compromise the impartiality of those who work for the Royal Borough or on its behalf.
9. You must not do anything which may cause the Royal Borough to breach the Equality Act 2010.

Disclosing and accessing information

10. You must not disclose information given to you in confidence, or information which you believe or ought reasonably to know is confidential, except where:
 - (a) you have the consent of a person authorised to give it; or
 - (b) you are required by law to disclose the information; or

- (c) you disclose the information to a third party to obtain legal advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) you disclose the information reasonably, in the public interest, in good faith and in compliance with the Royal Borough's whistleblowing procedure.
11. You must not prevent another person from gaining access to information which that person is legally entitled to.

Using the Council's resources

12. You must act in accordance with the Royal Borough's reasonable requirements when using or authorising others to use the Royal Borough's resources. You must not use those resources improperly for political purposes, including party political purposes.

Making decisions

13. When reaching decisions on any matter you must have regard to any relevant advice provided to you by the chief executive, chief finance officer or monitoring officer. It is your responsibility to seek advice in good time should you have any doubt as to the application of this Code.

Abusing your position as a councillor

14. You must not use or attempt to use your position to give or secure for yourself or any other person an advantage or disadvantage.

Interests

Personal interests

15. You have a personal interest where any business is likely to affect:
- (a) you, or
 - (b) a relevant person or a relevant body (where you are aware that they have the interest);

more than a majority of those in the ward you represent.

16. A **relevant person** means your spouse or civil partner, a person who you are living with as husband and wife or as civil partners, or a person with whom you have a close association.⁹
17. A **relevant body** means:
- (a) any organisation, school governing body or outside committee or trust which you are appointed to by the Royal Borough or by the Leader, or
 - (b) any other voluntary organisation, school governing body or commercial organisation where you are a management committee member, school governor, trustee or director.

Financial interests

18. You have a financial interest where any business is likely to affect an interest in the table below, and where the interest is:
- (a) your interest, or
 - (b) the interest of a relevant person or a relevant body (where you are aware that they have the interest)

Financial interest	Description
Employment	<p>Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>This includes any clients of a consultancy firm to which you have personally provided advice, or which you know have benefited from your advice.</p>
Sponsorship and election expenses	<p>Any payment or other financial benefit</p> <p>(1) in respect of any expenses incurred by you in carrying out your duties as a member, or</p> <p>(2) towards your election expenses</p> <p>made or provided in the 12 months before you declared your interests on becoming a member</p>

9 See the guidance in Annex 1

Financial interest	Description
	This excludes any payment or financial benefit from the Royal Borough, but includes any payment or financial benefit from a trade union.
Contracts	<p>Any contract with the Royal Borough for works, services or supplies which has not been fully discharged.</p> <p>This includes any contract with a body in which you, or your spouse or civil partner or a person who you are living with as husband and wife or as if you are civil partners, has a beneficial interest</p>
Land	Any beneficial interest in land in Royal Greenwich.
Licences	Any licence (alone or jointly with others) to occupy land in Royal Greenwich for a month or longer.
Corporate tenancies	<p>Any tenancy where (to your knowledge)</p> <ol style="list-style-type: none"> 1 the landlord is the Royal Borough; and 2 the tenant is a body in which you, or your spouse or civil partner or a person who you are living with as husband and wife or as if you are civil partners, has a beneficial interest.
Securities	<p>Any beneficial interest in securities of a body which (to your knowledge) has a place of business or land in the Royal Borough; and either</p> <ol style="list-style-type: none"> (1) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (2) 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 you or your spouse or civil partner or a person who you are living with as husband and wife or as if you are civil partners has a beneficial interest exceeding one hundredth of the total issued share capital of that class.

Gifts and hospitality	Any gift or hospitality with an estimated value of £100 or more, and the name of the person who provided it.
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Registering your interests

19. you must give written notice to the monitoring officer:
- (a) of any financial interest (except the financial interests of persons you have a close association with and of relevant bodies) and
 - (b) of the name of any relevant body and a brief description of its purpose
- within 28 days of becoming a member, and within 28 days of any new or any change to your interest.

Disclosing your interests

20. If you are present at a meeting and you know you have a **personal** or **financial** interest in any matter to be considered, you must disclose the existence and nature of the interest at the start of the meeting, or when the interest becomes apparent. You must continue to disclose the name of any relevant body for six months after ceasing to be appointed to that body, or a director of that body.
21. If you have a sensitive interest,¹⁰ you need not disclose the nature of your interest but merely the fact that you have an interest in the matter.
22. If you propose to make an **executive decision** in relation to a matter, then:
- (a) if you have a **personal** interest in that matter, you must ensure that the written statement of your decision records the existence and nature of your interest; and
 - (b) if you have a **financial** interest or a **personal** interest described in paragraph 23, you must not make an executive decision or take any steps in relation to the matter, except to enable it to be dealt with by someone else.

(c)

Taking part in meetings

10 See paragraph 27

23. If you are present at a meeting, you must leave the room and not take part in any discussion or vote (unless you have obtained a dispensation) if
- (a) you have a **financial** interest in a matter to be considered, or
 - (b) you have a **personal** interest in a matter to be considered, and your interest would be affected financially, or by any approval, consent, licence, permission or registration which the meeting will determine.
24. Paragraph 23 does not prevent you from speaking, answering questions or giving evidence at the meeting, provided:
- (a) the public are also allowed to attend the meeting for the same purpose, and;
 - (b) you leave the room immediately after making representations, answering questions or giving evidence and before any discussion.
25. Paragraph 23 does not apply where the matter concerns the Royal Borough's functions in respect of:
- (a) housing, provided the matter does not relate to a particular tenancy or lease;
 - (b) school meals or school transport and travelling expenses, provided the matter does not relate to a particular school or child;
 - (c) statutory sick pay;
 - (d) an allowance, payment or indemnity given to members;

- (e) any ceremonial honour given to members; and
 - (f) setting Council tax or a precept.
26. Paragraph 23 does not apply where the matter relates to the interests of a person from whom you have received a gift or hospitality more than three years before the date of the meeting.

Sensitive interests

27. Where the nature of your interest is such that you and the monitoring officer consider that disclosure of the details could lead to you, or a person connected with you, being subject to violence or intimidation:
- (a) you need not disclose your interest at a meeting but merely the fact that you have an interest in the matter concerned; and
 - (b) copies of the register that are made available for inspection, and any published version of the register, will not include details of your interest (but may state that you have an interest the details of which are withheld under this paragraph).

Dispensations 1 1

28. The Standards Committee, or Chief Executive in cases of urgency, may grant a dispensation if, after having had regard to all relevant circumstances, it:
- (a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

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- 11 See the dispensation request form in Annex 2

Annex 1

Close association

In deciding whether you may have a close association with someone who is likely to be affected by a decision, you should consider the following guidance.

Guidance

You have a close association with someone who you are in either regular or irregular contact with over a period of time.

This would be more than an acquaintance - someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them because of your connection with them.

It may be a friend, a colleague, a business associate or someone who you know through general social contacts.

You should consider the following questions when deciding whether a close association exists:

- How often do you meet?
- Where do you meet?
- Do you regularly attend the same social events?
- Do you know each other's families?
- Do you visit one another's homes?
- Do you have regular business dealings?
- Do you work for or are involved with the same organisation?
- Are you close or connected in other ways?

This is not an exhaustive list. It is the cumulative evidence of these factors and others like them that will establish a close association.

Annex
2
DISPENSATIO
N REQUEST

If you need any help completing this form please contact the Director of Legal & HR

Your name	
The meeting, agenda item number and report title for which you seek a dispensation	
Details of your interest in that matter	
Date of the meeting or the period (up to 4 years) for which you are seeking a dispensation	
Are you seeking a dispensation to take part in any discussion	Yes / No
Are you seeking a dispensation to take part in any vote	Yes / No
REASON(S) FOR DISPENSATION	
Without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business (the Chief Executive may grant a dispensation in these circumstances)	
Without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote	

Signed:

Dated:

DECISION:

Dispensation Given: YES/NO LENGTH OF DISPENSATION:

Date:

Signed Chief Executive/Chair, Standards

Committee

B. OFFICERS' CODE OF CONDUCT

CODE OF CONDUCT

Preamble:

Nothing in the following is intended to contradict any provision of the 'Whistle-blowing' legislation. The Royal Borough has a [Whistleblowing Policy](#) which may be relevant depending upon the circumstances of the case.

This Code of Conduct applies to everyone who is employed by the Royal Borough so that they know what is expected of them and are treated fairly. As a valued and trusted employee, it is crucial that you understand the importance of adhering to the standards of conduct set out in the code (and any related policies and departmental rules). A breach of these standards could lead to disciplinary action. A serious, or repeated breach, may result in dismissal from the Royal Borough.

Compliance with the code is an **explicit requirement** within the conditions of employment of all Royal Borough of Greenwich employees (except school-based employees where separate arrangements are in place). It must be noted that trade union officials are employees of the Royal Borough therefore these standards apply to trade union officials. The matters covered in this code are comprehensive but are not to be considered as being an exhaustive list.

Employees should assume that conduct or actions which are not specified but which are similar to those described or relate to similar standards and principles to those set out in the code are also covered. This code should be complementary to any specific departmental procedures or standards of conduct. Similarly, employees who are required to maintain professional registration as a condition of their employment are also bound by standards of professional conduct.

1. General

1.1 Any employee who fails to observe the Royal Borough's or their own departmental rules of conduct or in any other way commits a breach of discipline will be liable to disciplinary action. Such action will be taken in accordance with the [Procedure for Managing Discipline](#).

Examples of general rules are provided at (1.2) below and examples of gross misconduct at (1.3) below.

1.2. Examples of general rules

1.2.1	All employees must be aware that the Royal Borough exists primarily to serve the public. They must always be courteous to the public.
1.2.2	Employees must carry out their duties in a conscientious manner and must not wilfully neglect their duties nor cause any waste of time and/or productivity.
1.2.3	Employees must not be absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.
1.2.4	Employees must not fail to attend disciplinary/grievance investigatory meetings and/or Occupational Health appointments when instructed to do so. If an employee is unable to attend, they must provide their line manager with a reasonable explanation for their absence in advance of the meeting/appointment.
1.2.5	All employees must comply with legitimate instructions, and/or procedures and/or codes of conduct.
1.2.6	Employees must not unlawfully discriminate in contravention of the Equality Act 2010, nor discriminate in contravention of the Royal Borough's equality/diversity policy, against any person with whom they come into contact in carrying out their work, e.g. on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to bullying, harassment and victimisation.
1.2.7	Employees must not bully any person with whom they come into contact in carrying out their work. Allegations of bullying will be investigated in line with the Borough's Dignity and Respect at Work procedure. *
1.2.8	Employees must not undertake any acts within or outside the workplace that conflict with their specific job role/purpose, bring the Royal Borough into disrepute and/or render them unacceptable to the Royal Borough such as destroying trust and confidence between them and the Royal Borough (e.g. domestic violence).
1.2.9	Employees must not accept any bribe and/or indulge in any corrupt and/or improper practice.

1.2.10	Employees must not abuse any position of authority and/or improperly use or attempt to use their official position for their private advantage, and/or for the private advantage of any other person.
1.2.11	Employees must not indulge in betting or gaming for profit on official Royal Borough premises. This will not include traditional pursuits such as National Lottery syndicates or sweepstakes for sporting events, providing there is no profit accrued by the organiser.
1.2.12	Employees must not lend money to another member of staff at a rate of interest and/or borrow money from a junior member of staff and/or attempt to borrow money from individuals or organisations with whom they have come into contact through their official duties.
1.2.13	Employees must not indulge in private trading nor canvass for trade for any business and/or other venture on official Royal Borough premises unless specifically authorised by the Royal Borough.
1.2.14	Employees must not inappropriately and without authority release any information concerned with the Royal Borough's affairs to the press and/or public, or by way of books or articles or to any organisation including one that is funded by the Royal Borough. Employees must adhere to the Royal Borough's code that covers this issue.
1.2.15	Employees must not falsify, and/or destroy and/or otherwise alter any document, timesheet, etc. to gain benefit and/or financial advantage for themselves and/or others.
1.2.16	Unless specifically authorised by the Royal Borough, employees must not seek to obtain or accept loans of any kind (monies or articles) from clients or contractors with whom the employee comes into contact through work or users of Royal Borough services.
1.2.17	Employees must not take control over clients' financial affairs such as acquiring Power of Attorney unless specifically authorised by the Royal Borough.

1.2.18	Employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act, and/or who have accepted a caution and/or have been charged in a criminal case, must disclose this to the Royal Borough, via their line manager, at all times without delay.
1.2.19	Employees must not engage in unauthorised employment during hours when contracted to work for the Royal Borough, nor engage in employment during off-duty hours that

	is detrimental either to the post holder's ability to carry out their duties or to the interests and/or reputation of the Royal Borough or which results in them working excessive hours and placing themselves and/or service users at risk. The employee must inform the Royal Borough of any other work that they do which, when added to their Royal Borough working hours would take their total working hours above 48 hours per week.
1.2.20	Employees above spinal column point 28 must devote their whole-time service to the work of the Royal Borough. Such staff must not engage in any other business, and/or take up any other employment and/or appointment without the express written consent of their manager.
1.2.21	Employees must observe confidentiality of personal information relating to others in compliance with the Data Protection legislation and the General Data Protection Regulations (GDPR).
1.2.22	Employees must not misuse the Royal Borough's communications or information systems. (The Royal Borough monitors the use of its communications systems to detect misuse. Any unauthorised expenditure incurred will be deducted from the employee's pay.)
1.2.23	Employees must not incur any unauthorised expense for which the Royal Borough is liable (e.g. costs for consultants' services over and above

	those allowed under Standing Orders or by specific Committee decision).
1.2.24	Employees must show due respect for the Royal Borough's property, equipment, machinery, transport etc. No employee shall wilfully cause any waste, loss or damage to the property of the Royal Borough or remove it without authority or use it in any manner other than that prescribed or authorised.
1.2.25	In respect of work-related matters, including disciplinary, grievance or capability, unless specifically authorised, employees must not bring any complaint or make any representation or personal appeal, written or oral, directly or indirectly, to the Leader, Chief Executive, or individual Members of the Royal Borough. (Work related matters can be handled in accordance with the Royal Borough's relevant policies and procedures.)
1.2.26	Employees must adhere to working time arrangements such as flexitime arrangements,

	and observe punctuality when reporting for duty, including adherence to core time (unless permitted to do otherwise). An employee who is unable to comply with the arrangements must notify the appropriate person as soon as is practicable, and explain the reason for lateness etc.
1.2.27	Employees unable to report for duty because of sickness must comply with the requirements for notification of sickness absence, and the submission of medical certificates (as appropriate) in accordance with the appropriate scheme of conditions of service or departmental rules.
1.2.28	Employees must observe the provisions of the Royal Borough's Policy on Smoking and must not smoke in any Royal Borough premises or vehicles (if you would like more information or need help or support to help you stop smoking please refer to the Occupational Health Service page on the HR Intranet). This clause applies equally to the use of electronic cigarettes or similar alternatives.
1.2.29	Employees must observe Safety Rules and Codes of Practice for Safety

	and use appropriate safety clothing and equipment.
1.2.30	The Royal Borough has a 'zero-tolerance' approach to alcohol and drugs at work. Therefore, no employee should be under the influence of alcohol or drugs to a degree that causes an inability to perform work satisfactorily or safely. Employees must observe the provisions of the Royal Borough's Alcohol and Drugs Policy, and <i>(where this exists)</i> their departmental alcohol policy.
1.2.31	Employees are required to present a professional image at work at all times. Where your role involves or may involve attendance at formal meetings or contact with internal or external customers you are expected to present a professional image. Employees may follow the traditions of their ethnic /cultural /religious background provided they are safe and appropriate to the job. Where uniform or protective clothing has been issued employees are required to wear these. Every employee whilst at work is expected to observe the Royal Borough's or their departmental dress codes where applicable.
1.2.32	Employees must not be insubordinate to management.
1.2.33	Employees must not display aggressive or offensive behaviour towards any colleague, which causes alarm or distress and/or is likely to cause alarm or distress to that person and/or any other person.
1.2.34	In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore, evidence of ongoing registration is required and must be provided upon request. Failure to maintain registration may result in disciplinary action being taken against the employee.

1.3. Examples of Gross Misconduct

1.3.1 An explanation of 'gross misconduct' is provided in the Procedure for Managing Discipline.

1.3.2 Examples of offences, which will be regarded as gross misconduct, are as follows:

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1.3.3	Employees must not display gross insubordination to management
1.3.4	Employees must not display blatant and persistent refusal to obey reasonable and proper instruction/s.
1.3.5	Employee must not be regularly and/or continually absent from work without leave and/or a manager's authority without providing their line manager with a reasonable explanation for their absences.
1.3.6	Employees must not commit serious or wilful breaches of safety rules in such a way that the individual endangers himself/herself or others and/or including deliberate neglect and/or damage and/or misuse of safety equipment.
1.3.7	Employees must not publicly promote ideas that contravene the Royal Borough's <u>Equal Opportunities Policy</u> , e.g. inciting racial hatred in a public place.
1.3.8	The Royal Borough has a 'zero-tolerance' approach to alcohol and drugs at work. Employees must not be under the influence of alcohol or drugs to such a degree that the individual is a danger to himself/herself and/or to others and/or a hindrance or threat to others.
1.3.9	Employees must not accept bribes or attempt to bribe and/or indulge in other corrupt and/or dishonest practices.
1.3.10	Employees must not falsify documents and/or withhold relevant and essential information for financial and/or other personal gain and/or for the gain of other persons.
1.3.11	Employees must not commit theft and/or cause malicious damage to property and/or assets belonging to the Royal Borough, its Members, members of staff or the public.
1.3.12	Employees must not accept or seek to obtain loans of any kind (monies or articles) from clients and/or users of Royal Borough services without specific authority from the Royal Borough.
1.3.13	Employees must not accept or give 'gifts and/or hospitality' contrary to the Royal Borough's provisions.

1.3.14	During the recruitment process, applicants must disclose details of any criminal record(s), caution(s) etc. or charge(s) pending where required to do so.
1.3.15	During employment employees who are under investigation by the Police in relation to an allegation that they have committed a criminal act and/or who have accepted a caution and/or have been charged in a criminal case, must disclose this to the Royal Borough, via their line manager, at all times, without delay.
1.3.16	Employees must not indulge in inappropriate use of communications and/or information systems, whether computerised or manual, for purposes that seriously conflict with Royal Borough policy. (The Royal Borough monitors its communications facilities to detect misuse and reserves the right to reclaim from the employee any costs incurred.)
1.3.17	Employees must not indulge in physical assault or fighting. In this context, physical assault or fighting shall be interpreted as the actual delivery of a blow or blows in any form as an attack on another person or any other sort of violence or aggression on another person that could result in injury.
1.3.18	Employees must not wilfully and seriously discriminate against any person with whom the employee comes into contact in carrying out their work, in contravention of the Equality Act 2010 and/or the Royal Borough's equality/diversity policy e.g. on the grounds of protected characteristics as outlined in the Equality Act 2010: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief sex (gender) and sexual orientation. This rule applies equally to harassment and victimisation.
1.3.19	Employees must not wilfully and seriously use racist and/or sexist and/or homophobic language and/or use discriminatory language relating to any of the protected characteristics outlined in the Equality Act 2010, towards and/or in reference to any
	colleague and/or member of the public which is liable to cause harassment and/or offence and/or distress.

1.3.20	Employees must not administer corporal punishment and/or seriously ill-treat in any way any person within the care of, or dealt with by, the Royal Borough.
1.3.21	Employees must not publicly perpetrate a serious malicious falsehood against the Royal Borough and/or participate in such an act, i.e. seek to seriously damage the Royal Borough's reputation without reasonable cause.
1.3.22	Employees must not use their personal communication or information systems, including Social Media, in an inappropriate manner such as to seriously conflict with Royal Borough policy and destroy trust and confidence between themselves and the Royal Borough.
1.3.23	Employees must always comply with the arrangements applicable to the political restriction legislation.
1.3.24	Employees must not commit a criminal offence outside or within the working environment that makes the employee unsuitable for their job role/purpose or for remaining in the Royal Borough's employ, including, but not restricted to, those related to domestic violence.
1.3.25	Employees must not conduct their role in a manner that is in contravention with statutory regulations and guidance applicable to their role.
1.3.26	Employees must not use their position, regulatory and investigatory power, access to the system to obtain or provide information that has not been requested through a formal process or to undertake a 'fishing exercise' or obtain and issue information that contravenes the Data Protection Act.
1.3.27	Employees must not record hearings and meetings including informal meetings and adjournments between meetings and hearings.
1.3.28	In order to be able to practice, employees in roles requiring professional registration to practice are required to maintain their professional registration through payment of fees and re-registering within the required timescales determined by the relevant professional body. Therefore, evidence of ongoing registration is required and must be

	provided upon request. A failure to maintain registration that results in the employee being unable to undertake their role would amount to a breach of contract and/or a fundamental breach of statutory requirements. This will be regarded as gross misconduct.
1.3.29	Employees must not engage in any behaviour which is in breach of the Royal Borough's Child Protection and Safeguarding Policies and Procedures.

The above list of examples is neither exclusive nor exhaustive.

* Examples of bullying and harassment, as referred to in the Dignity and Respect at Work Policy, paragraphs 2.7 and 4, are as follows:

- Physical conduct ranging from unwelcome touching to serious assault
- Conduct such as "banter", flirting etc. which continues after the recipient has made it clear that behaviour is unacceptable to him/her (although a single incident can be harassment)
- Ridicule, unwanted nicknames, obscene gestures, demeaning comments about a person's appearance
- Remarks related to a protected characteristic
- Something intended as a "joke" that may offend another person.
- Excluding someone at work, including isolation or non-cooperation at work
- Excluding someone from social activities
- Cyberbullying, harassment or victimisation that takes place on blogs, email or social networking sites e.g. Facebook and Twitter.

Allegations of bullying, harassment and/or victimisation will be investigated in line with the Royal Borough's Procedure for Managing Discipline and the Dignity and Respect at Work Policy.

C Councillor/Officer Protocol

1. **Background**

- 1.1 The Parliamentary Committee on Standards in Public Life, in its third report “Standards of Conduct in Local Government” (July 1997) commented that “No Local Authority can function properly without a good relationship between its Councillors and its Officers”. A particular concern was the potential for harm if the normal professional relationship between Councillors and Officers became unsatisfactory by being either too close or combative.
- 1.2 The Parliamentary Committee consequently recommended that authorities draw up a statement or “Protocol” to set out principles and give guidance concerning the working relationships between Councillors and Officers of the Authority, having regard to their different roles. This document aims to do that. It supplements the separate Code of Conduct for Councillors and the Code for Officers of the Council.
- 1.3 This Protocol has been agreed by the Full Council following consideration and recommendation by the former Probity and Conduct Panel.

2. **General Principles of Conduct**

- 2.1 The following general principles of conduct are based on principles which have been agreed by Parliament, and which underpin the more detailed and binding requirements set out in the Code of Conduct for Councillors. They in turn embody principles initially identified by the Parliamentary Committee on Standards in Public Life (often referred to the Nolan Principles) and as such are a succinct summary of principles which are expected to be observed by Councillors and Officers alike.

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 organisations 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 declare 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.

3. **The Roles of Councillors and Officers**

- 3.1 Understanding and having respect for each other's roles is fundamental to successful and effective working relationships.

Councillors

- 3.2 Councillors have a number of different roles as follows:
- **Politician** – belonging to a political group, and supporting the policies and political values of that group
 - **Policy Maker** – Councillors have personal and collective responsibilities for the Council's activities. They set the direction of the Council; are responsible for ensuring that adequate management arrangements are in place; develop and allocate the Council's physical, financial and human resources and monitor the performance and effectiveness of the organisation.
 - **Community Representative/Community Leader** – Councillors interpret and express the wishes of the electorate and are accountable for determining local authority service priorities, the allocation of resources

and the ultimate performance of the Council. As democratically elected community representatives, they scrutinise and monitor the quality of Council and NHS services, and can influence other statutory agencies, business and voluntary organisations to meet the needs of their community.

- **Ward Representative** – councillors have a duty to represent the interests of their ward and all their constituents.
- **Representative of the Council** – on outside bodies ranging from local authority associations and joint committees to local charities and trusts; the role varies from representing the Council's views to acting according to individual judgement. Councillors should behave and conduct themselves in a way which is consistent with the General Principles of Conduct (section 2 of this document) in their work with and on behalf of other organisations as well as in carrying out their Council duties.

3.3 Councillors, collectively, have a role to:

- Determine vision and values, and ensure staff commitment and motivation.
- Ensure standards are properly established and monitored.
- Link service and corporate objectives.
- Ensure council policies and service planning are based on community needs and priorities.
- Develop and support the authority's links and relationships with other local agencies and organisations in order to promote the interests of the Borough and its residents.
- Ensure that public funds are used efficiently and properly to meet community needs.
- Ensure that the Council carries out its statutory duties and fulfils its legal obligations.

Officers

3.4 Officers of the Council have, in broad terms, the following main roles:

- Developing and recommending policy proposals as well as being implementers of policy.
- Assisting in initiating policy and management proposals, in conjunction with the relevant Cabinet Members or leading Councillors.
- Managing the services for which the Council has given them responsibility. They are responsible for the efficiency and effectiveness of those services and for proper professional/managerial practice in discharging their duties and taking decisions, within agreed policy.
- Providing professional/managerial advice to the Council, the Cabinet, Committees, Councillors and the public in respect of council services.
- Ensuring that the Council acts in a lawful way.
- Delivering services in accordance with Council policies and service standards and values.

Working Relationships

3.5 Councillors can expect officers to:

- Behave and conduct themselves in a way consistent with the General Principles of Conduct (see Section 2 of this document), to comply with the provisions of the Officer Code of Conduct (when introduced), and to maintain the highest standards of integrity including acting impartially and declaring, and where appropriate not participating in matters, when they have a personal or private interest.
- Maintain confidentiality.
- Perform their duties effectively and efficiently.
- Behave in a 'professional' manner.
- Be politically impartial in carrying out their Council duties.
- Provide readily available non-confidential information on request.
- Be helpful to councillors and respect their roles.
- Be pro-active in informing councillors of matters coming to their knowledge which are likely to affect the residents of the ward that they represent.
- Observe the Council's consultation, public participation, open government, equal opportunities and other relevant policies in carrying out their duties, and ensure such policies are

incorporated in all Council activities as appropriate.

3.6 Officers can expect Councillors to:

- Behave and conduct themselves in a way consistent with the General Principles of conduct (see Section 2 of this document), to comply with the provisions of the Councillor Code of Conduct, and to maintain the highest standards of integrity in serving the public interest.
- Respect and understand the requirement upon officers to serve the Council as a whole in an impartial and non-political manner.
- Promote respect for the role of officers.
- Make any criticism of reports or of actions taken by officers in a constructive manner and not criticise their behaviour or competence in any public forum where the officer has no ability to defend themselves.

4. **Councillors and Officers – The Local Authority**

- 4.1 Although the Council may be ‘controlled’ by a political group, i.e. have a majority of Councillors elected on the basis of a political party ideology or manifesto, it is an independent statutory body which is responsible for serving the interests of the local community as a whole. Therefore, although Councillors may have regard to the views of their party colleagues in setting policies and making decisions, their first responsibility for which they are individually accountable is to act in the interests of the local community. Similarly an officer’s first duty is to the Council as a whole and not to an individual Councillor or to a political or other group of Councillors.
- 4.2 All officers (except political assistants if such appointments are made in the future) are required to observe political neutrality in carrying out their duties – they serve the council as a whole and whilst they are required to implement and act in accordance with council policies and decisions, must not act in a party political manner in carrying out their duties.

Politically Restricted Posts

- 4.3 The Local Government and Housing Act 1989 restricts the political activities of officers holding “politically restricted” posts. It prohibits such officers from being councillors in another local authority, and from carrying out certain political activities such as canvassing. This normally includes posts which have been so designated by the Council and where regularly advise Members or speak to the media on behalf of

the Council. Also, the Local Government Act 1972 prevents officers for standing for election as Greenwich councillors.

5. **At Meetings**

- 5.1 Officers and Councillors will most frequently come into contact with each other at the variety of meetings held to conduct the Council's business. The respective roles of the participants may vary according to the purpose of the meeting and therefore their relationship to each other will also vary. For example, some meetings will be formal and be conducted in accordance with legal requirements and rules set out in the Council's Standing Orders. In such cases officers will represent their department, answer detailed questions and provide appropriate advice. Other types of meetings may be more informal with officers able to participate to a greater extent, joining in the debate and contributing their own comments. It is the responsibility of the Chair of a meeting to ensure that it is conducted in an appropriate format and manner, and that acceptable standards of etiquette and behaviour are maintained.
- 5.2 At all times Officers and Councillors should show respect to one another. Although Councillors are entitled to question Officers at meetings and require them to justify their actions, any criticism should be constructive and well founded. Officers should have the opportunity to explain what appears to be a performance failure or inconsistency. Officers should present information at meetings in an impartial and constructive manner.
- 5.3 Whenever a public meeting is organised to consider a local issue, all the Councillors representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.
- 5.4 Local authorities are often invited and in some instances have a right to be represented on other bodies, both statutory and voluntary. These may be executive, influential or advisory bodies and may involve agency arrangements. The role to be exercised by the Council's representatives may be to represent the collective view of the local authority or to act according to individual judgement.
- 5.5 Councillors may also have to represent the Council at meetings with outside organisations where they may be negotiating or putting forward the Council's views. Councillors should bear in mind that

council decisions may only be made by Cabinet, by committees or by officers who have delegated authority, and a councillor at a meeting with an outside body as a representative of the council may need to make this clear in their dealings with that body. Officers may need to attend to provide professional/managerial advice to Councillor representatives and may also be asked to provide appropriate briefings.

6. **Working Arrangements**

Councillors with Special Responsibilities

- 6.1 Some councillors have special responsibilities on behalf of the Council; for example the Mayor, Leader of the Council, Deputy Leader, Cabinet Members, Chair of Overview and Scrutiny Committee, other Committee Chairs and Party Group Leaders. Such councillors are likely to receive particular support from the Council or have greater access to officers but they should not seek to use their office, nor council officers, to by-pass recognised systems of working. Similarly Council officers should not use their working relationships with senior Councillors to their own personal advantage.

Political Guidance and Officer Recommendations

- 6.2 Directors and Heads of Service are likely to develop a close working relationship with their relevant Cabinet Member. They will need to meet regularly to discuss current issues, policy and budget matters, service delivery, and reports to be prepared. Officers also will often require political guidance in framing proposals. However, when officers write committee reports for Member-decision they have a duty to give advice on the basis of their professional and management expertise and in accordance with any relevant professional codes of conduct. The integrity and political neutrality of officers must be respected and Councillors should not seek to influence or require officers to present reports in a politically biased way, withhold information or make recommendations that they cannot support.

Statutory Officer Duties

- 6.3 In some situations an officer will be under a duty to submit a report on a particular matter. In particular the Head of Paid Service (Chief Executive) has a duty to report to the authority, where appropriate, on her proposals relating to:

- the manner in which the authority's functions are co-ordinated;

- the number and grades of staff required by the authority to carry out its functions;
- the organisation of the authority's staff; and
- the appointment and proper management of the authority's staff.

(Note: Officer Employment procedures, including provisions in relation to the appointment and dismissal of Chief Officers and other staff, and disciplinary action, are specified in Council policy and procedure documents, and in the Council's Constitution).

The Monitoring Officer (Director of Legal & HR) has a duty to prepare a report to the authority if at any time it appears to him that any proposal, decision or omission by the authority, or one of its committees, sub-committees or officers constitutes or may give rise to a contravention of any enactment, rule of law or statutory code of practice, or maladministration. The Chief Finance Officer (Director of Finance) has similar responsibilities in relation to the use and stewardship of public finances.

Overview and Scrutiny

- 6.4 Councillors appointed to serve on the Council's Overview and Scrutiny Committee or a Scrutiny Panel have a responsibility to scrutinise and review the discharge of the Council's functions and the exercise of its powers, including decisions made and actions taken, and to hold Cabinet Members and Officers to account.
- 6.5 As well as having the right to see documents as described in paragraphs 6.7 and 6.8 and to be able to call for reports, the Overview and Scrutiny Committee and Scrutiny Panels can require members of the Cabinet and/or senior officers to attend before them to provide information in relation to matters within their remit. It is the duty of those Members and Officers to attend if so required. It is not anticipated that Officers below third tier level will be called to give evidence, except in exceptional circumstances when those Officers have specific technical knowledge or expertise. All requests for Officer attendance must be made through the appropriate Chief Officer or his/her nominated representative.

Access to information and advice

- 6.6 It can be helpful to councillors and officers alike for there to be direct communication between councillors and officers at all levels. However, councillors and officers alike must ensure that appropriate conventions are observed in such contacts and not seek to use them to exert improper influence. If a Councillor is aware that a request may be sensitive or complex, he/she should refer the matter to the Chief Officer and avoid making the request inappropriately to a junior officer. Similarly officers must not by-pass

or use their access to councillors to lobby on specific issues or in a way that could undermine normal management or supervisory arrangements. In case of any doubt both the councillor and officer concerned have a responsibility to ensure that the Chief Officer or a senior manager is aware of what is being communicated.

Access to documents

- 6.7 Councillors have a statutory right to see documents relating to business to be transacted at a public meeting of the Council, Cabinet, committee or sub- committee. This includes background papers, and applies whether or not the councillor is a member of that body. But this does not apply to drafts of report, or to documents which disclose information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from counsel, criminal investigations and other exempt and confidential information.
- 6.8 Councillors have a common law right to see Council-held documents where they can demonstrate a need to know. This means it must be reasonably necessary for the councillor concerned to see the document in order to carry out his or her duties as a councillor. Mere curiosity or desire is not sufficient - the councillor has to demonstrate a need to know. The 'need to know' must be decided by a Chief Officer (or Senior Officer with authority to act on his/her behalf) following advice from the Director of Legal & HR and Councillors who wish to request confidential information should normally do so through the appropriate Chief Officer or Senior Manager.

Council Facilities

- 6.9 Councillors and Officers must comply with Council policies and procedures relating to the use of Council facilities, including guidelines on appropriate use. Councillors with special responsibilities and officers with particular needs arising from their Council duties, may be provided with facilities which are not ordinarily provided, for example, a mobile telephone, a lap top PC, authority to use a Council account with a private service provider. In such circumstances the individuals concerned must comply with any arrangements or requests for information concerning the use of such facilities, by the relevant chief officer or budget manager.

Communication and Publicity

- 6.10 Publicity and other material issued by or on behalf of the Council must not be party political. Publicity about individual councillors' proposals, policies or decisions should be relevant to their position within the Council, objective and explanatory and should avoid personalisation of issues or personal image making.
- 6.11 The period between the notice of an election and the election itself should preclude "pro-active" publicity, in all its forms, of candidates and other politicians involved in the election i.e. publicity initiated by the Council, not arising in response to external events. "Pro-active" events arranged in this period should not involve members likely to be standing for elections. However it is appropriate for members holding key political or civic positions to be able to comment to correct the factual position or in an emergency or where there is a genuine need for a member level response to an important event outside the Council's control.
- 6.12 Where councillors wish to express political views, they should ensure that it is clear their comments are made personally and do not necessarily represent the views of the Council as a whole.

The Media

- 6.13 The Council's press and public relations staff will provide support and guidance to councillors in their dealings with the press and other media. However, press and communications staff cannot be called upon to assist in party political communications.
- 6.14 Councillors have freedom to contact and discuss issues with the media but must have regard to their conduct relating to breaches of confidentiality and the need to represent the Council's best interests. It is also important that councillors stress to reporters, when giving a personal view on an issue, that their views may not reflect Council policy. Councillors who issue press releases or make statements to the press or the general public or part of it, without firstly seeking officer guidance may be personally liable if there are subsequently claims made for defamation, or if another party acts on incorrect information about a council decision or proposals given by a councillor.

Bullying or Harassment

- 6.15 Bullying or harassment of officers or of councillors, including sexual and racial, is unacceptable and any such complaints may be referred to the Chief

Executive. Councillors and senior managers should be aware of how their position of authority may impact on junior or inexperienced individuals.

(Workplace bullying has been described as ‘offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer stress’. Racial harassment has been defined as ‘offensive conduct of a racial nature, or conduct based on race, which is offensive to the recipient’. Sexual harassment has been defined as ‘unwanted conduct of a sexual nature, or conduct based on sex, which is offensive to the recipient.’)

Vicarious Liability

- 6.16 The behaviour of councillors and officers could result in the Council being vicariously liable for their actions.

7. Action/decisions made under delegated authority

- 7.1 Councillors who are Cabinet Members and Officers may have authority delegated to them to make decisions or to act on the Council’s behalf. In such cases the individual concerned must consider whether they have full and sufficient information before taking a decision, and may need to consult others: a councillor should ensure that they have the advice of the relevant Chief Officers, and officers may need to consult the relevant Cabinet Member on the proposed decision. When a decision is taken under delegated powers the person to whom that authority has been delegated is personally responsible and accountable for their actions.
- 7.2 In some cases authority delegated to an officer is on the basis that it is to be exercised in consultation with the relevant Cabinet Member. Whilst, the officer must have due regard to the comments of the Cabinet Member concerned, he/she cannot be instructed on the decision by the Member and will remain accountable for the action taken. However, if there is a significant disagreement between the officer and the Cabinet Member the matter will normally be referred to the appropriate Member-level body for decision.
- 7.3 Chief Officers have delegated responsibility for the general management of their department and the day-to-day delivery of services. They also have powers and duties specifically delegated to them as well as a general delegated authority for executive functions which are not identified in the Council’s constitution as

being reserved for Member-level decision. Within

this framework decisions are frequently delegated below Chief Officer level. While Officers will be sensitive to political guidance on how they exercise their delegated authority and will always consider requests and comments by Members, all delegated action must be in accordance with overall Council policies and procedures or Cabinet or Committee decisions but not individual Member instructions. Where Cabinet Members have authority to take decisions individually under delegated powers, they must be taken formally, based on officer reports and recorded and published in accordance with Access to Information Procedures.

- 7.4 A Councillor who gives an undertaking or commitment to a third party in excess of their powers of authority, may be personally liable in law for any costs or damages incurred by the third party if they act on that undertaking or commitment and it is not subsequently confirmed by the Council. An officer who similarly wrongly advises or misleads a third party may be subject to the Council's disciplinary procedures.

8. Party Group Meetings

- 8.1 Senior officers can be called upon to provide advice to Party groups or leading Members, and when doing so should act impartially and non-politically. This requirement upon officers should be understood and respected by Members. Party group meetings have no formal role in the Council's management arrangements - they are organised by Councillors, but may have officer support as matters relevant to council business will be discussed and it is appropriate for senior officers to be called upon to give advice, information and answer questions on specific items. Senior Officers should give, if requested, support and advice to Opposition Parties similar to that which they would give to the Majority Party. Officers should respect arrangements for confidentiality relating to party group meetings. Similarly Members should respect the limit to which officers may go in contributing to party political debate.
- 8.2 The following points should be clearly understood by councillors and officers when officers attend party group meetings:
- officer attendance is at the request of the party group concerned; officers do not have any rights to attend but when they do, they and councillors, and other attendees should observe the same protocols and formalities that would be expected at other meetings;

- officer support must not extend beyond providing information and advice on Council business. Officers must not be involved in advising on matters concerning the organisation or business of political parties, and should not be present when those matters are discussed;
- persons who are not councillors are not bound by the Code of Conduct, including the provisions relating to declaration of interests and confidentiality. Care should therefore be taken when officers provide information and advice to party group meetings which include such persons, since officers may not be able to provide the same level of information and advice as they would to a councillor-only meeting;
- party group meetings form part of the preliminaries to Cabinet or Council decision making. But they cannot make decisions on behalf of the Cabinet or Council, and their decisions cannot be acted on as if they were Cabinet or Council decisions;
- officer information and advice to party group meetings does not substitute for their providing all necessary information and advice to Cabinet or Council when the matter is discussed.

9. **Personal and Social Relationships**

- 9.1 It is important that Councillor and staff relationships are correct and businesslike. There will be occasions when councillors and officers come into contact outside of council business and in such circumstances professional and personal matters must be kept separate.
- 9.2 Under their Code of Conduct, councillors are required to declare, when relevant in considering business at council or committee meetings, any private relationship with an officer which might be regarded as influencing their actions. This includes family, business or close personal relationships. Officers similarly should inform their manager of such relationships with a councillor.

10. **Members and Officers Personal Dealings with the Council**

- 10.1 Councillors and Officers who are residents of the Borough will enjoy the same entitlement as other residents to Council services. Where

services are subject

to administrative decisions, or specified eligibility criteria, or competitive assessment, Councillors and Officers must not use their position or contacts to influence decisions in which they have a private interest. For example, a Councillor applying for planning permission or housing benefits should be careful in speaking to Officers on their personal application in order to avoid any suggestion of improper pressure. In some cases it may be appropriate for a Councillor to employ a third party to act on his/her behalf in his/her dealings with the Council. Similarly, an Officer must not lobby a Councillor, or use his/her working relationship with any Councillor, to gain support or influence any employment application or service delivery to his/her advantage.

- 10.2 An officer must not allow situations to develop in which there may be, or appear to be, a conflict of interest between their responsibilities to the Council and their personal and private concerns; or situations which could create the impression that they may receive preferential treatment because of their employment by the Council. To help avoid such situations, an officer must declare any conflict of interest in writing to his/her chief officer, and as appropriate in informal discussions with other officers or with councillors must declare orally such a conflict when the matter concerned is discussed. Officers must comply with procedures relating to such situations as may be set out in the Officer Code of Conduct.
- 10.3 Because of their employment by the Council, officers who are borough residents, in some circumstances may not be able to exercise rights which are normally available to other borough residents, such as speaking at council meetings under public participation procedures, or representing organisations or groups of residents in their dealings with councillors or with the Council. In cases of doubt the advice of the employee's Chief Officer, or of the Chief Executive, should be sought.

11. **Complaints**

- 11.1 Councillors have the right and a duty to criticise reports or the actions taken by officers when they consider that acceptable standards have not been met, but they should always:
- Avoid personal attacks on officers;
 - Ensure that criticism is constructive and well-founded;
 - Not seek to undermine respect for, or the role of, officers;
 - Raise any complaint directly with the relevant Chief Officer; or with the Chief Executive if still unsatisfied or if the complaint relates to a Chief Officer;

- Not seek to influence any disciplinary action which is the responsibility of managers to take.

11.2 If a complaint is about the Chief Executive, it should be made to the Monitoring Officer.

11.3 Complaints about councillors by officers arising from their council duties should be made to the officer's manager and referred to the Chief Officer.

12. **Other Individuals who are Members of Council Bodies**

12.1 Individuals who are not councillors nor officers but who are co-opted to serve on Council Committees, or appointed to serve on partnership or liaison bodies established by the Council, may have access to information and advice in carrying out community duties which is not available to other members of the public, and may have contact with senior councillors and officers. Such individuals should comply with the principles of conduct and requirements outlined in this protocol for maintaining proper and effective working relationships with councillors and officers. Individuals may be appointed to positions on council bodies because of their involvement in local voluntary, community business or other organisations which have separate dealings with the Council, and should not use their position on the Council, or information gained through their service on council bodies, to improperly influence decisions or gain advantage on behalf of their organisation.

13. **Breaches of this Protocol**

13.1 This protocol gives guidance as to the arrangements to promote effective working relationships between councillors and officers having regard to the standards of conduct expected (Section 2) and the different roles of members and officers (Section 3). Individual minor breaches of etiquette are unlikely to have significant implications apart from indicating a less than satisfactory councillor /officer relationship which, if allowed to continue could eventually be detrimental to the overall success of the Council. Major or persistent breaches by officers should be dealt with under the Council's disciplinary procedures. Major or persistent breaches by councillors should be referred the Chief Executive.

13.2 All complaints will be processed in accord with the Procedure agreed by full Council. Initially, the Chief Executive will consult the Monitoring Officer on whether the complaint appears to involve a breach of the

Code of Conduct and will inform the Group Leader of the Member
complained against (or the

Deputy Leader if the complaint concerns the Leader). If there is a potential breach of the Code, a copy of the complaint will be sent to the Member complained against unless the Chief Executive decides that this would prejudice any investigation.

- 13.3 Generally, upon receipt of a complaint the Chief Executive will explore the potential for an informal resolution in discussion with the relevant Group Leader, or if the complaint involves them, the Deputy Group Leader. If the matter is resolved informally, the complaint will not proceed further. However, the Chief Executive may determine that an investigation is warranted, and can appoint an investigator who will carry out an investigation and write a report. This will then be considered by the Standards Committee who may wish to hold a hearing into the matter.
- 13.4 If the Standards Committee decides, after consulting with the Independent Person, that a Member has failed to comply with the Code, the measures available are:
- Recommendation that the Member make an apology to full Council, which should address any matters specified by the Committee;
 - Recommendation to Council that the Member be censured;
 - Recommendation to the Member's Group Leader (or in the case of un-grouped Members, a recommendation to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommendation to the Leader of the Council that the Member be removed from the Cabinet, or removed from any of their portfolio responsibilities or from any other position of responsibility;
 - Recommendation that the Member should be provided with training on specific matters;
 - Recommendation to Council that the Member be removed from any or all outside body appointments to which they have been appointed or nominated by the Council;
 - Decision to exclude the Member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings and constituent surgeries.
 - Any other appropriate remedy including development or consultancy support.
- 13.5 The Standards Committee's decision, including a summary of its reasons and any recommendations and comments, is published after the hearing.

SECTION D

The Members Planning Code of Good Practice

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. **Your role as a Member of the Planning Authority is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies **provided** that you have considered all material considerations and have given fair consideration to relevant points raised.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules Members' Code of Conduct first, which must be always be complied with.
- **Do** then apply the rules in this Members' Planning Code, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning and development management. If you do not abide by this Members' Planning Code, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and

- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- **Do** be aware that, like the Members' Code of Conduct, this Planning Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your Monitoring Officer or their staff advising at the meeting.

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest as required by your Members Code of Conduct.
- **Do take into account when approaching a decision that** the Principle of integrity is defined, by the Committee on Standards in Public Life in 2013, in terms that *"Holders of public office must avoid placing themselves under any obligation to people or organisations 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 declare and resolve any interests and relationships**"*. It is therefore advisable that you:
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
 - **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate officer, in person or in writing, but that the Members' Code of Conduct places additional limitations on you in representing that proposal than any other member of the public.
 - **Do** notify the Monitoring Officer in writing where it is clear to you that you have a financial interest or personal interest and note that: where you, a relative, or a person with whom you have a close association submits a planning application:
 - you should send the notification no later than submission of that application where you can;
 - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
 - you must not get involved in the processing of the application; and
 - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

3. Fettering Discretion in the Planning Process

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.
- **Do** keep at the front of your mind that, when you come to make the decision, you
 - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides;
 - are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
 - are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - are to come to a decision after giving what you feel is the right weight to those material considerations.
- **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body, provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- Do explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
- **Do** take the opportunity to exercise your separate speaking rights as a Ward Member (*where this is granted by the Council's standing orders or by the consent from the Chair and Committee*) where you have represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest. Where you do:
 - advise the proper officer or Chair that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the seating area for members of the Committee for the duration of that item; and
 - ensure that your actions are recordedin accordance with the Council's committee procedures.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should seek to arrange that meeting yourself through a request to the Assistant Head of Planning & Building Control to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the

application is considered by the Committee.

- **Do** otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Assistant Head of Planning & Building Control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation without requesting an officer to be present.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

5. Lobbying of Councillors

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality, and therefore your ability to participate in the Committee's decision making, to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people or body with a particular interest or area and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Assistant Head of Planning & Building Control at the earliest opportunity.
- **Do** promptly refer to the Assistant Head of Planning & Building Control any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

- **Do** inform the Monitoring Officer how you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers (making clear that you must keep an open mind);
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion of others in your role as a [Ward][Division] Member.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Do** be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- **Do** ensure that you report back to the Committee any information gained from the site visit that you feel would benefit all Members of the Committee
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Assistant Head of Planning & Building Control about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- **Don't** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Assistant Head of Planning & Building Control, which may be incorporated into any committee report).

- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** remember that, if you request a proposal to go before the Committee rather than be determined through officer delegation, your planning reasons will need to be recorded in writing and will be repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter. Where a matter is deferred and its consideration recommences at a subsequent meeting, only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be considered afresh and this would include public speaking rights being triggered again).
- **Do** have recorded the reasons for Committee's decision to defer any proposal,
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded (it will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

E - Guidance on good practice in licensing

Introduction

- 1 The Member Code of Conduct sets out the conduct which is expected of elected and co-opted members in carrying out their duties. The government will introduce a similar code of conduct for officers. Both Codes primarily concern individual probity and other aspects of conduct across the whole range of members' and officers' duties.
- 2 The Council has agreed Guidance on Good Practice in Planning which is directed at members and officers who are involved in the planning process, and sets out the conduct which is expected of them.
- 3 This guidance is directed at members of the Licensing Committee and its sub- committees, and at officers who are involved in the licensing process, and sets out the conduct which is expected of them. It applies to all decisions on licensing matters, whether they are made by members or by officers. Failure to follow its recommendations without good reason could be taken into account in an investigation into possible maladministration by the Council. It may also result in an allegation that a member or officer has breached their respective Code of Conduct.

The need for guidance on the conduct of licensing matters

- 4 The Council must make licensing decisions which affect public and private interests openly, transparently and impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased or not well founded in any way. Decisions should be properly recorded and supported by adequate reasons.
- 5 This guidance seeks to explain the respective roles of councillors and officers, and to ensure they act in a way which is not only fair and impartial but is also clearly seen to be so. The successful operation of the licensing system relies on mutual trust and understanding of the respective roles of councillors and officers.

The general role of members

- 6 The basis of the licensing system is the consideration of licensing

applications against the licensing objectives set out in the Licensing Act 2003, the Gambling Act 2005 and the Council's statement of licensing policy. Much is often at stake in this process, and opposing views are often strongly held by those involved. While councillors should take account of these views, they should not favour any person, company, group or locality, nor should they put themselves in a position where they appear to do so.

- 7 Councillors who do not feel that they can act in this way should consider whether they are best suited to serve on a licensing committee.
- 8 Because the technical issues concerning licensing are complex, and matters of propriety are not always straightforward, appointment to a licensing committee creates a requirement for new members to undertake training on appointment, and for all members to have refresher training. Seminars may also be organised where Members may develop their specialist knowledge and where topical issues may be aired. Members are advised not to accept nomination to the Sub-Committee unless they are prepared to take on this responsibility. Members also need to familiarise themselves with the provisions of these procedures.

Gifts and hospitality

- 9 Members should be very cautious about accepting gifts and hospitality. The Member Code of Conduct requires any member to provide the Director of Legal & HR with written details of any gift or hospitality over the value of £100 which they receive in their capacity as a member. The details must be provided within 28 days of receipt, and they will go in a register of gifts and hospitality, which will be open to inspection by the public.
- 10 Similarly officers, in the course of carrying out their duties, may be offered hospitality from people with an interest in a licensing proposal. Wherever possible, such offers should be politely declined. If the receipt of hospitality is unavoidable, officers should ensure that it is minimal and must declare its receipt as soon as possible. Each department has a hospitality book to record such offers, whether or not accepted. The requirement to register hospitality is likely to be a feature of the statutory code of conduct for employees.

Registration and declaration of interests

- 11 The Member Code of Conduct seeks to separate members' personal interests from those interests which arise from their

wider public life.

- 12 A member who has a personal interest must always declare it.
- 13 A member who has a prejudicial interest must leave the room, not take part in the discussion or vote and not seek improperly to influence the decision. This applies to all members, and not just those who are members of the committee concerned.
- 14 The Member Code of Conduct says a member may regard their interest as not being a prejudicial interest if it relates to another body on which he or she serves as the Council's representative. This is because their interest is not a personal interest - it arises from their wider public life. However, the member should still consider whether a member of the public, knowing all the facts, would reasonably regard their membership of that other body as so significant that it would be likely to prejudice their judgement of the public interest. If they believe a member of the public would think this, the member should regard himself or herself as having a prejudicial interest.
- 15 A member who serves as the Council's representative on another body may therefore vote on a licensing proposal on which that body has made representations, but only if they have scrupulously avoided forming a fixed view on the matter in advance and only if the proposal does not directly affect that body. If they have taken a firm view of a proposal before the decision-making meeting, they should declare this and not vote. This is not because they would have a prejudicial interest. It is because they could not demonstrate that, in voting, they have taken into account all the relevant facts and arguments. In legal terms, they would have fettered their discretion. Were they to vote, an aggrieved party might seek judicial review of the decision. If the proposal directly affects that body, they should regard themselves as having a prejudicial interest and leave the meeting.
- 16 Members who are unsure whether an interest should be declared, or whether they may vote, should seek the advice of the Director of Legal & HR or the Head of Corporate Governance & Democratic Services or their representative. However the decision rests with the member.

Licensing proposals made by members and officers

- 17 Proposals to the Council by members and officers and their close friends and relatives can easily give rise to suspicions of impropriety.
- 18 It is perfectly legitimate for such proposals to be made. However, it

is vital to ensure that they are handled in such a way that gives no grounds for accusations of favouritism. Accordingly:

- members who act as agents for people pursuing licensing proposals with the Council must play no part in the decision-making process;
- members or officers who submit their own proposals to the Council must play no part in its processing;
- members and officers must inform the Director of Housing and Safer Communities and the Director of Legal & HR of such proposals. The proposals must be reported to the committee as main items and not dealt with by officers under delegated powers.

- 19 Members would of course have a prejudicial interest in their own proposals and would be required to withdraw from any consideration of the matter. The Member Code of Conduct provides that the member should "not seek improperly to influence a decision about the matter". This means that a member should have the same right as a member of the public to seek to explain and justify their proposals to an officer, before a committee considers it.

Lobbying of members

- 20 Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a licensing decision will often seek to influence it through an approach to their elected ward member or to a member of the licensing committee.
- 21 Unless all the parties involved exercise care and common sense, lobbying can lead to the impartiality and integrity of a member being called into question. When being lobbied, members of a licensing committee should take care about expressing an opinion. If they give the impression that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments, they would not be able to vote. This mirrors the approach in paragraph 15.
- 22 In such situations, members of a licensing committee who are lobbied should restrict themselves to giving procedural advice, including suggesting that those who are lobbying should speak or write to the relevant officer, in order that their opinions can be included in the officer's report to the committee. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence

and arguments at committee.

- 23 Members of a licensing committee need to take account of the public's (and the Ombudsman's) expectation that a licensing application will be processed and determined in an open and fair manner, and that members will take account of all the evidence presented before arriving at a decision. To commit themselves one way or another before hearing all the arguments makes members vulnerable to an accusation of partiality. Determining a licensing application is a formal administrative process involving rules of procedure, rights of appeal and an expectation that people will act reasonably and fairly. An aggrieved party may appeal against the decision or seek judicial review of the way in which a decision has been arrived at. They may also complain to the Local Government Ombudsman that there has been maladministration, or to the Chief Executive that a member has breached the Member Code of Conduct.
- 24 In reality, members will often form a judgement about an application early on in its passage through the system, whether or not they have been lobbied. However, members of a licensing committee should not openly declare which way they intend to vote in advance of the planning meeting, and of hearing evidence and arguments on both sides.

Ward members

- 25 Political reality suggests that it is often important to distinguish between the role of a licensing committee member who is, and who is not, a ward member for the area affected by a licensing application. A licensing committee member who does not represent the ward affected is in an easier position to adopt an impartial stance, however strong his or her feelings about the application, and to wait until the committee meeting before declaring one way or another.
- 26 A licensing committee member who does represent the ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigning actively for it - it will be very difficult for them to argue that they have carefully weighed the arguments presented - perhaps in some respects for the first time - when the committee comes to take a decision on the application. The proper course of action for such a member would be to declare they have already taken a view and not vote. However they would have the right to

speak on the matter at the meeting.

- 27 A ward member who is not a member of the licensing committee should be permitted by the Chair to speak on the matter at the meeting, unless they have a prejudicial interest.

Party groups

- 28 A decision on a licensing application cannot be made before the committee meeting, when all available information is to hand and has been considered. Any political group meeting should not therefore be used to decide how members of a licensing committee should vote.

Lobbying by members

- 29 Members are entitled to express their views on a licensing application, and this may include lobbying other members. But if they are members of licensing committees, they should not lobby other members unless they accept they will not take part in or vote at any meeting which considers the application.
- 30 Members should not put pressure on officers for a particular recommendation, and should not do anything which compromises, or is likely to compromise, their impartiality.

Pre-application discussions

- 31 Discussions between a potential applicant and the Council before the submission of an application can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or to be seen, as part of a lobbying process by the applicant.
- 32 In order to avoid such perceptions, pre-application discussions should take place within the following guidelines. Although the term "pre-application" has been used, the same considerations should apply to any discussions which take place before a decision is taken:
- It should always be made clear at the outset that discussions will not bind the Council to making a particular decision, and that any views expressed are personal and provisional. By the very nature of pre-application discussions, not all relevant information may be at hand,

nor will formal consultations with interested parties have taken place;

- Advice should be consistent and based upon the Council's statement of licensing policy. There should be no significant difference of interpretation of the statement amongst licensing officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision-maker;
- A note should be made of all potentially contentious meetings. At least one licensing officer should attend such meetings and a follow-up letter is advisable, at least when documentary material has been left with the Council. A note should also be made of potentially contentious telephone discussions;
- Care must be taken to ensure that advice is not partial, nor seen to be, otherwise a subsequent report could appear to be advocacy;
- Members and officers must register any gifts and hospitality received over the value of £100.

Decisions contrary to the statement of licensing policy (Licensing Act 2003 or Gambling Act 2005) and/or officer recommendations

- 33 The law requires that regard should be had to the statement of licensing policy in making decisions.
- 34 If a licensing committee intends to make a decision contrary to the statement of licensing policy or to an officer's recommendation (whether for approval or refusal), the officer should first be given an opportunity to explain the implications of the contrary decision. *The Chair should ensure that the committee's reasons are made clear at the meeting. A full record of the reasons should be made in the minutes and a copy placed on the application file. The courts have expressed the view that such reasons should be clear and convincing.*

Site visits

- 35 The Member Code of Conduct applies whenever members are conducting official business, which will include site visits. Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial. They should be carefully organised to ensure that the purpose,

format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.

- 36 Comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.

Site visits consisting simply of an inspection by a viewing sub-committee, with officer assistance, are in most cases the most fair and equitable approach as between applicant and objectors. Such an inspection could either be unaccompanied (i.e. without the applicant and objectors) or accompanied and run on the strict lines of a planning inspector's site inspection, so that no discussion takes place.

APPENDIX

Licensing Sub-Committee Hearings

General Information

- 1.1 The Licensing Sub-Committees will undertake those functions of the Licensing authority under the Licensing Act 2003 and the Gambling Act 2005 which have been delegated to the Sub-Committees, as defined in Part 3 of the Council's Constitution.
- 1.2 A Licensing Sub-Committee consists of three Members of the Licensing Committee. The Quorum is two Members.
- 1.3 Each Licensing hearing will be in public and will usually be conducted virtually. Each hearing will be recorded and the recording of the meeting will be publicly available on the Council's YouTube Channel for a period of 12 months.
- 1.4 Only those parties who have made written representations will be invited to and allowed to address the licensing hearing. A party may be assisted or represented by any person at the meeting, whether or not that person is legally qualified. A party may be represented by a Councillor, usually their Ward Councillor, but not by a Member of the Licensing Sub-Committee. The Committee Officer must be notified in advance of the meeting with the details of any assistant or person representing any party.
- 1.5 For each hearing the Licensing Sub-Committee will consider a report from the Licensing authority which will be displayed on the Council's website and available to all parties in advance of the hearing. The written representations made by other persons will be treated as exempt information under Part II, Section 40 of the Freedom of Information Act 2000 and will not be publicly viewable.
- 1.6 The authority may take into account additional material produced by a party in support of their application, representation or notice (as applicable) supplied after the closing date for making written representations. Such material must be supplied to the Committee Officer 5 working days before the date of the hearing. Additional material submitted after that date will not be considered and permission to rely upon it must be sought from the Sub-Committee at the hearing. Where permission to rely upon additional material is sought at the hearing, the Sub-Committee may grant permission and may seek advice from the Legal Advisor to the Sub-Committee as appropriate. The Sub-Committee will disregard such additional documents or information which is not relevant to -
 - (a) the application, representations or notice (as applicable), or
 - (b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by a chief officer of police, the crime prevention objective. If accepted, the material submitted 5 days prior to the hearing date will be

published with the remainder of the hearing papers.

Conduct of the meeting

- 2.1 Meetings will be conducted virtually. The onus is on all parties to be conversant with the technology required.
- 2.2 When joining the virtual meeting you will be held in a lobby to start with.
- 2.3 During the meeting all participants will be in control of their own microphone. The microphone should be set to mute at all times, until the Chair invites you to address the Sub-Committee. The online chat facility on the virtual platform for the virtual hearing is not permitted.
- 2.4 The Chair will have complete discretion of the procedure to be adopted for the meeting and the order in which those entitled to address the Sub-Committee are permitted to make their submissions.
- 2.5 The Chair will strictly manage time allocations. The applicant and those making representation will be afforded equal time to present their case. The maximum time for a party to speak will be determined by the Chair, taking into account the complexity of the case and the number of participants. By default, the maximum time will be set at 15 minutes. However, for more complex cases or numerous participants, the Chair may adjust time allocations as needed.
- 2.6 Those addressing the Sub-Committee should avoid repetition and use their allocated time efficiently.
- 2.7 The hearing shall not be adversarial but will take the form of a discussion led by Members. Cross-examination of any party will not be permitted unless the Chair of the Sub-Committee considers, in exceptional circumstances, that cross-examination maybe appropriate for a specific issue.
- 2.8 At the end of the hearing, the Chair will announce a general discussion. Should you wish to speak during this part you should activate the 'raised hand' function. Please be patient, the Chair will be aware you wish to speak and will come to you in due course.
- 2.9 The Sub-Committee may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may -
 - (a) refuse to permit that person to return, or
 - (b) permit them to return only on the conditions that they give an assurance of no further interruptions.
 - (c) exclude the individual from the hearing.

Procedure at the meeting

Members of the Sub-Committee shall have the opportunity to ask questions at any time.

- 3.1 The Chair will ascertain whether the parties and their assistant, if any, are present. If any party has indicated that they will not attend or failed to indicate whether or not they will attend, or do not attend, the Sub-Committee will normally hold the hearing in that party's absence but may decide to adjourn depending upon the circumstances and nature of the hearing.
- 3.2 The Chair will ascertain that parties understand that they may be assisted or represented, legally or otherwise.
- 3.3 The Licensing Officer will give details of each application case and of the number and type of objections/representations received as set out in the report.
- 3.4 The applicant and/or their representative and their witnesses will then be invited to address the Sub-Committee confirming why they consider the issues that have been raised by written representations against the application are not relevant with regard to the licensing objectives and why they consider the Sub-Committee should grant the application, or notice, as applicable. The maximum amount of time allowed will normally be 15 minutes, however, this may be extended at the discretion of the Chair depending on the complexity of the application.
- 3.5 Those making representations, or their representatives, will be invited to address the Sub-Committee confirming why they consider the issues they have raised to be relevant to the licensing objectives and how they impact upon the promotion of the licensing objectives, to enable to Sub-Committee in its deliberation of its decision. The maximum amount of time allowed will normally be 15 minutes; this may be extended at the discretion of the Chair depending on the complexity of the application.
- 3.6 A discussion involving all parties will ensue at the discretion of the Chair of the Sub-Committee. Cross-examination of any party shall not be permitted, however, it may be allowed in exceptional circumstances at the discretion of the Chair of the Sub-Committee.
- 3.7 Upon conclusion of submissions and discussions, the hearing will come to an end. The Sub-Committee will then retire to deliberate its decision. The decision of the Sub-Committee will be notified to all parties by email within 5 working days, or earlier where required by law, together with the rights of appeal.

**Procedure for considering licensing issues other than those
that fall under the Licensing Act 2003 or the Gambling
Act 2005**

The procedure will be as follows:

1. The Chair will ascertain that the applicant knows that he/she may be represented.
2. The Lead Officer will give details of each application in each case and of the number and type of objections received.
3. The applicant, or the applicant's representative, and applicant's witnesses will then be invited to address the Committee.
4. The objectors, or their representatives, will then be allowed to speak. They should cover the points raised in their original objection and may, at the Chair's discretion, deal with new points that relate to something that the applicant may have raised during their address that was previously unknown to the objector. (The applicant should be advised to note specific points during the objectors' presentation.)
5. The applicant, or applicant's representative, will be permitted to put **questions** to each objector immediately after they have addressed the Committee and to answer any new points raised by the objector.
6. The Committee Members will be able to ask questions at any time, but

will generally restrict most questions to the end of the statement made by the objector, applicant or witness, as appropriate.

7. The Committee will then discuss the application and the objections, and give their decision, giving clear reasons for the decision reached.
8. Should Members wish to discuss certain issues such as whether an applicant is a “fit and proper person” to hold a licence, the Committee will move into closed session and the public will be excluded for the duration of the discussion prior to a decision on the application being announced.
9. A few days after the meeting the written Decision Notice will be issued to the applicant, which will include details of the applicant’s right of appeal if appropriate. Notification of the decision will be sent to the objectors.

PART 6

Members' Allowances Scheme 2024/25

The Royal Borough of Greenwich, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 No. 1021, hereby makes the following scheme:

1. This scheme may be cited as the Royal Borough of Greenwich Members' Allowance Scheme, and shall have effect from and including 1 April 2024.
2. In this scheme,

"Councillor" means a Member of the Royal Borough of Greenwich Council who is a Councillor;

"year" means the 12 months ending with 31 March 2025.
3. **Basic Allowance**

Subject to paragraph 6, for each year a basic allowance of £11, 256 shall be paid to each Councillor.
4. **Special Responsibility Allowance**
 - i) For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in Schedule 1 to this scheme.
 - ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
5. **Renunciation**

A Councillor may by notice in writing given to the Council's Chief Executive elect to forego any part of his or her entitlement to an allowance under this scheme.

6. Part-Year Entitlements

- i) The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be, a Councillor, or accepts or relinquishes a position in respect of which a special responsibility allowance is payable.
- ii) If an amendment to this scheme changes the amount to which a Councillor is entitled by way of basic allowance or special responsibility allowance, then the allowances shall be paid having regard to the relevant proportion of the year to which the entitlement relates (calculated on a daily basis).
- iii) If an amendment to this scheme changes the duties specified in Schedule 2 to this scheme, the entitlement will be based on that applicable when the duty is carried out.
- iv) Where the term of office of a Councillor begins or ends other than at the beginning or end of a year, his/her entitlement to a basic allowance shall be based in proportion to the number of days which he/she holds/held office.
- v) If eligibility to a special responsibility allowance applies other than for a full year that too shall be apportioned on a daily basis in accordance with paragraph (iv) above.

7. Childcare and Dependents Carers' Allowance

A payment of up to a maximum of £13.15 per hour may be claimed by Councillors in respect of such expenses of arranging for the care of their children or dependents as are necessarily required in carrying out an approved duty, as specified in Schedule 2 to this scheme. That the following apply in operation of this Allowance:-

- a. the payment should be claimable in respect of children aged 15 or under or in respect of other dependents where there is medical or social work evidence that care is required;

- b. the allowance should be paid as a reimbursement of incurred expenditure against receipts;
- c. the allowance should not be payable to a member of the claimant's own household;
- d. that any dispute as to entitlement and any allegation of abuse should be referred to the Council's Standards Committee for adjudication; and
- e. the scheme should be reviewed after not more than twelve months' operation.

8. Parental Leave Policy

Note that the Council adopted the Parental Leave Policy at the Full Council meeting on 26 January 2022.

9. Travel and Subsistence

- a) Allowances for travel and subsistence outside the Borough for approved duties will be paid at the same rate as those paid to Officers
- b) The cost of travel and subsistence inside the Borough will be met from an individual Member's basic allowance. However, on occasion and where unavoidable for approved duties, a Member will be reimbursed taxi costs or have a taxi provided free of charge. The Chief Executive's guidance on when it would be appropriate for a Member to be reimbursed taxi costs or have a taxi provided free of charge is in Schedule 3 of this Scheme.
- c) Approved duties are those listed in Schedule 2 of this Scheme.
- d) Co-opted Members of Council Committees may claim their costs for intra borough travel for attendance at approved duties at the same rate as Officers.

10. Payment Arrangements

- i) Payments will generally be made:-
 - a) in respect of basic and special responsibility allowances, subject to sub-paragraph (ii), in instalments of one-twelfth

of the amount specified in this scheme each month;

- b) in respect of childcare and dependents carers' allowances, in the month following submission of the claim, provided that the claim is received on or before the 20th day of the month.
- ii) Where a payment of one-twelfth 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 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

11. Updating of Allowances

That subject to there being no significant changes in the political management arrangements the Allowances in the Scheme be updated annually in line with the local government pay settlement, as recommended by the London Councils' Independent Remuneration Panel.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES 2024/25

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable and the amounts of those allowances.

<u>Special Responsibility</u>	<u>Allowance</u> <u>£p.a.</u>
Leader of the Council	53,508
Deputy Leader	34,185
Cabinet Member (x 8)	22,562
Chair of Overview & Scrutiny	22,562
Chair of the Planning	18,542
Leader of Opposition (largest Minority Party)	18,540
Chief Whip of the Council	10,836
Chair of Audit & Risk Management Panel	10,046
Chair – Pension Fund Investment and Administration Panel	10,046
Scrutiny Panel Chairs (x 6)	10,046
Leader of second largest Minority Party	5,736
Licensing Sub-Committee Chair	1,553
Cabinet Assistants (x4)	5,100
Minority Party Allocation (each party comprising 4 or more Members)	5,736
Independent Person to Advise the Standards Committee	1,567
Independent Chair of the Standards Committee	1,567
Independent Member of the Standards Committee (x 2)	778

Notes:

1. No Member shall be entitled to claim more than one Special Responsibility Allowance paid by the Council.
2. A party shall be defined as a group of 2 or more Members who have given notice in accordance with the Local Government (Committees and Political Groups) Regulations 1990 that they wish to be treated as a political group.

SCHEDULE 2

APPROVED DUTIES

1. The attendance at a meeting of the authority or of any committee or sub- committee of the authority, or of any other body to which the authority make appointments or nominations, or of any committee or sub-committee of such a body.
2. The attendance of any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub- committee of such a joint committee provided that it is a meeting to which members of at least two such groups have been invited.
3. The attendance at a meeting of any association of authorities of which the Authority is a member.
4. The attendance at a meeting of the Cabinet or a meeting of any of its committee.
5. The performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened.
6. The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
7. The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at school approved for the purposes of Section 342 (special schools) of the Education Act 1996.
8. The carrying out if any other duty approved by the Authority, or any duty of a class so approved, for the purposes of, or in connection with, the discharge of the functions of the Authority or any of its committees or sub-committees.

SCHEDULE 3

TRAVEL & SUBSISTENCE FOR APPROVED DUTIES

1. Introduction

- 1.1 The Council on 21 March 2018 re-iterated that, in line with the Members' Allowances Scheme, a councillor should meet the cost of any travel within the Borough, including any use of taxis, from their own basic allowance.
- 1.2 However, Council agreed that, on occasion and where unavoidable for Approved Duties, Members should be reimbursed taxi costs or have a taxi provided free of charge.
- 1.3 The Council authorised the Chief Executive to clarify when it would be permissible for a Member to claim for the cost of a taxi or to have a taxi provided free of charge when travelling within the Borough for Approved Duties. The Chief Executive's guidance is below.

2. Approved Duties

- 2.1 In accordance with Schedule 2 of the Members' Allowance Scheme, Approved Duties are defined as:
 - The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority make appointments or nominations, or of any committee or sub-committee of such a body.
 - The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that it is a meeting to which members of at least two political groups have been invited.
 - The attendance at a meeting of any association of authorities of which the Authority is a member.

- The attendance at a meeting of the Cabinet or a meeting of any of its committees.
- The performance of any duty in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened.
- The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at school approved for the purposes of Section 342 (special schools) of the Education Act 1996.
- The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its committees or sub-committees.

3. Guidance on the Use of Taxis and Reimbursement of Costs

3.1 Wherever possible a Member should meet the cost of travelling within the Borough by using either their own vehicle or public transport. However, taxi costs will be reimbursed (or a taxi provided free of charge) in the following circumstances:

- Where it would not be practicable without considerable inconvenience for the Member to fulfil commitments because the Approved Duty takes place at an inconvenient time or location, because there are consecutive Approved Duties or because the Member has been asked to attend at short notice
- Where it would not be practicable without considerable inconvenience for the Member to use public transport to access an underground or train station from home, principal work address or the Town Hall in order to attend an Approved Duty outside the Borough.

- Where it would not be possible without risk to the health or safety of the Member to use public transport, for example because of mobility difficulties
- 3.2 A Member will not be reimbursed for taxi costs between their home or place of work to the Town Hall unless covered in 3.1 above.
- 3.3 Should Members be in any doubt as to whether they can claim for a particular duty or journey, they should contact the Head of Corporate Governance and Democratic Services. (020 8921 6004) in advance. Any query about whether a Member's taxi costs should be reimbursed or a taxi provided free of charge will be referred to the Director of Communities, Environment and Central.

4. **Travel and Subsistence**

- 4.1 Travel and subsistence allowances may only be claimed in respect of Approved Duties outside the Borough (see 2 above). To claim these allowances a Member must have first incurred expenses and a receipt must accompany the claim. All claims must be submitted to the Head of Corporate Governance and Democratic Services.
- 4.2 Travel and subsistence inside the Borough should be met from the Basic Allowance with the exception of arrangements concerning use of taxis as set out above.

5. **Subsistence (for Approved Duties outside the Borough)**

- 5.1 This must involve an absence from home, for a minimum of four hours, whilst undertaking an Approved Duty. N.B. The figures quoted are for the Municipal Year 2009/10 and in line with the Officer scheme will be updated from 1 April each year. Claims will be met at the rate(s) prevailing at the time..

a.	Breakfast Allowance	£7.08	(n.b. more than four hours away from home before 11 a.m.)
b.	Lunch Allowance	£9.74	(n.b. more than four hours from home including the period 12 noon – 2 p.m.)
c.	Tea Allowance	£3.84	(n.b. more than four hours from home including the period 3 p.m. – 6 p.m.)

d.	Evening Meal Allowance	£12.03	(n.b. more than four hours from home ending after 7 p.m.)
e.	Overnight Allowance		There are no specific guidelines in relation to overnight accommodation but pre-approval of rates is normally required. This would usually be looking in the price range of a medium rate hotel.

- 5.2 The amount of subsistence allowance that may be claimed should not exceed the actual cost to the Member concerned of meals, accommodation and out of pocket expenses.

6. **Travel (for approved duties outside the Borough)**

- 6.1 It is expected that Members of the Council will always use the most cost effective option available for approved duties. Where public transport is used Members must travel standard class and receipts must be provided to support claims. In attending approved duties out of the Borough Members will only be able to claim the Oyster pay as you go Bus Rate. There is a maximum daily cap on Oyster bus rates irrespective of the number of bus journeys undertaken.
- 6.2 Where a Member has to use a private vehicle for an approved duty, the mileage is paid from their normal place of residence to the place where the approved duty takes place; and the return journey home. The rate payable per mile is the same as that paid to Officers, 53.9p per mile (2013/14). Members using a motorcycle to attend approved duties outside the Borough may claim 50% of the essential mileage rate (i.e. 27p per mile – 2013/14) and similarly those using a bicycle for attending approved duties may claim 10p per mile.

PART 7
Organisation structure

Corporate and Universal Services

Director of Finance

Responsibility for exercising the functions of the Council's Chief Finance Officer; responsibility for contracts and the Approved List of Contractors as set out in Contracts Procedures; exercising delegated powers and undertaking the detailed responsibilities in respect of the financial management of the Council (as set out in Financial Regulations); undertaking responsibilities in respect of Risk Management and ensuring Value for Money; responsibility for all functions concerning Corporate Finance, Internal Audit, Anti-Fraud, Financial Operations and Payroll, Revenue Service and Benefits Service, ICT and Digital Services, Customer Services; delegates responsibility to the Assistant Director Financial Processing and Systems to act as "The Greenwich Director" on the Board of GS Plus.

Director of Legal & HR

Responsibility for exercising the functions of the Council's Monitoring Officer, Solicitor and Chief Legal Officer, including the approval of contract terms, the conveyancing of land and property and the signature of documents on behalf of the Council; responsible for the authentication of documents and contracts as prescribed by Financial and Contracts Procedures; responsible for instituting, defending or settling legal proceedings as directed by the Chief Executive or another Chief Officer; responsible for the authorisation of certain Officers of the Council to prosecute, defend or appear in any legal proceedings on the Council's behalf; responsibility for all functions concerning Legal Services and Human Resources.

Director of Communities, Environment and Central

Responsibility for all functions of the Council concerning Corporate Communications, Community Engagement, Parks and Open Spaces, Sport and Leisure (GLL Client), Waste Management, Street Sweeping, Mortuary, Cemeteries & Crematoria, Emergency Planning, Anti-Poverty, Policy and Performance, Third Sector Commissioning, Film Unit, Arts and Culture, Tourism, Electoral Registration, Web Management, Registrars, Transportation and Parking including road safety, active travel, Corporate Governance and Mayor's Office.

Regulatory and Public Services
<p data-bbox="193 309 890 342"><u>Director of Regeneration, Enterprise and Skills</u></p> <p data-bbox="193 387 1422 622">Responsibility for all functions concerning Regeneration, Planning, Building Control, Employment and Skills, Corporate Property, Economic Development, Support to Business, Housing Strategy and Partnerships, GLLaB, Sustainability, Priority Investment Programme and Digital Peninsula Worklessness, Greener Greenwich, GOLD Programme, Building Schools for the Future, Road Safety and Facilities Management.</p> <p data-bbox="193 667 852 701"><u>Director of Housing and Safer Communities</u></p> <p data-bbox="193 745 1422 857">Responsibility for all functions of the Council concerning Environmental Health, Trading Standards, Safer Communities, Licensing, Asset Management, Tenancy Services, Home Ownership and Housing Needs and Options.</p>
Social Care
<p data-bbox="193 992 655 1025"><u>Director of Children's Services</u></p> <p data-bbox="193 1070 1422 1261">Responsibility for all functions concerning Children's Social Care, Safeguarding, Looked After Children, Care leavers, Disabled Children, Special Education Needs, Education Attainment, School Admission and Place Planning, Youth Services, Children's Centres, Early Help, Youth Offending Services and Troubled Families / Families First.</p> <p data-bbox="193 1305 754 1339"><u>Director of Health and Adult Services</u></p> <p data-bbox="193 1384 1374 1541">Responsibility for all functions concerning Adult Social Care, Older People Day Care Nursing, Residential Care, Healthier Communities, Supported Housing, Adult Safeguarding, Public Health and Community Wellbeing, Care Commissioning and Occupational Therapy and Enablement.</p> <p data-bbox="193 1585 1031 1619">To deputise for the Chief Executive in her / his absence.</p>