

**MEETING OF HARLOW COUNCIL  
7.30 pm on Thursday 3 February 2022  
In the Council Chamber, Civic Centre**

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**AGENDA**

1. Apologies for Absence
2. Declarations of Interest

Councillors' declarations of interest (if any) in relation to any items on the agenda.
3. Minutes (Pages 3 - 14)

To agree the minutes of the meeting held on 9 December 2021.
4. Communications from the Chair
5. Petitions from the Public
6. Questions from the Public
7. Questions from Councillors
8. Motions from Councillors
9. References from Cabinet and Committees
  - a) Referral from Cabinet - Medium Term Financial Strategy 2022/23 - 2024/25 (to follow)
  - b) Referral from Cabinet - General Fund Budget 2022/23 (to follow)
  - c) Referral from Cabinet - Housing Revenue Account Business Plan 2021-2051 (to follow)
  - d) Referral from Cabinet - Housing Revenue Account Budget 2022/23 (to follow)
  - e) Referral from Cabinet - Capital Programmes 2021/22 - 2023/24 (to follow)
  - f) Referral from Cabinet - Capital and Treasury Report 2022 (to follow)
  - g) Referral from Cabinet - Treasury Management Strategy Statement 2021/22: Mid-Year Review (to follow)

- h) Referral from Licensing Committee - DFT Standards - Policy required on stretched limousines (Pages 15 - 20)

The Licensing Committee recommended to Full Council that the amended Licensing Policy as set out in paragraphs 11-14 of the report be adopted.

- i) Referral from Constitution Panel - Amendments to the Constitution (Pages 21 - 316)

The Constitution Panel recommended to Full Council that the amended Constitution (attached as Appendix A to the report) be adopted.

10. Reports from Officers

- a) Interim Review of Polling Districts and Places - Netteswell Ward (Pages 317 - 327)

11. Minutes of Cabinet and Committee Meetings

To note the following Cabinet and Committee minutes:

- a) Minutes of meeting Tuesday, 16 November 2021 of Licensing Committee (Pages 328 - 330)
- b) Minutes of meeting Thursday, 2 December 2021 of Cabinet (Pages 331 - 337)
- c) Minutes of meeting Tuesday, 7 December 2021 of Scrutiny Committee (Pages 338 - 340)
- d) Minutes of meeting Wednesday, 8 December 2021 of Development Management Committee (Pages 341 - 345)
- e) Minutes of meeting Tuesday, 18 January 2022 of Licensing Committee (to follow)
- f) Minutes of meeting Thursday, 20 January 2022 of Development Management Committee (Pages 346 - 347)

12. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE COUNCIL  
HELD ON**

9 December 2021

7.30 - 8.25 pm

**PRESENT****COUNCILLORS**

Clive Souter (Chair)  
Simon Carter  
Joel Charles  
Jean Clark  
Mike Danvers  
Bob Davis  
Jodi Dunne  
Tony Durcan  
Tony Edwards  
Michael Garnett  
Eddie Johnson  
James Leppard

Sue Livings  
Ash Malik  
Colleen Morrison  
Russell Perrin  
Nicky Purse  
Matthew Saggars  
John Steer  
Dan Swords  
Chris Vince  
Nancy Watson

**OFFICERS**

Brian Keane, Chief Executive  
Lisa Thornett, Corporate  
Governance Support Officer  
Simon Hill, Director of  
Governance and Corporate  
Support

**55. APOLOGIES FOR ABSENCE**

Apologies for absence were received from David Carter, Nick Churchill, Alastair Gunn, Michael Hardware, Eugenie Harvey, Maggie Hulcoop, Andrew Johnson, Shona Johnson, John Strachan, Mark Wilkinson and Gareth Williams.

**56. DECLARATIONS OF INTEREST**

None.

**57. MINUTES**

**RESOLVED** that the minutes of the meeting held on 28 October 2021 are agreed as a correct record and signed by the Chair.

**58. COMMUNICATIONS FROM THE CHAIR**

None.

**59. PETITIONS FROM THE PUBLIC**

None.

**60. QUESTIONS FROM THE PUBLIC**

None.

61. **QUESTIONS FROM COUNCILLORS**

The questions, together with the answers, are appended to the minutes.

62. **MOTIONS FROM COUNCILLORS**

None.

63. **REFERENCES FROM CABINET AND COMMITTEES**

- a) Referral from Licensing Committee - Adoption of Street Trading Policy

Proposed by Councillor Joel Charles (seconded by Council John Steer) it was:

**RESOLVED** that Full Council agrees the adoption of the proposed Street Trading Policy 2021-2026 as set out in Appendix 2 to the report.

- b) Referral from Audit and Standards Committee - Auditor Appointment

Proposed by Councillor Matthew Saggars (seconded by Councillor James Leppard) it was:

**RESOLVED** that:

**A** Full Council agrees that Harlow Council participates in the national procurement process led by Public Sector Audit Appointments Limited (PSAA) for the appointment of its external auditors.

**B** Delegated authority be granted to the Director of Finance, as the Council's statutory officer under Section 151 of the Local Government Act 1972 to formally give notice of the Council's intention to opt in to the PSAA procurement exercise.

- c) Referral from Electoral Review Working Group - Harlow Council Electoral Cycles

Proposed by Councillor Simon Carter (seconded by Councillor James Leppard) it was:

**RESOLVED** that the Council does not proceed with public consultation on opting for all out elections at this time.

- d) Referral from Cabinet - Corporate Strategy

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that:

- A** A new Corporate Strategy for 2021- 2023, attached at Appendix A to the report, is adopted.
- B** Authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to make minor and consequential amendments to the Corporate Strategy following strategic stakeholder consultation.

- e) Referral from Cabinet - Local Council Tax Support Scheme Proposals

Proposed by Councillor Russell Perrin (seconded by Councillor James Leppard) it was:

**RESOLVED** that the current Local Council Tax Support Scheme (LCTSS) remains unchanged for the 2022/23 financial year.

#### 64. **REPORTS FROM OFFICERS**

- a) Polling Station Review

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that:

- A** The following changes to the Polling Districts and Places will take place with effect from 1 December 2021:
  - i) CA – Great Parndon East - Great Parndon Community Association to be designated as the polling place for all elections.
  - ii) DB – Harlow Common West - The Royal British Legion to be designated as the polling place for all elections.
  - iii) EB – Little Parndon and Hare Street South - Harlow Youth Centre to be designated as the polling place for all elections.
  - iv) EC – Little Parndon and Hare Street West - St Thomas More Church Hall to be designated as the polling place for all elections.

**B** A further consultation is to be carried out to create two polling districts and two polling places in the Netteswell ward.

65. **APPOINTMENT TO COMMITTEES, SUB COMMITTEE AND PANELS OF THE COUNCIL AND THEIR CHAIRS AND VICE CHAIRS**

Full Council received a report which set out updated appointments to Committees, Sub Committee and Panels of the Council and their Chairs and Vice Chairs.

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that Councillors are appointed as members/substitute members of the Council Committees, Sub Committees and Panels as set out in the report.

66. **APPOINTMENT OF COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**

Full Council received a report which set out updated appointments to Council Representatives on Outside Bodies.

Proposed by Councillor Russell Perrin (seconded by Joel Charles) it was:

**RESOLVED** that Councillors are appointed as Council Representatives on Outside Bodies as set out in the report.

67. **MINUTES OF CABINET AND COMMITTEE MEETINGS**

**RESOLVED** that the minutes of the following meetings are noted.

- a) Minutes of meeting Thursday, 14 October 2021 of Cabinet
- b) Minutes of meeting Thursday, 4 November 2021 of Cabinet
- c) Minutes of meeting Tuesday, 16 November 2021 of Licensing Committee
- d) Minutes of meeting Wednesday, 24 November 2021 of Audit and Standards Committee

68. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COUNCIL

# Full Council – 9 December 2021

## Questions from Councillors

**1 Councillor Chris Vince to Councillor James Leppard (Portfolio Holder for Finance):**

Will the council confirm that the council tax cut that was promised before last May's election to be 'immediate' will be incorporated into their budget next year?

**Reply from Councillor James Leppard (Portfolio Holder for Finance):**

As we have previously stated, the Cabinet has been reviewing the Council's finances since taking control in May and will be finalising its financial plans and budgets prior to the Cabinet in January.

**Supplementary question from Councillor Chris Vince to Councillor James Leppard (Portfolio Holder for Finance):**

I know this Administration is keen on the detail but considering Harlow District Council only takes about 17 per cent of the Council Tax collected, the Conservative Police, Fire and Crime Commissioner of Essex has already said that he will be looking to raise his element of the Council Tax by 5 per cent and we are likely to see a rise from Essex County Council, although they froze part of it last year, they still raised the bit on social care. Can the Portfolio Holder give some indication as to what percentage decrease will be in your budget so we have got an idea as to where those cuts can be made?

**Supplementary reply from Councillor James Leppard (Portfolio Holder for Finance):**

Actually, the Harlow share of the Council Tax is 15.2 per cent. As we all know the financial year commences at the beginning of April and we assumed office towards the end of May so the financial year had already started. Furthermore, and without labouring the point, our task has not been assisted by the fact that the Council's accounts had not been signed off by the Auditors since 2018/19. However, that issue looks like it is shortly to be resolved at long last. The next agenda item, or one of the forthcoming agenda items, by the Leader of the Council will announce our new Corporate Strategy where you will see the key objective to become a low tax authority. Given the much publicised attention our tax policy has attracted amongst the opposition as well and their clear excitement that they have shown almost to the point of exuberance given the number of announcements we've had, I can only

confidently anticipate that the Leader of the Opposition will entreat his Members to support our new Corporate Strategy tonight.

**2 Councillor Chris Vince to Councillor Joel Charles (Deputy Leader and Portfolio Holder for Business and Community Resilience):**

Fireworks are used by people throughout the year to mark different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. What work did the council do to encourage residents to attend our own, excellent display, opposed to their own private displays?

**Reply from Councillor Joel Charles (Deputy Leader and Portfolio Holder for Business and Community Resilience):**

Harlow Council encouraged residents to attend the Town Park fireworks display through advertising on the Council's website with a dedicated events page, which received over 27,000 visits. The event was also advertised on the Council's Facebook and Twitter pages. 50,000 Facebook users were reached by the Council's posts. Press releases were also issued and published by Your Harlow alongside other local media outlets. The Council also shared advice on social media from the Essex Fire Service, which encouraged people to attend public firework displays where possible. Posters advertising the event were also put up on-site.

The Council's approach to promotional activity was proportionate and appropriate given the on-going concerns about public gatherings as a result of Covid-19, weighed against the benefits of providing a safe public display. All the press releases issued by the Council about fireworks night carried our administration's latest position on the pandemic.

In the lead up to fireworks night, an officer-led working group plans for and assesses risk factors when organising the event logistics and also considers the best approach for managing the flow of people attending. Animal welfare is an important area of focus too, particularly because Pets' Corner is in close proximity to the fireworks display. Work is always undertaken to mitigate the impact on the animals housed at Pets' Corner on the night. The outcome of the work undertaken by the Council was one of the best attended fireworks displays in recent years with an estimated crowd of over 20,000 people.

**Supplementary question from Councillor Chris Vince to Councillor Joel Charles (Deputy Leader and Portfolio Holder for Business and Community Resilience):**

Thank you for your full answer Councillor Charles. The only comment I was going to make there, and I appreciate what you just said and it was an

excellent display I could see it from my house but it was just to say that probably more than 20,000 people saw it, but I was just going to say that we are aware that fireworks don't just happen in November and on fireworks night. We are coming to the New Year and certainly there is going to be fireworks, I am assuming there will be the annual ones in London. Are we going to have similar work done to deter people from having their own private displays across the New Year as well?

**Supplementary reply from Councillor Joel Charles (Deputy Leader and Portfolio Holder for Business and Community Resilience):**

Thank you Chair and there are three elements in this response to Councillor Vince. First of all, of course as part of our preparations, our commitment to this town is to host fireworks displays every year whilst we are in Administration and that is the commitment that we can hold dear to us because those kind of public gatherings are really important to us. Taking into consideration the public safety element, the welfare of individuals that are sensitive to noise at night and, of course, the animals, one of the campaigns that the Council has supported historically is the "Bang out of Order" campaign and it does join in not only with our Community Safety Team but with Essex Police. The last two years they haven't been able to do that campaign for obvious reasons because of the pandemic but it is our intention in 2022 to embark on that campaign again to raise awareness of the issues of private displays as opposed to the brilliant public display that we put on in this town. I've also been approached by residents around a RSPCA campaign around animal welfare and, of course, the Council takes this very seriously. With the working group that officers lead to develop the fireworks display every year, we will of course, as we do every year, take into consideration animal welfare and I've asked officers when they are considering the event planning of fireworks night next year that we look that all considerations have been looked at to ensure that animal welfare is at the forefront of our minds and public safety but also that we are putting on a fantastic public display.

**3 Councillor John Steer to Councillor Dan Swords (Portfolio Holder for Regeneration):**

What steps are being taken to regenerate the town centre?

**Reply from Councillor Dan Swords (Portfolio Holder for Regeneration):**

The administration is working around the clock to plan and deliver the rebuilding of the town centre. The new Corporate Strategy upon which we will vote tonight made very clear that regeneration is our number one corporate priority.

That means not just talking about regeneration and designing pretty images of plans, but finally getting on to deliver the regeneration that our town centre needs.

We have already passed a key milestone in the name of the town centre masterplan planning framework, which is the first planning framework the Council has ever put in place for the town centre. That document begins to tackle the historic land ownership issues in the town centre and for the first time arms our planning colleagues with the material considerations they need to take back control of our town centre. I cannot understate the importance of that document which is the first in the history of the Council.

To that end, a series of announcements will be made in due course setting out how we will deliver that regeneration.

Our ambition knows no bounds, but that ambition will not just be a pipedream as has been the case in the past, it will be realised.

Harlow town centre will be thriving as one of the best places in the country to enjoy high-end retail, leisure, hospitality, arts and culture including a night-time economy and an excellent quality of environment and public realm with people travelling to the town centre from other areas in the region to enjoy its offerings.

**Supplementary question from Councillor John Steer to Councillor Dan Swords (Portfolio Holder for Regeneration):**

I am pleased by the commitments he has set out and the work that has already been undertaken. The regeneration of our town centre has been spoken about and promised for years so what reassurance can he give that it will finally happen?

**Supplementary reply from Councillor Dan Swords (Portfolio Holder for Regeneration):**

If anyone had any doubt over our commitment to delivering, they need not. We have already in short order passed the first ever planning framework for the town centre – the first in this town's history and the first major step towards delivering this.

I do however, understand why people are sceptical. The regeneration has never happened. We've had years of unmet promises and failure to deliver. In recent years alone we had and you may recall on Friday 8<sup>th</sup> June 2018 "a major facelift" to the quote "new" Market Square. Remember that? Probably not, but you'll remember the Council Tax bill...

In fact, in an interview from the former portfolio holder he said about the town centre regeneration and I quote “it is an evolution not a revolution”. My goodness, what stage did he leave that at? Perhaps with the benefit of the doubt, Homo Habilis, whom I think was out of the water at least.

In the seriousness of the matter, I do totally understand why people are sceptical, but we are getting on with the job and I would add – if we do not deliver the rebuilding, if we do not transform our town centre, we will have failed. There are challenges, but there are no excuses.

But we are going to build, build, build. To that end, there will be a series of announcements in the New Year.

We will get on and deliver what the people of this town voted for and what I have set out a number of times – a rebuilding of our town centre to attract high-end retail, hospitality, leisure and entertainment - one that our town can be proud of.

**4 Councillor Matthew Sagers to Councillor Nicky Purse (Portfolio Holder for Environment):**

First may I welcome you to you to your new post and I would like to ask you if you can tell me what your plan is to do with regards the bushes and overgrowth in many of the estates as it is a thorn in the side of most residents in Harlow, but up to now we have been told it was due to Covid-19 and staffing and then it was the wrong season to cut them due to wildlife they cannot be trimmed?

Now we are in the winter wonderland do we now have a plan that the last administration did not as this time of year to look after the green areas and return them to a manageable level I hope you can bring some festive joy to those in Harlow and not turn it into the winter of discontent and you are not another scrooge.

**Reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

Rather than scrooge, I would like to think of myself more as the ghost of Christmas future. We are working around the clock to restore pride in our estates, including by:

- Reviewing the service level agreement between HTS and the Council
- Walking ward-by-ward with HTS and Officers to carry full environmental and street scene audits

- Speeding up the planned roll out of the winter programme works through the delivery of a new Task Force
- Visiting each area after the winter programme work has been carried out to see if the work meets the expectations of residents and the administration
- Beginning work on a new tree maintenance policy

There is much more work going on but we will do whatever it takes to fully restore pride in our wonderful estates as the people of Harlow elected us to do.

As with the winter of discontent caused by the Labour party in 1978, it is the Conservatives that have to clean it up and we will.

**Supplementary question from Councillor Matthew Sagers to Councillor Nicky Purse (Portfolio Holder for Environment):**

As with the winter of discontent was in 1978, do you agree that the old Labour Administration decided to stand down their workers at times of need? The fact that they never had a policy to deal with the problem, nor did they enforce the policy that they did have, but they blamed everybody else for the fact that the winter of discontent as far as the environment for Harlow estates is concerned but left a decade of discontent especially in Mark Hall and the Stow where there is a lovely little Christmas market tomorrow and Saturday if anybody wants to go.

**Supplementary reply from Councillor Nicky Purse (Portfolio Holder for Environment):**

I'm hoping to change that winter of discontent with reviewing the service level agreement first of all and by the ward. The last Administration did stand down last year the green teams which other Council's didn't, they took the view of keeping green spaces nice and clear for people to have their 30 minutes of leisure and exercise. We stood them down and it has to be said it has cost us in the long run to actually do that. We are now having to pay back to get the levels of work back to the expectations of the residents and this is going to be a task that will go on ward by ward, audit by audit and the service level agreement will be reviewed to make it fit for purpose because we have had a decade now of ignoring this segment of the service level agreement. It is a not fit for purpose document and, on top of that, the recovery plan that has been put forward is a can't do document, not a can do.

**5 Councillor Tony Durcan to Councillor Russell Perrin (Leader of the Council):**

Would you agree with me that it's important that all councillors of the planning committee are independent in regards to any decision they make as a collective committee.

Whilst not making any reference to the actual planning appeal would you please reassure all councillors that as stated in the CRC Church's open letter that you oppose her derogatory comments that the committee were "so openly discriminating against a Christian church" and that the councillors on this committee "so easily swayed by what we see as irrefutable discrimination against our organisation and church".

In light of the Church's statement can you question why officers have accepted such an appeal in such an unfair and unbalanced application in this type of format?

**Reply from Councillor Russell Perrin (Leader of the Council):**

The letter referred to in the question relates to an appeal statement issued by the CRC church in relation to their planning application for part of the Leisurezone site. This is an appeal made to the independent Planning Inspectorate, not to Harlow Council. It is the Planning Inspectorate that has accepted the appeal, not Harlow Council officers. Any appellant is entitled to make their own statement to the Inspectorate and as this is now part of a formal appeal process the Council cannot request a retraction of their statement. The Council is simply a party to the appeal process and is not in control of it.

However, Harlow Council has to submit its own statement to the Planning Inspectorate on this matter by 28 December. Within this statement we will be making it clear that Councillors are entitled to express their views as part of the democratic process and also that all decisions of the Development Management Committee are collective decisions. Given that this is a quasi-judicial process I am not able to make any further comment on this matter.

**Supplementary question from Councillor Tony Durcan to Councillor Russell Perrin (Leader of the Council):**

Whilst I welcome the Leader's acceptance of the decisions made by the Planning Committee are a collective decision, could I press you further and can I push you to openly declare that you agree with me that the comments associated to the Church are unfounded and offensive to our colleagues on this committee? If you are not able to do that is this going to be seen as another example of your inability to lead anything, let alone lead a Council?

You should be standing with me defending the democratic right of our democratically elected comrades and we should not be tolerating and we should not be accepting these offensive words. Will you agree with me?

**Reply from Councillor Russell Perrin (Leader of the Council):**

As ever Chair I'm not really sure which one of the several supplementary questions I am meant to be answering there but I will do my best. I will take the one about my ability to lead, give me a chance Tony, it has only been a month and you had ten years. On the one about discriminatory comments, I'll refer back to previous statements I've made on this that I do not believe that there is a place for any discrimination against any religion, faith or anybody of any sex, gender or creed as so I would fully support any attempts to try and stamp that kind of thing out. As I say I cannot make any further comment on this particular matter as this is a quasi-judicial process and I think I have made my statement clear what I think about people that are intolerable about others faiths. Equally, individual councillors are accountable for their own words if they breach any of those rules and that is not for me to decide on a whim.

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 18 JANUARY 2022

**TITLE:** DEPARTMENT FOR TRANSPORT  
STANDARDS - POLICY FOR STRETCHED  
LIMOUSINES AND CHAUFFEUR VEHICLES

**LEAD OFFICER:** MICHAEL PITT, ENVIRONMENT AND  
LICENSING MANAGER  
(env.health@harlow.gov.uk)

**CONTRIBUTING OFFICERS:** ROWLAND W WILSON,  
SENIOR LICENSING OFFICER  
(licensing@harlow.gov.uk)

ADAM SHERWOOD  
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(licensing@harlow.gov.uk)

**RECOMMENDED that:**

- A** The Licensing Committee recommend to Full Council adoption of amended licensing policy as set out under Proposals below at paragraphs 11 to 14.
- B** Subject to A, the amended policy be implemented on approval by Full Council.

**BACKGROUND**

1. The Council is responsible for licensing hackney carriage and private hire drivers, vehicles and private hire operators. In undertaking those responsibilities, the Council has regard to the legislation in place including case law, relevant guidance, and its own policies and procedures.
2. Under the Policing and Crime Act 2017 the Secretary of State for Transport may issue statutory guidance on exercising taxi and private hire vehicle licensing functions, to protect children and vulnerable individuals who are over 18 from harm when using such services. On 21 July 2020 the Department for Transport (DfT) published statutory guidance in the form of Statutory Taxi and Private Hire Vehicle Standards, stating that the publication followed a number of high-profile incidents and issues highlighting risk to members of the public and to drivers. The standards reflect the significant changes within the industry in recent years, lessons learned in respect of safeguarding children and vulnerable adults, and cases of child sexual abuse and exploitation. Although the primary focus of the standards is on protecting children and vulnerable adults, it is expected by DfT that any passengers of these licensed vehicles will benefit from the recommendations, which aim to better regulate the taxi and private hire vehicle sector as a whole, and that the standards would address significant differences in standards applied to the licensing of drivers and vehicles across the country.
3. It is clear there is an expectation that these new standards will be implemented. Setting licensing policy does, however, remain the decision of the Council and where the Council is minded to depart from the new statutory standards it is possible to do so provided that there is clear and reasonable justification for the decision.

4. At its meeting of 17 November 2020, the Licensing Committee approved adoption of the standards and at its meeting of 19 January 2021 agreed the following recommendations:
  - a) The Committee determines that each of the Department for Transport (DfT) standards set out in the report below are appropriately allocated to the groups A-C in the report below, and note these matters set out under the heading Group A – No Policy Change Required.
  - b) Subject to A, the Committee recommends to Full Council the adoption of the policy changes set out at recommendation items 9-16 in the main agenda report under the heading in the report below; Group B – Policy Change Can be Recommended at This Time and recommendation items A and B for DfT standard 13 in the supplementary agenda report.
  - c) Subject to A, the Committee receive reports at future meetings in relation to the DfT standards set out under the heading Group C - Report to be Brought to a Future Meeting.
5. This report specifically deals with item 19 from Group C in the report that the Committee received on 19 January 2021.

## **ISSUES/PROPOSALS**

6. At at Paragraph 7.14 and 7.14 the DfT Statutory Taxi and Private Hire Vehicle Standards document states:

7.14 “Limousines: Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to ‘school proms’ as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department’s view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.”

7.15 “Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.”

7. There are currently no such stretched limousines licensed to operate by Harlow Council. An enquiry was received in 2019 and the applicant started the licence process for two vehicles but subsequently sold the vehicles and withdrew their application. The Council would require stretched Limousines presented for licensing to meet its requirements for

private hire vehicles, including emission standards. The maximum passenger capacity that can be licensed by any Council is eight.

8. Imported vehicles must meet British or European Standards. Drivers of limousines and executive vehicles must complete the licensing application process, as must any other private hire driver. The Council has no policies in place to exclude limousines from the licensing process.
9. At present private hire vehicles must display door and roof signs and rear plates; these are not generally considered appropriate for chauffeur and limousine vehicles.
10. Currently all licensed vehicles must be tested/inspected at the Council's approved testing station. However, the current provider does not have a suitable ramp to carry out inspections of limousine type vehicles due to their size.
11. To provide for any future case policy is required for all executive, chauffeur and limousine applications, to include application criteria and external vehicle signage exemption.
12. It is proposed to amend the current condition regarding exemption from display of signage for private hire vehicles to read as follows:

#### 14. Chauffeur Vehicles

Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle displays a rear plate under clause 11 above, door panels under clause 13 or a roof sign under clause 23 where the vehicle meets the following requirements;

- The vehicle is an executive or prestigious vehicle,
- The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver, and an appropriate standard of chauffeur service is provided
- The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.

The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle

13. It is proposed that for a limousine etc. that cannot be tested at the Council's approved testing station, an MOT be carried out at any suitably equipped testing station: however the vehicle shall then also be presented to the Councils approved testing station for a compliance test.
14. In addition to the current vehicle conditions, including the requirement that all vehicles must comply with the current emissions standard being Euro 4 (broadly 2006 onwards), it is proposed that the criteria and conditions set out in Appendix A shall apply to the licensing of stretched limousines.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

The proposed policy changes will ensure that the Council's standards for private hire vehicle licensing apply reasonably to stretched limousine in the event of a relevant application.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

None specific.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance**

As DfT's published licensing standards form statutory guidance to which the Council must have regard, it is appropriate to implement the recommendations unless there are exceptional local circumstances that indicate an alternative approach.

**Author: Simon Hill, Director of Governance and Corporate Support**

## **Appendices**

Appendix A - Licence Criteria and Conditions Applicable to Stretched Limousines Licensed as Private Hire Vehicles in Harlow

## **Background Papers**

Statutory Taxi and Private Hire Vehicle Standards [DfT]

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

## **Glossary of terms/abbreviations used**

DfT - Department for Transport

**LICENCE CRITERIA AND CONDITIONS APPLICABLE TO STRETCHED LIMOUSINES LICENSED AS PHVs IN HARLOW.**

Definition: A stretched limousine for the purpose of licensing in Harlow shall be a vehicle modified as a stretched vehicle, such as a Ford Lincoln, Ford Excursion, Cadillac, Volvo or Mercedes, by a converter approved by the manufacturer.

Small limousines, that is, those with fewer than 9 passenger seats, will in almost all cases not be type approved to British or European standards and thus will need to prove compliance through the Individual Vehicle Approval Scheme (IVA), formerly known as the Single Vehicle Approval scheme (SVA).

The IVA scheme provides a pre-registration inspection for all passenger and goods vehicles that have not been type-approved to British or European standards. The main purpose of this scheme is to ensure that these vehicles have been designed and constructed to modern safety and environmental standards before they can be used on public roads.

Before a vehicle is submitted to VOSA for an IVA inspection, evidence must be provided to demonstrate the modified vehicle's capability to operate at weights higher than the original vehicle's maximum gross weight where this will be exceeded when the vehicle is full of passengers. Key components such as the axles, suspension and brakes may have to be upgraded to take the extra weight of the converted vehicle, compared to the original base vehicle.

Evidence of an IVA inspection shall be required at the time of licence application.

A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B and S). The Council Private Hire Vehicle Standards allow for a category N write-off to be licensed.

Where the council's nominated garage is unable to fulfil the requirement of an MOT e.g. there is no large wheel-base ramp installed, the council shall accept an MOT from any VOSA Approved Testing Station. The vehicle will still have to attend and pass a Compliance Test at the Council's nominated garage.

The criteria for licensing these vehicles by Harlow Council will be the same as for private hire vehicles subject to the following **additional conditions**

1. The vehicle will be licensed for a maximum of eight passengers, and the applicant must confirm in writing that passenger numbers will be restricted to no more than 8 passengers.
2. Tinted windows must comply with the Road Vehicles (Construction & Use) Regulations 1986 in so far as the windscreen and front side windows are Concerned
3. The vehicle may be left hand drive provided it is fitted with a forward-facing camera on the offside of the vehicle (such as in the wing mirror) and a monitor displaying video from the camera and visible to the driver;
4. The correct type of tyres of both the appropriate size and the correct weight loading must be fitted.
5. A seat belt must be fitted for each seat in accordance with the Construction and Use Regulations and must be used by passengers;
6. Each passenger must be able to exit the vehicle on both sides of the vehicle by either a door or an emergency window exit. Childproof locks which prevent

- egress from the rear of the vehicle shall not be fitted or if fitted, shall be permanently disabled;
7. The vehicle will be required to pass a vehicle compliance inspection, before licensing and at intervals, as specified by the Private Hire Vehicle Conditions.
  8. Where alcohol is supplied it must be authorised under the Licensing Act 2003 and no alcohol shall be supplied to any person below the age of 18.
  9. A licence badge, issued by the Licensing Team shall be displayed on the front windscreen (not in the area swept by wipers)
  10. the vehicle shall be exempted from the requirements to display a plate identifying it as a Private Hire Vehicle, and in accordance with section 48 of the Local Government (Miscellaneous Provisions) Act 1976, will not have to be displayed on the rear of the vehicle. The exemption shall also apply to door stickers and roof signs.
  11. The exemption certificate issued in relation to Condition 10 shall be carried in the vehicle and available for inspection at all times.
  12. All granted applications shall be issued with an exemption certificate. (Appendix B).

**REPORT TO:** FULL COUNCIL

**DATE:** 3 FEBRUARY 2022

**TITLE:** AMENDMENTS TO THE CONSTITUTION

**LEAD OFFICER:** SIMON HILL, DIRECTOR OF GOVERNANCE AND CORPORATE SUPPORT (01279) 446099

**CONTRIBUTING OFFICERS:** HANNAH CRIDDLE, GOVERNANCE SUPPORT OFFICER (01279) 446055

ADAM REES, SENIOR GOVERNANCE SUPPORT OFFICER (01279) 446057

**RECOMMENDED that:**

**A** The revised Constitution (attached as Appendix A to the report) is adopted.

**BACKGROUND**

1. The Council has a constitution which sets out how the Council operates. This includes its democratic structure, how meetings will be conducted and how decisions will be made.
2. The Council adopted a new constitution when it moved from the Committee system to the Cabinet system in 2012. Since then the Constitution has been periodically updated, but there hasn't been an in-depth review.
3. This has provided an opportunity to review the effectiveness of the Constitution and the Constitution Panel has reviewed the Constitution in the latter months of 2021.
4. One of the Council's aims is to communicate as clearly as possible. However, parts of the Constitution do not meet this aim. Some sentences are too long, whilst others are poorly phrased. This means that it can occasionally be difficult to understand what the Constitution is attempting to state. Some sentences can be subject to misinterpretation, and can be duplicated.
5. Therefore the revised Constitution, attached as Appendix A to the report, has been reworded to make it easier to read. The majority of the changes come under the following categories:
  - a) Rephrasing sentences
  - b) Replacing words or phrases with synonyms;
  - c) Removing unnecessary words or sentences; and

- d) Removing paragraphs or sections where they duplicate other sections.

## **ISSUES/PROPOSALS**

6. Whilst the majority of the changes made have no material impact, there are a few material changes and these are detailed below.

### **Part 2, Article 11 - Officers**

7. Paragraph 11.6h has been added to accurately reflect the functions of the Monitoring Officer.

### **Part 2, Article 12 – Decision Making**

8. Paragraph 12.6a has been added to clarify the process surrounding the delegation of responsibilities and decision making powers of members of the Cabinet.

### **Part 3 – Joint Arrangements**

9. This part has been deleted as the Joint Partnership Committee with Uttlesford District Council no longer meets.

### **Part 4 – Questions on Notice**

10. Members of the public and Councillors are entitled to ask up to two submitted questions on notice at each committee, Cabinet, and Full Council meeting. In order to increase the amount of interaction between Councillors and Harlow Youth Council, a standing item has been added called 'Questions from Youth Councillors'. This change has been reflected in paragraphs 2.2a.ix and 10 of the revised Council Procedure Rules.
11. Paragraph 10 of the Council Procedure Rules now includes members of the public, Youth Council and Councillors. The paragraph titled 'Questions from Councillors' has been deleted to avoid duplication. Councillors retain the right to ask up to two questions without notice. This is reflected in the revised version's paragraph 10.17.

### **Part 4 – Contract Standing Orders**

12. Use of Performance Bonds
  - a) CSO 22 requires officers to obtain a Performance Bond for any contracts with a value of £100,000 or greater.
  - b) In the current climate, some suppliers are finding it more commercially difficult to procure Performance Bonds. Bonds are a financial liability for suppliers and can place an onerous burden on SMEs. They increase

contract costs and there is no guarantee that the Council would receive the total Bond value should the supplier be in default.

- c) It is proposed that the decision to require a Performance Bond should be proportionate to the nature and value of the contract, and measured as part of overall risk management of any proposed contract. Risk may be managed by holding a Bond Deposit or increasing retention sums held.
- d) Risk to the Council of default can be mitigated by prudent pre contract contractor due diligence and selection, and whilst in contract applying clear and robust performance monitoring. Standard contract terms allow for payment following certification of completed works.

### 13. Selection Suppliers

- a) CSO 10 gives the framework for supplier selection. Officers wish to widen the selection scope with a view to promoting opportunity to local suppliers and SMEs. The associated risk will be mitigated by introducing a robust approach to the pre-tender selection. Professional contract management and payment only on satisfactory completion of stages of the project stages will all assist with service delivery on time and within budget.
- b) Where possible, a minimum of two local suppliers should be given the opportunity to bid for work; provided that this does not distort competition or undermine the Council’s objectives of achieving good quality and value for money.

### 14. Procurement Thresholds

- a) CSO 9 provides thresholds that apply when inviting tenders and quotations. The proposed changes reflect both inflation and benchmarking data, and seek to assist business and market access.

Current Thresholds	Number of Suppliers	Proposed Thresholds	Number of Suppliers
Below £5,000	Minimum of 1	Below £10,000	Minimum of 1
£5,000 < £20,000	Minimum of 3	£10,000 < £75,000	Minimum of 3
£20,000 < £50,000	Minimum of 4	£75,000 < £350,000	Minimum of 4
£50,000 < £250,000	Minimum of 5	£350,000 or greater	Minimum of 5
£250,000 or greater	Minimum of 5		
Consultation with Portfolio Holder		Cabinet Approval	
Currently £50,000 but less than £250,000 and £25,000 but less than £50,000 for consultancy services		Currently £250,000 or greater and £50,000 or greater for consultancy services	
Proposed change to £75,000 but less than £350,000 and £50,000 but less		Proposed change to £350,000 or greater and £100,000 or greater for	

than £100,000 for consultancy services	consultancy services
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## 15. Electronic Tendering

- a) CSO 12 provides an end to end solution for advertising and inviting tenders. It is proposed that all procurements with a value of £10,000 or above should be conducted using the Council's electronic tendering system (the MyTenders portal). MyTenders provides a complete audit trail of all procurement activity whilst giving confidence to suppliers that the complete process is open, fair and transparent from start to finish.
- b) Officers will be required to attend training to support electronic tendering.

## 16. Opening Tenders

- a) CSO 14 requires that the appropriate Portfolio Holder (or in their absence another Councillor) and a member of Corporate Procurement shall open tenders with an estimated value of £50,000 or greater. However, best procurement practice encourages the use of electronic processes as adopted by the Council, and the tender portal is fully GDPR compliant. The date and time of all tenders received is automatically recorded on the portal and tenders are held in a secure post box until the closing date has elapsed. This automated process negates the need for witnessing, and therefore Portfolio Holders will no longer be troubled with opening Tenders. In the few circumstances where hard copies are required and returned, the Portfolio Holder or another Councillor will continue to be invited to open tenders.

## 17. Waivers

- a) It is proposed that CSO 3.1 is amended to read "No exceptions shall be made from these CSOs otherwise than by a joint written decision of the appropriate Director and/or the Section 151 Officer *[in agreement with the Legal Services Manager and]* in consultation with the relevant Portfolio Holder to strengthen the governance process.

## 18. Social Value

- a) Social Value is mandatory for above threshold procurement (as specified in the Public Contracts Regulations 2016) as at 1 January this year, and is voluntary otherwise. Therefore, to further embed social value into the procurement process it is recommended that the Contract Management requirements prescribed in CSO 20.1 a) are amended to read "a) Performance/KPI's (*including Social Value*)". Social value already forms part of all procurement activity on a proportionate basis, regardless of the value.

- b) Training is required for Officers as social value is pervasive in nature and must form part of all above threshold bid specifications and ideally attract a quality weighting appropriate to the nature and value of the works or services sought.

## **Part 5 – Petitions Scheme**

- 19. Paragraph 2.1 has been amended to clarify that where a petition receives fewer than 50 signatures it will be referred to the relevant department.
- 20. Under the current Petitions Scheme, the Council can only accept e-petitions submitted through its website. It is proposed that the Scheme is amended to enable petitions set up on [www.change.org](http://www.change.org) to be submitted. In order to ensure that signatures from a petition created in [www.change.org](http://www.change.org) are valid, paragraph 6.6 has been added to require the petition organiser submits a list of signatories.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

As set out in the report

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

As set out in the report.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As set out in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

The approach to increase the use of local suppliers is consistent with the Council's emerging Climate Change Strategy. Buying more goods and services locally will reduce transportation thereby helping the Council towards its goal of achieving Net Zero carbon emissions by 2040.

**Author: Jane Greer, Director of Communities and Environment**

### **Governance**

As set out in the report.

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A – Revised Constitution

## **Background Papers**

None.

## **Glossary of terms/abbreviations used**

CSO – Contract Standing Order

GDPR – General Data Protection Regulations

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# **Part 1**

# **Summary and**

# **Explanation**

## **1 The Council's Constitution**

- 1.1. This is the Constitution of Harlow District Council (the Council). It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these procedures are required by law, while others are a matter for the Council to choose.
- 1.2. The Constitution is divided into 15 articles that set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols later in the document.
- 1.3. The Constitution is established and published in accordance with Section 37 of the Local Government Act 2000 (as amended).

## **2 What's in the Constitution**

- 2.1. Article 1 of the Constitution commits the Council to providing community leadership, encouraging public participation and to conduct its affairs and provide services in a transparent and fair manner. Articles 2 to 15 explain the rights of citizens and how the main parts of the Council operate. These are:
  - a) Councillors (Article 2)
  - b) Citizens and the Council (Article 3)
  - c) The Full Council (Article 4)
  - d) Chairing the Council (Article 5)
  - e) Cabinet (Article 6)
  - f) Scrutiny (Article 7)
  - g) Audit and Standards Committee (Article 8)
  - h) Other Committees, Sub Committees, Working Groups, Parties and Panels (Article 9)
  - i) Joint arrangements (Article 10)
  - j) Officers (Article 11)
  - k) Decision making (Article 12)
  - l) Finance, contracts and legal matters (Article 13)
  - m) Review and revision of the Constitution (Article 14)

- n) Suspension, interpretation and publication of the Constitution (Article 15)

### **3 How the Council operates**

- 3.1. The Council has 33 Councillors. Each Councillor is elected for a four year term. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community and to all of their constituents, including those who did not vote for them.
- 3.2. Councillors follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Audit and Standards Committee provides training and advises them on the Code of Conduct.
- 3.3. All Councillors meet together as the Full Council. Meetings of the Full Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year.
- 3.4. Full Council appoints the Chair, Vice Chair, the Leader, as well as Committees, Sub Committees, Working Groups, Parties or Panels to undertake functions on its behalf.
- 3.5. Council meetings are also an opportunity for the public to raise issues and ask questions on matters relating to the Council or the district. The public participation arrangements are set out later in the Constitution

### **4 How decisions are made**

- 4.1. Cabinet
  - a) The Cabinet is responsible for key decisions (as defined in Part 2, paragraph 12.3) in the Council.
  - b) The Cabinet is made up of the Leader of the Council and at least two (2) but no more than nine (9) other voting Councillors appointed by the Leader. These Councillors are normally referred to as Cabinet Members or Portfolio Holders.
  - c) Cabinet meetings are open to the public, except where confidential matters are discussed.
  - d) The Cabinet has to make decisions which are in line with the Council's policy framework and budget. If it wishes to make a decision which is outside the policy framework or budget, the Cabinet must recommend the matter to Full Council for a decision.
  - e) The Cabinet may also appoint Committees, Sub Committees, Working Groups, Parties or Panels to support the work of the Cabinet.

#### 4.2. Scrutiny

- a) The Council will appoint at least one Committee to undertake overview and scrutiny to support its work and the Council as a whole.
- b) Such Committees review and report on matters outside the control of the Council.
- c) Scrutiny includes a power to 'call-in' decisions which have been made but not yet implemented. This procedure is detailed in Part 4 of the Constitution.

#### 4.3. Audit and Standards Committee

- a) The Audit and Standards Committee deals with a range of matters including issues concerning Councillors' conduct, audit and risk functions, providing advice and guidance to the Council, the Cabinet and individual Councillors.

#### 4.4. Other committees, sub committees, working groups, parties and panels

- a) Full Council may appoint committees, sub committees, working groups, parties or panels to undertake functions on its behalf.
- b) The Council will also establish and appoint Councillors to the following Committees which will report to Council:
  - i) Development Management
  - ii) Licensing
- c) In addition to the above Committees, the Council shall establish and appoint Councillors to the following Working Groups, Parties and Panels , which will report to Council:
  - i) Chief Executive's Appraisal Panel
  - ii) Independent Remuneration Panel
  - iii) Appointments Panel

### 5 The Council's staff

- 5.1. The Council has staff working for it (called 'Officers'). Their role is 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.

- 5.2. The Officer/Councillor Protocol governs the relationships between Officers and Councillors.

## 6 Citizens' rights

- 6.1. The Council welcomes participation by its citizens in its work. They 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 procedures. The Citizens' Advice Bureau can advise on individuals' legal rights. The Council will advise citizens of their rights related to functions of the Council when possible and appropriate.
- 6.2. Where members of the public use specific Council services they have additional rights. These are not covered in the Constitution. Citizens have the right to:
- a) vote at local elections if they are registered
  - b) contact their local Councillor about any relevant matters of concern to them
  - c) obtain a copy of the Constitution
  - d) attend meetings of the Council and its Committees (except where confidential matters are being discussed)
  - e) to receive information and documents to be considered as well as details of decisions made (except where this would mean disclosing confidential information)
  - f) petition to request a referendum on a mayoral form of executive
  - g) participate in the Council's meetings in line with the Council's public participation procedures and contribute to investigations by the Scrutiny Committee in accordance with the Constitution.
  - h) complain:
    - i) to the Council about its actions or failure to take action
    - ii) to the Local Government Ombudsman if they think the Council has not followed its own procedures properly but can only do this after exhausting the Council's Complaints Procedure
    - iii) to the Monitoring Officer if they believe that a Councillor has not followed the Councillor Code of Conduct.
  - i) inspect the Council's accounts and make their views known to the external auditor.

- 6.3. The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Governance and Corporate Support.
- 6.4. Citizens must respect others in all dealings with the Council. This includes abiding by the rules of meetings, not being violent, abusive or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers. The Council will pursue all lawful actions to prevent or stop such behaviour. The Council will seek civil or criminal remedies for any harm done where appropriate.

# **Part 2**

# **Articles of the**

# **Constitution**

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## **1 The Constitution**

- 1.1. This article sets out the fundamental provisions of the Constitution. It confirms that the Council will act within the law and the provisions of the Constitution. It defines those documents within the Constitution.
- 1.2. The Council will exercise all its powers and duties in accordance with the law and the Constitution.
- 1.3. The purpose of the Constitution is to:
  - a) enable the Council to provide clear leadership to the community in partnership with citizens, business and other organisations
  - b) support the active involvement of citizens in the process of the Council's decision making
  - c) help Councillors represent their constituents more effectively
  - d) enable decisions to be taken efficiently and effectively
  - e) create a powerful and effective means of holding decision makers to public account
  - f) ensure that no one will review or scrutinise a decision in which they were directly involved
  - g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions
  - h) provide a means of improving the delivery of services to the community.
- 1.4. Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.
- 1.5. The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

## **2 Councillors**

- 2.1. This article sets out the composition of the Council, eligibility to stand for election as a Councillor and the form of election to be used. It also deals with the rights and duties of Councillors.
- 2.2. Composition and eligibility

- a) The Council has 33 Councillors representing 11 wards. Three Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- b) Only those who meet the requirements set out in Part V of the Local Government Act 1972 (as amended) are eligible to be a Councillor.  
<https://www.legislation.gov.uk/ukpga/1972/70/part/V>

### 2.3. Elections and terms of office of Councillors

- a) The ordinary election of a third (or as near as may be) of all Councillors will be held on the first Thursday in May every year beginning in 2006. However, in 2009 and every following fourth year there will be no regular election.
- b) A Councillors' term of office will be four years. This will start on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.4. Key roles of Councillors

- a) All Councillors will:
  - i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions. They will also monitor and scrutinise the delivery of services and operation of the Council;
  - ii) represent their communities and bring their views into the Council's decision making process as the advocate of and for their communities;
  - iii) contribute to the good governance of the district and actively encourage community and citizen involvement in decision making;
  - iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances, and respond to constituents' enquiries and representations fairly and impartially;
  - v) balance different interests identified within the Ward and represent the Ward as a whole;
  - vi) be involved in decision making as well as the governance and management of the Council;
  - vii) be available to represent the Council on other bodies; and

viii) uphold the highest standards of conduct and ethics.

## 2.5. Rights and duties

- a) Councillors will have the right to access documents, information, land and buildings of the Council as are necessary to carry out their functions and in accordance with the law.
- b) Councillors will not make confidential or exempt information public without the consent of the Council. They will not divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- c) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4 of the Constitution.
- d) Every Councillor has the right to attend and speak at all meetings of Committees, Sub Committees, Working Groups, Parties and Panels appointed by the Council and Cabinet whether or not the Councillor is a member of the particular body. They will also be able to represent their constituents before the Licensing Sub Committee, Regulatory Sub Committee and Development Management Committee..

## 2.6. Conduct

- a) Councillors will at all times observe the Councillor Code of Conduct and the Officer/Councillor protocol set out in Part 5 of the Constitution.

## 2.7. Allowances

- a) Councillors will be entitled to receive allowances in line with the Members’ Allowances Scheme set out in Part 6 of the Constitution.

## 2.8. Co-opted Persons

- a) Certain Committees, Sub Committees, Working Groups, Parties and Panels may from time to time co-opt non-Councillors on to those bodies. Co-optees will be expected to observe the Councillor Code of Conduct and other relevant rules. They will also be required to observe the rules on confidentiality and will be required to make declarations of interest. They will not have voting rights on such bodies.

### 3 Citizens and the Council

3.1. Citizens have the right to information and to participate in the democratic process. How this is achieved is explained below and in more detail in the Access to Information Procedure Rules in Part 4 of the Constitution.

3.2. Voting and petitions

- a) Citizens on the electoral roll for the district have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.

3.3. Information

- a) Citizens have the right to:
  - i) attend meetings of the Council, Cabinet and their Committees, Sub Committees, Working Groups, Parties and Panels (except where confidential or exempt information is likely to be disclosed and that part of the meeting is therefore held in private)
  - ii) see reports, background papers and any record of decisions made by the Council, Cabinet and their Committees, Sub Committees, Working Groups, Parties and Panels (except where confidential or exempt information is likely to be disclosed)
  - iii) inspect the Council's accounts and make their views known to the external auditor.

3.4. Participation

- a) Citizens have the right to submit questions to the Council, Cabinet and its Committees and contribute to investigations by the Council's Overview and Scrutiny function.

3.5. Complaints

- a) Citizens can complain to the:
  - i) Council itself under its Complaints Procedure
  - ii) any relevant Government Body or Commissioner
  - iii) Monitoring Officer about alleged non observance of the Councillor Code of Conduct.

### 3.6. Citizens' responsibility

- a) Citizens must show respect to and not be violent, abusive or threatening to Councillors or Officers. They must not wilfully harm things owned by the Council, Councillors or Officers.

## 4 The Full Council

4.1. The Full Council is the ultimate decision making body of the Council (subject to any legislative restrictions). All Councillors attend Full Council meetings (normally six meetings per year excluding special meetings). At the Annual Council meeting which is normally held in May after the local government elections, Councillors are appointed to specific positions such as the Leader and the Chair of the Council.

### 4.2. Council meetings

- a) There are three types of Full Council meetings:
  - i) Annual Council
  - ii) ordinary meetings
  - iii) special meetings
- b) The meetings will be conducted in accordance with the Council Procedure Rules in Part 4 of the Constitution.

4.3. The responsibilities of the Full Council can be found in Part 3 of the Constitution.

## 5 Chairing the Council

5.1. The Chair of the Council has the following roles and functions, together with those otherwise specified in the Constitution. The Chair will:

- a) uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- b) preside over meetings of the Full 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) ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the Leader and Cabinet to account
- d) promote public involvement in the Council's activities
- e) be the conscience of the Council

- f) attend such civic and ceremonial functions as the Council and they determine appropriate.

5.2. The Vice Chair has the authority to exercise all the powers of the Chair expressed in the Constitution when acting in the absence of the Chair.

## **6 Cabinet**

6.1. The Cabinet carries out all the Council's functions which are not reserved to Full Council or the responsibility of any other part of the Council, whether by law or under the Council's Constitution and takes Key Decisions as defined in Article 12 of this Constitution.

6.2. The terms of reference of the Cabinet can be found in Part 3 of the Constitution.

6.3. Form and composition

- a) The Cabinet will comprise the Leader and at least two (2), but not more than nine (9) Councillors appointed to the Cabinet by the Leader. Neither the Chair nor the Vice Chair of the Council may be appointed to the Cabinet. Cabinet Members cannot be a member of the Scrutiny Committee or its Call In Sub Committee. There will be no co-option to the Cabinet and substitution arrangements will not apply.

6.4. Leader

- a) The Leader will be a Councillor elected to the position at Annual Council. They will be elected for a period equivalent to their remaining term of office. The Leader will hold office until:
  - i) they resign from the office
  - ii) a new Leader of the Council is appointed at the Annual Council meeting if the current Leader reaches the normal date of their retirement/re-election; or
  - iii) they're removed from office by a majority vote of the Full Council.
- b) If the Leader position becomes vacant, the Full Council will elect a successor at its next meeting or at the same meeting if the Leader is removed from office by a vote of Council.

## 6.5. Other Cabinet Members

- a) Other Cabinet members will be appointed by the Leader. They will be identified by the Leader at the meeting at which the Leader is appointed.
- b) They will hold office until:
  - i) they are removed from office by the Leader
  - ii) they resign from the office
  - iii) they are no longer a Councillor.
- c) The Leader can make changes to their Cabinet at any time. Any changes will be reported to the next meeting of Full Council.
- d) The Leader will allocate responsibility for functions to their Cabinet Members. Those Cabinet Members will be known as a 'Portfolio Holders'.
- e) The Leader has discretion to appoint non-portfolio holding Councillors from the Administration as attendees. Additional attendees can speak, but cannot vote, on any business being considered at the meetings of Cabinet.

## 6.6. Deputy Leader

- a) The Leader will appoint a Deputy Leader from among the Cabinet Members. In the absence of the Leader, the Deputy Leader will take on the responsibilities of that position.
- b) Each Portfolio Holder will, with the approval of the Leader, nominate one other Portfolio Holder to deputise for them in their absence or when otherwise unable to perform their duties. In the absence of both the Portfolio Holder and the Portfolio Holder deputising for them, responsibility for a portfolio will pass to the Leader. Where the Leader is unable to perform the duties of others, responsibility for those duties will pass to the Deputy Leader.

## 6.7. Non-Cabinet Councillors

- a) Political groups not forming part of the Administration will form opposition groups. They can nominate Councillors to speak on specific Portfolio Holder functions at meetings of the Cabinet. Nominations will be reported to Full Council. Those spokespersons shall be entitled to nominate deputies from amongst themselves to speak in their absence. At the discretion of the Leader (or Deputy Leader in their absence), the nominated persons may contribute to discussion on items on which they are spokesperson..

- b) Spokespersons will not have the right to vote. All relevant rules on the disclosure of interests will apply to those Councillors.
- c) At the discretion of the Leader (or Deputy Leader in their absence), other non-Cabinet Councillors can contribute to discussion on items at Cabinet meetings that relate specifically to their Wards or constituents. All relevant rules on the disclosure of interests shall apply to those Councillors.

#### 6.8. Proceedings of the Cabinet

- a) Proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules in Part 4 of this Constitution.

#### 6.9. Responsibility for Functions

- a) The Cabinet may delegate any of its functions to a Committee, Portfolio Holder (subject to the Portfolio Holder Scheme of Delegation) or to Officers. The Cabinet can create and instruct Policy Development Working Groups to carry out reviews and research into issues that will help it formulate policy.

### **7 Scrutiny**

7.1. Full Council will establish a Scrutiny Committee.

7.2. Composition

- a) Full Council will decide the size and membership of the Committee.

7.3. The terms of reference of the Scrutiny Committee can be found in Part 3 of the Constitution.

7.4. Proceedings of the Scrutiny Committee

- a) The Scrutiny Committee and the Call In Sub Committee will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

### **8 Audit and Standards**

8.1. Full Council will establish an Audit and Standards Committee.

8.2. Composition

- a) Full Council will decide the size and membership of the Committee.

8.3. The terms of reference for the Audit and Standards Committee can be found in Part 3 of the Constitution.

## **9 Other Committees, Sub Committees, Working Groups, Parties and Panels**

- 9.1. The Full Council or the Cabinet may establish other Committees, Sub Committees, Working Groups, Parties and Panels that it deems necessary to support them in carrying out their functions.

## **10 Joint arrangements**

- 10.1. The Council, in order to promote the economic, social or environmental wellbeing of the Council's area and its surroundings, may:

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

- 10.2. Joint arrangements

- a) The Council can establish joint arrangements with one or more Councils or their Executives to exercise functions in any of the participating Councils, or to provide advice to the Council. This can involve the appointment of a Joint Committee with these other Councils.
- b) Details of any joint arrangements including any delegation to Joint Committees will be found in Part 3 (Responsibility for Functions) of the Constitution.

- 10.3. The Access to Information Procedure Rules in Part 4 of the Constitution apply to any joint arrangements.

- 10.4. If the Joint Committee contains Councillors who are not in the Executive of any participating Council then the access to information rules in Part V A of the Local Government Act 1972 (as amended) will apply.

- 10.5. The Council may delegate functions to another Council or, in certain circumstances, the Executive of another Council.

- 10.6. The decision whether or not to accept such delegation from another Council is reserved to Full Council.

## **11 Officers**

- 11.1. The use of the word "Officers" means all employees and staff engaged by the Council to carry out its functions including those engaged under short term, agency or other non-employed situations.

- 11.2. The Council will engage Officers it considers necessary to carry out its functions.

11.3. The Council must appoint Officers for the following statutory posts. They will normally be designated the following posts as shown, subject to alternative arrangements applying that may be deemed appropriate.

<b>Officer</b>	<b>Statutory Post</b>
Chief Executive	Head of Paid Service
Deputy to the Chief Executive and Director of Finance	Chief Finance Officer (Section 151 Officer)
Director of Governance and Corporate Services	Monitoring Officer

11.4. The Chief Executive will be designated “Chief Officer”. The statutory posts will have the functions described below.

11.5. Functions of the Head of Paid Service

a) Structure

- i) The Head of Paid Service will determine and publicise the overall management structure of the Council.
- ii) The structure will show the management structure, deployment of Officers and responsibility for functions. This is set out at Part 7 of the Constitution.

b) Discharge of functions by the Council

- i) The Head of Paid Service will report to Full Council on the manner in which the Council’s functions are co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- ii) The Head of Paid Service may appoint or delegate functions to a deputy.

c) Restrictions on functions

- i) The Head of Paid Service cannot be the Monitoring Officer, but can be the Chief Finance Officer if they are a qualified accountant.

11.6. Functions of the Chief Finance Officer (Section 151 Officer)

- a) The duties of the Chief Finance Officer shall be performed by them personally, but can be carried out by a deputy appointed by them to act in circumstances of sickness or absence.

- b) After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council's external auditor if they consider 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.
  - c) The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
  - d) The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
  - e) The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors and will support and advise Councillors and Officers in their respective roles.
  - f) The Chief Finance Officer will provide financial information to the media, members of the public and the community.
  - g) The Chief Finance Officer shall have access, as necessary to meetings and be available to be consulted by Councillors as required.
- 11.7. Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer
- a) The Council will provide the Monitoring Officer and Chief Finance Officer with such Officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.
- 11.8. Conduct
- a) Officers will comply with the Officers' Code of Conduct and the Officer/Councillor Protocol set out in Part 5 of the Constitution.
- 11.9. Employment
- a) The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out in Part 4 of the Constitution.
- 11.10. Functions of the Monitoring Officer
- a) The duties of the Monitoring Officer will be performed by them personally, but can be carried out by a deputy appointed by them to act in circumstances of sickness or absence.

- b) The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by Councillors, Officers and the public.
- c) After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. This report will have the effect of stopping the proposals or decision being implemented until the report has been considered by Full Council.
- d) The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by supporting the Audit and Standards Committee.
- e) The Monitoring Officer will conduct investigations into complaints about alleged misconduct by Councillors and make reports or recommendations in respect of them to the Committee.
- f) The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
- g) The Monitoring Officer will have access, as necessary, to meetings and be available to be consulted by Councillors as required.
- h) The Monitoring Officer will, as necessary, grant dispensation to members with a Disclosable Pecuniary Interest as defined in Section 33 of The Localism Act 2011.

## 12 Decision Making

12.1. The Council will issue and keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 (Responsibility for Functions) of the Constitution.

12.2. Principles of decision-making

- a) In order to give effect to and promote the policies, plans and strategies of the Council contained in the Policy Framework (Article 4) all decisions of the Council will be made in accordance with the following principles:
  - i) Proportionality. The action must be proportionate to the desired outcome
  - ii) Due consultation and the taking of professional advice from Officers

- iii) Respect for human rights
- iv) Due regard to equality and diversity
- v) A presumption in favour of openness
- vi) Clarity of aims and desired outcomes.

### 12.3. Key Decisions

- a) A 'Key Decision' means a Cabinet decision which is likely:
  - i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates. For the purpose of this article expenditure or savings are deemed to be significant if they exceed £50,000.
  - ii) to be significant in terms of its effects on communities living in an area comprising two or more wards or electoral divisions in the area of the local authority.
- b) A decision taker may only make a key decision in line with the Cabinet Procedure Rules and Access to Information Rules set out in Part 4 of this Constitution.

### 12.4. Decision making by the Full Council

- a) Subject to Article 11.6, Council will follow the Council Procedure Rules set out in Part 4 of the Constitution when considering any matter.

### 12.5. Decision making by the Cabinet

- a) Subject to Article 12.7, Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of the Constitution when considering any matter.

### 12.6. Decision making by Portfolio Holders

- a) Portfolio Holders can make decisions on behalf of Cabinet. These are set out in the Scheme of Delegation which is approved by Cabinet at the first meeting of each Council year.

### 12.7. Decision making by Scrutiny

- a) The Scrutiny Committee and Call In Sub Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of the Constitution when considering any matter.

12.8. Decision making by Committees and Sub-Committees

- a) Subject to Article 12.11 Council Committees and Sub Committees will follow those parts of the Council Procedures Rules set out in Part 4 of the Constitution as apply to them.

12.9. Decision making by Joint Partnership Committee(s)

- a) Decision making by a Joint Partnership Committee will follow the Joint Partnership Committee Procedure Rules set out in Part 4 of the Constitution.

12.10. Decision-making by Council bodies acting as tribunals

- a) The Council, a Councillor, or an Officer can act as a tribunal, or in a quasi-judicial manner. This can be done when determining or considering (other than for the purposes of giving advice) the civil rights and obligations, or the criminal responsibility of any person. They will follow a proper procedure which follows the requirements of natural justice and the right to a fair trial contained in line with Article 6 of the European Convention on Human Rights.

12.11. Urgent Decisions

- a) Where urgent matters need to be dealt with and time does not allow for convening a meeting of Full Council, Cabinet or a Committee, executive power will be vested in the Chief Executive (or in their absence the Deputy to the Chief Executive) in consultation with the Leader of the Council and/or relevant Chair.
- b) No decision will be made, or instructions issued, under this Article which are contrary to an expressed resolution of the Council or an established practice except where it is believed, acting in good faith, that the context requires such decision or instruction.
- c) A report of all decisions taken under this Article will be made to the next meeting of Full Council, Cabinet or the relevant Committee as appropriate.

### **13 Finance, contracts and legal matters**

- 13.1. The management of the Council's financial affairs will be conducted in line with the Financial Procedure Rules set out in Part 4 of the Constitution and be subject to independent review by Internal Audit in accordance with the Internal Audit Charter adopted by the Council as set out in Part 5 of the Constitution.

### 13.2. Contracts

- a) Every contract made by the Council will comply with the Standing Orders relating to Contracts set out in Part 4 of the Constitution.

### 13.3. Legal proceedings

- a) The Director of Governance and Corporate Services is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

### 13.4. 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 Governance and Corporate Services or other person they have authorised, unless another person has been given the authority to do so by the Council, or if they are required to do so.

### 13.5. Common Seal of the Council

- a) The Common Seal of the Council will be kept in a safe place in the custody of the Director of Governance and Corporate Services. 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 Governance and Corporate Services should be sealed.
- b) The affixing of the Common Seal will be attested by the Director of Governance and Corporate Services or some other person authorised by them.
- c) An entry of every sealing of a document will be made, and consecutively numbered, in a book provided for this purpose and shall be signed by the person(s) who have attested the Seal.

## **14 Review and revision of the Constitution**

14.1. The Director of Governance and Corporate Services, as Monitoring Officer, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.2. Protocol for monitoring and review of Constitution by the Monitoring Officer:

- a) The Monitoring Officer will be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make

recommendations on how it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- i) observe meetings of different parts of the Councillor and Officer structure;
  - ii) undertake an audit trail of sample decisions;
  - iii) record and analyse issues raised with them by Councillors, Officers, the public and other relevant stakeholders; and
  - iv) compare practices in this Council with those in other comparable Councils, or national examples of best practice.
- b) Changes to the Constitution
- i) Changes to the policy aspects of the Constitution can only be approved by the Full Council following receipt of a report from Cabinet or a relevant Committee appointed by Council. However, the Director of Governance and Corporate Services has the authority to make editing and consistency changes after discussion with the Chair of the Constitution Panel.

## **15 Suspension, interpretation and publication of the Constitution**

### 15.1. Suspension

- a) The Articles of the Constitution may not be suspended. The Rules specified below may be suspended by the Full Council to the extent permitted within those rules and the law.
- b) A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- c) The following rules may be suspended in accordance with Article 14:
  - i) Council Procedure Rules (Part 4 of the Constitution) all, except Rules 21.5 and 22.2.

### 15.2. Interpretation

- a) The ruling of the Chair of a Council meeting on the interpretation the Constitution will not be challenged. Any interpretation will have regard to the purposes of the Constitution contained in Article 1.

### 15.3. Publication

- a) The Director of Governance and Corporate Services will make available a copy of the Constitution to each Councillor once they have completed their declaration of acceptance of office when they were first being elected to the Council. This can be in electronic or paper format.
- b) The Director of Governance and Corporate Services will ensure that copies are available for inspection at Council offices, libraries, other appropriate locations and on the Council's website. These can be obtained by the local press and the public. A fee may be charged where appropriate.
- c) The Director of Governance and Corporate Services will ensure that an up to date version of the Summary and Explanation of the Constitution is made widely available within the Harlow area and on the Council's website.

# **Part 3**

# **Responsibility for Functions**

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# Introduction

- 1 The Council may alter the terms of reference of, the composition of and delegations to any Committees, Sub Committees, Working Groups, Parties and Panels reporting directly to it and the Scheme of Delegation to Officers.
- 2 Subject to the provisions of the Constitution and any legal requirements, any function may be delegated to a Committee or to an Officer (whether acting after consultation or otherwise) but may not be delegated to a single Councillor.
- 3 The Committees, Sub Committees, Working Groups, Parties and Panels established at the time of publication of this issue of the Constitution are:
  - 3.1. Committees reporting directly to Full Council:
    - a) Audit and Standards
    - b) Scrutiny
    - c) Development Management
    - d) Licensing
  - 3.2. Working Groups, Parties and Panels reporting directly to Full Council:
    - a) Appointments Panel
    - b) Chief Executive's Appraisal Panel
    - c) Electoral Review Working Group
    - d) Independent Remuneration Panel
    - e) Civic Awards Panel
    - f) Investigatory and Disciplinary Committee (Statutory Officers)
  - 3.3. Working Groups, Parties and Panels reporting directly to Cabinet:
    - a) Cabinet Policy Development Working Group
    - b) Constitution Panel
    - c) Covid-19 Recovery Working Group
    - d) Town Plan Panel

- 3.4. Sub Committees reporting directly to Committees:
- a) Call In Sub Committee to the Scrutiny Committee
  - b) Hearing Sub Committee to the Audit and Standards Committee
  - c) Licensing Sub Committee to the Licensing Committee
  - d) Regulatory Sub Committee to the Licensing Committee

# Matters Reserved to Full Council

- 1 The responsibilities of the Full Council are to:
  - 1.1. approve, adopt and change the Constitution (including political management structure, Council Procedure Rules, Standing Orders, Terms of Reference, Delegation Scheme, Financial Regulations and codes of conduct, subject to paragraph 2 below).
  - 1.2. elect the Chair of the Council.
  - 1.3. appoint the Vice Chair of the Council.
  - 1.4. appoint the Leader of the Council, subject to the provisions in Part 2, Article 6 of the Constitution.
  - 1.5. make appointments to Committees subject to paragraph 2 below.
  - 1.6. appoint Member Champions
  - 1.7. agree and amend the terms of reference and delegated powers of those Committees, Sub Committees, Working Groups, Parties, Panels and Officers, reporting to Council, deciding on their composition and making appointments to them, subject to paragraph 2 below.
  - 1.8. agree the policy framework meaning the following plans and strategies and those required by regulations under the Local Government Act 2000 (as amended)
    - a) The Corporate Plan
    - b) Medium Term Financial Strategy
    - c) Community Cohesion Strategy
    - d) Housing Strategy and Business Plan
    - e) Homelessness Strategy
    - f) Licensing Policy and Statement
    - g) Local Development Framework
    - h) Sustainable Community Strategy

- i) Crime and Disorder Reduction Strategy.
  - j) Together with such other plans and strategies as the Council may decide from time to time should be adopted by the Council as a matter of local choice.
- 1.9. approve the budget including :
- a) The allocation of financial resources to different services and projects
  - b) Proposed contingency funds
  - c) The Council Tax base
  - d) Setting the Council Tax and decisions relating to the control of the Council's borrowing requirement
  - e) The control of its capital expenditure
  - f) The setting of virement limits
  - g) The retention of reserve funds.
- 1.10. approve the adoption of applications (whether in draft form or not) to the Secretary of State in respect of any Housing Land Transfer. This is for the approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.
- 1.11. approve the following:
- a) Council Tax
  - b) General Fund, Housing Revenue Account and Capital Expenditure Estimates
  - c) Housing rent levels (including domestic garages)
  - d) Members' Allowances Scheme
  - e) Applications to the Secretary of State for the transfer of housing land.
- 1.12. appointment of Honorary Aldermen at meetings called specifically for this purpose.
- 1.13. appointment and dismissal of the Chief Executive and Statutory Officers subject to any statutory provision.

- 1.14. resolve differences between the Cabinet, the Scrutiny Committee or the Call In Sub Committee.
  - 1.15. review and make appointments to external organisations except where delegated, for example, to Cabinet.
  - 1.16. deal with other matters not within the terms of reference of any other Committee.
  - 1.17. to receive the reports of Statutory Officers made under Section 114 of the Local Government Finance Act 1988 or the Local Government and Housing Act 1989.
  - 1.18. such other matters as the Full Council may from time to time reserve to itself or are reserved to Full Council by law.
  - 1.19. decide on departures from previously agreed Council policies, strategies and budgets.
  - 1.20. Changing the name of an electoral area of Harlow.
  - 1.21. Making, amending, revoking, re-enacting or adopting byelaws.
  - 1.22. Promoting or opposing the making of local legislation or personal Bills (Personal/Local Bills are Parliamentary Bills but are not part of the legislative programme of Parliament. These normally relate to a specific local issue and are proposed in pursuit of local interests)
- 2 1.1, 1.5 and 1.6 above are subject to the functions delegated to the Licensing Committee by the Council under the Licensing Act 2003 in respect of:
- 2.1. the establishment of a Sub Committee
  - 2.2. regulation of its own procedure and that of its Sub Committees
  - 2.3. arrangements for the discharge of its functions by a Sub Committee or Officer(s).

# Matters Reserved to Cabinet

- 1 The Terms of Reference of the Cabinet are:
  - 1.1. Develop and review policies within the Council's policy framework.
  - 1.2. Review the use and allocation of assets and resources within approved budgets and make recommendations to Council on the same.
  - 1.3. Be responsible for and review Council services, including the introduction of new services and the standard or level of existing services.
  - 1.4. Promote partnerships consistent with the Council's Corporate Plan.
  - 1.5. Respond to relevant documents and initiatives from other organisations.
  - 1.6. Review and make recommendations on the Scheme of Delegations, Council Procedure Rules, Standing Orders relating to Contracts and Financial Regulations.
  - 1.7. Promote and develop the image and reputation of the district and the Council.
  - 1.8. Prepare and maintain a forward plan of Key Decisions.
- 2 The Cabinet can appoint Working Groups under Article 9 of the Constitution.

# Committees

## 1 Audit and Standards Committee

1.1. The role of the Committee is two-fold:

- a) Audit
  - i) The Committee oversees the Council's internal audit and risk functions, receives and approves external audit reports; scrutinises and approves the Annual Statement of Accounts, makes reports and recommendations to the Cabinet, Committees and the Council as a whole on the adequacy of its corporate governance and risk management arrangements and the associated control environment.
- b) Standards
  - i) The Committee deals with a range of matters including issues concerning Councillors' conduct, providing advice and guidance to the Council, the Cabinet and individual Councillors and advising on the application of the Code of Conduct and matters relating to standards within the constitutional arrangements of the Council.

1.2. Terms of reference

- a) Audit
  - i) To approve the Internal Audit Charter.
  - ii) To consider the Audit Manager's annual report and opinion, the summary of Internal Audit activity and the level of assurance it can give over the Council's corporate governance arrangements.
  - iii) To approve the risk-based Internal Audit Plan, including resource requirements and its approach to using other sources of assurance.
  - iv) To consider summaries of Internal Audit reports.
  - v) To consider reports from Internal Audit on agreed recommendations not implemented within reasonable timescales.

- vi) To consider reports dealing with the management and performance of the providers of Internal Audit services.
  - vii) To consider the external auditor's Annual Audit and Inspection Letter and other reports.
  - viii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
  - ix) To liaise over the appointment of the Council's external auditor.
  - x) To commission work from Internal Audit and the external auditor.
- b) Regulatory framework
- i) To review any issue referred to it by the Chief Executive, Statutory Officer or any Council body.
  - ii) To monitor the effective development and operation of risk management and corporate governance in the Council.
  - iii) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
  - iv) To monitor the Council's policies on whistle blowing, for contraventions of financial and other procedures or fraud-related situations; Anti-fraud and Corruption Strategy and complaints.
  - v) To approve the Annual Governance Statement.
  - vi) To consider the Council's framework of assurance and ensure it adequately addresses the risks and priorities of the Council.
  - vii) To consider the Council's compliance with its own and other published standards and controls.
- c) Accounts
- i) To review and approve the Annual Statement of Accounts, considering whether appropriate accounting policies have been followed.
  - ii) To consider the external auditor's report to those charged with governance on issues arising from their audit of the accounts.

- d) Accountability arrangements
  - i) To report to Full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.
- e) Standards
  - i) Promoting and maintaining high standards of conduct by Councillors and co-opted persons of Committees.
  - ii) Assisting Councillors and co-opted persons of Committees to observe the Code of Conduct.
  - iii) Advising the Council on the adoption or revision of the Code of Conduct.
  - iv) Monitoring the operation of the Code of Conduct.
  - v) Advising and/or censuring and/or imposing a sanction on a Councillor or co-opted person of a Committee (or former Councillor or co-opted person) of the Council.
  - vi) Having oversight of all aspects of Councillor development.
  - vii) Train or arrange training for Councillors and co-opted persons
  - viii) Receiving annual reports in a monitoring and guidance role on whistle blowing, bullying and harassment.
  - ix) Being fully involved in any ethical review of the Council or its activities.
  - x) Granting dispensations to Councillors and co-opted persons from requirements relating to interests set out in the Councillor Code of Conduct, where the matter has been referred to the Committee by the Monitoring Officer.

### 1.3. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Committee.

1.4. The Audit and Standards Committee has one permanent Sub Committee, the Hearing Sub Committee.

## 2 Hearing Sub Committee

2.1. The Hearing Sub Committee will undertake hearings in respect of a Councillor (or co-opted person) who it is alleged has failed to comply with

the Council's Code of Conduct. Following the hearing, the Sub Committee will report its findings and make recommendations as appropriate.

## 2.2. Terms of Reference

- a) To conduct a Hearing into an allegation that a Councillor or Co-opted person has breached the Council's Code of Conduct.
- b) Following a Hearing, make one of the following findings:
  - i) that the Councillor/co-opted person has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing.
  - ii) that the Councillor/co-opted person has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing.
  - iii) that the Councillor/co-opted person has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed.
- c) The Sub Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.
- d) After making a finding the Sub Committee will, as soon as reasonably practicable, provide written notice of its findings and the reasons for its decision to the Councillor/co-opted person and complainant.

## 2.3. Chairing

- a) Full Council will appoint the Chair and the Vice Chair of the Sub Committee.

# 3 Scrutiny Committee

- 3.1. The Council's Scrutiny functions are undertaken by the Scrutiny Committee and the Call In Sub Committee.
- 3.2. The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.

### 3.3. Terms of Reference

- a) To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
- b) To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
- c) To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
- d) At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
- e) To receive and action requests from the Cabinet and/or the Council for reports.
- f) To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
- g) To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub Committee of the Council as it sees fit.
- h) To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

### 3.4. Chairing

- a) Full Council shall appoint the Chair and the Vice Chair of the Committee.
- b) The Chair shall be a member of the Opposition and the Vice Chair a member of the Administration.

3.5. The Scrutiny Committee has one permanent Sub Committee (the Call In Sub Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will have the same membership as the Scrutiny Committee.

## **4 Call In Sub Committee**

### 4.1. Terms of Reference

- a) To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
- b) To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
- c) To have power to require any Harlow Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.
- d) To consider matters referred by individual Councillors.

### 4.2. Chairing

- a) The Chair and Vice Chair will be the same as the Scrutiny Committee.
- b) In the absence of the Chair the Vice Chair will preside.

## **5 Development Management Committee**

### 5.1. Terms of Reference

- a) Functions relating to town and country planning and development control.

### 5.2. Terms of Delegation

- a) Town and Country Planning Act 1990 and any related legislation including:
  - i) determination of planning applications (subject to b) below)
  - ii) enforcement of planning control
  - iii) waste land notices, purchase notices, etc.
- b) The only planning matters that are dealt with by the Committee are<sup>1</sup>:

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<sup>1</sup> As agreed by Full Council on 27 September 2012  
<http://moderngov.harlow.gov.uk/CeListDocuments.aspx?CommitteeId=123&MeetingId=216&DF=27%2f09%2f2012&Ver=2>

- i) applications on which two or more material planning objections have been received in the stipulated time span, which has not been resolved by negotiation or through the imposition of conditions and which Officers wish to support.
  - ii) applications which any Councillor requests in writing within 21 days of the circulation of the details of the application on the Weekly List, with a valid planning reason for bringing it to the Committee.
  - iii) major planning applications, or contentious applications which Officers, in consultation with the Chair, consider are likely to be of significant public interest.
  - iv) applications submitted by or on behalf of the Council for its own development, except for minor developments, for which no objections have been received.
  - v) applications which are notified to Planning Services as being submitted by or on behalf of a Councillor of the Authority, or their relevant person as defined in the Code of Conduct, the MP for the district, or Officers at Assistant Director Level or above.
- c) The following matters may be referred to the Committee by the Assistant Director Planning and Building Control, subject to the criteria in paragraph b) above:
- i) householder development and related applications for listed building and conservation area consent;
  - ii) temporary planning permissions (subject to a maximum 3 year time limit) and related applications for listed building consents;
  - iii) applications for alterations to shop fronts, including the installation of external shutters and ATM's and other related applications;
  - iv) applications for a means of access;
  - v) advertisements, blinds, canopies and related applications for listed building and conservation area consent;
  - vi) all major commercial development;
  - vii) all new residential development.

## **6 Licensing Committee**

### 6.1. Terms of Reference

- a) Functions relating to statutory licensing and registrable functions and health and safety.<sup>2</sup>

## 6.2. Terms of Delegation

- a) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Licensing Act 2003, including responsibility for licensing the sale and supply of alcohol, the provision of regulated entertainment and late night refreshment.
- b) Except in relation to the Statement of Licensing Policy, to discharge all functions conferred upon the Council as a licensing authority under the Gambling Act 2005.
- c) The enforcement of trading requirements relating to the sale of goods and opening hours of shops and other premises and the issue of licences, consents and/or registrations as appropriate.
- d) To progress actions arising from the Crime & Disorder Strategy which may be referred to it for consideration.
- e) The delegation of functions to the statutory Licensing Sub-Committee and/or officers of the Council.
- f) Any other matters relating to the statutory licensing function of the Council acting as the Licensing Authority that may be referred to it or its Sub-Committee.
- g) Any other matters relating to licensing which may be referred to it.

## 7 Licensing Sub Committee

### 7.1. Terms of Reference

- a) Function to consider any matters referred to it by the Licensing Committee or Officers in relation to functions conferred upon the Council as The Licensing Authority.

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<sup>2</sup> Functions have been delegated in respect of the Licensing Act 2003 in the Statement of Licensing Policy (<https://www.harlow.gov.uk/sites/default/files/documents/Alcohol%20and%20entertainment%20licensing%20policy%20statement.pdf>), the Gambling Act 2005 (<http://moderngov.harlow.gov.uk/documents/s13341/Appendix%20A%20-%20Delegation%20of%20Functions.pdf>), the General Enforcement Policy for Licensing Services (<https://www.harlow.gov.uk/sites/default/files/documents/Taxi%20and%20private%20hire%20general%20enforcement%20policy.pdf>), and the Scrap Metal Dealers Act 2013 (<http://moderngov.harlow.gov.uk/documents/s3553/SMDA%20delegation%20July%202014%20appendix%202.pdf>)

## 7.2. Terms of Delegation

- a) Except in relation to the Statement of Licensing Policy to discharge all functions conferred upon the Council as The Licensing Authority where:
  - i) Applications on which objections have been received in the stipulated time span, which cannot be resolved through negotiation or the imposition of conditions supported by Officers.
  - ii) Applications submitted by or on behalf of any Councillor, their spouse or partner or any officer of the Council their spouse or partner.
  - iii) Any other matter that officers believe should rightly be referred for a decision to be made.
- b) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
- c) To report on an annual basis to Full Council decisions taken.
- d) Any other matters relating to the functions of the Licensing Authority that may be referred to it.

## 7.3. Membership

- a) The membership of each Licensing Sub Committee meeting will comprise of three Members of the Licensing Committee.

# 8 Regulatory Sub Committee

## 8.1. Terms of Reference

- a) Functions: relating to licencing and regulatory functions (in so far as not covered by any other Committee or Sub-Committee of the Council).

## 8.2. Terms of Delegation

- a) To discharge the functions of the Council in regard to its' licensable and registration functions bar those conferred on the Licensing Committee and Sub-Committee [above].
- b) The enforcement of trading requirements relating to the sale of goods, opening hours of premises and/or shops, issue of licences, consents and/or registrations as appropriate including but not limited to the enforcement of the following:

- i) Hackney carriages and private hire vehicles, including their drivers, operators and vehicle inspections;
  - ii) pet shops, riding establishments, boarding kennels and catteries, dog breeding establishments, zoos and keepers of dangerous wild animals;
  - iii) ear piercing, acupuncture, electrolysis and tattooing;
  - iv) sex establishments;
  - v) street trading;
  - vi) pavement permits (Highways Act 1980);
  - vii) charity street collections and house-to-house collections;
  - viii) camping and caravan sites;
  - ix) motor salvage operators and scrap metal dealers; and
  - x) game dealers; and
  - xi) markets.
- c) To progress actions arising from the Crime & Disorder Strategy that may be referred to it for consideration.
  - d) To report on an annual basis to Full Council decisions taken.
  - e) Any other matters relating to licensing which may be referred to it.

### 8.3. Membership

- a) The membership of each Regulatory Sub Committee meeting will comprise of three Members of the Licensing Committee.

## **9 Investigatory and Disciplinary Committee (Statutory Officers) terms of Reference**

### 9.1. Appointed by:

- a) Full Council

### 9.2. Membership

- a) Five Councillors allocated between political groups in accordance with the rules on political balance set out in the Local Government and Housing Act 1989 and two Independent Persons appointed by Full Council.

### 9.3. Chair/Vice Chair

- a) To be elected by members of the Committee.

### 9.4. Terms of Reference

- a) To screen potential disciplinary/dismissal matters to consider whether they require investigation and whether the relevant Statutory Officer should be suspended.
- b) To organise the investigation, including appointing a suitably qualified investigator, who will consult with the Chair of the Committee.
- c) To review the outcome of the investigation to consider whether disciplinary action is appropriate, after hearing the Statutory Officer under investigation, and report its recommendations.
- d) Where a recommendation is dismissal, to refer the matter to the Full Council with its views and recommendations.
- e) The Report of the Committee to be placed before Full Council for Council to be fully informed prior to making a decision whether to dismiss or not.
- f) To suspend and keep under review the suspension of the Chief Executive, Monitoring Officer and Section 151 Chief Financial Officer whilst an investigation takes place into alleged misconduct.
- g) To take disciplinary action short of dismissal against the Chief Executive, Monitoring Officer and Section 151 Chief Financial Officer.
- h) Where Full Council approves the dismissal to action the dismissal by authorising a notice of dismissal.
- i) The Committee will be governed by the provisions contained in Part 5 of the Constitution (Officer Employment Procedure Rules).

# Working Groups, Parties and Panels

- 1 The meetings of Working Groups, Parties and Panels are open to the public unless a Working Party, Panel or Group decides otherwise for a specific reason.
- 2 The definitions of a Working Group, Party or Panel will be as follows:
  - 2.1. where the appointed body is of an ongoing nature it will be called a working group
  - 2.2. where the appointed body has a definite start/finish date with "task and finish" terms of reference, it will be called a working party
  - 2.3. where the appointed body is established for a specific purpose, but meets only when required to consider and resolve specific issues on that agenda, it will be called a panel.
- 3 No Working Group, Party or Panel will have decision making powers.
- 4 All Working Groups, Parties and Panels will:
  - 4.1. have at least three (3) Members and no more than ten (10) Members, adhering to the principle of political balance where practicable
  - 4.2. have their membership agreed at the meeting where the body is established
  - 4.3. have their terms of reference agreed at the meeting where the body is established.
    - a) The terms of reference must fall under the remit of the parent body.
    - b) A Working Party's finish date must be agreed at the meeting where it is established and will be included in its terms of reference.
- 5 The membership and terms of reference of a Working Group, Party or Panel can only be changed by resolution of the parent body.
- 6 The identification, classification and terms of reference of current Working Groups, Parties and Panels are available from the Corporate and Governance Support section.

# Terms of Reference for Working Groups, Parties and Panels

## 1 Appointments Panel

- 1.1. Recommends the appointment of the Chief Executive to Full Council.
- 1.2. Recommend dismissal of the Chief Executive to Full Council.
- 1.3. Recommend disciplining of the Chief Executive to Full Council.
- 1.4. To determine disciplinary and/or capability hearings for other staff where it would be inappropriate for a member of the Senior Management Board to ordinarily determine

## 2 Cabinet Policy Development Working Group

- 2.1. Terms of reference
  - a) To prepare a work programme as directed by Cabinet to consider issues of relevance to Harlow.
  - b) To review the key issues relating to the work plan policy item in order to identify and propose to Cabinet, practicable, affordable and prioritised recommendations which improve the effectiveness of the policy within the resources available.
- 2.2. Charing and membership
  - a) Cabinet will appoint the Chair and Vice Chair of the Working Group along with its membership which can be drawn from the full membership of the Council.
- 2.3. The Chair and Vice Chair will be members of the Administration.

## 3 Civic Awards Panel

- 3.1. A panel appointed by Council to consider such nominations and make recommendations for allocating Civic Awards. The panel will consist of the Chair of the Council, the Vice-Chair of the Council and one representative of each political group represented on the Council.

#### **4 Constitution Panel**

- 4.1. Consider constitutional developments that may have an impact on or benefit for Harlow Council.
- 4.2. Make recommendations to Cabinet on such matters.
- 4.3. Liaise with the Monitoring Officer in order to ensure that the Constitution is accurate and up to date.

#### **5 Covid-19 Recovery Working Group**

- 5.1. To advise the Portfolio Holder on the proposals contained within the pandemic action plan.
- 5.2. To provide a forum for consultation on measures within the pandemic action plan.
- 5.3. To discuss Council related impacts that require additional resources or alternate service delivery methods.
- 5.4. To provide a focus for community action; business engagement and new ways of working.

#### **6 Electoral Review Working Group**

- 6.1. Composition
  - a) The Working Group shall comprise of five Members and will be politically proportionate.
- 6.2. Scope
  - a) The Working Group is established to:
    - i) oversee and ensure full Member involvement in and support to officers in progressing the review of Council size and the ward boundaries in Harlow by the Local Government Boundary Commission for England (LGBCE).
    - ii) to formulate draft recommendations to the Local Government Boundary Commission for consideration by the Council relating to:
      - the total number of Members of the Council;
      - the number and boundaries of electoral wards for the purposes of the election of Councillors;

- the number of Councillors to be returned by any electoral division; and
  - the name of any electoral area.
- iii) to make recommendations to the Council on its future electoral cycle if considered appropriate.
- iv) to advise the Council, in consultation with officers, on proposals relating to any wider “community governance review” of local democratic and electoral arrangements, which emerge that are considered relevant as a result of the current review process.

## **7 Grants Panel**

7.1. To consider the grants policy and the allocation of grants.

## **8 Independent Remuneration Panel**

8.1. To recommend to Full Council changes to the Councillors’ Allowance Scheme as set out in Part 6 of this Constitution and in accordance The Local Authorities (Members’ Allowances) (England) Regulations 2003.

## **9 Town Plan Panel**

9.1. To oversee the preparation of the Council’s development plan documents including:

- a) Consideration of relevant technical reports’ evidence, the implications for Harlow and how the findings could be addressed through planning policy to ensure that the Council’s corporate objectives are achieved.
- b) Making appropriate recommendations to Cabinet on any proposals concerning the Council’s overall planning strategy and policies.

9.2. Chairing and membership

- a) Cabinet shall appoint the Chair and Vice Chair of the Local Development Plan Panel. Cabinet will also appoint the membership from the full membership of the Council.

## **10 Shareholder Sub Committee**

10.1. To receive reports and approve Key Decisions (those decisions related to, but not limited to, borrowing of funds, changes and appointments to senior management structure, strategic policy adoption) of HTS Group and its subsidiaries, including, but not exclusively, the Articles of Association, the scheme of delegation, the appointment of Board Advisors, the

appointment to any standing committees of the HTS Group and its subsidiaries and determining shareholder controls.

- 10.2. To be consulted on the appointment and dismissal of Statutory Directors for HTS Group and its subsidiaries and external auditors.
- 10.3. To hold the all HTS Group Boards to account.
- 10.4. To receive and agree the Business Plans for HTS Group Limited and its trading subsidiaries.
- 10.5. To receive financial and performance monitoring reports and accounts for the HTS Group and its subsidiaries.
- 10.6. To approve activities and thresholds contained in each scheme of delegation for HTS Group and its subsidiaries.
- 10.7. To be consulted and approve any proposals to change the HTS Group Limited and any subsidiary corporate structure.
- 10.8. Relationship between the Shareholder Sub Committee (“SSC”) and HTS Group and its subsidiaries.
  - a) The SSC may consider the options available to all HTS Group trading arms with a view to improving performance or mitigating adverse consequences in the light of actual or reasonably anticipated circumstances. In addition the SSC may offer non-binding proposals, recommendations and opinions (all without liability on the part of the Council or any individual member) on any matter affecting the Council as a shareholder of the HTS Group. The SSC shall take into consideration the interests of the Council in giving any proposals, recommendations or opinion to the HTS Group and its trading arm.
  - b) HTS Group and its subsidiaries shall provide for each SSC meeting at least one Director from each trading arm qualified and authorised to address SSC Agenda items and issues listed for consideration by the Members of the SSC
  - c) Upon request by the SSC, HTS Group and its subsidiaries shall provide:
    - i) Copy agendas and support papers provided to any HTS Group Boards at the same time as the Boards (except for minutes that shall be supplied following signature).
    - ii) Supply the SSC with all information and data reasonably requested by the SSC to enable it to reach an informed judgement on any matter within its purview under these Terms of Reference.

- 10.9. Meetings of the SSC for the HTS Group are open to members of the public, subject to the statutory exemptions contained in the Local Government Act 1972.

# Member Champions

- 1 Role description
  - 1.1. Member Champions are appointed by Full Council. Their main responsibility is to act as an ambassador on behalf of the Council and promote the area for which they are champion,
  - 1.2. Represent all those people who are covered by the position and ensure that their needs are identified, recognised and met where possible by the Council and other relevant bodies, including the voluntary sector.
  - 1.3. Act as spokesperson to promote the positive aspects of the Council's work among those on whom the Member Champion's interest area impacts.
  - 1.4. Promote a joined-up approach between the activities of the Council and the work of other organisations, in supporting activities for the Member Champion's interest area and involving them in developing services.
  - 1.5. Encourage people to play a fuller role in shaping the policies relevant to the Member Champion's interest area and to participate with statutory and voluntary organisations that are planning, making decisions on and delivering services that affect them.
  - 1.6. Encourage statutory and voluntary organisations to actively seek out and engage with other bodies in planning, defining and delivering services which affect them.
- 2 Duties and responsibilities
  - 2.1. Foster cross-party co-operation and be able to engage with relevant outside groups and Officers.
  - 2.2. Understand and express the opinions and priorities of those groups.
  - 2.3. Be sensitive to Council priorities. Champions cannot forget about their broader role as a Councillor.
  - 2.4. Act in respect of the whole range of relevant issues.
  - 2.5. Raise the profile of the issue and signaling to the relevant groups the Council's commitment to the issue.
  - 2.6. Foster the engagement of a wider range of Councillors in the issue.

- 2.7. Promote effective communication and positive working relationships both within the Council and among relevant partners, stakeholders and community groups.
- 2.8. Provide positive support and, on occasions, constructive challenge to Officers in driving forward the Council's agenda on the issue.
- 2.9. Be available to be the Council's nominee on appropriate outside bodies and to attend relevant conferences, training and briefing opportunities.
- 2.10. Keep up to date on issues relevant to the Member Champion's interest.
- 2.11. Identify and represent needs of groups and individuals who are at the moment not represented or part of the existing processes.

### 3 Accountability

- 3.1. Member Champions shall report annually to the last ordinary Full Council meeting of the year, but the Cabinet and the Scrutiny Committee may ask for updates.

# Scheme of Delegations to Officers – (Part 1) General Provisions

## 1 Conditions concerning delegations

- 1.1. In the event an Officer's role or title changes, the Officer who delegated the function to them will determine any changes to the delegations that may be required.
- 1.2. Powers delegated shall, unless expressly stated to the contrary, include all of the powers of the Council or Committee under legislation or common law. They will be exercised in line with the relevant procedures, rules and regulations of the Council and in line with the expressed policies and objectives of the Council relevant to the matter.
- 1.3. The delegations to Officers will be deemed to extend to any statutory re-enactment thereof. This can be in whole, or part, or varied in extent or wording. Any major variation will be reported to for information to the Council or any relevant Committee.
- 1.4. The delegation of any power or function includes the authority to take all steps and actions to support or facilitate the exercise of the power or function.
- 1.5. An appropriate record will be made and retained of the exercise of delegated powers and functions.

## 2 Functions of Officers – General Delegations

- 2.1. The Chief Executive and any Officer acting in their place in accordance with paragraph 2.18 below may discharge the functions of, any of the Council's Committees or the Cabinet, the professional and managerial functions relating to their service and any of the Council's functions in cases of emergency.
- 2.2. The Chief Executive and Director (any Officer acting in their place in accordance with paragraph 18 below) may discharge the general functions delegated to them (in paragraphs 2.3 to 2.18 below). They may also delegate the specific professional and managerial functions relating to their service as identified below.

- 2.3. To implement changes to service delivery arrangements and to approve the transferring of items between financial accounts (virement) between budget heads which do not significantly affect levels of service, require changes to policies or cause budgets to be exceeded in accordance with Financial Regulations.
- 2.4. Together, with the Director of Governance and Corporate Services, to initiate legal and other procedures as necessary pursuant to authorising the institution, defence or settlement of any legal proceedings and incurring any necessary expenditure for the same purpose within existing budgets.
- 2.5. To determine charges/concessions in accordance with policies determined by the Council.
- 2.6. To take all necessary steps to preserve the Council's land and property, including repairs, insurance and the employment of agents and contractors.
- 2.7. To make purchases and/or enter into agreements on behalf of the Council in line with policy and the approved budget in accordance with Financial Regulations and Standing Orders relating to Contracts.
- 2.8. To implement agreed schemes and incur capital and revenue expenditure within budget except for matters which require further consideration by a Committee or the Council.
- 2.9. To make planning applications for Council development proposals.
- 2.10. To deal with all complaints from the Local Government Ombudsman and to make settlements of up to £1,000 in cases where, in accordance with Financial Regulations, it is considered appropriate.
- 2.11. To make representations regarding governmental or other consultation processes in line with agreed policy.
- 2.12. If a matter involves considerations not wholly within the remit of the Officer primarily involved there shall be an obligation to consult with any other Officer, agency or local authority with related responsibilities and to take account of their views before decisions are made and action taken.
- 2.13. Before discharging any function an Officer should consider whether it is desirable to consult with the Leader, appropriate Portfolio Holder or Committee Chair and/or Councillors.
- 2.14. The Officer will always be entitled to refer a matter to the appropriate Committee for decision where they consider it appropriate to do so.
- 2.15. The Officer may authorise other Officers in their service to exercise, on their behalf, functions delegated to them. Any decision taken under this

authority will remain the responsibility of the relevant Officer named above. They will remain accountable and responsible for these decisions.

- 2.16. In carrying out delegated functions Officers will:
- a) comply with all relevant legislation
  - b) have regard for the provisions of the Constitution
  - c) consider the best value principles and use the most efficient and effective means available. This will include the deployment of staffing and other resources within their control and the procurement of other resources necessary whether within or outside the Council
  - d) act in accordance with the policies and objectives of the Council
  - e) have regard to the corporate interests and image of the Council.
- 2.17. Officers discharging functions under paragraph 2.1 above, other than those which relate to their service, must report any action taken to the appropriate Committee or partnership.
- 2.18. Where an Officer referred to in paragraphs 2.1 or 2.2 above is to be absent for any period they, the Chief Executive or Director as appropriate, must nominate in writing another Officer to act in their place during the period of absence.

### **3 Calling in Officer decisions**

- 3.1. An Officer decision taken under delegated powers on behalf of the Cabinet which has yet to be implemented may be called in by the Call In Sub Committee for consideration.
- 3.2. The call in procedures for decisions taken by officers are set out in paragraphs 15 and 17 in the Scrutiny Procedure Rules.
- 3.3. The following decisions of Officers are not subject to call in:
- a) a decision to implement Council policy approved by the Council within the preceding six (6) months
  - b) a decision that has already been subject to call in under paragraph 2.2 above
  - c) a decision taken in the exercise of the Council's functions as the local planning authority under the Town and Country Planning Acts and in the exercise of non-policy matters relating to the Licensing Committee
  - d) a decision on a procedural, operational or managerial matter

- e) decisions in relation to which a specific appeals procedure of any description exists
- f) any decisions taken by the Monitoring Officer or the Chief Finance Officer in relation to their statutory functions.

#### **4 Appointment of Proper Officers**

- 4.1. An Officer referred to in the Scheme of Delegations to Officers – (Part 2) Specific Delegations below is the Proper Officer for all purposes relating to their service.
- 4.2. The Chief Executive will appoint Proper Officers to carry out the Council's functions where required by any legislation.

# Scheme of Delegations to Officers – (Part 2) Specific Delegations

## 1 Chief Executive

- 1.1. The Chief Executive will act as the Head of the Paid Service in accordance with Section 4 of the Local Government & Housing Act 1989. The Council will provide them with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their duties under this section to be performed.
- 1.2. The Chief Executive shall have the delegated authority to define the specific roles of any Chief Officer and Director.
- 1.3. At the publication of this version of the Constitution the Chief Executive is specifically responsible for the Director.

## 2 Functions Delegated to Directors

- 2.1. Under paragraphs 1 to 4 of the General Provisions of the scheme of delegations to Officers, the Directors will have the delegated authority to exercise all of the powers in relation to the areas listed below of the Council, or any Committee, under legislation or common law. This will be exercised in line with the relevant procedures, rules and regulations of the Council in force and in accordance with the expressed policies and objectives of the Council relevant to the matter.
- 2.2. This delegated authority will be deemed to extend to any statutory re-enactment of any relevant legislation. This can be, whether in whole, or part, whether varied in extent or wording. Any major variation will be reported for information to the Council or any relevant Committee.
- 2.3. The delegation of any power or function includes the authority to take all steps and actions to support or facilitate the exercise of the power or function.
- 2.4. The Directors have the power to delegate any of their functions to any appropriately experienced or qualified Officer in their service. They will be responsible for ensuring that a full list of Officers in receipt of such delegated power is maintained on the Council's internal website. Any decision taken under this authority will remain the responsibility of the Director. They will remain accountable and responsible for such decisions.

- 2.5. Notwithstanding the obligation to maintain an updated list where any matter is delegated to a particular Officer this scheme of delegation shall apply to any Officer to whom those duties may have been assigned. This can be as a result of any management restructuring or otherwise and howsoever the post may be named or designated.

### **3 Deputy to the Chief Executive and Director of Finance**

3.1. The Deputy to the Chief Executive and Director of Finance will act as the Council's appointed Officer (Chief Finance Officer) under Section 151 of the Local Government Act 1972. They will be responsible for the proper administration of the Council's financial affairs and for reporting under Section 114 of the Local Government Finance Act 1988. They will nominate an Officer to deputise in their absence under those sections.

3.2. They will have all the functions of the following services:

- a) Insurance and Risk
- b) Internal Audit
- c) Finance and Accountancy
- d) Revenues and Benefits

### **4 Director of Governance and Corporate Services**

4.1. The Director of Governance and Corporate Services will have all the functions of the following services:

- a) Business Continuity
- b) Communications and Media/Website
- c) Complaints/FOI
- d) Corporate and Governance Support
- e) Customer Services
- f) Electoral Services
- g) ICT
- h) HR
- i) Legal Services
- j) Performance Management

- k) Print Unit
- l) Project Support

4.2. In addition, the Director of Governance and Corporate Services will exercise the functions of the Monitoring Officer under the provisions of the Local Government and Housing Act 1989 (and as necessary appoint a deputy). They will:

- a) authorise Officers to appear on behalf of the Council before the courts in any proceedings instituted by or on behalf of or against the Council
- b) complete all necessary documentation in connection with sales and acquisitions of land or property for the Council
- c) complete, execute, sign any other deed, document, letter or process in relation to any other transaction or matter where the Council is a party or has an interest
- d) authorise the issue of proceedings (whether civil or criminal or of any other description) on behalf of the Council
- e) defend, compromise, settle, dispose or conclude the same in such manner as in the opinion of the post holder will meet the best interests of the Council and to be the Proper Officer for the purpose of the Local Government Act 1972, Section 234.

## **5 Director of Communities and Environment**

5.1. The Director of Communities and Environment shall have all the functions of the following services:

- a) Arts, Culture and Tourism
- b) Economic Growth and Development
- c) Environmental Health
- d) Environmental Management including Carbon Management and GIS
- e) Harlow Museum
- f) Harlow Playhouse
- g) Health and Safety
- h) Health and Wellbeing

- i) Licensing
- j) Pets' Corner
- k) Safeguarding
- l) Safer Harlow Partnership/Community Safety
- m) Sam's Place
- n) Street Scene and Trees
- o) Youth and Citizenship

## **6 Director of Housing**

6.1. The Director of Housing shall have all the functions of the following services:

- a) Estates Management
- b) Home Ownership
- c) Housing Asset Management and Facilities
- d) Housing Assets and Business Systems
- e) Housing Needs and Options
- f) Housing Projects
- g) Leah Manning Centre
- h) Non-Housing Asset
- i) Office Facilities
- j) Property and Facilities
- k) Supported Housing
- l) Surveying, Technical Services
- m) Tenancy Conditions
- n) Tenant and Leaseholder Engagement

## **7 Director of Strategic Growth and Regeneration**

7.1. The Director of Strategic Growth and Regeneration shall have all the functions of the following services:

- a) Building Control
- b) Development Management
- c) Council Housing Delivery
- d) Planning Policy
- e) Regeneration Projects

# **Part 4**

# **Rules of Procedure**

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# Council Procedure Rules

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## 1 Annual Meeting of Council

### 1.1. Timing and business

- a) In a year when there is an ordinary election of Councillors, the Annual Meeting will take place on the eighth day after the retirement of Councillors or any other day within 21 days of the retirement of Councillors as the Council may decide. In any other year, the annual meeting will take place in March, April or May as the Council may decide.
- b) The Annual Meeting will:
  - i) elect a person to preside if the Chair of the Council is not present
  - ii) elect the Chair of the Council
  - iii) appoint the Vice Chair of the Council
  - iv) approve the minutes of the last meeting
  - v) receive any announcements from the Chair and/or Chief Executive
  - vi) elect the Leader of the Council when appropriate (see Article 6 of the Constitution)
  - vii) establish and appoint to Committees, Sub Committees and Working Groups, Parties and Panels as required, and as considered appropriate. Appointments will be made to those Committees and to outside bodies on which the Council is represented, as prescribed below
  - viii) appoint Member Champions where appropriate
  - ix) agree the scheme of delegation (as set out in Part 3 of the Constitution)
  - x) approve a programme of ordinary meetings of the Council for the year
  - xi) consider any business set out in the notice convening the meeting
  - xii) presentation of Civic Awards proposed by the Civic Awards Panel.

### 1.2. Appointment of Members on Committees, Sub-Committees, Working Groups, Parties, Panels and Outside Bodies

- a) When establishing Committees at the Annual Meeting, the Council will:
  - i) decide the size and terms of reference of Committees, Sub Committees, Working Groups, Parties and Panels
  - ii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules
  - iii) receive nominations of Councillors to serve on each Committee, Sub Committees, Working Group, Party, Panel and outside body
  - iv) appoint to those Committees, Sub Committees, Working Groups, Parties, Panels and outside bodies except where appointment to those bodies has been delegated by the Council to another body or person.

## **2 Ordinary Meetings of Council**

### 2.1. Programme of meetings

- a) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The Chair will have the discretion to change the date and times of these meetings.

### 2.2. Business at ordinary meetings

- a) Ordinary meetings will:
  - i) elect a person to preside if the Chair and Vice Chair are not present
  - ii) receive any apologies for absence
  - iii) receive any declarations of interest from Councillors
  - iv) deal with any business required by law
  - v) approve and sign the minutes of the last Council meeting
  - vi) receive communications from the Chair
  - vii) receive petitions from the public
  - viii) receive and answer questions from the public
  - ix) where appropriate, receive and answer questions from the Youth Council

- x) receive and answer questions from Councillors
- xi) consider notices of motion in the order in which they were received
- xii) where appropriate, hold a main debate under Rule 16
- xiii) where appropriate, deal with any business from the last Council meeting
- xiv) where appropriate, receive reports from the Council's Cabinet and Committees and receive questions and answers on any of those reports
- xv) where appropriate, receive reports, ask questions and receive answers on business of joint arrangements and external organisations
- xvi) where appropriate, receive and consider reports from Officers
- xvii) receive and note information including:
  - communications from Committees
  - at the last ordinary meeting in the municipal year, written reports from Member Champions and Councillors nominated to outside bodies
- xviii) deal with any other business on the summons
- xix) deal with any items of an urgent nature (Rule 17).

### 2.3. Variation of business

- a) The Chair may at any meeting vary the order of business apart from the matters listed at i) to iv) inclusive.

## 3 Special Meetings of Council

### 3.1. Calling

- a) Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
  - i) the Council by resolution
  - ii) the Chair of the Council
  - iii) the Monitoring Officer

- iv) If the Chair has refused to call a meeting, five or more Councillors can call a meeting either in writing or by e-mail. This can only be done if the Chair has refused to call a meeting, or has failed to call a meeting within seven days of the request by Councillors.
- b) These meetings will take place on a date and time determined by the Council, or Chair of the Council. In the absence of the Chair, the Vice Chair will determine the time and place. In the absence of both the Chair and Vice Chair, the Chief Executive will determine the date and time.

### 3.2. Business

- a) The order of business at special meetings shall be as follows:
  - i) elect a Councillor to preside if the Chair and Vice Chair are not present to preside for the meeting
  - ii) receive any apologies for absence
  - iii) deal with any business required by law to be done
  - iv) receive any declarations of interests from Councillors
  - v) consider the business specified on the agenda. This will be the business, or notice of motion, presented to the Chair of the Council as a requisition for the meeting.
- b) The Chair at any meeting may vary the order of business apart from the matters listed at (i) to (iv) inclusive above.
- c) The order of business at any special meeting will exclude the business specified at Procedure Rules 2.2 v), vi), viii), ix), x), xi), and xiv) above.

## 4 Substitute Members of Committees and Sub Committees

### 4.1. Allocation

- a) As well as allocating seats on Committees and Sub Committees, Council will allow Councillors to be substituted on Committees (except for the Licensing Committee and its Sub Committee(s), or where membership of Cabinet or other Committee(s) prevents the Councillor from acting as a substitute.)

#### 4.2. Number

- a) For each Committee or Sub Committee, each political group may nominate any Councillor from their political group as a substitute, unless that Councillor is disqualified from membership.

#### 4.3. Powers and duties

- a) Substitute Councillors will only have the powers of an ordinary member of the Committee, unless they are elected as Chair during the meeting.

#### 4.4. Substitution

- a) Substitute Councillors may attend meetings in the following capacity only:
  - i) to take the place of the ordinary Councillor for whom they are the designated substitute.
  - ii) where the ordinary Councillor will be absent for the whole of the meeting.
  - iii) after the ordinary Councillor has notified the Director of Governance and Corporate Support, or other appropriate Officer(s), before the start time of the meeting that a substitute will be attending in their place,. If the ordinary Councillor is absent due to exceptional circumstances then the Councillor who is acting as their substitute can notify the relevant Officer.

### **5 Time and Place of Meetings**

- 5.1. The time and place of meetings will be determined by the Chair and notified in the summons for the meeting.

### **6 Notice and Summons to Meeting**

- 6.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five (5) clear working days (excluding the day of the meeting) before a meeting, the Chief Executive will arrange for a summons for the meeting to be sent by post or electronically to every Councillor or arrange for it to be left at their usual place of residence if required. The summons will give the date, time and place of each meeting and specify the business to be transacted will also be accompanied by such reports as are available.

## **7 Chairing of Meeting**

- 7.1. The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub Committee meetings, references to the Chair also include the Chair of Committees and Sub Committees.
- 7.2. If the Chair of a Committee is absent from a meeting of that body then the Vice Chair, if present, shall preside.
- 7.3. In the absence of the Chair and Vice Chair of a Committee from a meeting of that body or if both should be ineligible to preside, a Chair for the meeting or part thereof may be appointed by the Committee.

## **8 Quorum**

- 8.1. The quorum of a meeting will be at least a quarter (rounded up) of the whole number of Councillors or three, whichever is the greater. If at the time set for the start of a meeting the required number of Councillors are not present, ten minutes will be allowed for Councillors to arrive. If after ten minutes the required number of Councillors are still not present, it can be declared that the meeting cannot proceed due to not enough members being present (inquorate). Business will be considered at the next ordinary meeting, unless the Chair agrees a date and time for the business to be considered.

## **9 Duration of Meeting**

- 9.1. Duration and remaining business
  - a) Meeting will be a maximum of two hours unless the majority of Councillors present vote for the meeting to continue for a specified time or purpose. Remaining business will be considered at a time and date decided by the Chair. If they do not decide a date, the remaining business will be considered at the next ordinary meeting.
- 9.2. Recorded vote
  - a) If a recorded vote is called for when deciding whether to continue the meeting this will be taken immediately.
- 9.3. Motions that may be moved
  - a) During the process (set out in this Rule 9) the only other motions which may be moved are that a matter be withdrawn or be delegated or referred to an appropriate body or individual for decision or report.

#### 9.4. Close

- a) When all business of the meeting has been dealt with, the Chair will declare the meeting closed.

### **10 Questions by Public, Youth Council and Councillors**

#### 10.1. General

- a) Members of the public, Youth Council and Councillors may, in accordance with the provisions of Rules 10.2, 10.3, 10.5 and 10.6 ask questions as follows:
  - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
  - ii) at a meeting of Cabinet to the Leader or a Portfolio Holder
  - iii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls within the terms of reference of that Committee or Sub Committee.
- b) Questions must relate to the business of the Council or affect the district.

#### 10.2. Criteria

- a) A member of the public asking a question must either:
  - i) be a registered local government elector for the Harlow area, or
  - ii) for the previous 12 months:
    - occupied, as owner or tenant, property in the Harlow area
    - had their principal place of employment in the Harlow area
    - resided in the Harlow area.

#### 10.3. Notice

- a) A question may only be asked if notice has been given in writing or by e-mail to the Chief Executive at least two clear working days (excluding the day of the meeting) before the meeting. For a meeting held on Thursday, a question must be submitted by Monday, provided there is no public holiday. Each question must give the name and address of the questioner and the name of the Councillor who will answer it. Any questions received will be acknowledged. The questioner will be provided with a copy of this Rule and an

explanation of the process of the meeting, including the provisions relating to supplementary questions.

- b) For Questions from Councillors, if the question relates to urgent matters, in order for the question to be asked, the Councillor must have:
  - i) The consent of the Chair of the meeting where the question is to be put; and
  - ii) Sent the question to the Chief Executive before the start of the relevant meeting.

#### 10.4. Order

- a) Questions will be asked in the order in which they were received. The Chair, however, may group similar questions together.

#### 10.5. Number

- a) At any one meeting no member of the public, Youth Councillor, or Councillor may submit more than two questions.

#### 10.6. Rejection

- a) The Chief Executive may reject a question if it is:
  - i) not about a matter for which the Council has a responsibility or which affects the district
  - ii) defamatory, frivolous, vexatious or offensive
  - iii) substantially the same as a question which has been put at a meeting of the Council in the past six months
  - iv) requires the disclosure of confidential or exempt information.

#### 10.7. Record

- a) The Chief Executive will keep a copy of each question. These will be attached to the minutes of the meeting. A copy of the question will be sent to the Councillor to who was asked the question. Rejected questions will include reasons for rejection. The Chief Executive will ensure that any question received (unless rejected) is referred to the next meeting of Council or the appropriate Committee unless the matter is exempt as defined by the Local Government Act 1972. The questioner will be advised whether their question has been rejected or accepted and, if accepted, where it has been referred to which Committee it has been referred.

#### 10.8. Public availability

- a) Copies of all questions and written answers will be made available to Councillors and the public attending the meeting.

#### 10.9. Editing

- a) Any question received by the Chief Executive may be edited by them to ensure it is concise and to avoid duplication and repetition. If a question is edited, the edited question will be provided to the questioner prior to the meeting.

#### 10.10. Asking the question

- a) The Chair at the meeting will invite the questioner to ask their question. It will be asked in the form that it has been submitted, or amended by the Chief Executive. If a questioner who has submitted a question is not present when the item is called, it will be deleted from the list of questions to be asked.

#### 10.11. Absence of discussion

- a) Every question from the public, Youth Councillor, and Councillor will be asked and answered without discussion. However, the Councillor who has been asked the question can decline to answer it.

#### 10.12. Response

- a) An answer may take the form of:
  - i) a direct oral answer
  - ii) where the relevant or desired information is contained in the publication of the Council or other published work, a reference to that publication
  - iii) where the reply to the question cannot conveniently be given orally, a written answer will be circulated to all Councillors attending the meeting and to the questioner within ten working days of the meeting.

#### 10.13. Supplementary question

- a) A questioner who has sent in a written question may also ask one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must relate directly to the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.6 above.

#### 10.14. Written answers

- a) Any question which cannot be dealt with during public, Youth Councillor, or Councillor question time, either because of lack of time or because of the non-attendance of the Councillor who has been asked the question, will be dealt with by a written answer.

#### 10.15. Referral to committees

- a) Although no discussion will take place on any questions asked, any Councillor may move that the question be referred to Council, Cabinet or the appropriate Committee or Sub Committee. If seconded, this motion will be voted on without discussion.

#### 10.16. Time limit

- a) Public question time will be a maximum of 30 minutes at Council and 15 minutes at Cabinet, Committee, or Sub Committee meetings . If there are exceptional circumstances, the Chair of the meeting may extend the public question time. Youth Councillor, and Councillor question times will have the same time limits.

#### 10.17. Questions without notice

- a) Councillors may, with to the consent of the Chair of a meeting, ask up to two questions without notice on any business item in a report when that item is being considered at the following meetings:
  - i) at an ordinary meeting of Full Council to the Chair of the Council, Leader, a Portfolio Holder or the Chair of any Committee
  - ii) at a meeting of a Committee or Sub Committee to the Chair of the Committee or Sub Committee if the matter falls falls within the terms of reference of that Committee or Sub Committee.
- b) In the absence of the Leader or a Portfolio Holder, their designated deputy may answer in their place.
- c) The Councillor answering the question may also decline to answer the question, or provide a written answer within 10 working days of the meeting.

### **11 Motions on Notice**

#### 11.1. Notice

- a) Except for motions which can be moved without notice under Rule 12, written notice of every motion must be signed by at least two Councillors. There will be a proposer of the motion and a seconder.

Where notice of motion is given by e-mail, it must be sent by the proposer. The seconder must confirm by a separate e-mail that they are seconding the motion.

- b) Notice of the motion and separate seconding e-mail must reach the Chief Executive no later than 5pm seven clear working days prior to the day of the Council meeting at which the motion is intended to be moved. For a meeting on Thursday, the deadline would be Monday the week before, unless there is a public holiday. If a motion arises from a committee meeting held after that deadline, this notice must be received by mid-day on the working day after that meeting.
- c) E-mails must be sent from an e-mail account previously notified to the Council by the Councillor in question, prior to deadline set out in b) above, otherwise they will not be valid for the purposes of this provision.
- d) All notices and e-mails will be acknowledged by or on behalf of the Chief Executive.
- e) Any motion may be edited by the Chief Executive in consultation with the mover either to bring it into proper form or to make it more concise.

#### 11.2. Motion set out in agenda

- a) Motions for which the required notice has been given will be listed on the agenda of the next relevant meeting. Motions will be listed in the order in which notice was received. If the Councillor giving notice wishes to move it to a later meeting or withdraw it, this must be confirmed in writing.

#### 11.3. Scope

- a) Motions must relate to something the Council has power or responsibility over, or something which affects the Council or the district.
- b) If the subject matter of any motion of which notice has been given comes within the remit of any Committee, it will be referred to the relevant Committee. The Committee will report back to Council, subject to (c) below.
- c) The Chair may allow the motion to be dealt with at the meeting at which it is proposed if they consider it to be urgent, convenient or productive to the business of the meeting.
- d) If a motion is not moved at the meeting of Council at which the motion is set out in the summons either by the Councillor who gave notice or by the seconder, it will, unless postponed by consent of the

Council, be treated as withdrawn. It will not be moved without fresh notice being given.

- e) In the case of motions moved under this Rule and approved by Council, Officers will report to the relevant Committee on the progress made implementing the decision at the next meeting following the meeting when the decision was made. The Chief Executive will decide which Committee will receive a report.

## **12 Motions Without Notice**

12.1. The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved
- b) in relation to the accuracy of the minutes
- c) to refer something to an appropriate body or individual
- d) to appoint a Committee or Councillor arising from an item on the summons for the meeting
- e) to withdraw a motion
- f) to amend a motion
- g) to proceed to the next business
- h) that the question be now put
- i) to adjourn a debate
- j) to adjourn the meeting
- k) to suspend a particular Council Procedure Rule
- l) to exclude the public and press in accordance with the Access to Information Procedure Rules
- m) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5
- n) to give the consent of the Council where its consent is required by the Constitution
- o) that business of an objectionable character or seriously prejudicial to the interests of the Council be not entertained or further permitted
- p) motions and amendments arising out of the debate

- q) for such other purpose as the Chair may in their sole discretion approve.

### **13 Motions on Expenditure**

13.1. The following motions, if agreed, will be discussed at the next ordinary meeting of the Council:

- a) any motion that increases expenditure on, or reduce the revenue from, any service which is under the management of any Committee
- b) any motion that involves capital expenditure.

13.2. Any Committee affected by the motion may report on the motion. The Cabinet will report on the financial aspects of the proposal and any other aspects as it thinks necessary.

13.3. This Rule will not apply to proposals:

- a) contained in a recommendation or report of the Cabinet
- b) contained in a recommendation, or report of another Committee which has been approved by the Cabinet
- c) with a value below £5,000.

### **14 Petitions**

14.1. Details of the Council's Petitions Scheme are contained in Part 5 of the Constitution.

### **15 Rules of Debate**

15.1. No speeches until motion seconded

- a) There will be no debate until the motion has been seconded.

15.2. Right to require motion in writing

- a) Unless notice of the motion has already been received in writing, the Chair may require it to be handed to them in writing before it is discussed.

15.3. Seconder's speech

- a) When seconding a motion or amendment, a Councillor may keep their right to speak later in the debate.

15.4. Content and length of speeches

- a) Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

#### 15.5. When a Councillor may speak again

- a) A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:
  - i) to speak once on an amendment proposed by another Councillor
  - ii) to propose a further amendment if the motion has been amended since they last spoke
  - iii) if their first speech was on an amendment proposed by another Councillor, to speak on the main issue. It does not matter if the amendment was carried
  - iv) speaking to second a motion (or amendment) having previously reserved the right to speak later
  - v) in exercise of a right of reply
  - vi) on a point of order (which must be specified)
  - vii) by way of personal explanation (Rule 15.13)
  - viii) to give notice of a further amendment
  - ix) at the absolute discretion of the Chair
  - x) to propose any of the motions mentioned in Rules 12 and 15.11 (motions without notice and closure motions).

#### 15.6. Amendment to motions

- a) Only one amendment may be proposed and discussed at any one time.
- b) No further amendment may be proposed until the amendment under discussion has been approved or rejected. However, the Chair may permit two or more motions or amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of business.
- c) An amendment to a motion must be relevant to the motion and must not contradict the motion. Amendments will either be to:

- i) refer the matter to an appropriate body or individual for consideration or reconsideration
  - ii) remove words
  - iii) remove words and add others
  - iv) add words.
- d) The Chair may accept an amendment in any form if it is strictly relevant to the motion and does not contradict the motion. .
  - e) If an amendment is not agreed, other amendments to the original motion may be proposed.
  - f) If an amendment is agreed, the amended motion takes the place of the original motion. This becomes the substantive motion to which any further amendments may be proposed.
  - g) After an amendment has been agreed, the Chair will read out the amended motion before accepting any further amendments or speakers. If there are no further amendments, the motion will be put to the vote.

#### 15.7. Alteration of motion

- a) A Councillor may alter a motion of which they have proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Councillor may alter a motion they have proposed without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment under Rule 15.6 may be made.

#### 15.8. Withdrawal of motion

- a) A Councillor may withdraw a motion they have proposed with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 15.9. Right of reply

- a) The proposer of a motion has a right to reply at the end of the debate on the motion before it is put to the vote.

- b) If an amendment is proposed, the proposer of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak about it.
- c) The proposer of the amendment has no right of reply to the debate on their amendment.

#### 15.10. Motions which may be proposed during the debate

- a) When a motion is under debate, no other motion may be proposed except the following procedural motions:
  - i) to withdraw or postpone a motion
  - ii) to amend a motion
  - iii) to proceed to the next business
  - iv) that the question be now put
  - v) to adjourn the debate
  - vi) to adjourn the meeting
  - vii) to exclude the public and press in accordance with the Access to Information Procedure Rules
  - viii) to not hear further a Councillor named under Rule 26.4 or to exclude them from the meeting under Rule 26.5.

#### 15.11. Closure motions

- a) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the proposer of the original motion a right of reply and then put the procedural motion to the vote.
- b) If a motion that the matter has been discussed enough is seconded and the Chair agrees that the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before the motion is voted on.
- c) If a motion to adjourn the debate or meeting is seconded and the Chair thinks the item has not been sufficiently discussed, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply. If carried, the Council (or Committee) will decide whether the meeting will be adjourned or whether the debate will carry on with no break. If the meeting is

adjourned the Chair will identify the likely timescale for resumption of the debate/meeting.

#### 15.12. Point of order

- a) A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or law. The Councillor must indicate the Rule or law and how they think it has been broken. The ruling of the Chair on the matter will be final.

#### 15.13. Personal explanation

- a) A Councillor may make a personal explanation at any time. A personal explanation can only relate to some material part of an earlier speech made by the Councillor that may have been misunderstood in the present debate. The Chair will decide whether the personal explanation is admissible.

### **16 Main Debate**

16.1. A debate concentrating on matters of interest to the community may be held at any ordinary meeting other than the first ordinary meeting of Council after the Annual Meeting. This will include any highlights, pressures and potential issues for the coming year.

16.2. The following procedure shall apply:

- a) the Leader will advise the Chief Executive in writing if they wish to have an annual debate and of the theme of the debate seven working days before the date of the intended meeting.
- b) the Chair will call on the Leader to introduce the topic
- c) the relevant Councillor will introduce the debate or call on an invited speaker to do so
- d) other Group Leaders will then be called to contribute to the debate. Afterwards, other Councillors will have the opportunity to speak once
- e) as the debate is not based on a motion the normal rules of debate at Council meetings will not apply to the main debate. The following Rules will apply
  - i) Length of speeches
    - The Leader of the Council and the Leader of the Opposition will be given ten minutes.
    - Other Councillors will be given five minutes.

- ii) Rule 15.12 (Point of order)
- iii) Rule 15.13 (Personal explanation)

- f) at the end of the debate or after 40 minutes (whichever is sooner) the Chair shall call for a conclusion of the debate. The Councillor speaking at that point in time shall be permitted to finish their speech
- g) each Group Leader shall then be given the opportunity to respond to the debate. The Leader of the Council will end the debate. Speeches at this stage will be up to five minutes.
- h) issues raised during the debate that require further consideration will be referred to the relevant committee(s) by way of report from the Chief Executive to that Committee.

16.3. At the first ordinary meeting following the Annual Meeting, there will be a main debate on the work undertaken by the Council in the previous year, together with any highlights, pressures and potential issues for the coming year to which the above procedure shall apply.

## **17 Urgent Business**

17.1. Urgent business can be considered at a meeting of Full Council or of a Committee where the Chair is of the opinion that the item should be considered as a matter of urgency by reason of special circumstances which must be specified in the minutes.

17.2. Without in any way restricting the opinion of the Chair:

- a) Councillors wishing to raise items of business they consider to be urgent should, wherever possible, notify the Chair of the meeting of the item prior to the start of the meeting
- b) the item must be one that could not be deferred until the next meeting of Full Council or the appropriate Committee. It must include an issue that has arisen following publication of the agenda for the meeting.
- c) The Chair of the relevant meeting will consult the Director of Governance and Corporate Services on the request for a matter of urgent business to be considered.

## **18 Public Speaking**

18.1. Without prejudice to Rules 10 (Questions by the Public, Youth Councillors, and Councillors) and 14 (Petitions) and the provision made by the Council for the public and others to address the Development Management Committee, Licensing Sub Committee and Regulatory Sub Committee,

members of the public shall not address meetings of the Council and its Committees except in exceptional circumstances. They must also have the prior agreement of the Chair. Agreement of the Chair must be requested in writing.

18.2. Development Management Committee Public Participation Procedure.

- a) At the discretion of the Chair, the following procedure will apply to public participation in association with the consideration of Committee items. Comments will be invited from members of the public who have registered to speak with the Governance Support Section at least 24 hours in advance of the meeting, as follows:
  - i) three (maximum) speakers against an application
  - ii) three (maximum) speakers for an application
  - iii) the Ward Councillors (except if they are acting as a member of the Committee)
  - iv) one representative on behalf of the agent or applicant.
  - v) each speaker will be limited to 3 minutes (maximum).

**19 Decisions Referred to Council from Cabinet or Committees**

19.1. The procedure for dealing with decisions referred from Cabinet or Committees at the Council meeting is set out below:

- a) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will formally propose that the Committee decision on the item referred be reaffirmed
- b) the Deputy Leader or relevant Vice Chair (or other Councillor on the Deputy Leader or Vice Chair's behalf) will second the motion
- c) the normal rules of debate at Council meetings will then apply
- d) the Leader or the relevant Chair (or other Councillor on the Leader or Chair's behalf) will reply at the end of the debate
- e) Council will vote on the proposed motion(s).

**20 Previous Decisions and Motions**

20.1. A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved.

20.2. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be proposed.

## **21 Voting**

### 21.1. Majority

- a) Unless the Constitution states otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.

### 21.2. Chair's casting vote

- a) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

### 21.3. Show of hands

- a) Unless a recorded vote is demanded under Rule 21.4, the Chair will take the vote by show of hands or, if there is no disagreement, by the affirmation of the meeting.

### 21.4. Recorded vote

- a) Before a vote is taken, a Councillor may request a recorded vote. If the Councillor is supported by six other Councillors who show their support by a show of hands,, a general recorded vote will be taken by roll call. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The Chair will announce the result of the vote as soon as the result is known.

### 21.5. Right to require individual vote to be recorded

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

### 21.6. Voting on appointments

- a) If there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Where two nominated persons for any position remain with equal votes, the Chair of the meeting will have the casting vote.

## **22 Minutes**

- 22.1. The Chair will sign the minutes of the proceedings at the next suitable meeting. They will propose that the minutes of the previous meeting be

signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

- 22.2. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.
- 22.3. When the minutes have been approved, the Chair will sign them. If there are matters arising from the minutes that are not covered by other items on the agenda these items may be raised by Councillors as questions or motions. Any discussion or debate shall be at the discretion of the Chair, unless prior notice has been given, or if the motion has been made in line with Rule 12.
- 22.4. Minutes will contain all motions and amendments (whether carried or lost) in the exact form and order the Chair put them.

## **23 Disclosure**

- 23.1. Councillors must follow Part 1, Paragraph 5 of the Councillor Code of Conduct when deciding whether information should be disclosed.

## **24 Record of Attendance**

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

## **25 Exclusion of Public**

- 25.1. The public and press may only be excluded either in accordance with paragraph 10 of the Access to Information Procedure Rules in Part 4 of the Constitution or Rule 27 (Disturbance by Public).

## **26 Councillors' Conduct**

- 26.1. Councillor speaking
  - a) When a Councillor speaks they must address the meeting through the Chair. If more than one Councillor indicates that they wish to speak, the Chair will ask one to speak. Other Councillors must refrain from addressing the meeting whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

## 26.2. Chair standing

- a) When the Chair stands, or otherwise calls the meeting to order during a debate, any Councillor speaking at the time must stop. No other Councillor may speak.

## 26.3. Co-opted persons

- a) All the provisions of the Rules of Procedure which govern the conduct of Councillors at Committee meetings will apply to the co-opted persons as they do to the other members of the Committee.

## 26.4. Councillor not to be heard further

- a) If a Councillor persistently disregards the ruling of the Chair by behaving improperly, offensively, or deliberately obstructs business, the Chair may propose that the Councillor is not heard further. If seconded, the motion will be voted on without discussion.

## 26.5. Councillor to leave meeting

- a) If the Councillor continues to behave improperly after such a motion is carried, the Chair may propose that the Councillor leaves the meeting. If seconded, the motion will be voted on without discussion. Alternatively, the Chair may adjourn the meeting for a specified period.

## **27 Disturbance by Public**

- 27.1. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room or call for the public to be cleared from the room.

## **28 Ruling of Chair**

- 28.1. Any decision of the Chair on the rules of debate will be final and can only be challenged by a motion that the Chair vacates their position as Chair.
- 28.2. Upon such a motion being moved and seconded the Chief Executive (or in the absence of the Chief Executive another Officer), the Council will, without further discussion, put the matter to the vote.
- 28.3. If the motion is carried the Chair will vacate their position as Chair before discussion of the substantive matter under debate commences.

## **29 General Disturbance**

- 29.1. If there is general disturbance making orderly business impossible the Chair may, with the consent of the meeting, adjourn the meeting for a

period they consider reasonable. If the meeting is to continue that day, it will be stated at the time of adjournment how long the meeting will be paused for. Otherwise the likely timescale will be indicated by the Chair.

### **30 Business of Objectionable Nature**

- 30.1. If the Chair considers that any motion, amendment, business or matter which is proposed or moved is of an objectionable character, or seriously prejudicial to the interests of the Council, the Chair may intervene giving reasons. They will then put to the vote that the motion, amendment, business or matter in question is not discussed any further. If such motion is carried the matter shall not be considered for the rest of the meeting.

### **31 Suspension and Amendment of Council Procedure Rules**

#### 31.1. Suspension

- a) All of the Council Procedure Rules except Rules 21.5 and 22.2 (statutory mandatory standing orders) may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

#### 31.2. Amendment

- a) Any motion to add to, vary or revoke the Council Procedure Rules will, when proposed and seconded, be adjourned to the next ordinary meeting of the Council.

### **32 Application to Committees and Sub Committees**

- 32.1. All of the Council Procedure Rules apply to meetings of Full Council. All of the Council Procedure Rules shall apply to Committees and Sub-Committees except for Rules 1, 2, 16 and 21.4.

# Cabinet Procedure Rules

## 1 Meetings of Cabinet

### 1.1. Programme of meetings

- a) Meetings of the Cabinet will take place in accordance with a programme decided by the Leader of the Council in consultation with the Chief Executive. The time and place of the meetings will be included in the summons to the meetings.

### 1.2. Business at meetings

- a) Meetings will:
  - i) receive any apologies for absence
  - ii) receive any declarations of interest from Councillors
  - iii) approve and sign the minutes of the last Cabinet meeting
  - iv) receive questions from the public in accordance with Rule 10 of the Council Procedure Rules
  - v) where appropriate, receive and answer questions from the Youth Council
  - vi) receive questions from Councillors in accordance with Rule 10 of the Council Procedure Rules
  - vii) receive petitions in accordance with Council's Petitions Scheme in Part 5 of the Constitution
  - viii) receive reports from the Portfolio Holders, Officers and/or Committees and receive questions and answers on any of those reports
  - ix) receive and note information including communications from Committees, Working Groups, Parties and Panels
  - x) deal with any other business on the agenda
  - xi) deal with any items of an urgent nature (Rule 7).

1.3. Variation of business

- a) The Leader may at any meeting vary the order of business in Rule 1.2 above except for the matters listed at (i) to (iv) inclusive.

**2 Chairing of Cabinet**

- 2.1. The Leader of the Council will chair all meetings of the Cabinet unless they are absent. If they are absent the Deputy Leader will chair the meeting.

**3 Quorum**

- 3.1. Council Procedure Rule 8 (Quorum) will apply.

**4 Non-Executive Councillors**

- 4.1. Each Group Leader of political groups not forming the Administration will be entitled to nominate people to speak on specific Cabinet functions at meetings of the Cabinet. Nominations will be reported to the Cabinet and will reflect the number of Portfolio Holders. Spokespeople will be entitled to nominate deputies to speak in their absence. Deputies must be other nominated spokespeople.
- 4.2. At the discretion of the Leader (or Deputy Leader in their absence), the nominated persons may contribute to discussion on items on which they are spokespeople. Spokespeople will not have the right to vote. All relevant rules on the disclosure of interests will also apply to those members.
- 4.3. At the discretion of the Leader (or Deputy Leader in their absence), other non-executive Councillors attending Cabinet meetings will be entitled to contribute to discussion on items that relate specifically to their wards or constituents. All relevant rules on the disclosure of interests will apply to those Councillors.

**5 Rules of Debate**

- 5.1. Rules 15.1-15.4 and 15.6-15.13 of the Rules of Debate set out in of the Council Procedure Rules shall apply to all meetings of the Cabinet.
- 5.2. Structure of debate
  - a) The proposer and seconder can make a speech on the motion, or reserve their right to speak until later.
  - b) The Leader will invite questions from the Cabinet and members of the Opposition.

- c) Questions will be responded to by the relevant Portfolio Holder, Leader or Officer.
- d) Supplementary questions may be asked at the discretion of the Leader.
- e) The Leader will invite comments from the Cabinet and members of the Opposition.
- f) The Leader and/or relevant Portfolio Holder/s can sum up.
- g) The motion will be voted on.

## **6 Urgent Business**

- 6.1. Urgent business can be considered at Cabinet meetings where the Leader is of the opinion, after consultation with the Director of Governance and Corporate Services, that the item should be considered as a matter of urgency by reason of special circumstances. Such special circumstances must be specified in the minutes.

## **7 Public Speaking**

- 7.1. Without prejudice to Rule 4 above and Council Procedure Rules 10 (Questions by the Public, Youth Councillors, and Councillors) and 14 (Petitions), members of the public will not address meetings of the Cabinet except in exceptional circumstances and with the prior agreement of the Leader. Prior agreement must be requested in writing before the meeting.

## **8 Decisions Referred from Committees**

- 8.1. The procedure for dealing with decisions referred from Committees, Working Parties and Panels at Cabinet meetings is set out below:
  - a) the relevant Portfolio Holder will formally move that the decision on the item referred be reaffirmed
  - b) another member of the Cabinet will second the motion
  - c) the normal rules of debate at Cabinet meetings will then apply
  - d) the Leader will reply at the end of the debate
  - e) Cabinet will vote on the proposed motion(s).

## **9 Voting**

- 9.1. Council Procedure Rules 21.1 (Majority), 21.2 (Chair's casting vote) and 21.3 (Show of hands) will apply.

## **10 Minutes**

- 10.1. The Leader will propose that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.
- 10.2. When the minutes have been approved, the Leader will sign them as an accurate record. If there are matters arising from the minutes that are not covered by other items on the agenda these items may be raised by members of the Cabinet either as questions or motions. Any discussion or debate will be at the discretion of the Leader.
- 10.3. Minutes will contain all motions and amendments (whether carried or lost) in the exact form and order the Leader put them.

## **11 Disclosure**

- 11.1. Council Procedure Rule 23 (Disclosure) will apply.

## **12 Record of Attendance**

- 12.1. Council Procedure Rule 24 (Record of Attendance) will apply.

## **13 Exclusion of Public**

- 13.1. Council Procedure Rule 25 (Exclusion of Public) will apply.

## **14 Councillor's Conduct**

- 14.1. Council Procedure Rule 26 (Councillor's Conduct) will apply.

## **15 Disturbance by Public**

- 15.1. Council Procedure Rule 27 (Disturbance by Public) will apply.

## **16 General Disturbance**

- 16.1. Council Procedure Rule 29 (General Disturbance) will apply.

# **Joint Partnership Committee Procedure Rules**

- 1 The Joint Committee Procedure Rules will be consistent with the Council's procedure rules as amended from time to time by the Joint Committee.

# Access to Information Procedure Rules

## **1 Scope**

- 1.1. These rules apply to all meetings of the Council, Cabinet and other Committees (together, called meetings).

## **2 Additional Rights to Information**

- 2.1. These rules do not affect any more specific rights to information contained elsewhere in the Constitution or Law.

## **3 Notices of Meeting**

- 3.1. The Council will give at least five clear working days (excluding the day of the meeting) notice of any meeting by posting details of the meeting at the Civic Centre and on its website.

## **4 Access to Agenda and Reports Before Meeting**

- 4.1. The Council will make copies of the agenda and reports available to the public for inspection at the Civic Centre five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be available to the public as soon as the report is completed and sent to Councillors. The agendas and reports will also be made available on the Council's website.

## **5 Supply of Copies**

- 5.1. The following documents will be published on the Council's website and supplied to any person on payment of a charge or to any newspaper on payment of postage or other necessary charge(s):
  - 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
  - c) if the Chief Executive/Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item.

## **6 Access to Minutes and Decisions After Meeting**

- 6.1. The Council will make copies of the following available for six years after a meeting:
- a) the minutes of the meeting or records of decisions taken. This will exclude any part of the minutes of proceedings when the meeting was not open to the public or which disclosed 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
  - d) reports relating to items when the meeting was open to the public.

Cabinet will publish a list of Key Decisions as soon practicable after each of its meetings. This list will comply with any legal requirements. Decisions taken by Portfolio Holders or Officers will also be subject to any provisions set out in the Access to Information Rules.

## **7 Background Papers**

- 7.1. The Officer writing a report will set out a list of the documents (called background papers) enclosed with the report that relate to the subject matter of the report which:
- a) disclose any facts or matters on which the report or a part of the report is based
  - b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined) or the advice of a political advisor.
- 7.2. The Council will make one copy of each of the documents on the list of background paper available for public inspection for four years after the date of the meeting.

## **8 Summary of Public's Right**

- 8.1. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and be available to the public at the Civic Centre.

## 9 Exclusion of Access by Public to Meetings

- 9.1. Members of the public may attend all meetings subject only to the exceptions in these Rules.
- 9.2. Confidential information
- a) This is 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. The public must be excluded from meetings when confidential information would be disclosed.
- 9.3. Exempt information – discretion to exclude public
- a) The public may be excluded from meetings when it is likely that exempt information would be disclosed.
- b) 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. The reason must also be recorded in the minutes.
- 9.4. Meaning of exempt information
- a) Paragraph 1 – Information relating to any individual
- i) Information is not exempt information unless it relates to an individual i.e. it must relate to and be recognisable as referring to a particular individual.
- b) Paragraph 2 – Information which is likely to reveal the identity of an individual
- i) Information is not exempt information unless it relates to an individual i.e. it must relate to and be recognisable as referring to a particular individual.
- c) Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)
- i) Information is not exempt information if it is required to be registered under:
- the Companies Act 1985
  - the Friendly Societies Act 1974
  - the Friendly Societies Act 1992
  - the Industrial and Provident Societies Act 1965 to 1978

- the Building Societies Act 1986
  - the Charities Act 1993. To be exempt the information must relate to a particular third person who is identifiable.
- d) Paragraph 4 – Information relating to 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
- i) Information is only exempt information if and so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. “Labour Relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions Act 1974, i.e. matters which may be the subject of a trade dispute.
  - ii) For the purposes of the paragraph this shall apply to office holder under the authority as it applies in relation to employees of the authority.
- e) Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
- f) Paragraph 6 - Information that reveals that the authority proposes:
- i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person
  - ii) to make an order or direction under any enactment.
- g) Information is exempt information only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
- h) Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- i) Information is not exempt if it relates to proposed development for which the Local Planning Authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- j) Information which:
- i) falls within paragraphs a-h of paragraph 10.3 above; and

- ii) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

9.5. The public may also be excluded to maintain orderly conduct or prevent misbehaviour.

## **10 Exclusion of Access by Public to Reports**

10.1. If the Chief Executive thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked "Confidential" together with the category of information likely to be disclosed.

## **11 Additional Rights of Councillors to Information**

- 11.1. Any Councillor may ask the Chief Executive for written factual information about a service. The request will be met subject to any legal requirements and to paragraph 12.2. A copy of the Chief Executive's response may be given to the Leader or relevant Chair/Vice Chair of an appropriate Committee unless the Councillor's letter is marked personal and/or confidential. If the information provided is of a routine or minor nature or if the request concerns matters relating to the Councillor's ward.
- 11.2. The Chief Executive can reject a request to provide information if they consider that the information requested could only be provided at unreasonable cost or at the expense of other matters being delayed.. In addition, the Chief Executive should consult with the Monitoring Officer in order to confirm the legal entitlement to the information. Councillors should note that access to information is subject to legal rights and restrictions such as The General Data Protection Regulations 2016/676 (as applied), Data Protection Act 2018 and Freedom of Information Act for which separate guidance is available.
- 11.3. Councillors should not put Officers under pressure to release information and/or documents to which the Councillor is not entitled to have access.
- 11.4. The common law right of Councillors is based on the principle that any Councillor has a right to inspect Council documents if their access to the documents is reasonably necessary to enable the Councillor properly to perform their duties. This is the "need to know" principle.
- 11.5. The exercise of this common law right depends upon the Councillor's ability to demonstrate that they have the necessary basis for a "need to know" entitlement to access. The "need to know" basis will initially be determined by the Chief Executive (with advice from the Monitoring Officer). If a decision is taken to refuse a Councillor's request for access to

information, the Councillor may appeal to the Cabinet, or the Information Commissioner's Office.

- 11.6. In some circumstances a Councillor's "need to know" will normally be presumed. In other circumstances a Councillor will normally be expected to justify the request in specific terms.

# Policy Framework and Budget Procedure Rules

## 1 The Framework for Decision Making

- 1.1. The Council will be responsible for the adoption of its policy framework and its budget as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

## 2 Process for Developing the Framework

- 2.1. The process by which the policy framework and budget shall be developed is that:
  - a) each year the Cabinet will publish a programme for establishing the policy framework and budget .Within this programme, it will identify the strategic policy or resource issues on which it wishes to request studies by the Scrutiny Committee or the Cabinet Working Group(s). The programme will be informed by corporate policy and procedures, including the Medium Term Financial Strategy and Corporate Strategy
  - b) within the overall programme, the Cabinet may identify any studies it wishes to request from the Scrutiny Committee or the Cabinet Policy Development Working Group related to the activities of external organisations or individuals on which they wish to make recommendations as part of the policy framework and budget
  - c) work undertaken by the Scrutiny Committee or a relevant Working Group should engage as widely as possible with residents, organisations and stakeholders in the community. It should use a variety of methods to gauge public views/information. The results should be presented to the Cabinet with clear recommendations.

## 3 Virement

- 3.1. Virement (the transfer of items between approved budgets) will be allowed within the limits prescribed in the Financial Regulations or otherwise determined by Council.

#### **4 In Year Changes to Policy Framework**

- 4.1. The responsibility for agreeing the policy framework and budget lies with the Council. decisions by the Cabinet or Officers with delegated authority must be in accordance with it.
- 4.2. Changes to any policy and strategy which forms part of the policy framework may be made by the Cabinet or an Officer with delegated authority except where such changes:
  - a) will result in the closure or end of a service or part of a service to meet a budgetary constraint
  - b) are necessary to ensure compliance with the law, ministerial direction or Government guidance
  - c) in relation to the policy framework, in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration.
- 4.3. For any action taken to be taken in the respect of exceptions (a) to (c) above a report should be submitted to the next meeting of the Council.

# Scrutiny Procedure Rules

## 1 Scrutiny

- 1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. Full Council will decide the number of Councillors on each body. Currently this comprises:
  - a) A Scrutiny Committee
  - b) A Call In Sub Committee of the Scrutiny Committee
- 1.2. The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called in.

## 2 Membership of the Scrutiny Committee

- 2.1. Scrutiny Committee
  - a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.
- 2.2. Call In Sub Committee
  - a) Membership of the Call In Sub Committee will comprise of members of the Scrutiny Committee. The Chair will be the Vice Chair of the Scrutiny Committee.

## 3 Co-optees

- 3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

## 4 Meetings of the Scrutiny Committee

- 4.1. There will be at least six ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if they consider it necessary.

## 5 Quorum

- 5.1. The quorum for meetings will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

## **6 Who Chairs Scrutiny Committee Meetings?**

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council.

## **7 Scrutiny Committee Work Plan**

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

## **8 Agenda Items**

- 8.1. Any member of the Scrutiny Committee will be entitled to give notice to the Chief Executive that they wish for an item to be included on the agenda for the next available meeting of the Committee or Sub Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet or Council. The Council or the Cabinet will consider the report of the Scrutiny Committee at their next ordinary meeting.

## **9 Reports from the Scrutiny Committee**

- 9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 9.2. If the Scrutiny Committee cannot agree on a single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- 9.3. The Cabinet will consider the report of the Scrutiny Committee at its next ordinary meeting.

## **10 Making Sure that Scrutiny Reports are Considered by the Cabinet**

- 10.1. The agenda for Cabinet meetings will include an item entitled "Communications from Committees/Working Groups/Parties and Panels". The reports of the Scrutiny Committee referred to the Cabinet shall be

included at this point in the agenda (unless they have been previously considered on a substantive item on the agenda).

## **11 Rights of Scrutiny Councillors to Documents**

11.1. In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

## **12 Councillors and Officers Giving Account to the Call In Sub Committee**

12.1. The Call In Sub Committee scrutinises and reviews decisions which have called in through the Council's call in procedures.. As well as reviewing documentation, it may require any member of the Cabinet, the Chief Executive or any senior Officer to attend before it to explain:

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement Council policy
- c) their performance

12.2. It is the duty of those persons to attend if so required.

12.3. Where any Councillor or Officer is required to attend the Call In Sub Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive will inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to give account and whether any papers are required to be produced for the Sub Committee. Where the account to be given needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document.

12.4. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, the Call In Sub Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be within 28 days from the date of the original request.

## **13 Attendance by Others at Call In Sub Committee**

13.1. Individuals, representatives or organisations may be invited other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions.

13.2. Attendance is optional but desirable.

## 14 Call In

- 14.1. Call in should only be used in exceptional circumstances. These are where members of the Call In Sub Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.
- 14.2. When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and shall be available at the main offices of the Council normally within five working days of being made.
- 14.3. The decision notice will have the date it was published and will specify that the decision will come into force and may then be implemented, five clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call In Sub Committee.
- 14.4. During the period stated above any two Members of the Call In Sub Committee may give written notice to the Chief Executive, identifying the decision to be called-in, supported by reasons. This notice must be received before 5pm on the fifth day (4.30pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and will call a meeting of the Sub Committee on such date as they may determine in consultation with the Chair (or Vice-Chair) of the Sub Committee and in any case within ten (10) working days of the receipt of the call in request.
- 14.5. No further action may be taken to implement the decision until the call in process has been completed.
- 14.6. The decision making body or person may amend the draft minute of the decision or action called in in consultation with relevant Officers if in their opinion it is inaccurate.
- 14.7. If a decision has been called in and the Sub Committee does not meet in the period set out above the decision will take effect following that period. If the Sub Committee does meet during that period but does not refer the matter back to the decision making person or body, the decision will take effect on the date of the Call In Sub Committee meeting.
- 14.8. If, having considered the decision, the Call In Sub Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration. The Call In Sub Committee will set out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision maker they will reconsider it within a further ten clear working days and make a final decision on the route of action they propose.
- 14.9. If the matter was referred to Full Council and it does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.

However, if the Council does object, it can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing it. The decision maker will reconsider the decision within ten clear working days of the Council request.

- 14.10. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

## **15 Withdrawal or Modification of Call In**

- 15.1. The Council's requirements for Call In are set out within in the Scrutiny Procedure Rules in Part 4 of the Constitution. A valid call in can be withdrawn at any time by the lead signatory (the member calling in the decision).
- 15.2. Following a valid Call In, the lead signatory, or the relevant Portfolio Holder, may request a meeting with the Chair of the Call In Sub Committee prior to the Sub Committee taking place, in order to discuss:
  - a) The potential removal of objections raised in the Call In request; or
  - b) The withdrawal of the Call In; or
  - c) Whether the Cabinet or Portfolio Holder decision could be amended to take account of objections; and
  - d) The anticipated structure of the debate at the Call In Sub Committee.
- 15.3. The meeting with the Chair of the Call In Sub Committee will be arranged as soon as possible and will be attended by relevant Councillors, Chair of the Scrutiny Committee and Officers, including up to one additional supporting signatory of the Call In request. The following documents will be supplied to those in attendance:
  - a) Documents considered by the Decision Taker;
  - b) The Call In Notice; and
  - c) Other relevant documentation.
- 15.4. The meeting will have the following procedure:
  - a) The lead signatory presents their case and the reasons for Call In;

- b) The Portfolio Holder and the Chair of the Sub Committee may ask questions of the lead signatory;
  - c) The Portfolio Holder will set out the reasons why the decision has been taken; and
  - d) The signatories, and the Chair of the Sub Committee, may ask questions of the Portfolio Holder.
- 15.5. Having considered the representations, the Chair of the Sub Committee will consider whether there can be an agreement to withdraw or modify the Call In. The lead signatory will determine whether the Call In can be withdrawn or modified.
- 15.6. If it's agreed to modify the Call In request, the Sub Committee will be notified of the changes as soon as possible. Where it is withdrawn, all Councillors will be notified together with actions agreed by the decision taker if appropriate.
- 15.7. Where no agreement to withdraw the Call In is reached, the matter will still be referred to the Sub Committee within the timescales set out with the council constitution.

## **16 Call In Exceptions**

- 16.1. In order to ensure that call in is not abused or causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call in:
- a) a decision that stands as a recommendation to Full Council
  - b) a decision to implement a decision approved in principle by Council within the preceding six months
  - c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent where any delay that may result from call in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
  - d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
  - e) a decision on a procedural matter or a matter reported for information only
  - f) a decision of a Committee when acting in an appeal capacity
  - g) any other non-executive decision making.

## **17 Call In and Urgency**

17.1. The call in procedure set out above will not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state whether, in the opinion of the decision making person or body, the decision is an urgent one and therefore not subject to call in. The Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or their nominee's consent shall be required.

17.2. The operation of the provisions relating to call in and urgency shall be monitored annually. A report needs to be submitted to Council with proposals for review if necessary.

## **18 The Party Whip**

18.1. If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements will be recorded in the minutes of the meeting.

## **19 Procedure at Scrutiny Committee Meetings**

19.1. The Scrutiny Committee will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

19.2. The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the principles set out in the Cabinet-Scrutiny Protocol:

19.3. Following any investigation or review, the Scrutiny Committee will prepare a report that will be submitted to the Cabinet or Council as appropriate. The report will be made public unless there is legal reason for the report to be confidential.

# Financial Regulations

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## 1 Introduction

- 1.1. Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Councillor and Officer of the Council and anyone acting on its behalf. All Councillors and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.2. The Section 151 Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Full Council for approval. They are also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council.
- 1.3. Members of the Senior Management Board are responsible for ensuring that all staff are aware of the existence and content of the Financial Regulations and other internal regulatory documents and that they comply with them. They must also ensure that there is adequate access to Financial Regulations within all of the service areas of the Council.
- 1.4. The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Councillors, Officers and others acting on behalf of the Council must follow.

# Financial Regulations

## (Part A) Financial Management

### 2 Financial Management – Roles

#### 2.1. The Statutory Officers

- a) The Head of Paid Service (Chief Executive) is responsible for the corporate and overall strategic management of the Council as a whole. They must report to, and provide information for, the Full Council, Cabinet, the Audit and Standards Committee and other Committees. They are responsible for establishing a framework for the management, direction, style and standards to be achieved by the Council.
- b) The Monitoring Officer (Director of Governance and Corporate Services) is responsible for reporting (and wherever possible preventing) any actual or potential breaches of the law or maladministration to the Full Council.
- c) The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
  - i) Section 151 of the Local Government Act 1972
  - ii) The Local Government Finance Act 1988
  - iii) The Local Government and Housing Act 1989
  - iv) The Accounts and Audit (England) Regulations 2011.
- d) The Section 151 Officer is responsible for:
  - i) the proper administration of the Council's financial affairs
  - ii) setting and monitoring compliance with financial management standards

- iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
  - iv) providing financial information
  - v) preparing the revenue budget and capital programme
  - vi) treasury management.
- e) Section 114 of the Local Government Finance Act 1988 requires the Section 151 Officer to report to the Full Council and external auditor if the Council or one of its Officers:
- i) has made, or is about to make a decision, which involves incurring unlawful expenditure
  - ii) has taken, or is about to take an unlawful action, which has resulted or would result in a loss or deficiency to the Council
  - iii) is about to make an unlawful entry in the Council's accounts.

## 2.2. Senior Managers

- a) In the context of the Financial Regulations, the term 'Senior Managers' refers to members of the Senior Management Board and the Heads of Service. Senior Managers are responsible for:
- i) ensuring that Councillors are advised of the financial implications of all proposals and that the financial implications have been agreed by the Section 151 Officer
  - ii) signing contracts on behalf of the Council.
- b) It is the responsibility of Senior Managers to consult the Section 151 Officer to seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.

## 3 Financial Management Standards

### 3.1. Why are these important?

- a) All Officers and Councillors have a duty to abide by the highest standards of probity. Clear standards and effective controls for all financial management work make it straightforward to maintain the necessary probity.

### 3.2. Key controls

- a) Senior Managers promote Financial Management Standards throughout the Council.

- b) A monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards, are reported to Councillors.

### 3.3. Responsibilities of the Section 151 Officer

- a) The Section 151 Officer's responsibilities are as set out in paragraph 2.1 d) above.

### 3.4. Responsibilities of Senior Managers

- a) To promote the financial management standards set by the Section 151 Officer in their service areas and to monitor adherence to the standards and practices, liaising as necessary with the Section 151 Officer.
- b) To promote sound financial practices in relation to the standards, performance and development of Officers in their sections.

## 4 Internal controls

### 4.1. What are they?

- a) Internal controls are measures (such as reviews, checks and balances, methods and procedures) which are put in place in a system so that the Council can conduct its business in an orderly and efficient manner, manage risk, safeguard its assets and resources, deter and detect errors, fraud, and theft, ensure accuracy and completeness of its accounting data, produce reliable and timely financial and management information, and ensure adherence to its policies and plans.

### 4.2. Why are these important?

- a) The Council requires internal controls to manage and monitor progress towards its strategic objectives.
- b) The Council has statutory obligations that require internal controls to identify, meet and monitor compliance with these obligations.
- c) The Council faces a wide range of financial, administrative and commercial risks, from both internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- d) The system of internal controls is established to provide measurable achievement of:
  - i) efficient and effective operations

- ii) reliable financial information and reporting
- iii) compliance with laws and regulations
- iv) risk management.

#### 4.3. Key controls

- a) Regular review of the key controls in each system.
- b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
- c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.
- d) An effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any statutory obligations and regulations.

#### 4.4. Responsibilities of the Audit Manager

- a) The Audit Manager role is to assist the Council to set up and maintain an appropriate control environment and effective internal controls which provide assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations. It is also the role of the Audit Manager to advise of concerns where such assurance cannot be given.

#### 4.5. Responsibilities of Senior Managers

- a) To manage processes to check that established controls are being adhered to, and to evaluate their effectiveness, in order to be confident of the proper use of resources, the achievement of objectives and the management of risks.
- b) To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Audit Manager. Senior Managers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

- c) To ensure staff have a clear understanding of the consequences of lack of operating in an appropriate control system.

## 5 Virement

### 5.1. What is it?

- a) Virement is the approved transfer of money from the budget heading to which it has been allocated to another budget heading.

### 5.2. Why is this important?

- a) The scheme of virement is intended to allow a degree of flexibility in managing budgets within the overall policy framework determined by the Full Council. It seeks to enable Senior Managers and other Officers with appropriate delegated authority, to optimise the use of resources.
- b) Virement is defined as switching resources between approved expenditure heads. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the standard service subdivision as defined by CIPFA's Service Expenditure Analysis. A virement does not create an additional budget, otherwise known as a 'Supplementary Estimate'.

### 5.3. Key controls

- a) Virement is administered by the Section 151 Officer within guidelines set by the Cabinet. Any variation from this scheme requires the approval of Full Council.
- b) The overall budget is agreed by the Cabinet and approved by the Full Council. Senior Managers and budget managers are authorised to spend in line with the budgeted estimates.
- c) Senior Managers and their Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. They should not support recurring expenditure from one-off savings or additional income; or create future commitments (including full-year effects of decisions made part way through a year) for which they have not identified future resources. Senior Managers must ensure that the funding of such commitments is accommodated from within their own budgets.

### 5.4. Responsibilities of the Section 151 Officer

- a) To specify the procedure for the authorising of virements.

### 5.5. Responsibilities of Senior Managers

- a) Notify the Section 151 Officer of any intended virements.
- b) Once they have notified the Section 151 Officer, Officers may exercise virement on budgets under their control for amounts up to the limits shown in the Appendix.
- c) Amounts greater than the limits shown for Officers require the approval of the Portfolio Holder, Cabinet or Full Council as appropriate, following a report by the relevant Senior Manager. The report must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,000 require the approval of the Full Council.
- d) Virement that is likely to affect the level of service of another service area should be implemented only after agreement with the relevant Senior Manager.
- e) All virements must be made before the end of a financial year. Retrospective virements for previous financial years are not allowed.
- f) Where an approved budget is a lump-sum or contingency intended for allocation during the year, allocation will not be treated as a virement requiring specific authorisation, provided that it is used in accordance with the purposes for which it has been established.
- g) Amounts below the 'de minimus' level shown in the Appendix will not be transferred between budget lines.

## **6 Carryovers**

### 6.1. What are they?

- a) Carry overs are where approved budget from one year is not used and it is agreed that the budget allocation can be transferred to the subsequent year.

### 6.2. Why is this important?

- a) To allow some flexibility in the timing of expenditure.

### 6.3. Key controls

- a) Appropriate accounting procedures operate to ensure that carry-over totals are correct.

### 6.4. Responsibilities of the Section 151 Officer

- a) To supervise the administration of the scheme of carry-over within the guidelines approved by the Full Council.

## 6.5. Responsibilities of Senior Management Board

- a) The Senior Management Board will agree requests for carry-overs after consultation with the Leader of the Council and make recommendations to Cabinet. These requests will be included in the year-end outturn report to Cabinet.
- b) Each carry-over request (revenue, capital, General Fund and HRA) will be considered on a case by case basis by the Director of Finance in conjunction with SMB. Clear justification must accompany each request, such as:
  - i) why the carry-over occurred
  - ii) whether the proposed carry-over is still required to meet its original purpose
  - iii) the consequences of not spending the carry-over.
- c) Budget holders must not start spending against carryovers until they have been approved.

## 7 Accounting Policies

### 7.1. Why are these important?

- a) The Section 151 Officer is responsible for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom based on International Financial Reporting Standards (LASAAC), for each financial year ending 31 March.

### 7.2. Key controls

- a) Systems of internal control operate to ensure that financial transactions are lawful.
- b) There are suitable accounting policies, applied consistently.
- c) Proper accounting records are maintained.
- d) Financial statements are prepared which present the financial position of the Council and its expenditure and income fairly.

### 7.3. Responsibilities of the Section 151 Officer

- a) To adopt suitable accounting policies, and ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year.
- 7.4. Responsibilities of Senior Managers

- a) To ensure adherence to the approved accounting policies and guidelines.

## **8 Accounting Records and Returns**

### 8.1. Why are these important?

- a) Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present its operations during the year fairly. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that sound arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

### 8.2. Key controls

- a) The key controls for accounting records and returns are: all Heads of Service, finance staff and budget managers operate within the required accounting standards and timetables:
  - i) all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis
  - ii) sound procedures operate to enable accounting records to be reconstituted in the event of systems failure
  - iii) reconciliations are carried out to ensure transactions are correctly recorded
  - iv) prime documents are retained in accordance with legislative and other requirements.

### 8.3. Responsibilities of the Section 151 Officer

- a) To determine the accounting procedures and records for the Council. Where these are maintained outside the Finance Department, the Section 151 Officer should consult the Senior Manager concerned.
- b) To arrange for the compilation of all accounts and accounting records under his direction.

- c) To comply with the following principles when allocating accounting duties:
  - i) separating the duties of providing information about sums due to or from the Council and calculating; checking and recording these sums from the duty of collecting or disbursing them.
  - ii) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- d) Employees must not set or amend their own personal accounts e.g. rent, council tax.
- e) To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations 2011.
- f) To ensure that all claims for funds including grants are made by the due date.
- g) To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable.
- h) To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's document retention schedule.

#### 8.4. Responsibilities of Senior Managers

- a) To consult and obtain the approval of the Section 151 Officer before making any changes to accounting records and procedures.
- b) To comply, as far as possible, with the principles outlined in paragraph 8.3 c) when allocating accounting duties.
- c) To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements, and vice versa.
- d) To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.

## 9 Annual Statement of Accounts

### 9.1. Why is this important?

- a) The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Audit and Standards Committee is responsible for approving the statutory

annual statement of accounts, as well as the accompanying annual governance statement. These documents are signed off by the Chief Executive, Section 151 Officer and the Chair of the Audit and Standards Committee.

## 9.2. Key Controls

- a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its Officers has the responsibility for the administration of these affairs. At Harlow Council, that Officer is the Section 151 Officer.
- b) The Council's statement of accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

## 9.3. Responsibilities of the Section 151 Officer

- a) To select suitable accounting policies and to apply them consistently.
- b) To make judgements and estimates that are reasonable and prudent.
- c) To comply with the Code of Practice on Local Authority Accounting in England and Wales.
- d) To sign and date the statement of accounts as required by regulations, stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year then ended.
- e) To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

## 9.4. Responsibilities of Senior Managers

- a) To comply with accounting guidance provided by the Section 151 Officer and to supply him information when required.

# Financial Regulations

## (Part B) Financial Planning

### 10 Budgeting – Medium Term Planning

#### 10.1. What is this and why is this important?

- a) The Council is responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities.
- b) The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Full Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a council to budget for a deficit.
- c) Medium term planning (or a three to five year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium term plan. This ensures that the Council is always preparing for events in advance. The Corporate document articulating these plans is the Medium Term Financial Strategy.
- d) The Council has an additional requirement to prepare and present to Councillors annually a 30 year Business Plan to support the operation of, and demonstrate the sustainability of its Housing Revenue Account under self-financing.

#### 10.2. Key controls

- a) The key controls for budgets and medium term planning are:
  - i) specific budget approval for all expenditure
  - ii) budget managers are consulted in the preparation of the budgets for which they will be held responsible
  - iii) there is an effective monitoring process to review the effectiveness and operation of budget preparation regularly, and to ensure that any necessary corrective action is taken.

### 10.3. Responsibilities of the Section 151 Officer

- a) To prepare and submit reports on budget prospects for the Council, including resource constraints set by the Government. Reports should take account of a range of medium term scenarios.
- b) To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Full Council.
- c) To prepare and submit reports to the Cabinet on the aggregate spending plans of service areas and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax /rental income to be levied.
- d) To advise on the medium term implications of spending decisions.
- e) To encourage the best value for money by working with Senior Managers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- f) To advise the Full Council on proposals in accordance with his responsibilities under section 151 of the Local Government Act 1972.

### 10.4. Responsibilities of Senior Managers

- a) To prepare estimates of income and expenditure, in consultation with the Section 151 Officer.
- b) To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and within guidelines issued by the Section 151 Officer.
- c) To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- d) In consultation with the Section 151 Officer and in accordance with the guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by Councillors.
- e) When drawing up draft budget requirements, to have regard to:
  - i) spending patterns and pressures revealed through the budget monitoring process
  - ii) legal requirements

- iii) policy requirements as defined by the Full Council in the approved policy framework
- iv) initiatives already under way.

## 11 Reserves

### 11.1. Why are these important?

- a) The Council must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.
- b) The Council must also determine a level of general reserves it wishes to maintain in its Housing Revenue Account, known as the 'Minimum Working Balance', The Council should also have regard to the future need to repay HRA debt and make an appropriate annual transfer from its HRA Operating Account to its Major Repairs Reserve Account.

### 11.2. Key controls

- a) To maintain reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.
- b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- c) Authorisation and expenditure from reserves by the appropriate Senior Manager in consultation with the Section 151 Officer.

### 11.3. Responsibilities of the Section 151 Officer

- a) To advise the Cabinet on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.

### 11.4. Responsibilities of Senior Managers

- a) To ensure that resources are used only for the purposes for which they were intended.

## **12 Budget – Format**

### 12.1. Why is this important?

- a) The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virements operate, and how cash limits work. It sets the level at which funds may be reallocated within budgets.

### 12.2. Key controls

- a) The format complies with all legal requirements.
- b) The format follows CIPFA's Best Value Accounting – Code of Practice.
- c) The format reflects the accountabilities of service delivery.

### 12.3. Responsibilities of the Section 151 Officer

- a) To advise the Cabinet on the format of the budget that is approved by Full Council.

### 12.4. Responsibilities of Senior Managers

- a) To comply with accounting guidance provided by the Section 151 Officer.

## **13 Budget – Revenue Budget Preparation, Monitoring and Control**

### 13.1. Why is this important?

- a) Budget management ensures that once the budget has been approved by Full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget. The Budget Management Protocol provides corporate guidance to budget holders.
- b) By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council operates within an annual approved budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

- c) For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the scheme of delegation.

### 13.2. Key control

- a) Budget managers should be responsible only for income and expenditure that they can influence.
- b) There is a nominated budget manager for each cost centre heading.
- c) Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
- d) Budget managers follow an approved certification process for all expenditure.
- e) Income and expenditure are properly recorded and accounted for.
- f) Performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

### 13.3. Responsibilities of the Section 151 Officer

- a) To establish an appropriate framework of budgetary management and control that ensures that:
  - i) budget management is exercised within the overall approved budget
  - ii) each Senior Manager has available timely information on receipts and payments on each budget, which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
  - iii) expenditure is committed only against an approved budget head
  - iv) all Officers responsible for committing expenditure comply with relevant guidance, and the Financial Regulations
  - v) each cost centre has a single named manager, determined by the relevant Senior Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure

- vi) significant variances from approved budgets are investigated and reported by budget managers regularly.
- b) To administer the Council's scheme of virement.
- c) To submit reports to the appropriate Councillor, in consultation with the relevant Senior Manager, where a Senior Manager is unable to balance expenditure and resources within existing approved budgets under his or her control.
- d) To prepare and submit reports on the Council's projected income and expenditure compared with the budget on a regular basis.

#### 13.4. Responsibilities of Senior Managers

- a) To maintain budgetary control within their service areas, in adherence to the principles in 13.3 a), and to ensure that all income and expenditure is properly recorded and accounted for.
- b) To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Senior Manager. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- c) To ensure that spending remains within the service's overall budget, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- d) To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- e) To prepare and submit to Cabinet reports on the service's projected expenditure compared with its budget, in consultation with the Section 151 Officer.
- f) To ensure that any overspends or reductions in income are met by virements (see section 5).
- g) To ensure prior approval by Full Council new proposals, of whatever amount, that:
  - i) create financial commitments in future years
  - ii) change existing policies, initiate new policies or cease existing policies
  - iii) materially extend or reduce the Council's services.

- h) All reports to Councillors which have financial implications must be prepared in consultation with the Section 151 Officer and include any comments required by this Officer. Heads of Service must plan to contain the financial implications of such proposals within their budgets.
- i) To agree with the relevant Head(s) of Service where it appears that a budget proposal, including a virement proposal, may materially affect another service area or Senior Manager's level of service activity.

## 14 Capital programme

### 14.1. Why is this important?

- a) Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- b) The Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

### 14.2. Key controls

- a) The key controls for capital programmes are:
  - i) specific approval by the Full Council for the programme of capital expenditure
  - ii) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for the Council's Section 151 Officer
  - iii) proposals for improvements and alterations to buildings must be approved by the appropriate Senior Manager
  - iv) the development and implementation of asset management plans
  - v) accountability for each proposal is accepted by a named manager
  - vi) monitoring of progress in conjunction with expenditure and comparison with approved budget.

#### 14.3. Responsibilities of the Section 151 Officer

- a) To prepare capital estimates jointly with Senior Managers and to report them to the Full Council for approval.
- b) To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- c) To issue guidance on capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

#### 14.4. Responsibilities of Senior Managers

- a) To follow guidance for capital schemes and controls issued by the Section 151 Officer.
- b) To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Section 151 Officer.
- c) To report regularly to Cabinet, reviewing the capital programme provisions for the Council.
- d) To ensure that adequate records are maintained for all capital contracts.
- e) To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.
- f) To ensure that credit arrangements, such as any financing agreements, are only entered into with the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.
- g) To consult with the Section 151 Officer where the Senior Manager proposes to bid for supplementary credit approvals to be issued by government departments to support expenditure that has not been included in the current year's capital programme.

# Financial Regulations

## (Part C) Financial

# Systems and Procedures

### 15 General

#### 15.1. Why are these important?

- a) Service areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Service areas are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- b) The Section 151 Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

#### 15.2. Key controls

- a) Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated.
- b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.
- c) Early warning is provided of deviations from target, plans and budgets that require management attention.
- d) Operating systems and procedures are secure.

#### 15.3. Responsibilities of the Section 151 Officer

- a) To make arrangements for the proper administration of the Council's financial affairs, including:
  - i) issue advice, guidance and procedures for officers and others acting on the Council's behalf

- ii) determine the accounting systems, form of accounts and supporting financial records
- iii) establish arrangements for audit of the Council's financial affairs
- iv) approve any new financial systems to be introduced
- v) approve any changes to be made to existing financial systems.

#### 15.4. Responsibilities of Senior Managers

- a) To ensure that accounting records are properly maintained and held securely.
- b) To ensure that vouchers and documents with financial implications are not destroyed except in accordance with arrangements approved by the Section 151 Officer.
- c) To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- d) To incorporate appropriate controls to ensure that, where relevant:
  - i) all input is genuine, complete, accurate, timely and not previously processed
  - ii) all processing is carried out in an complete, accurate and timely manner
  - iii) output from the system is complete, accurate and timely.
- e) To ensure that the organisational structure provides appropriate segregation of duties to give adequate internal controls and to minimise the risk of fraud or other malpractice.
- f) To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- g) To ensure that systems are documented and staff trained in operations.
- h) To consult the Section 151 Officer before changing any existing financial system or introducing new systems.

- i) To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- j) To ensure that relevant standards and guidelines for computer systems which are available on the Infonet are followed.
- k) To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- l) To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  - i) only software legally acquired and installed by the Council is used on its computers
  - ii) staff are aware of legislative provisions
  - iii) in developing systems, due regard is given to the intellectual property rights.
- m) To establish a scheme of delegation identifying Officers authorised to act upon the Senior Manager's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- n) To supply certified lists of authorised Officers, with specimen signatures and delegated limits, to the Section 151 Officer, together with any subsequent variations.

## **16 Assets**

### 16.1. Why is this important?

- a) The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up to date Corporate Asset Register is a prerequisite for proper fixed asset accounting and sound asset management.

### 16.2. Key controls

- a) The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
  - i) resources are used only for the purposes of the Council and are properly accounted for

- ii) resources are available for use when required
- iii) resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits
- iv) an asset register is maintained by the Council. Assets are recorded when they are acquired by the Council, valued and accounted for in accordance with International Financial Reporting Standards, and updated for changes in the location, category or condition of the asset
- v) all Officers are aware of their responsibilities for safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation
- vi) all Officers are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

### 16.3. Responsibilities of the Section 151 Officer

- a) To ensure that an asset register is maintained in accordance with good practice for all individual fixed assets with a value in excess of £20,000 for Land & Buildings, £2,000 for Vehicles, and £5,000 for other assets. In addition the asset register will record assets which have been divided into components (componentised) in accordance with accounting policy. The function of the asset register is to provide the Council with information about fixed assets so that they are:
  - i) safeguarded
  - ii) used efficiently and effectively
  - iii) adequately maintained
  - iv) properly accounted for.
- b) To receive the information required for accounting, costing and financial records from each Senior Manager.
- c) To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

#### 16.4. Responsibilities of Senior Managers

- a) To consult the Senior Insurance Officer on all matters of security, including the installation of safes, alarm systems, and cash handling machines.
- b) To advise the Senior Insurance Officer immediately if any alarmed premises are withdrawn from response by the police or the alarm company involved.
- c) To comply with insurance requirements advised by the Senior Insurance Officer. To inform the Section 151 Officer immediately if requirements cannot be complied with.
- d) To advise the Senior Insurance Officer of any theft of property or break in to premises immediately and in writing. Such incidents shall be reported to the police without delay.
- e) An asset register is to be maintained, in a form approved by the Section 151 Officer for all properties, plant and machinery and moveable assets currently owned or used by the Council. Any use of assets by a service area or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- f) To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Senior Manager in consultation with the Section 151 Officer, has been established as appropriate.
- g) To ensure the proper security of all buildings and other assets under their control. To consult the Senior Insurance Officer if security is thought to be defective.
- h) To pass any title deeds to the Director of Governance and Corporate Services who is responsible for custody of all title deeds.
- i) To ensure that no Council asset is subject to personal use by an employee without proper authority.
- j) To consult the Senior Insurance Officer at an early stage in proposals for new buildings or alterations to existing buildings to allow consideration for design of security.
- k) To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- l) To maintain an up to date list of key holders. To ensure that keys to safes and similar receptacles are carried on the person of those

responsible at all times; loss of any such keys must be reported to the Senior Insurance Officer and the Audit Manager as soon as possible.

- m) To ensure that combination numbers to safes are held securely. The combination must be changed at regular intervals and immediately when staff leave.
- n) To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.
- o) To ensure that all employees are aware that they have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.
- p) To ensure that employees are aware that packages for despatch containing documents or articles of value are sent by registered, insured or recorded post.

## **17 Asset Disposal**

### 17.1. Why is this important?

- a) It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Council.

### 17.2. Key controls

- a) Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value (see Appendix of financial limits), disposal should be by competitive tender or public auction.
- b) Procedures protect staff involved in the disposal from accusations of personal gain.

### 17.3. Responsibilities of the Section 151 Officer

- a) To issue guidelines representing best practice for disposal of assets.
- b) To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to account for any sale proceeds.

#### 17.4. Responsibilities of Senior Managers

- a) To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.
- b) To ensure that income received for the disposal of an asset is properly banked and coded.
- c) To record all disposal or part exchange of assets that should normally be by competitive tender or public auction.
- d) To follow the guidelines issued by the Section 151 Officer.

#### 17.5. Land

- a) Except where otherwise provided for in Standing Orders, disposal of land or buildings must have consent from the Cabinet, after due consideration of a report to which the Chief Executive (or external independent valuer), the Director of Governance and Corporate Services and the Section 151 Officer have contributed.
- b) Disposal of land must comply with section 123 of the Local Government Act 1972, and any other relevant legislation. Reference shall be made to standing orders relating to disposal of land.

#### 17.6. Stores and equipment

- a) To arrange for the disposal of obsolete and redundant equipment, after making a reasonable estimate of the current market value (see Appendix for financial limits), using the following routes:
  - i) disposal of items where the current market value is likely to be less than the lower stated limit may be sold on a first come, first served basis
  - ii) where an item is likely to exceed the lower limit, but is below the upper limit, Councillors, Officers or the public may be invited to submit a written bid. The highest bid will be accepted where there is more than one offer
  - iii) where the current market value is likely to exceed the upper limit, at least two quotations must be obtained (where possible), or the item may be sold at a recognised public auction
  - iv) when selling through a recognised public auction, a reserve price should be agreed for each item or lot.

## 17.7. Transport and Plant

- a) Disposal of transport and plant is at the discretion of the Chief Executive who shall endeavour to ensure, and by reference to documentation be able to demonstrate, that value for money is obtained.

## 18 Internal Audit

### 18.1. Why is this important?

- a) Section 151 of the Local Government Act 1972 requires that councils “make arrangements for the proper administration of their financial affairs”, and implies the need for an internal audit function. The Accounts and Audit (England) Regulations 2011, regulation 6, require that a “relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.
- b) Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### 18.2. Key controls

- a) Internal Audit is independent in its planning and operation.
- b) The Audit Manager has direct access to the Head of Paid Service, all levels of management and directly to Councillors.
- c) Internal Audit complies with the Public Sector Internal Auditing Standards 2013 (PSIAS).

### 18.3. Scope of Internal Audit activity

- a) The work of Internal Audit embraces the whole system of internal controls, including financial and non-financial controls. Internal Audit will:
  - i) undertake a continuous, systematic and structured review to evaluate the soundness, adequacy and application of the Council’s internal control system
  - ii) review arrangements for securing economy, efficiency and effectiveness in the use of resources

- iii) advise and, where appropriate, assist management to investigate suspected cases of fraud, corruption and irregularity
  - iv) review and advise upon the development of systems
  - v) provide advice on financial systems, procedures, regulations, corporate governance issues and risk management
  - vi) contribute to the Council's pursuit of best value.
- b) Internal audit will prepare a three-year strategic audit plan of reviews to be undertaken. This plan will be based on a risk assessment that considers financial materiality and the business risk relating to the Council's objectives.
  - c) Internal Audit will have no executive responsibilities. It is not an extension of or a substitute for the functions of management. Responsibility for internal control rests solely with managers, who should ensure that arrangements are appropriate and adequate. It is for Corporate Management Team to accept and implement audit recommendations or to accept the risk resulting from not taking any action.

#### 18.4. Responsibilities of the Head of Paid Service

- a) To ensure that internal auditors have the authority to:
  - i) enter Council premises at reasonable times
  - ii) examine all assets, records, documents, correspondence and control systems
  - iii) receive any information and explanation considered necessary concerning any matter under consideration
  - iv) require any Officer of the Council to account for cash, stores or any other Council asset under his or her control
  - v) examine records belonging to third parties, such as contractors, when required
  - vi) report directly to the Head of Paid Service, the Cabinet, and any other Officer or Councillor that the Audit Manager considers appropriate.
- b) To ensure that the Council has effective fraud investigation procedures to deal with any fraud or irregularity promptly.
- c) To ensure a continuous audit of the Council's systems and procedures.

## 18.5. Responsibilities of Senior Managers

- a) The Corporate Management Team to approve the annual and rolling audit plans, which take account of service characteristics and relative risks.
- b) To ensure that appropriate and adequate internal controls exist.
- c) To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- d) To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- e) To consider and respond to audit reports or other requests for information within 14 days. The Audit Manager may refer any failure to respond to Corporate Management Team for resolution.
- f) Corporate Management Team to have overall responsibility for ensuring that all internal audit recommendations are implemented by the agreed date.
- g) To notify the Audit Manager immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources; and of any material failure in financial systems and controls. Pending investigation and reporting, the Senior Manager should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- h) To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed and agreed with the Audit Manager prior to implementation.

## 18.6. Responsibilities of the Audit Manager

- a) To deliver an efficient, effective and economic internal audit service.
- b) To provide an annual opinion on the Council's internal control arrangements.

## 19 External Audit

### 19.1. Why is this important?

- a) The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each Council in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.

- b) The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report upon:
  - i) the financial aspects of the audited body's corporate governance arrangements
  - ii) the audited body's financial statements
  - iii) aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP (Best Value Performance Plan).
- c) The Council's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the authority and its income and expenditure for the year in question and complies with the legal requirements.

#### 19.2. Key controls

- a) External auditors are appointed by the Audit Commission, normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

#### 19.3. Responsibilities of the Chief Executive

- a) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- b) To ensure there is effective liaison between external and internal audit.
- c) To work with the external auditor and advise the Council, and Senior Managers on their responsibilities in relation to external audit.

#### 19.4. Responsibilities of Senior Managers

- a) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

- b) To ensure that all records and systems are up to date and available for inspection.

## **20 Banking**

### 20.1. Why is this important?

- a) Almost all Council activities involve either receiving or paying money, ultimately through the Council's bank accounts. Secure and efficient operation are therefore fundamental to the Council's business, and reconciliation of all bank balances forms a critical part of the Council's financial controls, and underpins the Council's final accounts.

### 20.2. Key controls

- a) No Officer may open or close any bank account or other banking facility without approval from the Section 151 Officer.

### 20.3. Responsibilities of Section 151 Officer

- a) To operate bank accounts as necessary.
- b) To be responsible for all arrangements and communications with the Council's bank.
- c) To authorise the bank on the payment of cheques and limits for the use of pre-printed signatures on cheques. Current limits are shown in the Appendix.

### 20.4. Responsibilities of Senior Managers

- a) To follow the instructions on banking issued by the Section 151 Officer.
- b) To report any problems, concerns about fraud or anomalies to the Section 151 Officer promptly. Any fraud issues must also be reported to the Audit Manager.

## **21 Cash Handling**

### 21.1. Why is this important?

- a) Cash is a vulnerable asset and effective income collection systems are necessary to protect it.
- b) "Cash" is deemed to include cheques, postal orders, and all other negotiable items.

- c) See the section on Petty Cash for rules applying to money paid out by the Council.

#### 21.2. Key controls

- a) All money received by an employee on behalf of the Council is paid without delay to the Section 151 Officer or, as he directs, to the Council's bank, and properly recorded.
- b) The responsibility for cash collection should be separated from those for:
  - i) identifying the amount due
  - ii) reconciling the amount due to the amount received.
- c) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

#### 21.3. Responsibilities of the Section 151 Officer

- a) To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- b) To order and supply to service areas all receipt forms, books or tickets and similar items and to satisfy himself regarding the arrangements for their control.
- c) To be responsible for arranging the collection of cash and other income from Council offices and its transfer and banking.

#### 21.4. Responsibilities of Senior Managers

- a) To ensure staff involved in the collection of money due to the Council follow the cash handling procedures, available from the Section 151 Officer.
- b) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- c) To issue official receipts or other vouchers for income received, except where other arrangements have been approved by the Section 151 Officer.
- d) To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

- e) To hold receipts, tickets and other records of income securely for the appropriate period. Those responsible for the use of receipts and other documents of controlled stationery should not also be responsible for ordering, control and issue of the stationery.
- f) To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.
- g) To ensure cash is held in a safe or strong room outside normal working hours, and that cash holdings are kept to a minimum.
- h) To ensure that income is paid fully and promptly into the appropriate Council bank account. The Section 151 Officer should be informed immediately of failure to bank money on the agreed day. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- i) To ensure income is not used to cash personal cheques or to make payments.
- j) There is a limit on the approved levels of cash that can be held on the Council premises overnight. See Appendix of financial limits.
- k) To keep a record of every transfer of money between employees of the Council. The receiving Officer must sign for the transfer and the transferor must retain a copy.

## **22 Creditors**

- 22.1. Any change in method of payment shall be approved by the Section 151 Officer. The use of direct debit shall require the prior agreement of the Section 151 Officer.
- 22.2. Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.
- 22.3. Key Controls
  - a) Works, goods and services received are checked to ensure they are in accordance with the order.
  - b) Payments are made only when the Council has received goods matching the order for price, quantity and quality.
  - c) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.

- d) All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule.
- e) All expenditure, including VAT, is recorded accurately against the right budget and any exceptions are corrected.
- f) E-business/e-commerce and electronic purchasing arrangements maintain the security and integrity of data.

#### 22.4. Responsibilities of the Section 151 Officer

- a) To ensure that all the Council's financial systems and procedures are sound and properly administered.
- b) To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- c) To make payments from the Council's funds on the relevant Head of Service's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- d) To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- e) To make payments to contractors on the certificate of the appropriate Head of Service, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- f) To provide advice and encouragement on making payments by the most economical means.

#### 22.5. Responsibilities of Senior Managers

- a) To ensure that payment is made on a proper VAT invoice, checked, coded and certified for payment, confirming:
  - i) receipt of goods or services. Reference should be made to documentary evidence and where appropriate the invoice should be marked off against the copy of the official order
  - ii) that the invoice has not previously been paid
  - iii) that expenditure has been properly incurred and is within budget provision
  - iv) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices

- v) correct accounting treatment of tax
  - vi) that the expenditure is correctly coded
  - vii) that discounts have been taken where available
  - viii) that appropriate entries will be made in accounting records
  - ix) that where appropriate, entries have been made in the inventory, and the Senior Insurance Officer has been advised of any additional risks
  - x) if a tax invoice is not available at the time payment is made, the authorising Officer must ensure that a VAT receipt is acquired and passed to the Payments Section for retention
  - xi) unless there is a query to be resolved with the supplier the invoice is passed for payment to ensure payment is made within 30 days of the date of invoice.
- b) To ensure that at least two authorised members of staff are involved in the procurement process.
  - c) To ensure that the service area maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising Officers together with specimen signatures as appropriate and details of the limits of their authority shall be forwarded to the Section 151 Officer.
  - d) To obtain approval from the appropriate Head of Service/budget holder to authorise any expenditure outside their own cost centres.
  - e) To ensure that staff do not pay photocopied invoices unless they are clearly marked by the authorising Officer, “copy invoice – original not available” An original invoice should be obtained if possible to support any payment made on a copy, and clearly marked “not for payment – copy passed for payment dd/mm/yy” and forwarded to the Payments Section.
  - f) To encourage suppliers of Works, Goods and Services to receive payment by the most economical means for the Council. However, any change to the normal method of payment should have the prior approval of the Section 151 Officer.
  - g) Special procedures for corporate purchasing cards are available from Accountancy.
  - h) To notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer.

- i) With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 151 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes, and the procedures for validation of subcontractors' tax status.
- j) To notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- k) To ensure that all appropriate payment records are retained and stored for the period specified.
- l) Wherever it is considered reasonable, and cover is not provided under existing insurance policies, ex gratia payments are permitted within the limits shown in the Appendix of financial limits.

## 23 Contracts

### 23.1. Why is this important?

- a) A large part of the Council's budget is spent through payments on contracts for goods, works and services. Most of the spend on individual contracts is large enough to trigger Contracts Standing Orders and the European Procurement Regulations. Therefore, the Council must ensure that procedures are in place to govern the spending of public money in order to:
  - i) provide a framework for the Council to get value for money when entering into contracts
  - ii) demonstrate best value to the public
  - iii) set out how the Council complies with the laws that govern public spending
  - iv) protect the Council, Officers and Councillors from unfair criticism and allegations of wrongdoing
  - v) regulate the manner in which bids, tenders and quotations are invited.

### 23.2. Key Controls

- a) Contract Standing Orders set out the rules for entering into contracts for goods, works and services.
- b) Please see also section 33 on Procurement.

### 23.3. Responsibilities of the Section 151 Officer

- a) To specify systems to ensure compliance with the Council's Contract Standing Orders.

### 23.4. Responsibilities of Senior Managers

- a) To ensure that every one in their area knows that they must comply with the Council's Contract Standing Orders, and avoid any impropriety or the appearance of impropriety.
- b) To ensure that guidance, advice and the appropriate level of support is sought from Corporate Procurement when inviting tenders and quotations for all goods, works and services that exceed the limit shown in the Appendix.
- c) To ensure that appropriate warranties and/or guarantees are obtained to protect the Council's interests. In particular, Performance Bonds are required for contracts in excess of the limit shown in the Appendix unless the requirement is waived in accordance with the Council's Contract Standing Orders.
- d) To comply with EU and Government legislation when inviting tenders.
- e) To ensure that a priced copy of the bills of quantities, schedule of rates, specification and other technical documents are retained by the authorised Officer and that they are incorporated into the final contract document.
- f) To ensure that the Director of Governance and Corporate Services is supplied with the original executed copy of the contract.
- g) To inform the Section 151 Officer of all contracts, agreements and awards, involving the payment or receipt of money on behalf of the Council.
- h) To ensure that payments to contractors (including sub-contractors) are authorised on a certificate signed by the appropriate Officer showing the total amount of the contract, the value of works executed to date, retention to be withheld and the amount currently certified.
- i) To ensure that every variation of a contract is priced and authorised in writing by the Lead Officer. Where the net additional cost of variation(s) to a single contract exceeds 10 per cent of the contract sum or £5,000, whichever is the greater, the Service Manager shall receive a full report of the reasons for the variation. A copy of the report shall be forwarded to the Section 151 Officer.

- j) The authorised Officer acting on behalf of the Council shall issue written instructions to the contractor with regard to the expenditure of all prime cost and provisional sums included in the contract prior to any such work being undertaken.
- k) Copies of written instructions showing the agreed or estimated prices of such instructions shall be held by the Lead Officer.
- l) Unsettled claims from contractors shall be referred to the Director of Governance and Corporate Services for consideration of the Council's legal liability and, where necessary, to the Section 151 Officer for financial consideration before settlement is reached.
- m) Any contract with a duration of 12 months or greater, or an aggregate value of £50,000 or more will be the subject of a formal post contract review and the authorised Officer shall provide a report to the Service Manager, Legal Services Manager and Section 151 Officer. This will include:
  - i) a review of the contractor's performance
  - ii) report on the general management of the contract by authorised Officer
  - iii) an analysis of final scheme costs
  - iv) client/stakeholder's satisfaction with the complete scheme.
- n) Where completion of a contract is delayed, the authorised Officer shall take appropriate action and claim for liquidated and ascertained damages, in accordance with the terms and conditions of the contract.
- o) The final contract certificate specifying the total sum due under a contract shall not be issued by the authorised Officer until a detailed Final Account has been produced. Payment shall be made exclusive of any retentions sums which are normally withheld for 12 months (the defects liability period) after which they can be released for payment to the contractor.
- p) Final scheme costs will be submitted to the Cabinet if they are five per cent or £75,000 (whichever is the lower) above the costs, previously reported to the Cabinet.

## 24 Debtors

### 24.1. Why is this important?

- a) Effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly.

## 24.2. Key controls

- a) All income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.
- b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.
- c) Effective action is taken to pursue non-payment within defined timescales.
- d) Formal approval for debt write-off is obtained.
- e) Appropriate write-off action is taken within defined timescales.
- f) Appropriate accounting adjustments are made following write-off action.
- g) All appropriate income documents are retained and stored in accordance with the document retention schedule.

## 24.3. Responsibilities of the Section 151 Officer

- a) To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- b) To agree the write-off of bad debts up to the limits shown in the Appendix and to refer larger sums to the Cabinet.
- c) To approve all debts to be written off in consultation with the relevant Senior Manager and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (England) Regulations 2011.
- d) To obtain the approval of the Cabinet in consultation with the relevant Senior Manager for writing off debts in excess of the approved limit.
- e) To ensure that appropriate accounting adjustments are made following write-off action.

## 24.4. Responsibilities of Senior Managers

- a) To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies and report annually to Cabinet as part of the Annual Fees and Charges Section of the Budget Report. The setting of housing rents must be approved by the Cabinet.

- b) The relevant Head of Service is responsible for ensuring that the negotiation of rent reviews due to the Council are instituted at the appropriate time.
- c) Wherever possible, to ensure that payment is made at the time of the delivery or in advance, so as to avoid the need to raise a debtor account.
- d) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- e) To give the Section 151 Officer details of work done, goods supplied, services rendered and other amounts due, to enable the Section 151 Officer to record them correctly and to ensure accounts are sent out promptly. Areas of concern over recovery of income should be reported to the Section 151 Officer. Senior Managers have a responsibility to assist the Section 151 Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.
- f) To ensure that write off of debts are contained within the limits shown in the Appendix. Debts should only be written off where a debtor cannot be traced, or in conjunction with the Director of Governance and Corporate Services, is not economic to pursue. The Section 151 Officer must be informed of debts written off, where Officers have specific limits such as housing rents. In the case of rechargeable repairs, Senior Managers are empowered to negotiate settlement at a reduced amount, subject to the approval of the Section 151 Officer.
- g) Once raised, no genuine debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- h) To notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable set by the Section 151 Officer.
- i) The Director of Governance and Corporate Services is authorised to agree settlement of disputed amounts in the best interest of the Council in the light of decisions by the courts or to resolve legal proceedings, or potential proceedings.

## **25 External Funding**

### 25.1. Why is this important?

- a) External funding is potentially a very important source of income. The Council should consider funding conditions carefully to ensure that they are compatible with its aims and objectives. Councils are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the single regeneration budget provide additional resources to enable the Council to deliver services to the local community. In some cases, funding is linked to tight specifications, and may not be flexible enough to link to the Council's overall plan.

#### 25.2. Key controls

- a) Key conditions of funding and any statutory requirements are complied with, and the responsibilities of the accountable body are clearly understood.
- b) Funds are acquired only to meet the priorities approved in the policy framework by the Full Council.
- c) Officers consider any match-funding requirements before entering long-term agreements, and reflect these in future revenue budgets.

#### 25.3. Responsibilities of the Section 151 Officer

- a) To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- b) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- c) To ensure that audit requirements are met.

#### 25.4. Responsibilities of Senior Managers

- a) To ensure that all claims for funds are made by the due date.
- b) To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

## 26 Inventories

#### 26.1. Why is this important?

- a) Inventories that are fit for purpose and up-to-date facilitate the Council's management of its assets, deter and prevent loss and fraud, and provide a sound basis for any insurance claim for loss or damage to assets.

## 26.2. Key controls

- a) The Council maintains records of all assets in a form that facilitates checking and confirming their continued existence and usefulness.

## 26.3. Responsibilities of Senior Managers

- a) To maintain inventories and record an adequate description of equipment, furniture and fittings.
- b) To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.
- c) To present the relevant portion of the inventory on request where an insurance claim is made.
- d) To make sure that property is only used in the course of the Council's business, unless the Senior Manager concerned has given permission otherwise.
- e) Any property or equipment with a replacement cost exceeding the limit in the Appendix shall be notified in writing to the Section 151 Officer at the time of acquisition or replacement.
- f) The Chief Executive shall maintain registers of all property owned by the Council:
  - i) Housing stock for all properties under the Housing Act
  - ii) All other property, recording the purpose for which held, location, extent, plan reference, purchase details, nature of interest, rent payable and particulars of tenancies granted.
- g) To keep utilisation records for vehicles in a form agreed by the Section 151 Officer. Forms to be completed and signed by all drivers and countersigned by the appropriate supervising Officer.
- h) To ensure that staff do not take vehicles, plant or equipment home without approval, and that staff do not use them for non-Council purposes.

## 26.4. Lost property

- a) To maintain a register of lost property, handed in or reported lost at premises for which the Senior Manager is responsible.
- b) To allow the owner of the property at least one month's notice to collect the property from sending them notification that their property has been found.
- c) Where any items of money or valuables that have significant monetary value are found they are to be taken to the police station.

## **27 Intellectual Property**

### 27.1. Why is this important?

- a) Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- b) Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are within the description "intellectual property".

### 27.2. Key controls

- a) In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.

### 27.3. Responsibilities of Senior Managers

- a) To develop and disseminate good practice.
- b) To ensure that controls operate to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

## **28 Partnerships**

### 28.1. Why is this important?

- a) Partnerships play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council works in partnership with others including public agencies, private companies, community groups and voluntary organisations. The Council delivers many services, but it also has a distinctive leadership role to bring together the contributions of the various stakeholders.

- b) The Council can mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.
- c) A partner is defined as either:
  - i) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project
  - ii) a body whose nature or status gives it a right or obligation to support the project.
- d) Partners participate in projects by:
  - i) acting as a project deliverer or sponsor, solely or in concert with others
  - ii) acting as a project funder or part funder
  - iii) being the beneficiary group of the activity undertaken in a project.

#### 28.2. Key controls

- a) If appropriate, to be aware of their responsibilities under the Council's Financial Regulations and the Contract Standing Orders.
- b) To ensure that risk management processes are in place to identify and assess all known risks.
- c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
- d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.
- e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

#### 28.3. Responsibilities of the Section 151 Officer

- a) To advise on effective controls that will ensure that resources are not wasted.
- b) To advise on the key elements of funding a project. They include:

- i) a scheme appraisal for financial viability in both the current and future years
  - ii) resourcing, including taxation issues
  - iii) audit, security and control requirements
  - iv) carry-forward arrangements.
- c) To ensure that the accounting arrangements are satisfactory.

#### 28.4. Responsibilities of Senior Managers

- a) To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Section 151 Officer.
- b) To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.
- c) To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
- d) To ensure that all agreements and arrangements are properly documented.
- e) To provide appropriate information to the Section 151 Officer to enable a note to be entered into the Council's statement of accounts concerning material items.

#### 28.5. Responsibilities of Partners

- a) To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation.
- b) To act in good faith at all times and in the best interests of the partnership's aims and objectives.
- c) To be open about any conflict of interests that might arise.
- d) To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.
- e) To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.
- f) To act wherever possible as ambassadors for the project.
- g) To observe a governance regime compatible with the Council's own, and to respect the Nolan Principles.

## **29 Payroll (including Members' allowances and expenses)**

### 29.1. Why is this important?

- a) In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.
- b) Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by Full Council.

### 29.2. Key controls

- a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
- b) There are effective procedures for forecasting staffing requirements and cost.
- c) Controls are implemented that ensure that staff time is used efficiently and to the benefit of the Council.
- d) Checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy.
- e) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
  - i) starters
  - ii) leavers
  - iii) variations
  - iv) enhancements.
- f) Payments are made on the basis of timesheets or claims.
- g) Frequent reconciliation of payroll expenditure against approved budget and bank account.

- h) All appropriate payroll documents are retained and stored for a defined period.
- i) Inland Revenue regulations are complied with.

29.3. Responsibilities of the Section 151 Officer

- a) To ensure that budget provision exists for all existing and new employees.
- b) To act as an advisor to Senior Managers on areas such as national insurance and pension contributions, as appropriate.
- c) To specify which payments are to be made via Payroll.
- d) To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

29.4. Responsibilities of the Human Resources Manager

- a) To record and make arrangements for accurate and timely payment of salaries, wages and members' allowances; tax, superannuation and other deductions.
- b) To implement national and local agreements concerning levels of wages and salaries; and conditions of employment.
- c) To make arrangements for payment of all travel and subsistence claims or financial loss allowance. To consult the Section 151 Officer on the form of time records and other pay documents.
- d) To make arrangements for paying Councillors' travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- e) To consult the Section 151 Officer on taxation issues when any new payments to Officers or Councillors are introduced.
- f) To consult the Section 151 Officer if there is the need to write off employee debts.

29.5. Responsibilities of Senior Managers

- a) To produce an annual staffing budget.
- b) To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- c) To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

- d) To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- e) To ensure that the Human Resources Manager and the Section 151 Officer are immediately informed if the staffing budget is likely to be materially over or under spent.
- f) To notify the Human Resources Manager immediately of all appointments, resignations, suspensions, absences from duty (other than annual leave or flexitime), transfers and changes in remuneration (other than normal increments).
- g) To obtain written authority from the Chief Executive and Human Resources Manager before filling a vacancy. The Chief Executive shall give consideration to the need to fill a vacancy, taking into account any changes in operational needs. All appointments must be included in the approved establishment list.
- h) To ensure that appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- i) To notify the Human Resources Manager of all appointments, terminations, sickness or variations which may affect the pay, or pension of an employee or former employee, in the form and to the timescale required.
- j) To ensure that adequate and effective systems and procedures are operated, so that:
  - i) payments are only authorised to genuine employees
  - ii) payments are only made where there is a valid entitlement
  - iii) conditions and contracts of employment are correctly applied
  - iv) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- k) To send an up-to-date list of the names of Officers authorised to sign records and claims to the Human Resources Manager together with specimen signatures.
- l) To ensure that payroll transactions are processed only through the payroll system. Senior Managers should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Section 151 Officer.

- m) To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Human Resources Manager is informed where appropriate.
- n) To ensure that the Human Resources Manager is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- o) To ensure that all appropriate payroll documents are retained and stored for the period specified by the Council's document retention policy.
- p) To ensure claims for overtime and reimbursement of expenses e.g. car mileage allowances, are submitted within two months from the date worked. Claims outside these periods will only be paid in exceptional circumstances with the written authorisation of the Human Resources Manager. A VAT invoice for fuel should accompany mileage claims. The invoice for fuel purchased can be greater than the mileage claim but should be dated in advance of the journey undertaken.
- q) To ensure that approval is obtained from the Chief Executive in advance of any overtime work.

#### 29.6. Responsibilities of employees

- a) To submit timesheets and claims for travel and subsistence allowances on a monthly basis.

#### 29.7. Responsibilities of Councillors

- a) To submit claims for travel and subsistence allowances on a monthly basis.

### **30 Performance Plans**

#### 30.1. Why is this important?

- a) Performance plans explain overall priorities and objectives, current performance, and proposals for further improvement. They provide a framework of expectations that allow managers to monitor progress and take corrective action where problems arise.
- b) They also frame the work plans for teams and individuals, relating these directly to the Council's overall objectives.

### 30.2. Key controls

- a) Ensure that all relevant plans are produced and that they are consistent.
- b) Produce plans in accordance with statutory requirements.
- c) Meet the timetables set.
- d) Ensure that all performance information is accurate, complete and up to date.
- e) Provide improvement targets which are meaningful, realistic and challenging.

### 30.3. Responsibilities of the Section 151 Officer

- a) To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

### 30.4. Responsibilities of Senior Managers

- a) To operate systems to measure activity and outputs, and collect accurate information for use as performance indicators.
- b) To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are in doubt.
- c) To contribute to developing performance plans in line with statutory requirements.
- d) To develop service targets, objectives and performance information, and contribute to developing corporate systems and information.

## **31 Petty Cash (“Imprest accounts”)**

### 31.1. Responsibilities of the Section 151 Officer

- a) To provide Officers with a petty cash facility to meet minor expenditure on behalf of the Council and to prescribe rules for operating this facility. A centralised petty cash float is operated through Contact Harlow although a small number of outstations maintain their own petty cash imprest accounts. Minor items of expenditure should not exceed £10.

- b) To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of this advance or float.

### 31.2. Responsibilities of Senior Managers

- a) To ensure that Officers operating an Imprest account:
  - i) obtain and retain vouchers to support each payment from the Imprest account. Where appropriate, an official receipted VAT invoice must be obtained
  - ii) make adequate arrangements for the safe custody of the account
  - iii) produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the Imprest amount
  - iv) record transactions promptly
  - v) reconcile and balance the account at least monthly. Reconciliation sheets will be signed and retained by the Imprest holder
  - vi) provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year
  - vii) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made
  - viii) on leaving the Council's employment or otherwise ceasing to be entitled to hold an Imprest advance, an Officer shall reconcile the balance and sign it over, together with relevant vouchers and invoices, to his/her line manager
  - ix) where a petty cash float is no longer required, the balance should be reconciled, banked and the income code used for banking notified to the Section 151 Officer
  - x) payments shall be limited to minor items of expenditure as approved by the Section 151 Officer and shall be supported by a voucher signed by an authorised signatory.

## 32 Preventing fraud and corruption

### 32.1. Why is it this important?

- a) The Council will not tolerate fraud and corruption, whether inside or outside The Council.
- b) The Council expects that Councillors and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, practices and all relevant professional standards.
- c) The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

### 32.2. Key controls

- a) The key controls regarding the prevention of financial irregularities are that:
  - i) the Council has an effective anti-fraud and anti-corruption policy, fraud response plan and maintains a culture that will not tolerate fraud or corruption
  - ii) all Councillors and staff act with integrity and lead by example
  - iii) Senior Managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt
  - iv) high standards of conduct are promoted amongst Councillors by the Audit and Standards Committee
  - v) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded
  - vi) whistle blowing procedures exist and operate effectively
  - vii) legislation including the Public Interest Disclosure Act 1998 is adhered to.

### 32.3. Responsibilities of the Audit Manager

- a) To develop and maintain an anti-fraud and anti-corruption policy and fraud response plan.
- b) To advise managers on maintaining adequate and effective internal control arrangements.
- c) To ensure that all suspected irregularities are reported to the Section 151 Officer, the Monitoring Officer and the Head of Paid Service.

#### 32.4. Responsibilities of Senior Managers

- a) To develop and maintain sound systems for governance, risk management, and internal control, including measures to prevent and detect error and fraud.
- b) To ensure that all suspected irregularities are reported to the Audit Manager.
- c) To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- d) To ensure that where financial impropriety is discovered, the Audit Manager is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- e) To inform and update service areas registers of interests.

### 33 Procurement

#### 33.1. Why is this important?

- a) Public money should be spent with demonstrable probity and in accordance with the Council's Contract Standing Orders. The Council has a statutory duty to achieve value-for-money. The Council's Contract Standing Orders help to ensure that services obtain value for money from their purchasing arrangements.

#### 33.2. Responsibilities of Senior Managers

- a) To ensure that every Officer and Councillor declares any links or personal interests that they may have with purchasers, suppliers or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with the Council's codes of conduct.
- b) Where goods, works and services are over the limit prescribed in the Council's Contract Standing Orders, advice must be sought from Corporate Procurement.
- c) To ensure that orders are not deliberately divided so as to avoid the financial limits for inviting tenders and quotations set out in the Council's Contract Standing Orders.

- d) To ensure that the rules regarding advertising in Europe are adhered to, for purchases over a certain limit. As these limits are subject to change, refer to Corporate Procurement for the most up to date figures.
- e) All tenders, quotations and other supporting documentation must be retained for a minimum period of six years. Electronic retention of documentation is permitted.
- f) All tenders and quotations received must be examined to establish whether any qualifications apply. Qualified tenders or quotations that have not been submitted in accordance with the Council's instructions should be rejected.
- g) Contracts under seal or signed and delivered as a deed, are to be retained for a period of 12 years. All other contracts are to be retained at least for six years.
- h) To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

### **34 Purchase Orders**

34.1. Official orders must be in a form approved by the Section 151 Officer and the Director of Governance and Corporate Services and be let in conjunction with Corporate Procurement (see Contract Standing Orders).

34.2. Key controls

- a) All works, goods and services are ordered only by appropriate Officers and are correctly recorded.
- b) All orders are placed in accordance with the Council's Contract Standing Orders unless the Section 151 Officer in consultation with the relevant Head of Service approves exceptions.

34.3. Responsibilities of the Section 151 Officer

- a) To define the system for purchase orders.
- b) To approve, in conjunction with the Director of Governance and Corporate Services, the form of official orders and associated terms and conditions.

34.4. Responsibilities of Senior Managers

- a) To ensure that unique pre-numbered electronic orders are used for all Works, Goods and Services, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases, or other exceptions approved by the Section 151 Officer in consultation with the relevant Head of Service.
- b) To ensure that the Council's standard terms and conditions are not varied without the prior approval of the Section 151 Officer and the Director of Governance and Corporate Services.
- c) To ensure that orders are only used for Council business. Individuals must not use official orders for their private use.
- d) To ensure that only those staff authorised by him or her sign/authorise orders and to maintain an up-to-date list of such authorised staff, including specimen signatures if appropriate, identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the Works, Goods and Services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary.
- e) To ensure that Works, Goods and Services are checked on receipt to verify that they are in accordance with the order. Where appropriate, entries should then be made in inventories or stores records.
- f) Where in exceptional circumstances verbal orders are given, to ensure that they are confirmed by an electronic order as soon as possible, and not later than two working days after the verbal order. Such orders shall be clearly marked "confirmation order" and give the date of the verbal order.
- g) Running orders may be issued where similar purchases are required from the same supplier on a regular basis. Such orders must be valid for a finite period not exceeding 12 months, and clearly state the start and finish dates during which the order is to be valid. Financial limits apply to total order values.
- h) Where the cost of the purchase is not known, the order shall be clearly marked with the limit of the value.

### **35 Risk management and insurance**

#### 35.1. Why is this important?

- a) A risk is an uncertain event or a set of events which, should it occur, will have an impact upon the achievement of objectives. Risk management is the ongoing process of identifying, evaluating, recording and where necessary, taking action in respect of the risks.

The aim of risk management is that the Council achieves its objectives.

- b) Risk management is central to business planning and an essential part of routine management. It should be part of the corporate objective setting process and also part of the 'day job' of all officers and managers.

### 35.2. Key controls

- a) The Council's risk management processes provide a level of formality so that officers consider record and communicate business risks systematically.
- b) Monitoring and independent challenge by senior officers and Councillors ensures that risks to the Council's objectives are regularly reviewed and evaluated. Risk management should be a continuous process.
- c) The level of any risk is assessed according to its likelihood and its impact on achievement of the associated objective.
- d) Councillors and senior officers have agreed the level of risk that the Council will tolerate, its risk appetite. Risks assessed as being greater than the agreed level will not be tolerated and control action is taken to reduce the level of risk. The risk appetite is kept under review.
- e) Officers determine the necessary management action to ensure that risks do not exceed the agreed tolerance level.
- f) Corporate strategic risks are recorded in the corporate risk register. Risks that impact on service objectives are recorded in service plans and feed through into the corporate risk register. Operational risks at team level are recorded in team plans.
- g) The Council has in place a Risk Management Strategy.
- h) Insurance is a control action suitable for certain specific risks, whereby an element of the risk is transferred from the Council to the insurer. Officers make provision for financial losses that might result from the risks that remain and investigate claims within the required timescales.
- i) The Council has identified business continuity and contingency plans in case of disaster resulting in significant loss or damage to its resources or interruption of essential service provision.

### 35.3. Responsibilities of the Chief Executive

- a) The Chief Executive has ultimate responsibility for the Council's risk management strategy and ensuring that the Council has agreed and stated its risk appetite.
- b) To support Councillors and SMB in the identification of risk during the annual corporate planning cycle and throughout the year.
- c) Together with Senior Managers, regularly review and monitor the quality of the corporate risk register, ensuring inclusion of key strategic corporate risks.
- d) To ensure Audit & Standards Committee understand their role of scrutiny and monitoring.
- e) To evaluate and advise the Audit & Standards Committee on:
  - i) any risks to Council objectives that cannot be controlled sufficiently to reduce the risk to below the level of tolerance
  - ii) the most effective and efficient control actions in respect of risks
  - iii) the most efficient methods of financing monetary losses resulting from risks whether by insurance or other means
  - iv) maintaining an awareness of the nature and potential costs of risks to the Council.
- f) To include all appropriate employees of the Council in a suitable fidelity guarantee insurance. To notify the Section 151 Officer immediately of any suspected dishonesty on the part of any Officer.
- g) To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other Officers, where necessary.
- h) In consultation with Senior Managers, conduct an annual review of insurances and further review at the expiry or termination of any existing long term agreement with insurers.

#### 35.4. Responsibilities of the Section 151 Officer

- a) To be the ambassador of risk management, be responsible for influencing improvements in risk management and help ensure consistency in risk reporting across the Council and chair the Risk Management Group.
- b) To report regularly on risk management to the Chief Executive and SMB/Directors and to report exceptional risks to Cabinet within the Joint Performance and Finance Report.

### 35.5. Responsibilities of Senior Managers

- a) To challenge and take an overarching view of risk management and the risk register and to support SMB in the identification and evaluation of risk.
- b) To identify and record service based risks and regularly monitor and update risks through the Council's service planning database.
- c) To identify, evaluate, record and monitor all: project based, partnership based and any other risks in their service areas that are not included in the service planning database.
- d) To ensure all officers receive appropriate risk management training.
- e) The Chief Executive and Senior Managers shall satisfy themselves of the adequacy and cost effectiveness of measures to reduce risks to the Council and the adequacy of insurance of independent contractors to the Council.
- f) To notify the Senior Insurance Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Section 151 Officer or the Council's insurers.
- g) To notify the Senior Insurance Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- h) To produce to the Senior Insurance Officer when requested schedules of all property and assets under their control showing replacement values. In the case of real estate, rebuilding costs, the value of contents and postcodes must be shown.
- i) To ensure Officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- j) To inform the Senior Insurance Officer of Officers who provide advice which is outside statutory duties, to ensure that professional indemnity insurance is adequate.
- k) To ensure that authorised motor vehicle users know their insurance must cover them for third party claims while driving on Council business.

- l) To obtain approval from the Senior Insurance Officer before making any payment arising from any incident which could lead to a claim against or by the Council.
- m) To consult the Senior Insurance Officer about proposals to insure property belonging to third parties, and to supply copies of all relevant documentation.
- n) In the event of loss or damage to Council property, to advise the Senior Insurance Officer of replacement costs without delay. Failure to provide this information within 90 days will negate an insurance claim. In the case of damage to a building, the full postcode must be provided.

### **36 Stocks and stores**

#### 36.1. Why is this important?

- a) The Council may have large sums invested in stocks and stores, and should therefore protect its interest carefully.
- b) Under partnership arrangements, these may be under the control and care of a third party, and it is important to ensure that all partners and contractors make proper arrangements for security, inventory management, and stock checking.

#### 36.2. Responsibilities of Senior Managers

- a) To make arrangements for sound systems of stock control in the service areas.
- b) To arrange and approve suitable systems where stocks and stores are held by other organisations on the Council's behalf.
- c) To ensure that all materials other than for immediate consumption are delivered to stores, properly controlled under the provisions of these financial regulations.
- d) To keep stores records in a form approved by the Section 151 Officer.
- e) To ensure that all issues from stores are made on a duly authorised requisition, which must show the location at which and by whom the items are required.
- f) To arrange for the periodical test examination of stores in hand and ensure that all stores are checked at least once in every financial year.

- g) To arrange for stocktaking to be independent of storekeepers and stores accounting staff.
- h) As soon as possible after the year-end, to give the Section 151 Officer full and accurate accounts and statements duly certified as to the stocks and stores in their areas.
- i) To report surpluses and deficits in excess of 2.5 per cent of turnover at each stock check to the Cabinet, in conjunction with the Section 151 Officer.
- j) The responsible Officer, in conjunction with the Section 151 Officer, shall write off redundant stock to a maximum of one per cent of turnover each year. Any write-offs in excess of this limit to be approved by the Cabinet.
- k) To keep stocks in line with normal requirements, except in special circumstances with approval from the Cabinet.
- l) To ensure that there are no sub-stores without the consent of the Section 151 Officer.

## **37 Taxation**

### 37.1. Why is this important?

- a) Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to understand their role.

### 37.2. Key controls

- a) Budget managers are provided with relevant information and kept up to date on tax issues.
- b) Budget managers are instructed on required record keeping.
- c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
- d) Records are maintained in accordance with instructions.
- e) Returns are made to the appropriate authorities within the stipulated timescale.

### 37.3. Responsibilities of the Section 151 Officer

- a) To complete all Inland Revenue returns regarding PAYE.

- b) To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.
- c) To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- d) To maintain up-to-date guidance for Council employees on taxation issues.

#### 37.4. Responsibilities of Senior Managers

- a) To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.
- b) To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- c) To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- d) To ensure the Section 151 Officer is aware of any new or renewed contracts, land deals or leases to consider the Council's VAT position, for example, to mitigate VAT liability or with regard to the benefits of opting to tax such schemes.
- e) To follow guidance on taxation issued by the Section 151 Officer.

### **38 Trading accounts, business units and work for third parties**

#### 38.1. Why is this important?

- a) Current legislation allows the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. The arrangements should ensure that any risks associated with this work are minimised and that such work is intra vires.
- b) Trading accounts and business units have become more important as councils have developed a more commercial culture.

#### 38.2. Key controls

- a) Proposals are costed properly in accordance with guidance provided by the Section 151 Officer.

- b) Officers draw up contracts using guidance provided by the Section 151 Officer, and follow the formal approvals process.
- c) Guidance on the financial aspects of third party contracts and the maintenance of the contract register is issued and observed.

### 38.3. Responsibilities of the Section 151 Officer

- a) To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
- b) To advise on the establishment and operation of trading accounts and business units.

### 38.4. Responsibilities of Senior Managers

- a) To ensure that the service area has the appropriate expertise to undertake the work or contract.
- b) To consult the Section 151 Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- c) To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
- d) To ensure that the same accounting principles are applied to trading accounts as to other services.
- e) To ensure that each business unit prepares an annual business plan.
- f) To obtain appropriate Councillor approval before any negotiations are concluded to work for third parties.
- g) To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Section 151 Officer.
- h) To ensure that appropriate insurance arrangements are made.
- i) To ensure that the Council is not put at risk from any bad debts.
- j) To ensure that no contract is subsidised by the Council.
- k) To ensure that, wherever possible, payment is received before delivery of the service.

- l) To ensure that such contracts do not adversely affect the Council's own services.
- m) To ensure that all contracts are properly documented.
- n) To provide appropriate information so that a note can be prepared for annual accounts purposes.

### **39 Treasury management**

#### 39.1. Why is this important?

- a) In order to manage the Council's daily cash flow movements, the Council often lends and borrows on the short-term money market. In so doing, the key objectives are to maximise the security of any investments, ensure adequate liquidity of funds and to secure value for money by working to optimise the return on balances. These objectives spread risk beyond its own bankers on large balances held. The Council also borrows in the medium and long term to finance major capital projects within defined limits on borrowing.
- b) Codes of practice exist to help ensure that the Council's investments comply with the CIPFA Code of Practice on Treasury Management, regulations issued by the Government and with the Council's annual treasury management strategy statement. The Council's borrowing should be affordable, compliant with approved prudential indicators and procured under the guidance of both the CIPFA Code of Practice and the Prudential Code for Capital Finance in Local Authorities.

#### 39.2. Key controls

- a) The Council's investments comply with the CIPFA Code of Practice on Treasury Management and with the treasury policy statement. The Council's borrowing should comply with the CIPFA Code of Practice, the Prudential Code for Capital Finance in Local Authorities.

#### 39.3. Responsibilities of Section 151 Officer

- a) To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management, the management strategy statement and the Council's Treasury Management Practices. To report to the Cabinet and Full Council on treasury management activities, as required under the CIPFA Code of Practice on Treasury Management.
- b) To seek advice on the Council's legal authority to enter into agreements.

- c) To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the Cabinet.
- d) To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Senior Manager.
- e) To effect all borrowings in the name of the Council.
- f) To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing and investment of money by the Council.

#### 39.4. Responsibilities of Senior Managers

- a) To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, following consultation with the Section 151 Officer.
- b) To notify the Section 151 Officer of all contracts that entail lease arrangements, including embedded lease arrangements.
- c) To notify the Treasury Management Team in advance of the receipt of all substantial sums of income, and to notify the projected cash flow profiles attached to all grant-funded arrangements involving the remittance of substantial payments.

### **40 Trust funds and funds held for third parties**

#### 40.1. Responsibilities of Senior Managers

- a) To arrange for all trust funds to be held, wherever possible, in the name of the Council. All Officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Section 151 Officer, unless the deed otherwise provides.
- b) To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer, and to maintain written records of all transactions.
- c) To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

# Financial Regulations (Appendix 1) Financial Limits

Section	Description	Financial Limits (£)
<b>Individual Virement Limits</b>		
5.8	Individual Cost Centre Manager	5,000
	Director	50,000
	Chief Executive	75,000
	Chief Executive in consultation with the Portfolio Holder	100,000
5.10	Cabinet	500,000
	Full Council	500,000 +
5.14	De minimus level for virements	1,000
<b>Assets</b>		
16.3	De minimus level for recording in asset register: Vehicles	2,000
	Other assets	5,000
	Land and buildings	20,000
<b>Disposal of Assets, Stores and Equipment</b>		
17.2	Offer to first come, first served	50
	Invitation to bid	50 < 1,000
	Quotations/public auction sale	>1,000

## **Banking**

19.5	Cheque requires a second manual signature	>3,000
	Pre-signed cheque limit	100,000

## **Cash Handling**

20.19	Maximum cash limit to be held overnight in locked safe/strong room	50,000
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## **Ex-gratia Payment Limits**

21.26	Head of Paid Service with notification to Section 151 Officer	1,000
	Agreement of Chief Executive and Section 151 Officer	2,000
	Agreement of Chief Executive after consultation with the Section 151 Officer and the Leader of the Council in consultation with the Section 151 Officer and the relevant Portfolio Holder	2,000+

## **Orders/Purchasing and Contracts**

22.6	Quotations for purchase of works goods and services	<5,000
	Inviting tenders and quotations (refer to Corporate Procurement and Contract Standing Orders)	5,000+
22.7	Performance bonds for contracts	100,000+

## **Write Off Limits (Debits and Credits)**

23.10	Revenues & Benefits Manager	1,000
	Heads of Service	2,000
	Chief Executive, Section 151 Officer	5,000
	Portfolio Holder in consultation with S151 Officer	20,000

Cabinet 20,000+

**Inventories**

25.7 Notify Section 151 Officer of new property or equipment >1,000

# Contract Standing Orders

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# Contract Standing Orders

## Introduction

### 1 Introduction

- 1.1. This version of Contract Standing Orders (CSOs) dated 3 February 2022 approved by Full Council supersedes Contracts Standing Orders dated 27 July 2016.
- 1.2. This document is part of the Council's Constitution and is a requirement of Section 135 of the Local Government Act 1972.
- 1.3. CSOs set out the rules for all Council spending and the disposal of land. CSOs must be followed every time there is a requirement to:
  - a) purchase goods, works or services (including consultancy services)
  - b) enter into a contract for the disposal of land (see Section 2)
  - c) enter into contracts for hire and lease/rental agreements
  - d) enter into contracts for interim and agency workers
- 1.4. CSOs do not apply to contracts of employment.
- 1.5. CSOs should be read in conjunction with the Council's Procurement Strategy and Guidance Documents (which gives direction and advice on the appointment of Suppliers and setting up contracts), Financial Regulations and the Officer Code of Conduct.
- 1.6. The Monitoring Officer or their nominee will interpret and advise on legal issues arising from CSOs, subject to the statutory responsibilities of the Section 151 Officer.
- 1.7. All values in CSOs exclude VAT.

### 2 The Purpose of CSOs

- 2.1. CSOs have five main purposes. These are to:
  - a) provide a framework for the Council to get value for money when entering into contracts
  - b) enable the Council to demonstrate best value to the public

- c) set out how the Council complies with the laws that govern public spending
- d) protect the Council, Officers and Councillors from unfair criticism and allegations of wrongdoing
- e) regulate the manner in which bids, tenders and quotations are invited
- f) regulate the manner in which Suppliers are appointed.

### **3 ICT Procurement**

3.1. All procurement activity relating to Information and Communications Technology must be undertaken in conjunction with ICT Services and Corporate Procurement. This includes but is not limited to:

- a) hardware, software and equipment
- b) consumables such as printer cartridges and keyboards
- c) telecoms.

### **4 Use of Agency Workers, Interims and Consultants**

4.1. The engagement of Agency Workers and Interims must be undertaken in accordance with the Human Resources Policy Statement and Recruitment Policy. This states that:

- a) a full consultation with the Human Resources Manager must take place prior to any decision to engage an agency worker or interim.
- b) contracts with a recruitment/employment agency must be reviewed by the Human Resources Manager in agreement with the Director prior to any formal agreement being entered into.

4.2. All contracts for the appointment of a Consultant must be procured in accordance with CSOs in conjunction with Corporate Procurement.

### **5 Innovative Procurement**

5.1. New or different ways of purchasing goods, works or services which give better value for money are encouraged. Proposals for innovative procurement should always be approved by the Legal Services Manager to ensure that the proposed procurement route is legally sound and where appropriate, OJEU compliant. Examples of innovative procurement solutions include:

- a) purchasing consortia, subject to following the consortium's procedures

- b) partnership agreements which involve a joint venture or contractual arrangement with a private sector body
- c) partnerships with the Third Sector
- d) shared services, partnerships or collaborations with other local authorities
- e) Framework Agreements
- f) Public Service Mutuals/Trading Company
- g) e-auctions.

## **6 Public Services (Social Value) Act 2012**

- 6.1. Full consideration shall be given to the following matters when entering into service contracts. These are:
  - a) how proposed procurements could make local improvements and how these could be delivered via the procurement process
  - b) whether or not to undertake a consultation process
  - c) how what is being procured may improve the economic, social and environmental well-being of Harlow and the surrounding area.
  - d) equality, diversity and sustainability issues.
- 6.2. Reasonable steps should be taken to encourage a diverse and competitive supply market, including small firms, social enterprises, ethnic minority businesses, voluntary and community sector suppliers.
- 6.3. The Council has a duty to keep an accurate record and full audit trail demonstrating that its duties under the Act have been properly discharged.

## **7 Governance Expectations**

- 7.1. The Council's Governance Expectations set out the Council's aspirations and how the Council expects its Suppliers to act. This document highlights areas that may apply to goods, works and services being procured, provided that this is proportionate and relevant to the subject matter of the contract, including:
  - a) blacklisting and other discriminatory practices
  - b) zero hours contracts

- c) Living Wage
- d) apprenticeship and local employment
- e) ethics.

## **8 Key Decisions**

- 8.1. The letting of a large contract may be a Key Decision as defined below and will be administered in accordance with CSO 18 and CSO 44 for the disposal of land.
- 8.2. A Key Decision means a Cabinet/Portfolio Holder decision which is likely to:
  - a) result in the Council incurring expenditure which is, or the making of savings which are significant having regard to the Council's budget for the service or function to which the decision relates. Expenditure or savings are deemed to be significant if they exceed £50,000.
  - b) be significant in terms of its effects on communities living in an area comprising two or more wards or electoral divisions in the area of the local authority.

## **9 General Matters**

- 9.1. Officers are required to seek early advice from Corporate Procurement for any procurement activity with an estimated value of £5,000 or greater.
- 9.2. Corporate Procurement will give the appropriate level of support, advice and guidance to Officers.
- 9.3. Failure to comply with CSOs may result in disciplinary action.
- 9.4. The Legal Services Manager will submit an annual report at the end of each financial year to the Corporate Management Team summarising procurement activity and issues arising during that period.
- 9.5. The Legal Services Manager will instigate an annual review of CSOs and arrange for the latest version to be available on the Council's internal and external websites.

# Contract Standing Orders (Part 1) The Scope of Contract Standing Orders (CSOs)

## 1 Activities Covered by CSOs

- 1.1. These CSOs apply to every contract the Council enters into for:
  - a) goods, works or services (including consultants' advice and expertise)
  - b) contract hire and lease/rental agreements
  - c) concessions and sponsorship
  - d) the disposal of land with an estimated aggregate value equal to or above the sum currently specified in CSO 9 (and Section 2, CSO 33 for the disposal of land) and Financial Regulations
  - e) the appointment of interim or agency workers.
- 1.2. For every contract, the Director will:
  - a) delegate operational responsibilities to a Lead Officer who will be responsible for all the activities necessary to deliver the Council's objectives (including the arrangements for contract management and monitoring post contract award)
  - b) advise any agent, consultant or agency/interim member of staff appointed to act on the Council's behalf that they must also comply with CSOs, Financial Regulations and with all UK and EU governing legislation as if they were an Officer of the Council
  - c) ensure that everyone in their Service knows that they must follow CSOs, and avoid any impropriety or the appearance of impropriety
  - d) ensure that everyone in their Service knows that it is a disciplinary offence to fail to comply with CSOs

- e) ensure that everyone in their Service knows that if they have concerns in relation to breaches of CSOs that they can discuss the matter with the Legal Services Manager, Audit Manager or Monitoring Officer.
- 1.3. In all cases, the Lead Officer must notify Corporate Procurement before starting the procurement process to establish the appropriate procurement route and level of procurement support required.
  - 1.4. A simple reference in these CSOs to an Officer or Officers without any further description shall mean the Officer or Officers responsible to the Council for the conduct of any of the activities covered by these CSOs.

## **2 Legislation**

- 2.1. The Public Contracts Regulations 2015 and all relevant and applicable government legislation and regulations for the time being in force in the United Kingdom must be complied with and shall prevail in relation to these CSOs.

## **3 Exceptions to CSOs (“Waivers”)**

- 3.1. No exceptions shall be made from these CSOs otherwise than by a joint written decision of the appropriate Director and/or the Section 151 Officer in agreement with the Legal Services Manager and in consultation with the relevant Portfolio Holder.
- 3.2. This is permissible when Lead Officer has given detailed reasons for the Exception, such as efficiencies, savings, limited market, statutory duty or requirement, social value, furtherance of equality duty, engagement of SME or third sector organisation, or some other substantial reason.
- 3.3. The appointment by the Playhouse of Specialist Artists, and the appointment of Barristers, Arbitrators or similar shall be subject to prior written approval by the appropriate Director.

## **4 Probity**

- 4.1. The Lead Officer must:
  - a) maintain a complete record of bids, offers, quotations or tenders received, reasons for making an award decision, Minutes of meetings, supporting correspondence and documentation
  - b) treat all Suppliers equally in an open, fair and transparent way
  - c) under no circumstances provide a Supplier with information that has not been given to other Suppliers bidding for the same contract

- d) under no circumstances disclose to Suppliers details of bids invited or prices received before a contract has been awarded.

## **5 Emergency Works**

- 5.1. If an emergency or disaster threatens life or property CSOs may be deemed waived to the extent necessary in the circumstances, but the Lead Officer must report any action taken to the Legal Services Manager in writing within two weeks of the waiver.

## **6 Aggregation Rules**

- 6.1. In estimating the value of a contract, the Lead Officer must not artificially split up any contract, either in structure, duration or value to avoid financial thresholds.
- 6.2. The estimated value of a single purchase must be calculated as follows:
  - a) Where the contract is for a fixed period, estimate the total cost over the whole of that period.
  - b) Where there will be a number of transactions over a period of twelve months, estimate the total cost over the full period.
  - c) Where the contract is for an uncertain or undefined duration greater than twelve months, multiply the annual estimated cost by 4.
  - d) Calculate the "whole life cost", applicable when the contract price will include additional/on-going costs such as maintenance and support, disposal, expenses, training. The estimated contract value is the sum of all of the amounts payable to the Supplier over the term of the contract, not just the initial purchase price.
  - e) Projected income payable to the Council.
  - f) Project income payable to the Supplier by a third party.

## **7 Specification**

- 7.1. The Lead Officer must ensure that the specification:
  - a) clearly describes the Council's requirements in sufficient detail to enable the submission of competitive offers
  - b) includes relevant robust performance measures so that the contractor's performance can be properly and adequately monitored
  - c) incorporates all relevant quality standards, qualifications and accreditations

- d) does not discriminate or inhibit competition
- e) does not refer to trade names or patents unless “or equivalent” is also stated
- f) clearly sets out the mechanism for pricing, payments and delivery period.

7.2. The Lead Officer shall give consideration to social, economic, environmental, sustainability, equalities and diversity issues to the extent that they may be relevant and proportionate to the project.

## **8 Evaluation of Tenders and Quotations**

8.1. The method of evaluation must be determined before inviting bids and this should reflect the type, value, duration and complexity of the contract. Suppliers must be advised how their bids will be evaluated and given weightings for all criteria and sub-criteria, where applicable.

8.2. The method of evaluation must not be altered after the closing date and time for the receipt of bids under any circumstances. Evaluation can be on the basis of:

- a) lowest price, where payment is to be made by the Council
- b) highest price, where payment is to be received by the Council
- c) most economically advantageous (such as 60 percent Quality, 40 percent Price)
- d) any other method clearly explained in the invitation to bid documentation that complies with relevant legislation.

8.3. Abnormally Low Tenders

- a) If any Tender is more than 20 percent less than the next lowest it will, on the face of it, be considered to be an abnormally low offer and the Council may seek an explanation from the Tenderer as to why this is the case and some assurances that the goods, works or services can be delivered at the price offered.
- b) To enable all tenders to be evaluated in full compliance with the principles of equal treatment and transparency the abnormally low tenderer should be asked to provide an explanation of their tender price to satisfy the Council that they can sustain the contract over the contract duration at no additional cost to the Council.
- c) The Council has a duty to the competing tenderers to investigate an abnormally low tender and may, subject to the foregoing, reject an abnormally low tender.

## 9 Thresholds and Award Process

9.1. The thresholds, minimum number of Suppliers to be invited to bid and the different award processes for appointing Suppliers are set out below.

<b>Process</b>	<b>Threshold (Estimated Value of Contract)</b>	<b>Minimum Number of Suppliers</b>	<b>Awarding Contracts (refer to CSO 18)</b>
Quotation	Less than £10,000	1	Lead Officer issues Agresso Order
Quotation (Leaseholder Properties only)	Low value Leaseholder contracts – see CSO 9.5, 9.6 & 9.7	3	Lead Officer issues Agresso Order
Quotation	£10,000 but less than £50,000	3	Lead Officer issues Agresso Order
Quotation	£50,000 but less than £75,000	3	Lead Officer in agreement with the Legal Services Manager
Tender	£75,000 but less than £350,000	4	Lead Officer in agreement with the Director and Legal Services Manager in consultation with the relevant Portfolio Holder
Tender	£350,000 or greater***	5	Lead Officer in agreement with the Director and Legal Services Manager. Decision to award subject to approval of Cabinet or Full Council.

\*\*\*must be included on the Forward Plan of Cabinet

9.2. The Public Procurement Regulations 2015 must be followed if the estimated aggregate value of a contract (inclusive of VAT) exceeds the following limits:

Goods and Services	£213,477
Works/Civic Engineering	£5,336,937

*Thresholds are subject to review in January 2024*

### 9.3. Leaseholder Contracts

- a) If the value of the goods, works or services directly affect leaseholder service charges by £250 or more per property, or £100 per property for a qualifying long term agreement of twelve months or greater, or such other value as may be prescribed from time to time by statute. The Home Ownership Manager must be notified to ensure that:
  - i) Initial Notice of Intent leaseholder consultation is carried out and completed before tenders or quotations are sought, and that
  - ii) Notice of Estimates leaseholder consultation is carried out on returned tenders or quotations and completed prior to any award being made.

9.4. In such circumstances, a minimum of three Suppliers should be invited to bid to comply with Section 151 of the Commonhold Leasehold Reform Act 2002. For contracts with an estimated value of £10,000 or greater, the requisite number of Suppliers stated in CSO 9.6 , (c) and (d) should be invited to bid.

9.5. The Lead Officer must ensure that sufficient time is allowed for leaseholder consultation prior to inviting bids and prior to awarding a contract. Each consultation period shall be a minimum of 30 days. Failure to do so will result in the Council being unable to recharge leaseholders for their proportion of the works.

9.6. For contracts with an estimated value:

- a) Below £10,000
  - i) the Lead Officer must obtain a single quotation in writing from a suitably qualified Supplier (a Local Supplier should be appointed when possible)
- b) £10,000 but less than £75,000
  - i) the Lead Officer must seek at least three written quotations from suitably qualified Suppliers
- c) £75,000 but less than £350,000

- i) the Lead Officer must seek at least four written tenders from suitably qualified Suppliers with the appropriate level of support and advice from Corporate Procurement.
  - d) £350,000 or greater
    - i) the Lead Officer must seek at least five written tenders from suitably qualified Suppliers with the appropriate level of support and advice from Corporate Procurement.
- 9.7. Local Suppliers should be given the opportunity to bid provided that this does not distort competition and subject to the Council's minimum requirements in terms of qualifications, experience, financial and economic standing being met.
- 9.8. Suppliers may be selected and appointed by one of the following methods listed in no order of priority in accordance with CSO 11.
- a) Selective tendering from an Accredited Supplier List
  - b) Following publication of an advertisement
  - c) A compliant Framework Agreement
  - d) Any other procurement route that must be agreed with the Legal Services Manager.

## **10 Selective Tendering (below advertising threshold)**

- 10.1. The requisite number of suitably qualified Suppliers as specified in CSO 9, appropriate for the type and value of work, may be invited to bid (or in the case of 10.1 a) only) invite a business case for best value consideration in the following order of priority.
- a) Council Trading Arm (appropriate subsidiary)
  - b) Two available suitably qualified and experienced Local Suppliers
  - c) One available Supplier who has recently completed a successful contract for similar goods, works or services
  - d) Supplier(s) picked at random from an Accredited Supplier List.

## **11 Advertising Contracts**

### **11.1. Below Threshold**

- a) The contract opportunity must be published on the MyTenders portal, Contracts Finder and any other appropriate advertising media

if the estimated aggregate value of the contract is £25,000 or greater unless:

- i) the opportunity is made available only to the requisite number of particular Suppliers who have been selected for that purpose from a recognised Accredited Supplier List such as Constructionline or Exor
- ii) there are less than three appropriate Suppliers on an Accredited Supplier List in accordance with Regulation 110(5) of the Public Contracts Regulations 2015.

#### 11.2. Above Threshold

- a) The contract opportunity must be despatched to the Find a Tender Service (FTS) via the MyTenders Portal if the estimated aggregate value is within 10 percent of the thresholds shown below. The Contract Notice must also be published on Contracts Finder and any other appropriate advertising media no sooner than 24 hours after the Contract Notice has been despatched.

Goods and Services	£213,477 (inc. VAT)
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Works/Civic Engineering	£5,336,937 (inc. VAT)
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*The above thresholds are subject to review in January 2024.*

11.3. Contract Notices will be published by Corporate Procurement in consultation with the Lead Officer.

11.4. Public Contracts Regulations 2015 place a duty on Officers to publicise the Council's requirements to ensure that fair and equal opportunity is offered within the market. Adverts must be non-discriminatory and be sufficient to attract genuine competition.

11.5. Methods of advertising include (but shall not be limited to):

- a) Council's Website via the MyTenders portal.
- b) Advertising on Contracts Finder if the value is £25,000 or greater.
- c) Publishing a Prior Information Notice (PIN) to notify the market of future potential requirements.
- d) Publishing an advert in the local press and/or appropriate trade journals.
- e) Publishing an advert on an appropriate website and/or free press.

- f) Publishing an above threshold Contract Notice on Finna a Tender and Contracts Finder via the MyTenders portal.
- g) Advising current and former Suppliers and inviting them to register their interest.

## **12 Electronic Tendering**

- 12.1. Tenders and quotations with a value of £10,000 or greater shall be conducted via the MyTenders portal (a secure e-tendering portal) with appropriate support and guidance from Corporate Procurement.
- 12.2. The Public Contracts Regulations 2015 place a duty on the Council, by means of the internet, to offer unrestricted and full direct access free of charge to the tender documents from the date of publication on FTS and Contracts Finder.

## **13 Tenders and Quotations**

- 13.1. For works or services with a value of £10,000 or greater, at least two satisfactory responses to an invitation to tender or quote must normally be received. In circumstances where there is only one satisfactory response, the Lead Officer must be able to demonstrate that acceptance shall deliver value for money.
- 13.2. Every invitation to tender or quote should normally include:
  - a) Form of Tender
  - b) Instructions and Advice to Bidders (how to return a tender)
  - c) Anti-Collusion Certificate
  - d) FOI Exemption Certificate
  - e) Terms and Conditions
  - f) Specification
  - g) Tender Evaluation Methodology/Criteria

## **14 Opening Tenders and Quotations**

- 14.1. Tenders and quotations received via the MyTenders portal do not require witnessing or Portfolio Holder attendance when opening. For tenders and quotations submitted in hard copy format, the following process must be followed.
- 14.2. Opening Tenders

- a) Returned tenders will be stored in a secure area by Contact Harlow until they are collected by a member of Corporate Procurement after the time and date for the receipt of tenders has expired.
- b) Tenders must be returned in a plain sealed envelope using the label supplied for this purpose strictly by the deadline stated. There must be no mention of the sender's name or any other way of identifying the bidder.
- c) The appropriate Portfolio Holder (or in their absence another Councillor) and a member of Corporate Procurement will open tenders with an estimated value of £75,000 or greater.

#### 14.3. Opening Quotations

- a) Returned quotations will be stored in a secure area by Contact Harlow until they are collected by a member of Corporate Procurement after the time and date for the receipt of quotations has expired.
- b) Quotations must be returned in a plain sealed envelope using the label supplied for this purpose strictly by the deadline stated. There must be no mention of the sender's name or any other way of identifying the bidder.
- c) The Lead Officer and an appropriate witness may open quotations with an estimated value less than £20,000 and must keep a record of all bids received.
- d) A member of Corporate Procurement and an appropriate witness shall open quotations with an estimated value of £20,000 but less than £75,000.
- e) Tenders and quotations must be opened and results recorded simultaneously. A record of all bids with a value greater than £20,000 shall be retained by the Legal Services Manager.
- f) Details of prices received must be kept confidential until after the contract has been awarded.
- g) No Officer or Councillor who has a direct or indirect pecuniary interest may attend the opening of tenders or quotations.

### 15 Amending Tenders and Quotations

- 15.1. A tender or quotation can only be amended after it has been received and before it has been accepted to correct an error made in good faith provided that documentary evidence to justify the amendment to the tender or quotation is retained for audit purposes.

## **16 Late Tenders and Quotations**

- 16.1. Any tender or quotation submitted in competition and received after the specified time and date shall be opened by the Legal Services Manager only to ascertain the name of the sender. No details shall be disclosed and the tender or quotation shall be disqualified from the process and be promptly returned to the sender other than in the following exceptional circumstances:
- a) Where the Council's Offices were unexpectedly closed due to unforeseen circumstances so that tender or quotation could not be delivered on time.
  - b) Particularly severe weather conditions which delayed the arrival of a tender or quotation and where there is clear evidence of dispatch with sufficient time allowed for delivery to comply with the specified return time and date.

## **17 Negotiations and Discussions**

- 17.1. Negotiations with bidders must not take place unless the appropriate procurement route was adopted at the outset in accordance with the Public Contracts Regulations 2015. Where permissible, negotiations must be accurately recorded and conducted in an open, fair and transparent way.
- 17.2. Discussions may be held following submission of tenders or quotations for the purpose of clarifying or supplementing the content of the bid and/or the requirements of the contracting entities only.

## **18 Accepting Tenders and Quotations**

- 18.1. Only the lowest tender or quotation (or highest if payment is to be made to the Council) can be accepted unless the bids are evaluated on the basis of that which is the most economically advantageous, in relation to the criteria defined in the invitation to bid documents.
- 18.2. Contracts with a value less than £50,000 may be let by the Lead Officer by issuing an official Council Order through Agresso. The Order should clearly identify the scope of the works/specification, duration, cost and Order/Project Number.
- 18.3. Contracts with a value of £50,000 but less than £75,000 may be let by the Lead Officer in agreement with the Director and Legal Services Manager.
- 18.4. Contracts with a value of £75,000 but less than £350,000 may be let by the Lead Officer in agreement with the Director and Legal Services Manager in consultation with the appropriate Portfolio Holder.

- 18.5. Contracts with a value of £350,000 or greater shall be let by the Lead Officer in agreement with the Director and Legal Services Manager subject to the approval of Cabinet or Full Council and a call-in period of five working days.
- 18.6. All contract awards with a value of £25,000 or greater must be published on Contracts Finder within three months of the award decision.
- 18.7. Appointing Consultants
- a) Contracts with a value less than £20,000 may be let by the Lead Officer by issuing an official Council Order through Agresso. The Order should clearly identify the scope of the services/specification, duration, cost and Order/Project Number.
  - b) Contracts for the appointment of a Consultant with a value of £20,000 but less than £75,000 shall be let by the Lead Officer in agreement with the Director and the Legal Services Manager in consultation with the relevant Portfolio Holder.
  - c) Contracts for the appointment of a Consultant, with a value of £75,000 or greater shall be let by the Lead Officer in agreement with the Legal Services Manager subject to the approval of Cabinet or Full Council and a call-in period of five working days.
- 18.8. Appointing Agency or Interim Staff
- a) Contracts for the appointment of Agency or Interim Staff may be entered into subject to the agreement of the Director in consultation with the Human Resources Manager in writing.
- 18.9. Disposal of Land
- a) For awarding contracts relating to the disposal of land refer to Section 2.

## **19 Extending Contracts**

- 19.1. Value Below £350,000
- a) A contract term (the length of a contract) may be extended by the Lead Officer in agreement with the Legal Services Manager and the Director provided that:
    - i) A provision to extend is included in the original contract and where applicable, the Contract Notice;

- ii) the aggregate value of the contract extension is less than £350,000;
- iii) sufficient funding has been approved to cover the cost of the proposed extension;
- iv) the aggregate value of the contract will not exceed the Public Contracts Regulations 2016 threshold;
- v) the proposed extension represents value for money;
- vi) there are no statutory restrictions to prevent this; and
- vii) the contract is being satisfactorily performed.

#### 19.2. Value of £350,000 or greater

- a) A contract term (the length of a contract) may be extended by the Lead Officer in agreement with the Legal Services Manager and the Director subject to the approval of Cabinet or Full Council and a call-in period of five working days provided that:
  - i) provision to extend is included in the original contract and where applicable, the Contract Notice;
  - ii) sufficient funding has been approved to cover the cost of the proposed extension;
  - iii) the aggregate value of the contract will not exceed the Public Contracts Regulations 2015 threshold (unless original contract was advertised in FTS);
  - iv) the proposed extension represents value for money;
  - v) there are no statutory restrictions to prevent this; and
  - vi) the contract is being satisfactorily performed.

## 20 Contract Management

20.1. Contracts must be managed and monitored by the Officer as designated by the Director. The responsible Officer will keep complete records during the lifetime of the contract and should monitor, as a minimum:

- a) Performance/KPI's (*including Social Value*)
- b) Compliance with specification and terms and conditions
- c) Cost (keeping within budget and identifying savings)

- d) User satisfaction and continuous improvement.

## **21 Contract Formalities**

- 21.1. Contracts with a value at or greater than £50,000 must be in writing and executed under seal or signed and delivered as a deed.
- 21.2. Contracts with a value below £50,000 must be signed by a duly authorised Officer.
- 21.3. Every contract will:
  - a) be governed by English Law
  - b) clearly specify the goods, works or services to be supplied
  - c) state the total price to be paid with a statement of discounts or other deductions together with the arrangements for payment including any retentions
  - d) state the time or times within which the contract is to be performed including any options to extend the contract
  - e) penalties for non-compliance/KPI's, liquidated and ascertained damages (to the extent that this may apply)
  - f) state the method of dispute resolution
  - g) state any other relevant matters relating to the due performance of the contract.
- 21.4. The original copy of all signed/executed contracts must be stored in a Deed Packet in Legal Services.

## **22 Bonds and Other Security**

- 22.1. Performance bonds are not mandatory and should only be sought if proportionate to the demonstrable risks, nature and value of the contract.
- 22.2. Where necessary, risk may be managed by holding a bond deposit or increasing retention sums held.
- 22.3. Risk to the Council of default shall be mitigated by prudent pre contract contractor due diligence and selection, and whilst in contract applying clear and robust performance monitoring.
- 22.4. A parent company guarantee may be considered as an alternative to the provision of a performance bond subject to a risk assessment in accordance with the rest of CSO 22 above.

## **23 Insurances**

- 23.1. All Suppliers must carry sufficient public liability, employer's liability, product liability and professional indemnity insurance appropriate to their business with the Council.
- 23.2. The Lead Officer/Contract Manager must ensure that:
- a) the supplier provides documentary evidence of cover before the contract begins, and that evidence of renewal is supplied if the insurance expires during the contract period
  - b) the level and type of insurance is sufficient to cover all the risks associated with the performance of the Contract
  - c) the supplier provides annual updates (including evidence of payment of premium for term contracts).
  - d) advice is sought from the Insurance Manager to ascertain the level and type of insurances required to protect the Council's risks.

## **24 Retendering**

- 24.1. If, during the tendering exercise, a material change occurs in the value, duration or scope of a contract, formal re-tendering will be necessary to give all bidders an equal opportunity to consider the new requirements. For this purpose "what is a material change" will be determined by the Director of Governance and Corporate Services.

## **25 Declaration of Interest**

- 25.1. Section 117 of the Local Government Act 1972 requires that any Officer employed by the Council who finds out that the Council has entered or is proposing to enter into a contract in which they have a "pecuniary" interest must notify the Council of that interest in writing, as soon as it is practicable. It is a criminal offence not to comply with this provision. The Director of Governance and Corporate Services will keep a complete record.

## **26 Freedom of Information Act (2000)**

- 26.1. The Council's Access to Information Policy must be adhered to where requests for information relating to procurement activity are received under the Freedom of Information Act (2000).

## **27 Bankruptcies and Liquidations**

- 27.1. The Legal Services Manager must be notified if a Supplier ceases to trade as a result of bankruptcy or liquidation and the action to be taken shall be agreed with the Director of Governance and Corporate Services on:

- a) terminating the contract;
- b) appointing a new Supplier to complete the contract;
- c) negotiating with liquidator/receiver/administrator; and
- d) assigning the contract and novation.

## **28 Disposal of Assets (including IT Equipment)**

- 28.1. Financial Regulations must be complied with when disposing of the Council's assets including the disposal of stores and equipment. The Lead Officer must seek the best value reasonably obtainable for the Council, using an auditable process and ensuring compliance with all relevant legislation and Council policies.
- 28.2. The Lead Officer must retain a complete audit trail relating to any such disposals which shall be subject to consultation with the appropriate Director and the Director of Finance.
- 28.3. All disposals of ICT equipment must be undertaken by ICT Services.

## **29 Concessions and Sponsorship**

- 29.1. The Council may seek Suppliers who are willing to pay the Council for the right to provide services in Council premises or on Council land such as vending rights. In such circumstances, Contract Standing Orders will apply.

## **30 Corrupt Practices**

- 30.1. In relation to any contract with the Council, the Council will be entitled to give a Supplier notice that the contract has been terminated with immediate effect if the Supplier, or any person employed by the Supplier, or acting on its behalf, commits any offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.
- 30.2. Every contract with the Council will include a clause empowering the Council to cancel a contract and to recover from the Supplier the amount of any loss resulting from such cancellation if the Supplier has committed any of the offences described in CSO 30.1 above.

# Contract Standing Orders

## (Part 2) Disposal of Land

### 31 Introduction

- 31.1. Except where otherwise provided in these CSOs, the following rules must be followed every time the Council disposes of or enters into a contract for the disposal of land (including the grant of options to purchase land).
- 31.2. For every contract, the Director will comply with CSO 1.2 above.

### 32 Exceptions

- 32.1. No exception will be made from Section 2 of these CSOs, other than by Cabinet or Council after considering a report to which the Legal Services Manager, the Section 151 Officer and the Property and Facilities Manager have contributed.

### 33 Authority to Dispose of Land

- 33.1. The Director has the authority to sell land:
- a) with no development potential and an estimated market value of less than £10,000
  - b) with development potential and a proposed sale price of less than £10,000 provided there are betterment provisions to realise the value of the development potential
  - c) with an estimated market value between £10,000 and less than £50,000 in consultation with the relevant Portfolio Holder and the Section 151 Officer.
- 33.2. The Director has the authority to lease land:
- a) for a period of less than seven years at a rent at or below best consideration reasonably obtainable.
  - b) for a period of seven years or more for an estimated aggregated rental value less than £50,000 in consultation with the relevant Portfolio Holder and the Section 151 Officer.
- 33.3. The terms of any other land disposals must be agreed by Cabinet or Council.

## **34 Entering into Contracts**

- 34.1. Except where otherwise provided in these CSOs, contracts for land disposals must be entered into by one of the following methods:
- a) Selective bidding following publication of an advertisement.
  - b) Open competitive bidding following publication of an advertisement.
  - c) By Private Treaty.
  - d) By Auction.
  - e) Selective bidding by invited Housing Providers.
- 34.2. Methods of advertising are included in CS0 11.5 above.
- 34.3. Where an intended land disposal involves a contract of a kind requiring the Council to comply with EU Regulations, the scheme for the disposal shall ensure compliance with EU Regulations.

## **35 Selective bidding by advertisement (where EU Regulations do not apply)**

- 35.1. An advertisement stating the nature and purpose of the proposed agreement and inviting formal expressions of interest will be placed in an appropriate newspaper and industry journal and will give a closing date by which expressions of interest must be received. This will be at least 28 days after the date of publication of the advertisement.
- 35.2. After the closing date (subject to satisfactory outcome of a financial appraisal (and where considered appropriate) a technical appraisal) at least four of those persons expressing an interest will be invited to bid or (if the expressions of interest are less than four) all persons who expressed an interest and whose appraisal meets a satisfactory outcome will be invited to bid.
- 35.3. The invitation for bids will provide information about any criteria to be used in evaluating the bids.
- 35.4. Officers responsible for drawing up or agreeing criteria will record the criteria in their files and record when and by whom the criteria were agreed.
- 35.5. For the purposes of this CSO 35 any successful bidder will be financially reappraised immediately prior to any award.

## **36 Selective bidding by invited Housing Providers**

- 36.1. In the case of a proposed transaction falling within the scope of the Stansted Area Housing Partnership not less than two Housing Providers

shall (subject to satisfactory outcome of a financial appraisal) be invited to bid in accordance with the terms of that partnership arrangement.

- 36.2. In all other cases, at least four Housing Providers will (subject to satisfactory outcome of a financial appraisal) be formally invited to bid.
- 36.3. For the purposes of this CSO 36 all Housing Providers will be financially reappraised immediately prior to any award.

### **37 Best Consideration**

- 37.1. The Council has a duty to secure value for money and when disposing of land must normally ensure that it obtains best consideration. This will be the market value of the land as defined by the Royal Institution of Chartered Surveyors.
- 37.2. If the Council receives a higher bid prior to exchanging contracts, it must decide whether to consider that bid. In making this decision, the Council must explore as far as is reasonable the merits of the alternative bid, the level of uncertainty surrounding the bid and the risk of accepting that offer. All of these factors must be weighed in the balance against the value and certainty of the existing offer.
- 37.3. Interested parties must be invited to make a final offer by a specified time and date.
- 37.4. Acceptance of an offer should be subject to completion within a specified and limited timescale of no greater than six months.
- 37.5. Terms should not be finalised without a current valuation but the costs associated with delays in the sale (for example lost interest and remarketing must be considered).
- 37.6. Details of individual bids should not be disclosed to any other bidder or potential bidder.

### **38 Sale At Less Than Best Consideration**

- 38.1. In certain circumstances the Council has a power to dispose of land for less than best consideration without receiving the specific consent of the Secretary of State. Legal advice should be taken before committing to any such disposal.

### **39 State Aid**

- 39.1. A disposal of land at an undervalue is capable of amounting to State Aid. State Aid applies where public funds can be said to subsidise a private operator in some way, and subject to certain exceptions it is generally unlawful.

39.2. Legal advice must be taken where State Aid could be involved.

#### **40 Planning Permission**

40.1. Where it is intended to sell land with an expectation that it will subsequently be developed consideration should be given to securing planning permission prior to the sale.

#### **41 Marketing and Sale of Land – Choice of Procedure**

##### **41.1. Private Treaty**

- a) A sale by private treaty occurs where negotiations are carried out between the Council and a prospective purchasers privately and normally without a time limit for exchange of contracts. This is a flexible and straightforward approach to land sale but its informality can increase suspicions of unfair dealing and cause difficulties in demonstrating that best consideration has been obtained.
- b) Sales by Private Treaty should only be accepted where the sale is within the delegated powers of the relevant Portfolio Holder, unless Cabinet or Council approval is granted. In such cases the Cabinet or Council report must set out the justification for the use of this procedure.

##### **41.2. Sealed Tender**

- a) Tenders must be invited at the same time with a fixed closing date and time.

#### **42 Opening Tenders**

42.1. CSO 14 shall apply to the opening of tenders except in the case of tenders invited under CSO 34.1e. (selective bidding by invited Housing Providers) in which case (for tenders with an estimated value of £50,000 or greater) an officer of Corporate Procurement and either another officer from Corporate Procurement or an officer from the Regeneration Team shall open tenders.

#### **43 Negotiations with Developers/Purchasers**

- 43.1. Negotiations with prospective developers or purchasers must wherever reasonably practicable take place at the Council's offices or those of the prospective developer or purchaser within normal office hours. At least two officers or one officer and an external consultant appointed by the Council to act on its behalf must be present and signed and dated Minutes must be kept for audit purposes.
- 43.2. Meetings and telephone conversations must immediately be followed by an exchange of correspondence to confirm the position.

#### **44 Accepting Bids/Offers**

- 44.1. No contract with a value at or above £50,000 will be entered into and no disposal shall take place without the consent of Cabinet or Council in accordance with CSO 33.3 above. Market conditions and the estimated period for completion of the transaction must be included in any Cabinet report.
- 44.2. The Cabinet report must include a recommendation as to what legal interest the Council would be best advised to dispose of, and the most effective way of disposing of an interest in order to secure the best terms reasonably obtainable.
- 44.3. Any proposal to dispose of land for less than the best consideration reasonably obtainable will require the consent of Cabinet or Council and any report for this purpose will advise Councillors of the requirement or otherwise to obtain the consent of the Secretary of State.
- 44.4. Any decision to dispose of land at less than the best consideration reasonably obtainable or at less than market value will be supported by recorded evidence.
- 44.5. In the case of disposal by auction, the proposed sale will always be subject to a reserve price of not less than a current valuation.
- 44.6. The terms of any contract will not be finalised without the benefit of a current valuation of the land in question.

#### **45 Revised Bids/Offers**

- 45.1. Should a preferred developer or the highest bidder or a person making the highest offer seek to substitute a lower offer or bid, Officers will on every occasion give to all making bids or offers the opportunity of making a further bid or offer by a specified date and time.

#### **46 General Requirements**

- 46.1. Following the decision of Cabinet to give its consent under CSO 33.3, Officers will take all practicable steps to secure an early exchange of contracts.
- 46.2. If contracts have not been exchanged within six months of the date of Cabinet consent, Officers will be required to invite fresh bids from all the bidders and any other person who originally expressed a formal interest.
- 46.3. The valuation of best consideration can change quickly and a prompt completion will be necessary to avoid selling at an undervalue.
- 46.4. An appropriately qualified or experienced officer shall always be present when bids are being evaluated.

46.5. CSO 46.2 shall not apply in cases where the negotiated procedure (within the meaning of the EU Regulations) has been adopted.

## **47 Exemptions and Special Cases**

### 47.1. Right to Buy

- a) Disposals pursuant to the Right to Buy will not be subject to these CSOs but shall be conducted in accordance with the relevant provisions of the Housing Act 1985 or any modification or re-enactment of the same.

### 47.2. Sale of Additional Land to Owner Occupiers

- a) The disposal of land to owner occupiers which does not exceed in extent on half of the garden land then currently owned by the owner occupier at the property in question, shall only be subject to approval of the Director.

### 47.3. Commercial Portfolio Leases

- a) Applicable to the grant, assignment or sub-letting of leases comprising any part of the Council's Commercial Portfolio, as managed by the Property and Facilities Management Service. These transactions will only be subject to the approval of the Director.

47.4. For the avoidance of doubt the Commercial Portfolio includes "community lettings".

47.5. Any matter or authority delegated to any officer from time to time by the relevant Portfolio Holder or Cabinet or Full Council.

# Contract Standing Orders

## Definitions

Unless the context otherwise requires, in this document the terms below shall have the meanings ascribed to them:

### **1 Accredited Supplier List**

- 1.1. means an accredited source such as Constructionline, Exor, a purchasing consortium, framework agreement, Housing Providers (for land disposal only) or other similar sources as may be approved by the Legal Services Manager

### **2 Agency Staff**

- 2.1. means a person(s) sourced through Recruitment/Employment agencies to cover short term vacancies, temporary increases in workload or where it has not been possible to fill positions through normal Council recruitment policies.

### **3 Bond**

- 3.1. means a legally enforceable financial guarantee given by a third party (the guarantor) to the Council to guarantee the obligations of a Supplier under a contract. (This is commonly referred to as a performance bond)

### **4 Consultant**

- 4.1. means a person(s) or body that supplies professional, technical advice or expertise but does not include workers engaged through a recognised staff agency agreement, interim arrangement and/or the supply of a management role in addition to professional/technical advice or expertise. A consultant is supernumerary and would carry out a one-off project that is time-limited

### **5 Council**

- 5.1. means Harlow District Council.

### **6 Councillor**

- 6.1. means an elected member of the Council.

## **7 Council Trading Arm**

7.1. means HTS Group (Company Registration Number 09929960 acting through its subsidiary trading arms)

## **8 CSOs**

8.1. means the Council's Contracts Standing Orders which form part of the Constitution and set out the rules for the procurement of goods, works and services and the disposal of land/land transactions.

## **9 EU**

9.1. means European Union.

## **10 EU Regulations**

10.1. means the Public Contracts Regulations 2015 or any regulations as may replace or modify the same.

## **11 EU Threshold**

11.1. means £172,514 for the supply of goods and services and £4,332,012 for works (new thresholds apply with effect from January 2016).

## **12 Emergency**

12.1. means a requirement which could not reasonably have been foreseen and cannot be delayed or deferred.

## **13 Financial Regulations**

13.1. means the Council's Financial Regulations that set out the rules and procedures for financial management and the conduct required of Council staff in dealing with financial matters. This document is issued by the Director of Finance and forms part of the Constitution.

## **14 Framework Agreement**

14.1. is a non-binding agreement that may be entered into with a single Supplier or several Suppliers, setting out the terms and conditions and scope of the goods, works or services under which future purchases (or call offs) can be made throughout the term of the agreement and that any such agreement shall normally have been subjected to an OJEU compliant competitive tendering exercise.

## **15 Goods, Works and Services**

15.1. should be taken as defined in the latest version of the EU Procurement Directives.

## **16 Housing Provider**

16.1. means a registered provider of social housing within the meaning of the Housing and Regeneration Act 2008 or any statutory modification or re-enactment thereof.

## **17 Interim Staff**

17.1. means a person(s) sourced through Recruitment/Employment agencies to cover short term vacancies, temporary increases in workload or where it has not been possible to fill positions through normal Council recruitment policies.

## **18 Lead Officer**

18.1. means a named officer delegated by a Director to be responsible for the procurement of specific supplies, services or works including the disposal of land and where appropriate, the Lead Officer shall be a Corporate Procurement Officer. The Lead Officer will seek advice, guidance and support from Corporate Procurement when seeking to invite tenders and quotations, issue orders and let contracts within the scope of these CSOs.

## **19 Leaseholder Properties**

19.1. means those flats or maisonettes sold in respect of which leases have been granted pursuant to Part 5 of the Housing Act 1985.

## **20 Local Supplier**

20.1. means any contractor, consultant, supplier of goods, works or services that is based within a radius of ten miles of Harlow.

## **21 Monitoring Officer**

21.1. means the officer designated pursuant to Section 5 of the Local Government and Housing Act 1989.

## **22 Novation**

22.1. means the agreed transfer to another Supplier of the full obligations and rights under a contract.

## **23 OJEU**

23.1. means the Official Journal of the European Union.

## **24 Portfolio Holder**

24.1. means a member of the Council's Cabinet with a designated set of responsibilities.

## **25 Quotation**

25.1. means an offer or bid to supply or purchase land, goods, or materials, execute works or provide services including consultancy, at a stated priced based on terms and conditions agreed with the Supplier. For the purpose of CSOs, the Council uses the term Quotation for the simpler procurement process to be followed for estimated contract values less than £50,000.

## **26 Section 151 Officer**

26.1. means an officer appointed in accordance with Section 151 of the Local Government Act 1972.

## **27 Supplier**

27.1. means the party or potential party to a contract who supplies goods, works or services or enters into a contract for the disposal of land.

## **28 Tender**

28.1. means an offer or bid to supply or purchase land, goods, or materials, execute works or provide services including consultancy, at a stated priced based on terms and conditions agreed with the Supplier. For the purpose of CSOs, the Council uses the term Tender for the more complex procurement process to be followed for estimated contract values of £50,000 or greater.

## **29 Third Sector**

29.1. means social enterprises, mutuals, charities, voluntary bodies, trusts etc.

# Officer Employment Procedure Rules

## 1 Recruitment and appointment

### 1.1. Declarations

- a) Any candidate for appointment as an Officer must state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- b) No candidate related to a Councillor or an Officer will be appointed without the authority of a senior manager or an Officer nominated by them.

### 1.2. Seeking support for appointment.

- a) Subject to paragraph (c), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- b) Subject to paragraph (c), no Councillor will seek support for any person for any appointment with the Council.
- c) Nothing in paragraphs (a) and (b) above will prevent a Councillor from giving a written reference for a candidate for submission relating to an application for appointment.

## 2 Recruitment of Head of Paid Service and Chief Officers

2.1. Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- a) draw up a statement specifying:
  - i) the duties of the Officer concerned
  - ii) any qualifications or qualities to be sought in the person to be appointed

- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it
- c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

### **3 Appointment of Head of Paid Service**

- 3.1. Subject to the requirements of legislation, the Full Council will appoint the Head of Paid Service (Chief Executive) on the recommendation of the Cabinet.

### **4 Appointment of Statutory Officers**

- 4.1. Subject to the requirements of legislation, the Council, on the recommendation of the Cabinet or the Head of Paid Service or their nominee, will appoint Statutory Officers.

### **5 Other appointments**

- 5.1. Appointment of Officers below Chief Officer is the responsibility of the Head of Paid Service or their nominee and may not be made by Councillors.

### **6 Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer**

- 6.1. in the following paragraphs:
  - a) the 2011 Act means the Localism Act 2011
  - b) Head of Paid Service, Monitoring Officer, Chief Finance Officer and disciplinary action have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001
  - c) Independent Person has the same meaning as section 28(7) of the 2011 Act
  - d) Local government elector shall mean a person registered to vote in local government elections in the register of electors in the district in accordance with the Representation of the People Acts
  - e) The Panel means a Committee appointed by the Council under section 102(4) Local Government Act 1972 to advise the Council on matters relating to dismissal of relevant Officers
  - f) Relevant meeting means a meeting of the Council to consider whether or not to dismiss a relevant officer

- g) Relevant officer means the Head of Paid Service, Monitoring Officer or s151 Chief Finance Officer
  - h) Relevant Independent Person means one that has been appointed by the Council under the 2011 Act or where fewer than two have been appointed such persons appointed by another local authority or authorities.
- 6.2. A relevant Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
  - 6.3. The Council must invite relevant Independent Persons to be considered for appointment to the Panel, with a view of appointing at least two such persons to the panel.
  - 6.4. The Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.3 in the following priority order:
    - a) A Relevant Independent person who has been appointed by the Council and who is a local authority elector.
    - b) Any other Relevant Independent Person who has been appointed by the Council.
    - c) A Relevant Independent Person who has been appointed by another authority or authorities
  - 6.5. The Council is not required to appoint more than two Relevant Independent Persons but may do so.
  - 6.6. The Council must appoint the Panel at least 20 days before the relevant meeting.
  - 6.7. Before taking a vote at the relevant meeting on whether or not to approve such a dismissal the Council must take into account, in particular:
    - a) Any advice, views or recommendations of the Panel
    - b) The conclusions of any investigation into the proposed dismissal
    - c) Any representations from the relevant Officer.
  - 6.8. Any remuneration, allowances or fees paid by the Council to an Independent Person must not exceed the level of remuneration allowances, or fees payable in respect of the person's role as Independent Person under the 2011 Act.
  - 6.9. Councillors will not be involved in disciplinary action short of dismissal against any Officer below Chief Officer other than Statutory Officers

except where such involvement is necessary for any investigation or inquiry into alleged misconduct; such disciplinary action is the responsibility of the Head of Paid Service or their nominee.

## **7 Dismissal**

- 7.1. Councillors will not be involved in the dismissal of any Officer below Chief Officer except where this is necessary for any investigation or inquiry into alleged misconduct. However, the Council's disciplinary, capability and related procedures, may allow a right of appeal to Councillors. Except for this provision, dismissals are the responsibility of the Head of Paid Service or their nominee.

## **8 Interpretation**

- 8.1. "Chief Officer" is the Chief Executive.

## **9 Facilities for Officers**

- 9.1. The Council will provide the Monitoring Officer and Chief Finance Officer with Officers, accommodation and other resources that are reasonably needed to perform their duties.
- 9.2. The Monitoring Officer and Chief Finance Officer will receive copies of SMB agendas and minutes and be able to contribute to and take part in relevant decisions taken by SMB.
- 9.3. The Chief Executive, Monitoring Officer and Chief Finance Officer will have unrestricted access to any information held by the Council Internal Audit and any employee (unless it is protected by statutory provisions), which can assist them in the discharge of their functions.
- 9.4. The Chief Executive, Chief Finance Officer, and the Monitoring Officer has the right to report to and advise the Cabinet or a Committee or the Council on any matter which they feel should be drawn to a Committee or Council's attention. No veto can be applied to such an intention to report, and the content and form of the report cannot be prescribed by Councillors or other Officers. The party group leaders (or in their absence the deputy group leaders) will also be informed before the report is issued.
- 9.5. The Chief Executive, Monitoring Officer and Chief Finance Officer will have advance notice of any agenda and reports, whether an informal or formal meeting, which may be relevant to their responsibilities.
- 9.6. The Chief Executive, Monitoring Officer and Chief Finance Officer will have copies of all reports to Councillors.
- 9.7. The Chief Executive, Chief Finance Officer and Monitoring Officer will meet regularly to consider and recommend action on matters of governance and/or probity.

## **10 Appraisal of Chief Executive**

- 10.1. The Chief Executive's appraisal will be carried out annually by the Chief Executive's Appraisal Panel.

# **Part 5**

# **Codes and**

# **Protocols**

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# Councillor Code of Conduct (Part 1) General Provisions

## 1 Introduction and Interpretation

- 1.1. As a Councillor you are a representative of this Council and the public will view you as such. Your actions impact on how the Council as a whole is viewed and can have both positive and negative impacts on the Council.
- 1.2. This Code is consistent with “Nolan Principles” which are set out in Annex 1 and the provisions of Section 29(1) Localism Act 2011.
- 1.3. “meeting” means any meeting of:
  - a) the Council
  - b) the Cabinet of the Council
  - c) any of the Council’s or its Cabinet’s Committees, Sub Committees, Joint Committees, Joint Sub Committees, Working Groups or any other Group meetings
  - d) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Councillors
  - e) any briefings by Officers and site visits organised by the Council.
- 1.4. Relevant person means your spouse, partner or any person living with you as a spouse and/or partner.
- 1.5. Relevant period is 12 months ending with the day on which you give a notification of the interest to the Monitoring Officer of any disclosable pecuniary interests you had at the time of the notification.
- 1.6. Profit or gain includes any payments or benefits in kind which are subject to Income Tax. Beneficial interest means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.
- 1.7. Relevant authority means Harlow District Council.

1.8. Councillor includes a co-opted member.

## **2 Who Does the Code Apply To?**

2.1. This Code applies to all Councillors of Harlow Council. This includes co-opted persons.

2.2. It is the individual's responsibility to comply with the provisions of this Code.

## **3 What Does the Code Apply to?**

3.1. The Code applies to you whenever you are acting in your capacity as a member of the Council, including::

- a) at formal meetings of the Council and all of its committees and sub committees
- b) when acting as a representative of the Council
- c) in carrying out your functions as a ward councillor
- d) at meetings with officers
- e) at site visits
- f) when corresponding with the Council other than in a private capacity

3.2. The Code does not seek to regulate what you do in your private and personal lives.

## **4 General Obligations**

4.1. You must treat others with respect.

4.2. You must uphold the law.

4.3. You must not:

- a) do anything which may cause the Council to breach any of the equality enactments
- b) bully any person
- c) in relation to an allegation that a Councillor (including yourself) has failed to comply with the Council's Code of Conduct intimidate or attempt to intimidate any person who is or is likely to be:
  - i) a complainant

- ii) a witness
- iii) involved in the administration of any investigation or proceedings
- d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

## **5 Confidential Information**

5.1. You must not disclose information given to you in confidence by anyone. You must also not disclose information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature. The exceptions are where:

- a) you have the consent of a person authorised to give it
- b) you are required by law to do so
- c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person
- d) the disclosure is:
  - i) reasonable and in the public interest
  - ii) made in good faith and in compliance with the reasonable requirements of the Council.

5.2. You must not prevent another person from gaining access to information to which that person is entitled by law.

## **6 Conferring an Advantage or Disadvantage**

6.1. You must not use or attempt to use your position as a Councillor improperly to confer on or secure for yourself, or any other person, an advantage or disadvantage.

6.2. You must when using or authorising the use by others of the resources of the Council:

- a) act in accordance with your Council's reasonable requirements
- b) ensure that such resources are not used improperly for political purposes (including party political purposes).

6.3. You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

# Councillor Code of Conduct (Part 2) Councillors and Co-opted Persons Interests

## 7 Disclosable Pecuniary Interests

- 7.1. You have a disclosable pecuniary interest in any business of the Council if it is of a description set out in 7.2 below and is either:
- a) an interest of yours
  - b) an interest of your spouse, your civil partner, a person you are living with as a spouse or civil partner (known as Relevant Person).
  - c) And in the case of paragraphs 7.1 (b) you are aware that the other person has the interest.
- 7.2. “Disclosable pecuniary interest” are defined by The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and are:
- a) any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain.
  - b) any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member or towards the election expenses of you. This includes financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
  - c) any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Council or a body in which you or they have a beneficial interest.
  - d) any beneficial interest in land which is within the area of the Council.
  - e) a licence of any land in the Council’s area (alone or jointly with others) of that you or a Relevant Person occupy for a month or longer.

- f) any tenancy where (to your knowledge):
  - i) the landlord is the Council
  - ii) the tenant is a body in which the you or a Relevant Person has a beneficial interest.
- g) Any beneficial interest in securities of a body where:
  - i) that body (to your knowledge) has a place of business or land in the area of the Council
  - ii) Either:
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of the body
    - if the share capital of that body is of more than one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

## **8 Other Pecuniary Interests**

8.1. You have a pecuniary interest in any business of the Council where it relates to or is likely to affect:

- a) Any person or body who employs or has appointed you
- b) Any contract for goods, services or works made between the Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description in paragraph 7.2 (g) which has been fully discharged within the last 12 months.

## **9 Non Pecuniary Interest**

9.1. You have a non-pecuniary interest in any business of the Council where it relates to or is likely to affect:

- a) Any body of which you are a member or in a position of general control and to which you are appointed or nominated by the Council
- b) Any body:
  - i) exercising functions of a public nature
  - ii) directed to charitable purposes

- iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control
- iv) the interest of any person from whom you have received a gift or hospitality with an estimated value of at least £25 or totalling £50
- v) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a Relevant Person to a greater extent that the majority of:
  - (a) (in the case of authorities with electoral divisions or wards) other Council Tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision
  - (b) (in all other cases) other Council Tax payers, ratepayers or inhabitants of the Council area.

## **10 Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)**

- 10.1. Subject to sub-paragraphs 10.2 to 10.3, where you have a Disclosable Pecuniary Interest, any other Pecuniary Interest or Non-Pecuniary Interest in any business of the Council and you are present at a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest. You must do this whether or not the interest is registered on your register of Interests or for which you have made a pending notification.
- 10.2. Sub-paragraph 10.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's interest.
- 10.3. Where you have an interest in any business of the Council which would be disclosable under paragraphs 7-9 but by virtue of paragraph 13 (sensitive interests) details of the interest are not registered in the Council's published register of Councillors' interest, and that the interest is a Disclosable Pecuniary Interest (if that is the case), you must indicate you have an interest but you need not disclose the nature of the interest to the meeting.
- 10.4. Where you have a Pecuniary Interest in any business of the Council and a function of the Council may be discharged by you acting alone in relation to that business, you must ensure you notify the Council's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter.

- 10.5. Where you have an interest in any business of the Council which would be disclosable by virtue of paragraph 10.1, and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 (access to information relating to meetings of the Council).

## **11 Effects of Interest on Participation**

### **11.1. Disclosable Pecuniary Interests**

- a) if you are present at a meeting of the Council or of any Committee, Sub Committee, Joint Committee or Joint Sub Committee of the Council and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting and you are of that interest:
- i) you must not participate , or participate further, in any vote, or further vote, taken on the matter at the meeting
  - ii) you must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a prior dispensation from the Council’s Monitoring Officer.
- b) if you have a Disclosable Pecuniary Interest in any business of the Council you must not:
- i) exercise executive functions in relation to that business
  - ii) seek improperly to influence a decision about that business.
- c) if a function of the Council may be carried out by a Councillor acting alone and you have a Disclosable Pecuniary Interest in any matter being dealt with in the course of carrying out that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt by another person).

### **11.2. Other Pecuniary Interests**

- a) If you have an Other Pecuniary Interest in any business of the Council which could be reasonably regarded as significant and likely to prejudice your judgement in the public interest and you are present at the meeting of the Council at which such business is being considered you must:

- i) disclose the existence and nature of the interest in accordance with paragraph 10.1 (subject to paragraph 10.3);
- ii) withdraw from the room or chamber where the meeting considering the business is being.

# Councillor Code of Conduct (Part 3) Register of Councillor Interests

## 12 Registration of Councillors' Interests

12.1. Subject to paragraph 13, you must, within 28 days of:

- a) this Code being adopted by or applied to your Council
- b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Council register in the Council's register of Councillors' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
  - i) Disclosable Pecuniary Interests as referred to in paragraph 7 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
  - ii) Pecuniary Interests referred to in paragraph 9 that you have.
- c) Subject to paragraph 13, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest as referred to in paragraph 8 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any Disclosable Pecuniary Interest registered under paragraphs 12b. (i) or (ii) above.
- d) by providing written notification to the Council's Monitoring Officer.

## 13 Sensitive Information

13.1. Where you have a Disclosable Pecuniary Interest referred to in paragraph 7 or Pecuniary Interest referred to in paragraph 8 and the nature of the interest is such that you and the Council's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Council's register then copies of the register available for inspection and any published version of the register should not include details of the interest. The register may state that you have an interest

details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 13.2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify the Council's Monitoring Officer.
- 13.3. In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

#### **14 Register of Gifts and Hospitality**

- 14.1. You must within 28 days of receipt, notify the Council's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 or totalling £50 over a year from a single source which you have accepted as a Councillor from any person or body other than the Council.
- 14.2. The monitoring officer will place your notification on the public register of gifts and hospitality.
- 14.3. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Council for this purpose.

# **Councillor Code of Conduct (Appendix 1) The Nolan Principles and Section 28(1) of the Localism Act 2011**

## **1 Selflessness**

1.1. Holders of public office should act solely in terms of the public interest.

## **2 Integrity**

2.1. 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 takes 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.

## **3 Objectivity**

3.1. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **4 Accountability**

4.1. 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.

## **5 Openness**

5.1. 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.

## **6 Honesty**

6.1. Holders of public office should be truthful.

## **7 Leadership**

- 7.1. 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.

# Officers' Code of Conduct

## 1 Foreword

- 1.1. We value and respect every member of staff. We value each individual and the diversity of employees with the Council. We value the excellent work that employees give to the Council.
- 1.2. In return we expect that staff adhere to the important rules and guidelines set out within this Code of Conduct.

## 2 Introduction

- 2.1. The public is entitled to expect the highest standards of conduct from all local government employees. This code of conduct applies to all employees of the Council and to those working on the Council's behalf<sup>1</sup>.
- 2.2. It is particularly important for senior, managerial and professional employees. For these employees breaches of this Code will be viewed more seriously.
- 2.3. The Code does not replace existing laws, regulations, policies and conditions of service which all employees must follow. It provides rules for employees in their work to help maintain and improve standards. It also protects them from misunderstandings or criticism.

## 3 The Nolan Principles

- 3.1. These principles apply to all aspects of public life. The Nolan Committee set them out for the benefit of all who serve the public in any way. The Nolan Principles are set out in Appendix 1 to the Councillor's Code of Conduct and on the Government's website <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>
- 3.2. Harlow Council employees are expected to follow these standards in all their actions at (or related to) their work. Failure to do so may lead to disciplinary action up to and including dismissal for gross misconduct in more serious cases.

## 4 Standards and Accountability

- 4.1. Employees are accountable to the Council for their actions. Local government employees are expected to give appropriate impartial advice

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<sup>1</sup> See Agency Workers, Interims and Consultants Policy

to Councillors and fellow employees. Employees should alert the appropriate managers about any deficiency in the provision of service. They can report any impropriety or breach of procedure to their line manager or through the Council's whistle blowing process.

- 4.2. Many employees are responsible under their own professional codes of conduct. Where professional codes of conduct conflict with the Council's code of conduct, employees should refer to the Monitoring Officer for resolution.

## **5 Disclosure of Information**

- 5.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to Councillors, service users and the public. The Council may decide to be open about other types of information. Senior managers must ensure that their staff know what information is public and what is confidential.
- 5.2. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Employees should not disclose any confidential information without the consent of the Director (or nominated deputy) unless required by law to do so. Equally an employee must not prevent another person from gaining access to information to which they are legally entitled.

## **6 Political Neutrality**

- 6.1. Employees serve the Council as a whole. It follows they must serve all Councillors and not just the controlling group(s). Employees must ensure that the individual rights of all Councillors are respected.
- 6.2. Subject to the Council's conventions, employees may also be required to advise political groups. They should do so in ways that do not compromise their political neutrality. The advice should be impartial, objective and helpful.
- 6.3. Chief Officers and Directors are politically restricted posts. This means that post-holders may not be active in any political party.
- 6.4. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 6.5. Any political assistants appointed to fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set out in paragraphs 6.1 to 6.4.

## **7 Relationships**

- 7.1. Employees must:
  - a) treat others with respect
  - b) not discriminate unlawfully against any person.
- 7.2. All local government employees must understand and comply with the Council's equality policies, as well as legal equality requirements. All members of the local community, customers and other employees<sup>2</sup> have a right to be treated with fairness and equity.
- 7.3. Employees should always give courteous, efficient and impartial service to all groups and individuals within the community.
- 7.4. Mutual respect between employees and Councillors is essential to good local government. The Council will deal with any breach of this requirement, on either side, in the most serious possible way. Close personal familiarity between employees and Councillors can damage the relationship and embarrass other employees and Councillors. This should therefore be avoided.
- 7.5. Employees must not treat colleagues less favourably or discriminate against them because they have used the Council's grievance, whistle blowing or similar procedures, intend to use them or are suspected of having used them.
- 7.6. Employees must be open about relationships and should avoid putting themselves in any position where they could be accused of showing favouritism.

## **8 Appointment and Other Employment Matters**

- 8.1. Part 4 of the Constitution (Officer Employment Procedure Rules) applies.
- 8.2. Managers involved in<sup>3</sup> making appointments must make decisions purely on the agreed criteria for the role, subject to statutory requirements<sup>4</sup>. It is unlawful for an employee to make an appointment based on anything other than the ability of the candidate to do the job.
- 8.3. Specifically, employees must not be involved in the appointment of a relative or friend.
- 8.4. Similarly, employees must not be involved in decisions relating to discipline, promotion, pay or conditions of an employee or prospective employee who is a relative or friend.

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<sup>2</sup> "Employees" includes agency workers, interims and consultants.

<sup>3</sup> See Officers Scheme of Delegation, Part 3 of the Constitution

<sup>4</sup> See Equality Act 2010 - Disability

- 8.5. “Relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these. “Partner” means a member of a couple who live together. “Friend” means any person with whom an employee has a close or continuing social relationship and for whom the employee would make particular efforts in their personal life beyond those they would make for a stranger or acquaintance.

## **9 Outside Commitments**

- 9.1. The Council recognises that employees’ off-duty hours are their personal concern but they should not put themselves in a position where their official role and private interests or activities conflict.
- 9.2. The Council will not prevent employees taking a second job, providing such work does not, in the Council’s view:
- a) conflict with or have a detrimental effect on the Council’s interests
  - b) undermine the professional integrity of the Council, any of its services or the employee concerned
  - c) in any other way weaken public confidence in the conduct of the Council’s business
  - d) present a health and safety risk to the employee or others
  - e) put the employee at risk of contravening the Working Time Regulations.
- 9.3. The Working Time Regulations include the maximum number of working hours (not work more than 48 hours on average) including contractual overtime, minimum rest periods during a working day and statutory breaks between shifts. The Council does not opt out of the 48 hour week. Any employee taking on additional employment must still comply with the Regulations.
- 9.4. Employees taking a second job must inform their line manager in writing, copying the letter to the Human Resources section.

## **10 Declarations of Interest by Officers**

- 10.1. Employees will be required to make an annual declaration of any potential conflicting interests or confirm that they have no interests. Employees who do not make such a declaration will be deemed to have declared that they have no such interests. Making a materially incorrect declaration or failing to make a declaration when such an interest exists could result in disciplinary action.

- 10.2. Conflicts of interest include a contract or potential contract with the Council or a planning application by a Councillor or their family. Senior managers should notify the Monitoring Officer promptly about any interest declared by a member of their staff and any interest that they have themselves.
- 10.3. Declarations will include financial interests such as land ownership and involvement in contractual or employment relationships. Pecuniary interests may be indirect (i.e. they are financial interests of an employer or relative). A financial interest has the potential for making the employee, the employer or the relative richer or poorer. Any potential for a good or bad effect on Officers, their family, their close relations, friends, clubs, societies, etc. count.
- 10.4. Employees should make their declaration on the relevant form. They should also submit a fresh declaration if their circumstances change during the year. A copy of the form can be downloaded from the Kaonet.
- 10.5. Employees should seek advice from the Monitoring Officer on managing the situation where they are not sure if there is a conflict of interest. Such situations include where an employee has a personal friendship with an individual who they subsequently need to work with as a contractor, consultant or supplier, as an applicant for a licence or permission, or in any other way that could be construed as being prejudicial to fair treatment. Ideally, they will withdraw from the work that causes the conflict of interests but the Council recognises that this will sometimes not be possible. The Monitoring Officer may make arrangements for an independent person to review and ratify all decisions.

## **11 Contracts and Tendering**

- 11.1. The Council's Contract Standing Orders will apply.
- 11.2. Managers and employees must declare any current or past private or personal relationship with any contractor tendering or quoting for Council business or with a potential competitor for such business. Employees may not be involved in awarding a contract where there is such a declarable interest.
- 11.3. Employees involved in the tendering process and dealing with contractors should be clear on the difference and separation between client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 11.4. Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 11.5. Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 11.6. Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates, when awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

## **12 Gifts and Hospitality**

- 12.1. It is a serious criminal offence<sup>5</sup> for an employee to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made the employee must demonstrate that any such rewards were not obtained corruptly.
- 12.2. Exceptions to this general rule would include small gifts of only token value (less than £25):
  - a) given by way of trade advertisements to a wide range of people e.g. calendars, diaries, tape measures and similar articles for use in the office
  - b) given on the conclusion of a courtesy visit such as to a factory, offices or other premises
  - c) where the employee concerned or their family are personal friends of the donor and where refusal would be discourteous.
- 12.3. Employees must declare hospitality, benefits or gifts received or offered as a consequence of their employment to their line manager by completing the form for declaring gifts and/or hospitality. If employees have concerns regarding hospitality they should seek advice from the Monitoring Officer.
- 12.4. Employees should only accept hospitality if there is a genuine need to impart information or represent the Council in the community. Invitations from contractors to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented.
- 12.5. Hospitality may be acceptable if it is:
  - a) offered by another non-commercial body
  - b) a modest non-alcoholic drink following a site visit

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<sup>5</sup> Under the Public Bodies Corrupt Practices Act 1889 and the Bribery Act 2010

- c) a working lunch of modest standard provided to enable the parties to continue to discuss business
- d) an invitation to attend a function where the Officer is representing the Council such as where the Officer is invited to speak, opening ceremonies, trade shows etc. or to functions they attend by virtue of their professional position.

12.6. Hospitality that is always unacceptable includes invitations to:

- a) cabarets, theatre or concert tickets
- b) sporting events, other than those covered by items 12.4, 12.5 (d)
- c) holidays, hotel accommodation or the use of a company flat or other accommodation
- d) personal invitations to evenings out
- e) any personal use of facilities or equipment that would not normally be available to the individual at nominal cost (this includes use of vehicles, leisure facilities such as health spas and golf facilities, and any other situation that could be seen as “living the high life” at the public’s expense.

12.7. When hospitality has to be declined, employees should courteously but firmly tell those making the offer about the procedures and standards operating within the Council.

12.8. Employees must not seek or accept discounts or other preferential rates on private purchases of goods or services based on the fact that they are a Council employee. Discounts offered by organisations that have been formally agreed and accepted as part of the Council’s employee benefits package are not prohibited.

### **13 Sponsorship**

13.1. Where an outside organisation wishes to, or is seeking to, sponsor a local government activity, the principles for accepting gifts or hospitality apply. This applies whether sponsorship is by invitation, tender, negotiation or voluntary. Particular care must be taken when dealing with contractors or potential contractors.

13.2. Where the Council wishes to sponsor an event or service, any employee who benefits (or whose partner, spouse or relative benefits) directly from such sponsorship must disclose the interest.

13.3. Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, employees should ensure that they give impartial advice and that there is no conflict of interest involved.

## **14 Council Resources**

- 14.1. The Council provides resources to enable employees to carry out their duties. This includes (but is not limited to) telephones, stationery, photocopiers, ICT equipment and software.
- 14.2. The Council may accept occasional and minimal personal use in certain circumstances.
- 14.3. All emails sent through the Council's system are Council property. There is no right of privacy in such correspondence and it must meet the same standards for content as work use. Please see Harlow Council Email policy for reference.
- 14.4. Council property, resources, equipment and working time must not be used for commercial or business purposes, whether for the employee or another individual, in any circumstances. This applies to work for voluntary and Third Sector organisations whether linked to the Council or not.

## **15 Working Time**

- 15.1. Hours of work are set out in individual contracts of employment that may be varied from time to time.
- 15.2. Employees are expected to attend and be available for work at the times specified or within the terms of the non-contractual Flexi Scheme. Any breaks during the paid working day must be reasonable.
- 15.3. The Council does not expect that every minute of work time will be focussed on tasks to be completed. It acknowledges the need to make drinks, take breaks from keyboard or concentrated tasks and so on. See Health & Safety Handbook.
- 15.4. However, this does not give licence to carry out an extended social life in working hours, conduct non-Council business or to use work time for domestic tasks. This does not preclude occasional charitable collections and events where these have prior agreement from the Director.

## **16 Social Media and Websites**

- 16.1. Many employees are now members of one or more social networks in a personal capacity. This is part of their personal lives and does not concern the Council (see 9.1 above).
- 16.2. However, there are ways in which social media can become a problem for employees and the Council. The following actions are contrary to the Council's rules and procedures and any employee taking them will be liable to disciplinary action:

- a) Using social networking sites during working hours if it is not a part of your job to do so.
- b) Using a work email address in connection with any social media site, unless 16.4 applies.
- c) Making any comment through social media that, if it was made at work, would be the basis for disciplinary action such as e.g. libellous, discriminatory, abusive or offensive comments.
- d) Making public any form of confidential information through a network site or through a conversation in a chat room or webpage, even if this is believed to be private.
- e) Using social media as the medium for work discussions with a colleague, particularly where this may compromise confidentiality in any way.
- f) Setting up a false identity designed to appear to represent a real person to comment on work or colleagues.
- g) Using the Council's good name to appear to endorse anything that they are doing or attempting through or with the aid of social media (such as claiming that their role as a Harlow Council employee makes them ideal to do work for a third party).
- h) Claiming or trying to create relationships through social media that would be inappropriate in the real world, or could lead the individuals or the Council to lose good reputation through the apparent relationship.

16.3. For this purpose, "social media" includes all forms and types of media such as YouTube, Twitter, LinkedIn, Instagram, Facebook, Snapchat, Twitch, Reddit and MySpace. This list is illustrative but not comprehensive.

16.4. There will be limited and specific occasions when individual employees will need to use social media to publicise events, to gather market information, or for other specifically agreed purposes. This will normally feature in their job description, be done with the specific prior consent of their Director in consultation with the Communications Officer and the ICT Manager, and using an identity set up specifically to meet the Council's needs.

## **17 Dress Code**

17.1. The Council acknowledges diversity of dress inherent in a modern multicultural society. It is therefore reluctant to set prescriptive rules about what its employees may or may not wear. When the Council provides a uniform, this should normally be worn.

17.2. The Council requires that all employees dress in such a way as to avoid giving offence to either colleagues or members of the public, in line with its policies on Equalities and Diversity.

17.3. Additionally, employees are required to dress in a manner that is consistent with their role in the Council. Exceptions may be agreed as part of a sponsored charity event.

## **18 Trade Union Activities**

18.1. Nothing in this Code should be construed as limiting normal trade union activities.

# Officer/Councillor Protocol

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## **1 Purpose**

- 1.1. The purpose of this protocol is to guide Harlow Council Councillors and Officers in their relations with each other. It has been produced to promote the highest standards in public life and harmonious working relationships. Whilst there are distinctive roles and responsibilities exercised respectively by Councillors and Officers, it is important to recognise that both serve the one Council in partnership. It is essential for a positive, trusting and respectful working relationship to exist between them if the Council's ambitions for the local community are to be fulfilled.
- 1.2. The relationships between Officers and Councillors are inevitably complex. This protocol has therefore been developed to provide more clarity for them. Consideration is also given in this protocol to the relationship between Councillors. Councillors and Officers should at all times observe this protocol.
- 1.3. The protocol seeks to:
  - a) promote trust, openness, fairness and honesty by establishing ground rules
  - b) define roles to clarify who has what responsibilities and avoid misunderstanding and conflict
  - c) secure compliance with the law, codes of conduct and the Council's own practices
- 1.4. This protocol seeks to reflect the principles underlying the respective codes of conduct contained within the Council's constitution applying to Councillors and Officers. The objective of the protocol is to enhance and maintain the integrity (real and perceived) of local government.
- 1.5. This document does not seek to be exhaustive.

## **2 Definitions Used in this Statement**

- 2.1. "The Administration" is the ruling political group(s) responsible for the political management of the Council.
- 2.2. "The Leader of the Council" and Deputy Leader are appointed by the Council at its annual meeting and are the Council's principal political spokespersons. They are also responsible for giving overall political guidance to the Chief Executive. The Chief Executive will then give guidance to the Senior Management Board (SMB).
- 2.3. A "Political Group" shall be defined as two or more Councillors who inform the Chief Executive that they wish to be treated as a separate group for representational purposes.

- 2.4. A "Group Leader" is the Councillor nominated by a political group to lead the group and to be its principal spokesperson on the Council.
- 2.5. The "Leader of the Opposition" will normally be the Leader of the largest group which is not part of the Administration.
- 2.6. The "SMB" is the Council's Senior Management Board, comprising the Chief Executive and Directors.
- 2.7. "Proper Officer" means the Officer responsible for discharging the relevant function on behalf of the Council.
- 2.8. Unless the context indicates otherwise, the terms Councillor and Councillors include co-optees.
- 2.9. The terms Officers and staff mean all persons employed by the Council.

### **3 Values Statement**

- 3.1. It is essential to define the values within which Councillors and Officers work.
- 3.2. For everyone, the following values should be upheld:
  - a) the basis of all working is honesty, openness, trust and respect for others
  - b) individually and collectively we uphold the law and act with personal integrity
  - c) individually and collectively we work for the benefit of all people in Harlow and exercise good governance
  - d) Officers are treated fairly and are supported in their roles.
- 3.3. In the relationships between Councillors and Officers, the following values should be upheld:
  - a) there is mutual respect for the distinctive roles of Officers and Councillors
  - b) Officers serve the whole Council and are politically impartial
  - c) Councillors respect Officers' impartiality
  - d) Officers assist all Councillors in their various roles and groups
  - e) Councillors and Officers act in a co-operative and constructive manner

- f) Officers diligently implement the lawful wishes of the Council
  - g) Councillors value Officers' professionalism
  - h) Councillors respect Officers' line management responsibilities
  - i) Councillors recognise that actions must accord with approved policies and procedures.
- 3.4. In the relationships between Councillors, the following values should be upheld:
- a) Councillors work together wherever possible for the good of Harlow and place the needs of the local community above all else
  - b) Councillors respect the rights of fellow Councillors of all political views and are courteous in their dealings with each other.
- 3.5. These values need to be lived and not just written down. Positive steps need to be taken to ensure that the culture of the Council reflects these aspirations. The Monitoring Officer, in consultation with SMB and the Leader of the Council, will from time to time as appropriate report to the Audit and Standards Committee an assessment of how well the stated values are being implemented. The report will also suggest recommendations for appropriate action to be taken to address any failings.

#### **4 Principles underlying effective relationships**

- 4.1. The protocol has been approved by Full Council and will be monitored by the Audit and Standards Committee.
- 4.2. Councillors and Officers must show respect in all their dealings by observing reasonable standards of courtesy and by not seeking to take unfair advantage by virtue of their position.
- 4.3. The codes of conduct for Councillors and Officers represent best practice. The Councillor Code of Conduct is based on the Nolan principles. The Nolan Principles are set out in Appendix 1 to the Councillor's Code of Conduct and on the Government's website <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>
- 4.4. Officers are bound by the Officers' Code of Conduct (set out in Part 5) and, in some cases, by the codes of their professional associations.

## 5 Role of Councillors and Officers

- 5.1. Both Councillors and Officers are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's work under the direction and control of the Council, its Committees and Sub Committees.
- 5.2. Councillors have a number of roles and need to be alert to the potential for conflicts of interest that may arise between the roles. Where such conflicts are likely, Councillors may wish to seek the advice of: senior colleagues, Directors/SMB or the Monitoring Officer.
- 5.3. As politicians, Councillors may express the values and aspirations of the party political groups to which they belong. They must also recognise that in their role as Councillors they have a duty to always act in the public interest.
- 5.4. Councillors are not authorised to instruct Officers other than:
  - a) through the formal decision-making process
  - b) to request the provision of consumable resources provided by the Council for Councillors' use
  - c) where staff have been specifically allocated to give support to a Councillor or group of Councillors.
- 5.5. Councillors are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 5.6. Councillors must avoid taking actions that are unlawful, financially improper or likely to amount to mal-administration. Councillors have an obligation under their Code of Conduct to have regard to any advice provided by the Monitoring Officer or the designated Finance Officer.
- 5.7. Councillors must not insist that any Officer take any action, or not take action, that the Officer considers unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework or which would be likely to amount to mal-administration. Additionally, Councillors may request, but must not insist, that an Officer change their professional advice.
- 5.8. Councillors have a duty under their code of conduct:
  - a) to promote equality by not discriminating unlawfully against any person

- b) to treat others with respect
  - c) to promote the highest standards of conduct and ethics.
- 5.9. Under the code, a Councillor must not when acting as a Councillor or in any other capacity:
- a) bring the Council or their position as a Councillor into disrepute
  - b) use their position as a Councillor improperly to gain an advantage or disadvantage for themselves or any other person.
- 5.10. Officers are responsible for managing, providing and co-ordinating the services for which the Council has given them responsibility. Officers are accountable for the efficiency and effectiveness of those services and for the proper practice in discharging their responsibilities.
- 5.11. Officers' primary responsibility is to serve the whole Council. They have a responsibility to deal with and advise all Councillors in a fair and impartial manner. They are also responsible for giving advice to Councillors to enable them to fulfil their roles. When doing so, Officers must take into account all available relevant factors.
- 5.12. Officers have a duty to implement the decisions of the Council, Committees and Sub Committees which have been properly approved in accordance with the requirements of the law and the Council's Constitution. The decisions will also be duly recorded in the minutes.
- 5.13. Officers contribute to policy proposals and implement the policies set by Councillors. They will ask for or receive guidance (political or otherwise) if they are unclear about any aspect of those policies.
- 5.14. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views. They are also required to abide by the Officer's Code of Conduct.
- 5.15. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- 5.16. Officers must be alert to issues that are, or are likely to be, contentious or politically sensitive and be aware of the implications for Councillors, the media or other sections of the public.
- 5.17. Officers have the right not to support Councillors in any role other than that of Councillor and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on Officers' involvement in political activities.

- 5.18. Officers must not set policy other than those for the efficient running of office procedures and processes and those that have been delegated to them under the Council's Constitution.

## **6 The relationship between Councillors and Officers**

- 6.1. The conduct of Councillors and Officers should be such as to instil mutual confidence and trust.
- 6.2. Informal and collaborative two-way contact between Councillors and Officers should be encouraged. However, personal familiarity can damage the relationship.
- 6.3. Councillors and Officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.
- 6.4. Councillors and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict of interest could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision that directly affects the Officer on a personal basis.
- 6.5. Officers work to the instructions of their line managers, not individual Councillors. Whilst Officers will always seek to assist a Councillor, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, Councillors should normally direct their requests and concerns at the level of service manager or above, at least in the first instance. Councillors should not ask any Officer to breach Council policy or procedures.
- 6.6. Officers will respond to Councillor written queries (e-mail or correspondence) within five working days. The response will take the form of, either a substantive reply to the query or an acknowledgement setting out a clear timescale within which a substantive reply will be sent. In the event that this timescale cannot subsequently be met, the Officer will contact the Councillor with an explanation and a revised timescale. Councillors will also endeavour to give equivalent timely responses to enquiries from Officers.
- 6.7. Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Councillors should have regard to Officers existing work priorities when making requests of them.
- 6.8. An Officer will not discuss with a Councillor personal work related matters concerning themselves or another individual employee. This does not

prevent an Officer raising, on a personal basis and in their own time, a matter with their Ward Councillor.

- 6.9. Councillors and Officers should respect each other's non-working time.
- 6.10. Councillors must recognise the right of Officers to suggest that their line managers, the Council or a Council Committee or Sub Committee need to authorise additional work requested by individual Councillors.
- 6.11. Councillors and Officers must not disclose information given to them in confidence without the consent of a person authorised to give it, unless required by law to do so.
- 6.12. When requested to do so, Officers will keep confidential from other Councillors advice requested by a Councillor.
- 6.13. Councillors and Officers must not prevent another person from gaining access to information to which that person is entitled by law.

## **7 Correspondence**

- 7.1. Any correspondence between an individual Councillor and an Officer should not normally be copied to another Councillor. Where exceptionally it is necessary to copy correspondence to another Councillor, this should be made clear to the original Councillor.
- 7.2. Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer and not a specific Councillor. However, the Leader and Deputy Leader of the Council can send correspondence explaining the policy reasons for particular decisions taken by the Council or its Committees.
- 7.3. When writing in an individual capacity as a Ward Councillor, a Councillor should make clear that fact.

## **8 The Council as an Employer**

- 8.1. Officers are employed by the Council as a whole.
- 8.2. Councillors will occasionally be involved in:
  - a) the appointment of specified senior posts
  - b) determining human resources policies and conditions of employment
  - c) hearing and determining appeals
  - d) appraising the Chief Executive.
- 8.3. If participating in the appointment of Officers, Councillors should:

- a) remember that the sole criterion is merit
- b) never canvass support for a particular candidate
- c) not take part where one of the candidates is a close friend or relative
- d) not be influenced by personal preferences
- e) not favour a candidate by giving them information not available to the other candidates.

8.4. A Councillor should not sit on an appeal hearing if the appellant is a friend or relative.

## **9 Relationship between Chair of the Council and Officers**

9.1. Officers will respect the position of Chair and provide appropriate support.

## **10 Relationship between Leader of the Council and Officers**

10.1. Whilst Officers serve the whole Council and are politically impartial, they do work closely with senior members of the Administration. The senior members of the Administration represent the Council in a corporate capacity and are ultimately accountable in public for the policies and performance of the Council. Their offices should therefore be respected. Officers will proactively communicate and consult with the Leader, Chair and Vice Chair of Committees on appropriate material or potentially sensitive matters arising. Officers will also ensure that all Committee, Sub Committee and Working Group reports are shared in draft with the respective Chair and/or Vice Chair prior to their distribution to the wider Council membership. Briefing meetings will also be organised to discuss such reports as set out in paragraphs 11.3 and 11.4.

10.2. Subject to consultation with the Chief Executive, middle managers and above (including the Monitoring Officer and the Chief Finance Officer) have the right to present reports and give advice to Committees and Sub Committees.

10.3. Members of a Committee or Sub Committee shall take decisions within the remit of that Committee or Sub Committee and will not otherwise instruct Officers to act.

10.4. At some Committee or Sub Committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Leader, Chair and Vice-Chair. In these circumstances it is the Officer, not the Chair, who takes the decision and action and is responsible for it. No pressure should be applied on such an Officer when making such a decision.

## **11 Briefing on Council or Committee Business**

- 11.1. Briefings may be arranged for the Cabinet or the Chair and Vice-Chair of the Council and Committees to consider the business, as set out in the agenda, which will be transacted at each formally arranged meeting.
- 11.2. Before an agenda is published the Cabinet or the Committee the Chair and Vice Chair will be invited to a pre-agenda meeting where items for the forthcoming meeting are considered.
- 11.3. Following the publication of a formal Council, Cabinet, Committee or Sub Committee agenda, a pre-meeting briefing will be arranged for the Cabinet, Chair and Vice Chair.
- 11.4. In respect of the Audit and Standards Committee, briefings for the respective Councillors will be given in advance of the meeting. In most cases this will be immediately prior to the formal convening of the relevant meeting.

## **12 Complaints or concern about Officers**

- 12.1. Councillors have the right to comment on reports or the actions taken by Officers but they should always:
  - a) maintain mutual trust, respect and confidence
  - b) avoid personal attacks on or abuse of Officers
  - c) ensure that criticism is constructive
  - d) take up a concern with the Officer privately, where possible.
- 12.2. All reports to Council, Cabinet, Committees or Sub Committees will include the name, telephone number and e-mail address of the author(s) so that a Councillor may discuss any concerns privately with the Officer(s) concerned.
- 12.3. Councillors should not raise matters relating to the conduct or capability of an Officer at Council meetings or in any public forum. This could be damaging both to effective working relationships and to the image of the Council. An Officer has no means of responding to such criticisms in public and a Councillor should raise their concern in private, with as much notice as is reasonably possible, before the meeting or public forum takes place.
- 12.4. If a Councillor feels they have not been treated with the proper respect, courtesy or has concerns about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter in writing with the appropriate Director. . The Director should consider arranging a facilitated meeting between the

Officer and Councillor concerned (subject to both parties consent). The Director will look into the facts and report back to the Councillor. The Director will decide whether or not formal disciplinary action should be taken against the Officer concerned. If formal disciplinary action is necessary, and the Councillor who has complained is a key witness, they should indicate at the outset whether they would be prepared to give evidence at a formal disciplinary hearing if necessary.

- 12.5. If the Councillor continues to feel concern following the response from the service manager, they may report it to the Chief Executive whose determination in respect of any Officer below Chief Officers will be final. A complaint about a Director should be raised with the Chief Executive. A complaint about the Chief Executive should be raised with the Leader and/or the statutory Officers.

### **13 Complaints or concerns about Councillors**

- 13.1. An Officer who has a complaint about the conduct of a Councillor should raise the matter in private with the Chief Executive. The Officer may also approach their trade union to represent them.
- 13.2. The Chief Executive will seek to resolve the matter informally through:
  - a) discussion with the Councillor concerned and/or
  - b) the relevant Leader of the political party and/or
  - c) a facilitated meeting between the Officer and Councillor concerned (subject to both parties consent).
- 13.3. The Officer may at any time refer the matter to the Monitoring Officer.

### **14 Councillors in their ward roles and Officers**

- 14.1. The Directors should keep local Councillors informed of significant or sensitive issues affecting their Ward.
- 14.2. When exercising delegated powers Officers must have regard to the desirability of consulting all respective Ward Councillors when a matter concerning a particular ward is being determined.
- 14.3. Whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Wards affected should be invited to attend the meeting as a matter of course.
- 14.4. If a local Councillor intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant Officer. Provided the meeting has not been arranged on a party political basis nor takes place in a statutory election period then:

- a) an Officer may attend but is not obliged to do so
  - b) the meeting may be held in Council-owned premises.
- 14.5. Officers must never be asked to attend political party meetings.
- 14.6. It is acknowledged that some Council staff may receive and handle messages for Councillors on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
- 14.7. Councillors need to be mindful of their competing roles, given that they are required to act both for the Council and their constituents. They should therefore be conscious of the possible conflicts of interest that can arise and the pressures that this can generate. In seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue but should respect the Council's procedures. See paragraphs 9.1 and 10.1 in relation to the required levels of Officer support.

## **15 Briefing/supporting party groups**

- 15.1. The Chief Executive will arrange regular meetings with the political Group Leaders or their representatives, as appropriate. This may include a regular meeting of all Group Leaders.
- 15.2. In addition, any party group may request a private and confidential briefing, where appropriate, going beyond the provision of written information on matters of policy which are, or may become, the subject of discussion by the Council, Cabinet or any Committee.
- 15.3. Such a request shall be made by the Leader of the political group to the Chief Executive who will make the necessary arrangements. The Chief Executive may delegate a request to an appropriate colleague to provide the briefing.
- 15.4. Officers should be required to give information and advice to political groups on Council business only and not on matters which are of a party/political nature. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers. Political neutrality will be assisted if Officers are not expected to be present at meetings or parts of meetings when matters of party or group business are to be discussed. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business.
- 15.5. Where Officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.

- 15.6. It must not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because they have attended or provided information to the meeting.
- 15.7. Special care needs to be exercised whenever Officers are providing information and advice to a party or group meeting which includes persons who are not Councillors. Such persons are not bound by the law governing Councillors' conduct. For this reason and other reasons Officers may refuse to attend and/or not give information or advice.
- 15.8. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Councillors. This shall not prevent an Officer providing feedback to other Officers on a need-to-know basis.
- 15.9. In their dealings with party groups, Officers must treat each group in a fair manner.
- 15.10. Usually only Senior Managers with the consent of the Chief Executive may be asked to attend group meetings and will usually be excluded after the briefing.
- 15.11. The duration of an Officer's attendance at a party group meeting will be at the discretion of the group, but an Officer may leave at any time if they feel it is no longer appropriate to be there.
- 15.12. An Officer accepting an invitation to the meeting of one party group will not decline an invitation to advise another group about the same matter. They must give substantially the same advice to each without revealing what was said to or by them in the other Group meeting.
- 15.13. An Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a party group meeting.
- 15.14. No Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a party group meeting.
- 15.15. The role of Officers is only to assist Councillors in discharging their role as Councillors for Council business and advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes.
- 15.16. Party group meetings are not empowered to make decisions on behalf of the Council and conclusions reached at such meetings are not formal decisions. This is still the case if an Officer attends the meeting.
- 15.17. Party groups are entitled to develop policies and plans and can expect Officers to provide information on a confidential basis to their group, provided that it is readily accessible, does not entail significant additional

work and does not involve the release of information which is confidential, exempt or would otherwise contravene any court order or legal provision.

- 15.18. Officers will respond to Councillor written queries (e-mail or correspondence) within five working days. The response will take the form of either a substantive reply to the query, or, an acknowledgement setting out a clear timescale within which a substantive reply will be sent. In the event that this timescale cannot subsequently be met, the Officer will contact the Councillor with an explanation and a revised timescale. Councillors will also endeavour to give equivalent timely responses to enquiries from Officers. However, Officers should not have unreasonable requests placed on them. Their work priorities are set and managed by relevant managers. Councillors should have regard to Officers existing work priorities when making requests of them.
- 15.19. Information given to a Councillor must only be used for the purpose for which it was requested.
- 15.20. It is an accepted convention that a Councillor of one party group will not have a 'need to know' and therefore no right to inspect a document that forms part of the internal workings of another party group.
- 15.21. These arrangements will be subject to the over-riding principle that the wishes of the Council regarding the use of the Council's scarce resources shall take precedence, where necessary, over those of political groups.

# Communications Protocol

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## **1 The aim of the protocol**

- 1.1. An effective communications strategy is essential to ensure that the public understands the work of the Council. It exists to protect the reputation of the Council, to promote its key service campaigns and, on occasion, to defend the Council from inaccurate media (broadcast, print and online news websites) reports.
- 1.2. Good media relations are essential to protecting reputation. While the communications team exists to broker and manage media activity, Officers and Councillors will be called on to help and explain the Council's activities. This protocol sets out some of the key ways this is done.
- 1.3. The Council will work in partnership with the media and always be open, honest and proactive in dealings with them. The Council will also respond quickly to their enquiries and give them access to individuals wherever appropriate.

## **2 Media comment – who talks?**

- 2.1. When responding to media enquiries or requests for interviews, the emphasis is on a quick response and accurate, comprehensive information. Media need responses within hours and the growing prevalence of social media platforms is only intensifying this trend.
- 2.2. Stories will run with or without the Council's comments. It is therefore preferable that the Council comments as soon as possible. The ability to turn around requests for comments/interviews swiftly is more likely to result in the Council being approached for positive publicity purposes by journalists in the future.
- 2.3. All requests for comments or interviews must be directed through the Communications Team.
- 2.4. Appropriate spokesperson
  - a) Councillors
    - i) Councillors are the public representatives of the Council and have a particular role in commenting on policy decisions. The Communications Team will approach for comment those Councillors with a designated remit (usually relevant Portfolio Holders or the Leader). On rare occasions Ward Councillors may be approached on a specific Ward related issue.
    - ii) The Communications Team will endeavour to ensure that Councillors are approached in the first instance to provide comment on policy within the deadline. However, if a Councillor quote cannot be obtained by the deadline an Officer quote which focuses on factual operational issues can be used. The

other alternative is to use the “Council spokesperson” attribution, although this should be regarded a last resort.

- iii) Councillors are entitled to comment to the press on an individual basis if they are approached, but should ideally let the Communications Team know that an approach has been made.
- iv) In instances where a Councillor asks the Communications Team to draft a quote on their behalf, the Communications Team will clear any quotes with either the appropriate Director and Chief Executive before sending to the Councillor.

b) Officers

- i) Officers may respond to the media only at the request of the Communications Team acting on behalf of the Chief Executive. The Communications Team will identify the most appropriate Officer to comment.
- ii) Officers will comment on operational issues only and their comments will usually be restricted to factual information. They must not comment on the appropriateness of policy decisions.
- iii) Officers may only offer personal opinions where the issue is non contentious and does not challenge policy. In the exceptional situation that an Officer has to make a comment on a contentious issue, this must be attributed to, and signed off by, the Chief Executive.

2.5. Beating the deadline

- a) Responses must be provided to a journalist within one working day and every effort should be made to meet deadlines. Given the 24/7 news cycle, weekends fit the same pattern.
- b) The Communications Team will make every effort to ensure that Councillors are offered the opportunity to comment on policy issues as set out in paragraph 2.4 above.
- c) The Communications Team will proactively chase responses from individuals at regular intervals. Councillors and Officers are requested to appreciate that this is necessary due to the short timescales and the risk to the organisation of a poor/non response. In some cases it may be appropriate to organise a press briefing to convey information to a large group of people in a short space of time. The Communications Team can advise on when such a briefing is appropriate.

- d) Officers must not give any comment that could be interpreted as expressing or encouraging support for a political party.
- e) The Communications Team will not provide media comments that could be interpreted as encouraging support for a particular party. Councillors should not seek the advice of the Communications Team in responding to political matters or ask for work to be carried out that compromise the political neutrality of the Communications Team. If in doubt, advice must be sought from the Monitoring Officer.

## 2.6. Purdah

- a) Purdah is the name given to the period that runs from the calling of an election until the close of voting on ballot day. It imposes restrictions on communications activity by local authorities to avoid any accidental risk that it might appear to favour a particular candidate or party.
- b) Following notice of publication of an election, all Council comments will be provided by Officers and will be restricted to factual information. If a political leadership comment is unavoidable (e.g. a civil emergency), representatives of all relevant parties should be invited to comment.
- c) The latest version (31 March 2011) of the DCLG's Code of Recommended Practice on Local Authority Publicity states: "Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums" .
- d) It adds: "During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual Councillors or groups of Councillors. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute."
- e) This does not mean that Council communications activity halts completely. Long-planned events or launches can still go ahead, however, extra care should be given to any release or communications work before it is issued. If in doubt Officers, Councillors and the Communications Team should refer to the Monitoring Officer for guidance.

## 2.7. Legal action, data protection and confidentiality

- a) Under no circumstance should a "no comment" be issued. However there will be certain circumstances when comment may be difficult such as:

- i) Pending legal action;
  - ii) Pending insurance claims;
  - iii) Personal circumstances of a complainant (e.g. mental health issues);
  - iv) Divulgence of information may put individuals at risk;
  - v) Pending complaints to regulators/arbitrators; and
  - vi) Data protection issues.
- b) These situations do not justify “no comment”. A suitable short statement may express reasons why a detailed response is not possible at this stage. Alternatively, a statement may be made in more general terms avoiding the specific issue.
- c) Staff information
- i) Staff information must not be divulged to the media without the consent of the person concerned. If staff are appearing in photo calls they must be made aware that the picture may feature in local/national newspapers and on websites . The safety of Council Officers is paramount in dealings with the public and media.
- d) Social Media
- i) The Council has an official presence on social media platforms like Facebook, YouTube and Twitter. As well as the principal Council account, there are “sub brands” of the Council including Harlow Playhouse, Pets’ Corner, Parndon Wood nature reserve and the Town Centre Partnership.
  - ii) Material published on them represents the official voice of the Council and no posting should be made without the approval of a Director or the Communications Team.
  - iii) No team may create an individual presence on a social media website without making a business case to be approved by SMB/Directors. It must clearly demonstrate why the team needs an individual identity online.
  - iv) The Communications Team will decide in what circumstances the Council responds to two-way communication or comments on the Council’s work via social media or the web. In no circumstances should employees contribute to these

discussions in a way that gives the impression they are the official 'voice' of the Council.

- v) Many employees will have personal listings on Facebook, Twitter, Linked In and similar sites. Staff should be mindful that any discussion of the Council may breach confidentiality and could also, depending on tone, bring the Council into disrepute. Unauthorised use of the internet or social media by staff, even in their own time, brings with it the risk of disciplinary action, or in the most severe cases, dismissal.
  - vi) There is however clearly an exemption to be made where a member of staff has a legitimate dual role within the Council – for example as an elected trade union official – and so may express reasonable views contrary to Council policy in that context, for example on a trade union website or blog.
  - vii) Social media platforms are a form of global broadcast, despite their often friendly and confessional environment. Do not say anything online about your work or the Council that you would not be prepared to say to a radio interviewer.
  - viii) Access to social media sites is only allowed to Council employees who can clearly demonstrate a work purpose for using them. If in doubt, refer to your line manager.
- e) Reacting to comment on social media/websites
- i) There are a number of Facebook sites that are critical of the Council plus a number of ad hoc blogs set up by individuals. There are also sites operated by the local newspapers that invite comment about on-line articles.
  - ii) The Council will:
    - interact selectively with such sites. There is usually little merit engaging with pressure groups or single issue sites/blogs but each case will be assessed on its merits by the Communications Team which constantly monitors social networking activity.
    - respond to comments on a newspaper site in response to inaccuracies. Councillors will sometimes respond in a personal capacity. Again, each issue needs to be taken on its merits and the usual clearance procedure followed. The Communications Team will initiate such responses.
    - ensure Officers clear any responses to issues on third party social media area with the Communications Team.

Officers cannot respond in a professional capacity to comments on any site without clearance.

- ensure Officers are mindful that emails or correspondence sent to third parties externally may be used on social networking.

### 3 Media releases

3.1. The Communications Team will draft all Council news releases and will work corporately and with individual services. Wherever possible, the release should support the Communication Team's campaign activities for the year. These are set out in the communications work plan, which is available from the Communications Team.

a) Presentation and timeliness

- i) Where a release is tied to a Committee meeting, it should be prepared in advance assuming acceptance of the recommendations. These releases must not be issued until after the meeting and clearance by relevant individuals.

b) Councillor involvement

- i) In most cases the Portfolio Holder will be quoted in the release, especially where it concerns policy decision. In some instances, of conveying basic operational information, an Officer may be quoted. The Communications Team will usually prepare quotes for the release for approval by relevant Councillors.

c) Clearances

- i) Media releases should be checked for factual accuracy in the first instance by the operational Officer.
- ii) The release will then be circulated for comment to the relevant Director and the Chief Executive.

3.2. Circulation

- a) Releases should be copied by email to Directors/all relevant Councillors by email prior to being issued. They should then be posted on the Council's website/intranet as soon as possible. Relevant press releases will also be circulated soon after issuing to the Council's partner organisations so they are aware of any key local issues.

## **4 Crisis communications/difficult issues**

### **4.1. Alerting the Communications Team**

- a) If the Communications Team is aware in advance of a difficult issue, it can be managed in a timely and co-ordinated way through press statements, interviews or press briefings. Information can be prepared which explains the situations in a way to which the public can relate and create better understanding of difficult situations.
- b) The Communications Team will work closely with lead Councillors and the relevant senior Officers to ensure that they are kept informed of the situation and sign off any responses.
- c) A quick response to difficult issues is mandatory and for the most sensitive situations a full crisis management plan is required.
- d) There will be times when Council staff are made aware in advance of negative stories. This will be communicated to staff using one of the Council's internal communications channels. This is important in maintaining good relations with staff and to avoid staff reading or hearing about Council issues first hand from the media.

### **4.2. Right of reply**

- a) On occasions, there will be articles/broadcast items that the Council does not feel reflect its position accurately. The Council aims to make every effort to correct inaccuracies.
- b) Formal complaints should be restricted to inaccurate items only and not because the Council simply does not agree with the "angle" of the article. If it is felt that the angle of the article does not present a fair picture, other measures can be used such as requesting follow up press interviews for lead Councillors.
- c) There are formal forms of redress such as a complaint to the editor or to the Press Complaints Commission. The Communications Team can advise on formal redress if necessary.
- d) Care should also be taken over responding to letters in the press. A balance needs to be achieved between rebutting negative issues and protracting an issue. The Communications Team will not routinely draft response letters but can advise on content and courses of action.

## **5 Communication Team Core Duties**

### **5.1. Daily Issues**

- a) The Communication Team produces a list of key media/marketing/internal communications tasks by 9.30am every day. This is sent to senior managers. The daily issues list reflects the Council's main campaigns but should also reflect the Council's response to relevant news stories of the day.

#### 5.2. Media summary

- a) The Communications Team issues a media summary by 9.30am which is a digest of news stories relevant to local authorities. It covers print, radio and new media and also includes a regional section relevant to Harlow/Essex.

#### 5.3. Harlow in the News

- a) Every Friday, the Communications Team produces a summary of the Council's references in the media for the week. It records the item and whether the coverage of the Council is positive or negative in tone. Media is 'scored' according to tone and a monthly tally is collated.

### **6 Publications**

- 6.1. Harlow Times is the Council's main public publication and is published quarterly. It is designed to explain the work of the administration and to be factual and readable to a lay audience.
- 6.2. The Council's magazine is not a substitute for local newspapers and does not work in competition with them. Its role is to explain how the Council is fulfilling its role. It may cover topics in which the media has no interest or does not have the time/space to report.
- 6.3. The Government's view on Council publications has changed significantly since the election of the Coalition Government in 2010 and this is reflected in the revised code of practice for local government publicity, first issued by the DCLG on February 11, 2011.
- 6.4. Many of the changes were aimed at ensuring that Council magazines or newspapers does not threaten the viability of independent local media, either through publishing too frequently (i.e. weekly) or by distorting the advertising market by channelling money away from local newspapers.
- 6.5. While Harlow Times does not infringe the new recommendations on the regularity of Council publications, there are other more general provisions to be aware of. The revised code states that advertising must not be sought as a form of subsidy, should be clearly identified within the magazine as being advertising and should not be used in any publication owned or controlled by a political party. Advertising in Harlow Times has historically been limited to one or two display adverts and a page of free listings for local businesses. However, given the sensitivities around the

cost of local authority publications, this is an issue which should be kept under review.

- 6.6. The Council also produces a Weekly Information Bulletin for staff and Councillors which is used to keep everyone informed about both internal and external events. It is currently published every Friday. Items for the Bulletin need to be with the communications team by close of play Wednesday.
- 6.7. Full details of the code can be seen at <http://www.communities.gov.uk/publications/localgovernment/publicitycode2011>

# Protocol for Services for Councillors and Political Groups

- 1 In the Group rooms the following are provided for Councillor's use only:
  - 1.1. Telephones
  - 1.2. Stationery
  - 1.3. relevant magazines/journals
  - 1.4. beverages
  - 1.5. photo-copying facilities (any private use is to be paid for)
  - 1.6. computer hardware and software.
- 2 Meetings with Officers should not normally take place in the Group rooms.
- 3 Council resources such as. stationery, photocopying and postage may only be used for Council business. They cannot be used for party political or campaigning activities.
- 4 Councillors will be provided with computer equipment and software to allow easy and convenient access to the Council in their homes. There are restrictions on the use of this equipment and Councillors are referred to the relevant undertaking that they are required to sign when they receive the equipment.
- 5 Any political group wishing to use a Council meeting room for purposes connected with the Council's functions may do so but must agree an advance booking through Room Bookings so that caretaking arrangements can be made. This facility will normally be available on Monday to Friday evenings inclusive. Meetings at weekends may be agreed by the Chief Executive in exceptional circumstances.
- 6 The Director of Governance and Corporate Services will consult with the Leader of the Council and the Leader of the Opposition Group(s) on any request for the development of services for Councillors. If appropriate the matter will then be referred to the Cabinet for consideration.
- 7 There is dedicated support provided to Councillors through the Corporate and Governance Support Manager post. The post holder's role is to:

- 7.1. provide general advice and support to all Councillors, particularly those who are newly elected
  - 7.2. in consultation with other relevant Officers, lead on the identification, co-ordination and delivery of Councillor training and development
  - 7.3. to source and maintain general Councillor information contained in the Groups Offices as required
  - 7.4. to ensure that Councillors stationery and associated miscellaneous needs are addressed
  - 7.5. to ensure that Councillors are provided with approved equipment
  - 7.6. to act as personal assistant to the Chair of the Council in the fulfilment of their civic duties
  - 7.7. to provide support to the Leader of the Council in exercising their role.
- 8 The Corporate and Governance Support Manager will not undertake work nor provide advice or support which may jeopardise their political neutrality.
- 9 Councillors should not put pressure on staff to provide resources or support which Officers are not permitted to give. Examples are:
- 9.1. business which is solely to do with a political party
  - 9.2. work in connection with a ward or constituency party political meeting
  - 9.3. electioneering
  - 9.4. work associated with an event attended by a Councillor in a capacity other than as a Member of the Council
  - 9.5. private personal correspondence
  - 9.6. work in connection with another body or organisation where a Councillor's involvement is other than as a Member of the Council
  - 9.7. Support to a Councillor in their capacity as a Councillor of another local authority.
- 10 All Councillors will have full and open access to meet Officers in any Council building or office, except where access is generally restricted e.g. strong room, computer room or plant room.
- 11 In the interests of effective working relationships, when Councillors access Council buildings and offices they will ensure that:

- 11.1. they respect the working environment of Officers and do not unduly interrupt or hinder their work
- 11.2. where practical, they will book their visit in advance with the relevant Officer
- 11.3. the purpose of their visit is relevant and appropriate to enable the Councillor to fulfil their role and function as a Councillor
- 11.4. they are meeting with the appropriate Officer. Ordinarily, this will be an Officer at the level of Team Leader or above in the first instance
- 11.5. they adhere to legal obligations in relation to confidentiality and access to information and do not remove material or take photocopies without the consent of the relevant Officer.

# Petitions Scheme

## 1 Introduction

- 1.1. The Council welcomes petitions and recognises that petitions are one way in which people can let the Council know their concerns or points of view. This Petitions Scheme was passed by Full Council on 3 February 2022.
- 1.2. All petitions sent or presented to the Council will receive an acknowledgement within 14 days of receipt. This acknowledgement will set out what the Council plans to do with the petition.
- 1.3. Paper petitions can be sent to:

Corporate and Governance Support Manager  
Harlow Council  
The Water Gardens  
Harlow  
CM20 1WG
- 1.4. Petitions can also be presented to meetings of the Full Council or its Committees. This right is contained within the Constitution. The dates and times of these meetings can be found on the Council's website.
- 1.5. If a person would like to present a petition to the Council, they should contact the Council's Corporate and Governance Support Team on 01279 446057 at least five working days (this excludes the day of the Council meeting) before the relevant meeting. The team will talk the petitioner through the process.

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

- 2.1. For a petition to be considered at one of the Council's meetings it needs to have at least 50 signatories. Petitions with fewer signatories will be referred to the relevant department. Petitions should include:
  - a) a clear and concise statement covering the subject of the petition;
  - b) what action the petitioners wish the Council to take (or cease to take); and
  - c) the name, address and signature of any person supporting the petition.
- 2.2. Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person the Council will contact to explain how it will respond to the petition. The contact details of the

petition organiser will not be placed on the Council website. If the petition does not identify a petition organiser, the Council will contact signatories to the petition to agree who should act as the petition organiser.

- 2.3. No petition should substantially address the same topic that another petition has covered within the last six months.
- 2.4. The Council has legal rules that it must follow about matters that cannot be discussed in public. If a petition relates to such a matter it would have to be refused.
- 2.5. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, the Council will write to the petition organiser to explain the reason.

### **3 What will the Council do when it receives my petition?**

- 3.1. An acknowledgement will be sent to the petition organiser within 14 days of receiving the petition. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again. If the petition is accepted, it will be published on the Council's website. If the petition relates to a ward specific issue the relevant Ward Councillors will be informed.
- 3.2. If the Council can do what the petition asks for, the acknowledgement may confirm that the Council has taken the action requested and the petition will be closed.
- 3.3. If the petition has enough signatures to trigger a Full Council debate, or for a senior Officer to give evidence, the acknowledgment will confirm this. The acknowledgement will also confirm when and where the meeting will take place.
- 3.4. If the petition does not have enough signatures to trigger consideration at Full Council, or for a senior Officer to give evidence, the Council's long-standing rules on petitions will apply. The acknowledgment will confirm this and advise the petition organiser what will happen next.
- 3.5. Any such petition will be presented to the appropriate Committee or Cabinet for consideration unless the subject matter is reserved to Full Council. It will be presented to the Chair at the next meeting of the appropriate Committee, Cabinet or Full Council following the date of receipt.
- 3.6. At that meeting the petition organiser will be able to present the petition and will be able to make a speech of no more than three minutes. The speech will be confined to reading out or summarising the text of the petition, indicating the number and description of the signatories and

making such further remarks relevant to the subject matter of the petition as the petition organiser shall think fit. The petition organiser shall be heard in silence but will not have a right to speak again after these three minutes.

- 3.7. After the petition has been presented the Chair or another nominated Councillor shall have the right to respond. A Councillor of the other political groups may also respond at the reasonable discretion of the Chair. A member of the Administration shall then be given a right to sum up at the reasonable discretion of the Chair. In each case the response shall be limited to no more than three minutes.
- 3.8. If a petition that has been presented does not relate to any items of business on the agenda, the Chair may defer consideration of the petition to a later meeting in order to receive an appropriate report at the same time.
- 3.9. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor) or on a matter where there is already an existing right of appeal (for example Council Tax banding and non-domestic rates) other procedures apply. Further information on all these procedures and how views can be expressed is available on the Council's website.
- 3.10. The Council has various legal rules that it must follow about matters that cannot be discussed in public. It must also observe the requirements of the General Data Protection Regulations. If a petition relates to such a matter it would have to be refused. The petition organiser will be told that this has happened with an explanation as to why.
- 3.11. The Council will not take action on any petition which it considers to be vexatious, abusive or otherwise inappropriate. The Council will explain the reasons for this in the acknowledgement of the petition.
- 3.12. To ensure that people know what the Council is doing in response to the petitions the Council receives, the details of all the petitions submitted to the Council will be published on the Council's website (except in cases where this would be inappropriate). Whenever possible the Council will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. The Council will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from the Council.

#### **4 Full Council Debates**

- 4.1. If a petition contains more than 650 signatures it will be debated by Full Council. Alternatively, if the petition requests it, a senior Council Officer will give evidence at a public meeting.

- 4.2. The issue raised in the petition will be discussed at a Full Council meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next Full Council meeting. On some occasions this may not be possible, therefore, consideration will then take place at the following meeting. To ensure that the Council can continue to discharge its ordinary business effectively, no more than two petitions requiring debate will be considered at any one Full Council meeting.
- 4.3. The Council's consideration of any petition requiring debate at Full Council will be based upon a written report from the relevant Council Officer. This will be published with the Full Council meeting agenda.
- 4.4. The petition organiser will be given three minutes to present the petition at the meeting. The petition will then be discussed by Councillors for a maximum of 30 minutes. The Council will decide how to respond to the petition at this meeting. It may be decided to take the action the petition requests, not to take the action requested for reasons put forward in the debate or to commission further investigation into the matter by the relevant Committee or Cabinet. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **5 Officer Evidence**

- 5.1. A petition may ask for a senior Council Officer to give evidence at a public meeting of the Council's Scrutiny Committee.
- 5.2. If a petition contains at least 325 signatures, the relevant senior Officer, who is responsible for the petition subject as part of their job, will give evidence at the Scrutiny Committee.
- 5.3. The senior Officers that can be called to give evidence are the Chief Executive and any Director.
- 5.4. The Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of the Officer that has been named in the petition.
- 5.5. Officers may not be able to give evidence on some matters (for example if the subject matter is relevant to ongoing or potential legal proceedings or subject to some other constraint that would prevent discussion in public). If that is the case the petition organiser will be told and given an explanation.
- 5.6. Committee members will ask the questions at the meeting. The petition organiser will be able to suggest questions to the Chair of the Committee by contacting the Corporate and Governance Support Team up to three working days before the meeting.

## **6 E-petitions**

- 6.1. The Council welcomes e-petitions which can be created and submitted through its website or through [www.change.org](http://www.change.org). E-petitions must follow the same guidelines as paper petitions.
- 6.2. Petition organisers will need to provide the Council with their name, postal address and email address. They will also need to decide how long they would like their petition to be open for signatures. Most petitions run for two months. The petition organiser can choose a shorter or longer time frame, however, the maximum period is six months.
- 6.3. When an e-petition is created online, it may take five working days before it is published online. This is because the Council has to check whether the content of a petition is suitable before it is made available for signature.
- 6.4. If a petition cannot be published for some reason, the petition organiser will be contacted within five working days with an explanation. They will then be able to change and resubmit their petition if they so wish. If the petition organiser does not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'Closed Petitions' section of the website.
- 6.5. When an e-petition has closed for signature, it will automatically be submitted to the Corporate and Governance Support Team. The petition organiser will receive an acknowledgement within 14 days. If a petition organiser would like to present their e-petition to a meeting of the Council, they should contact the Corporate and Governance Support Team within five days of the petition closing.
- 6.6. If the petition has been created through [www.change.org](http://www.change.org), the petition organiser will need to submit the petition themselves. This must include the list of signatories.
- 6.7. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on the Council's website.

## **7 How is an e-petition signed?**

- 7.1. All e-petitions currently available for signature can be viewed on the Council's website.
- 7.2. When a petitioner signs an e-petition they will be asked to provide their name, postcode and a valid email address. When a petitioner has submitted this information they will be sent an email to the email address they have provided. This email will include a link which a petitioner must click on in order to confirm the email address is valid. Once this step is

complete the petitioner's 'signature' will be added to the petition. People visiting the e-petition will be able to see their name in the list of those who have signed it. Their contact details will not be visible.

**8 What can a petitioner do if they feel their petition has not been dealt with properly?**

- 8.1. If the petition is one that would have required a Full Council debate or called for Officer evidence and the petition organiser feels that the Council has not dealt with their petition properly, the petition organiser has the right to request that the Council's Scrutiny Committee review the steps that the Council has taken. The petition organiser must do this within 28 days of the notice of the action that the Council intends to take.
- 8.2. The Committee will consider a request for a petition within 25 working days of receiving it. Should the Committee determine that the Council has not dealt with a petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations and/or arranging for the matter to be considered at a meeting of Full Council.
- 8.3. Once the review has been completed the petition organiser will be informed of the results within seven days. The results of the review will also be published on the Council's website.

# Internal Audit Charter

## 1 Introduction

- 1.1. The Internal Audit Charter is intended to describe the purpose, authority and principal responsibilities of the Internal Audit Section of Harlow Council. Internal Audit is an independent review function set up within the organisation as a service to the Council and all levels of management.
- 1.2. The Audit Manager is responsible for effective review of all aspects of risk management and control throughout the Council's activities. The post-holder will ensure that Internal Audit complies with the Code of Ethics and Standards of Audit implemented by the Chartered Institute of Public Finance and Accountancy (CIPFA) and other relevant professional bodies. The post-holder will also liaise with and co-ordinate with the external auditors on a regular basis.
- 1.3. Nothing in this Charter reduces or removes the responsibilities of the Council's Section 151 Officer. The Section 151 Officer is responsible for making arrangements for the proper administration of the Council's financial affairs including the need to ensure compliance with the statutory requirements for internal audit. The reporting line of the Audit Manager is, via the Chief Executive, to the Council.

## 2 Purpose

- 2.1. To assist Councillors and Officers in carrying out their responsibilities and achieving the Council's aims and objectives. This includes the independent examination and evaluation of the activities of the whole Council.
- 2.2. Internal Audit will provide Councillors and senior Officers with analysis, appraisals, recommendations, advice and information to enable effective control over the Council's systems and procedures at a reasonable cost.
- 2.3. The role of Internal Audit is to understand the key risks of the organisation and to examine and evaluate the adequacy and effectiveness of the systems of risk management and internal control as operated by the Council.

## 3 Authority

- 3.1. Internal Audit is governed by the policies, procedures, rules and regulations of the Council. These include Financial Regulations, conditions of service and codes of conduct.

- 3.2. Internal Audit will take into account specific guidance from external bodies, including CIPFA, and all relevant legislation.
- 3.3. The Audit Manager will report via the Chief Executive to the Audit and Standards Committee. They will also have direct access to the Chair of the Audit and Standards Committee and the Chief Executive, whenever the post-holder believes that it is necessary, for the purpose of carrying out the role of the Internal Audit section.
- 3.4. Internal Audit is independent of the activities which it audits. This is to ensure that judgements are unbiased and that it gives impartial advice to management.
- 3.5. The Audit Plan will be presented for approval to the Audit and Standards Committee. The plan is a dynamic document which will be flexible and reactive to the situations arising during the course of the period covered.
- 3.6. Internal Audit staff have unrestricted access to all Council records (manual and computerised), personnel, cash, stores and other property to assist them in the execution of their duties. Such access will be granted on demand and need not be subject to prior notice. However, Internal Audit will endeavour to give adequate and reasonable notice, where possible, when working on routine audit reviews.
- 3.7. Internal Audit staff will not own any systems under audit. They will also not be given responsibility for any aspect of any work which is, or could be, subject to audit.

#### **4 Responsibilities**

- 4.1. Internal Audit is not a substitute for effective internal controls. Effective controls are the direct and sole responsibility of local and senior management. Internal Audit's specific commitments include, but are not limited, to reviewing, appraising and reporting on:
  - a) the adequacy and effectiveness of the systems of financial, operational and management control and their actual operation in relation to the business risks to be addressed
  - b) the extent of compliance with, relevance of and financial effect of policies, procedures, standards and plans established by the Council and the extent of compliance with external laws and regulations. This includes the reporting requirements of regulatory bodies
  - c) the extent to which the assets and interests are acquired economically, used efficiently, accounted for and safeguarded from losses of all kinds arising from waste, extravagance, inefficiency, poor value for money, fraud or other cause

- d) the suitability, accuracy, reliability and integrity of financial and other management information and the means used to identify, measure, classify and report such information
- e) the integrity of processes and systems (including those under development) to ensure that controls offer adequate protection against error, fraud and loss of all kinds. This process needs to align with the Council's strategic aims
- f) the suitability of the functional organisation of the services and that the provision of services is economical, efficient and effective
- g) the follow-up actions taken to implement recommendations made and remedy weaknesses identified by Internal Audit. Good practice should be identified and communicated across the Council
- h) the operation of the Council's corporate governance and risk management arrangements.

# Protocol on Procedural Arrangements for Budget Setting

- 1 In accordance with usual practice the Administration will publish its budget recommendations in advance of the budget-setting Council meeting.
- 2 Following the publication of the budget proposals there will be a deadline for the written submission of amendments to the Chief Executive. Subject to limited exceptions (see below) amendments submitted beyond the deadline will not be considered. The deadline is two clear working days before the Full Council meeting (excluding the day of the submission of the amendment and the day of the meeting). For example, if a meeting is held on a Thursday evening, submission of amendments must be sent to the Chief Executive by noon on the preceding Monday.
- 3 Proposed amendments submitted to the Chief Executive will remain confidential until they have been reviewed by the Section 151 Officer. The Section 151 Officer will confirm the arithmetical accuracy of the amendments, the impact on Council tax, Housing Revenue Account, balances or capital resources as appropriate and that any proposals are not precluded under Section 114 (1) of the Local Government and Finance Act 1988. By noon on the day before the Council meeting the Chief Executive will circulate all proposed amendments to Councillors electronically.
- 4 Although the basic premise is that advance notification of amendments should be given and any amendments where advance notice is not given will not be discussed it would be impractical and undesirable to adopt this as a rigid rule. The following exemption to this rule will therefore apply.
- 5 The Chair of the Council shall have discretion to permit amendments from Councillors if they are satisfied that the need for an amendment could not have been anticipated prior to the deadline. The Chair should also be satisfied that advance notice of such amendments was given as soon as reasonably practicable and not left to the day of the Council meeting.
- 6 Suggested forms of wording for amendments will be made available from the Chief Executive.

# **Part 6**

# **Councillors'**

# **Allowance Scheme**

## 1 Introduction

- 1.1. This scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.2. The scheme may be cited as the Harlow Council Councillors' Allowances Scheme and shall have effect for the Council year 2022/23.

## 2 Definitions

- 2.1. "Councillor" means an elected member of Harlow Council.
- 2.2. "approved duties" means any duty which has been approved prior to it being undertaken. These are:
  - a) a meeting of the Full Council
  - b) a meeting of Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group to which the Councillor has been appointed, attends as a substitute Councillor or attends as the local Councillor in relation to business particularly affecting the Councillor's ward
  - c) a meeting of any external body to which the Council makes appointments or nominations or of any other committee or sub-committee of such a body
  - d) any other meeting which is authorised by the Council, a Committee or a Committee Chair provided that where the authority is divided into two or more political groups:
    - i) it is a meeting to which Councillors of at least two groups have been invited
    - ii) if the authority is not so divided, it is a meeting to which at least two Councillors of the authority have been invited.
  - e) attendance by the Leader of the Council, a member of Cabinet, a Chair or Vice Chair of a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group at meetings in connection with duties arising from those appointments, including briefing meetings
  - f) any other duty approved by the Council, the Leader of the Council, Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group or a Committee Chair or any duty of a class so approved for the purpose of, or in connection with, the discharge of the functions of the Council, Cabinet, a Committee, Joint Committee, Sub Committee, Working Party, Panel or Group.

- g) site inspections by members of the Development Management Committee or other relevant Committee, Sub Committee, Working Party, Panel or Group
  - h) training/development events (including conferences) for Councillors facilitated by the Council
  - i) other duties approved by the Director of Governance and Corporate Support but only in advance of the event concerned taking place.
- 2.3. "Other" committees shall mean the Audit and Standards, Licensing, Development Management and Scrutiny Committees.

### 3 Allowances Paid to Councillors

#### 3.1. Basic allowance

- a) A basic allowance shall be paid to each Councillor at a rate of £4,575 for each year.

#### 3.2. Special responsibility allowance

- a) In addition to the payment of the basic allowance, Councillors undertaking special responsibilities shall be paid a special responsibility allowance as follows:

<b>Type of special responsibility allowance</b>	<b>Amount</b>
Leader of the Council	£7,117
Deputy Leader of the Council	£4,843
Chair of the Council	£2,601
Vice Chair of the Council	£520
Cabinet Portfolio Holders	£2,965
Chair of "Other Committees"	£1,561

Leader of opposition political groups - £208 per group member to a maximum of £2,080

- b) Each Councillor may receive only one special responsibility allowance even if that Councillor performs duties in more than one of the categories set out above.

#### **4 Payment**

- 4.1. The basic allowance and special responsibility allowance will be paid in twelve equal instalments (as far as possible) on the 15<sup>th</sup> day of each month or thereabout. This is subject to compliance with the part-year payment provisions set out below.

#### **5 Renunciation**

- 5.1. A Councillor may by notice in writing given to the Chief Executive elect to forego any part of their entitlement to allowances payable under this scheme.

#### **6 Part Year Entitlements**

- 6.1. If the term of office or duties undertaken by a Councillor begins or ends part way through a year, or if amendment of the scheme during a year changes the amount to which a Councillor is entitled, then calculation of the allowance payable shall be on a pro-rata basis having regard to the proportion that the term of office, period of duty or relevant period of the scheme bears to the year in which it occurs.

#### **7 Subsistence, Travelling and Carer's Allowances**

- 7.1. Travelling, subsistence and carer's allowances in respect of approved duties undertaken by Councillors are payable in accordance with the travel, maximum subsistence and carer's allowances payable to Harlow Council Officers from time to time. Such allowances will be maintained in line with Harlow Council officers' allowances.
- 7.2. Reimbursement of expenditure incurred by Councillors shall be in accordance with the provisions set out in Appendix 1.

#### **8 Review of Councillors' Allowances Scheme**

- 8.1. This scheme will be reviewed annually.

# Councillors' Allowance Scheme (Appendix 1)

## General Conditions and Authorisation

- 1 The following conditions will apply to all types of allowances:
  - 1.1. payments are made on the basis of the reimbursement of actual expenditure incurred
  - 1.2. claims must be supported by an approved official claim form signed by the Councillor confirming the details of the expenditure and that it had been incurred in accordance with the scheme, together with the relevant invoice(s) and or receipt(s). These must be submitted to the Corporate and Governance Support Team Leader or, in their absence, the Director of Governance and Corporate Support.
  - 1.3. a VAT receipt for fuel must be submitted which each claim for use of Councillors' motor vehicles. Such a receipt should reasonably cover the date of the claim i.e. be a receipt for fuel bought within a few days of the journey (either before or after the journey is acceptable).
  - 1.4. Councillors must obtain pre-authorisation for expenditure incurred (see par 1. "Definitions".)
  - 1.5. approved travelling, subsistence and carer's allowance claims received no later than the 25<sup>th</sup> day of each month will be paid with the following month's basic allowance payment
  - 1.6. claims must be submitted within two months of the date of the approved duty concerned.

# **Councillors' Allowance Scheme (Appendix 2) Harlow Council Policy for Maternity, Paternity and Adoption Allowances for Councillors**

## **1 Introduction**

- 1.1. This Policy sets out Councillors' entitlement to allowances in cases of maternity, paternity and adoption leave.
- 1.2. The objective of the Policy is that insofar as possible the position of Councillors is comparable with employees of the Council.

## **2 General Provisions**

### **2.1. The Basic Allowance**

- a) All Councillors are legally entitled to a Basic Allowance which must be the same for each Councillor and is payable as long as they remain Councillors. This policy reaffirms the position that all councillors shall continue to receive their Basic Allowance in full in the case of maternity, paternity and adoption leave.
- b) However, this policy cannot not override the legal duty under the Local Government Act 1972 for a Councillor to attend a meeting of the Council within 26 week period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that 26 week period.

### **2.2. Special Responsibility Allowances**

- a) Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full for the 26 week period in the case of maternity, paternity and adoption leave.

- b) The Council Meeting; the relevant committee; or Leader as appropriate may, depending on the circumstances, appoint a replacement to cover the period of absence who will be entitled to the SRA sum on a pro rata basis for the period of the temporary appointment.
- c) However, there shall be no requirement for a 'replacement' Councillor to be appointed to undertake the duties of that Councillor during any period of leave.
- d) Should the Councillor subject to the period of maternity, paternity and adoption leave hold a remunerated post for which there is an appointed Vice-Chair; in such cases the Vice-Chair shall be entitled to receive the relevant Chair's SRA sum for the period of such leave subject to approval by the Council.
- e) The payment of SRA during a period of maternity, paternity and adoption leave shall continue for a period of 26 weeks, or until the date when that councillor is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further period of up to 52 weeks from the start date.
- f) Should the appointed replacement Councillor already receive an SRA, the ordinary rules preventing payment of more than one SRA shall apply.
- g) For the avoidance of doubt, no allowance shall be payable under this Policy to a Councillor who chairs a meeting in the deputisation for the chair by reason of ordinary absence.

### **3 Notification Protocols**

#### **3.1. Maternity Leave**

- a) All pregnant Councillors shall be entitled to take up to one year's (52 weeks) maternity leave or as much of that period as they wish to take.
- b) The Councillor must notify the Corporate and Democratic Services Manager in writing no later than the end of the 15th week before the expected week of childbirth and provide:
  - i) the week the baby is due;
  - ii) the period of maternity leave the Councillor intends to take; and
  - iii) when they want their leave to start.

### 3.2. Ordinary Paternity Leave

- a) A Councillor is entitled to take two weeks ordinary paternity leave if they are the biological father or nominated carer of their partner following the birth or adoption of their child(ren), and they have the main responsibility for the child's upbringing during the period of leave.
- b) The Councillor must notify the Corporate and Democratic Services Manager in writing no later than the end of the 15th week before the expected week of childbirth, unless this is not reasonably practicable. The Councillor will need to provide:
  - i) the week the baby is due;
  - ii) whether they wish to take one or two weeks' leave; and
  - iii) when they want their leave to start.

### 3.3. Shared Parental Leave

- a) Any Councillor who has otherwise made Shared Parental Leave arrangements is requested to confirm these with the Corporate and Democratic Services Manager who will seek to replicate such arrangements and apply this policy accordingly.

### 3.4. Adoption Leave

- a) A Councillor who adopts a child through an approved adoption agency shall be entitled to take up to one year's (52 weeks) adoption leave or as much of that period as they wish to take, subject to requirements of paragraph 2.1b.
- b) The Councillor must notify the Corporate and Democratic Services Manager within seven days of being matched with a child and provide:
  - i) how much leave they want;
  - ii) when they want the leave to start; and
  - iii) the 'date of placement' – the date the child is being placed with the Councillor.

### 3.5. Subsequent Actions

- a) On receipt of the information, the Corporate and Democratic Services Manager will within two weeks acknowledge that the period of absence has been noted and take any action necessary to arrange for the appointment of a 'replacement' councillor.

- b) The Corporate and Democratic Services Manager will also write to the Councillor to confirm the continuation of allowances and until what date they will continue subject to review.
- c) If the Councillor wishes to return from maternity leave earlier than originally planned they should write to the Corporate and Democratic Services Manager, who will provide confirmation that the information has been received and from what date they will resume the responsibilities of any remunerated post.

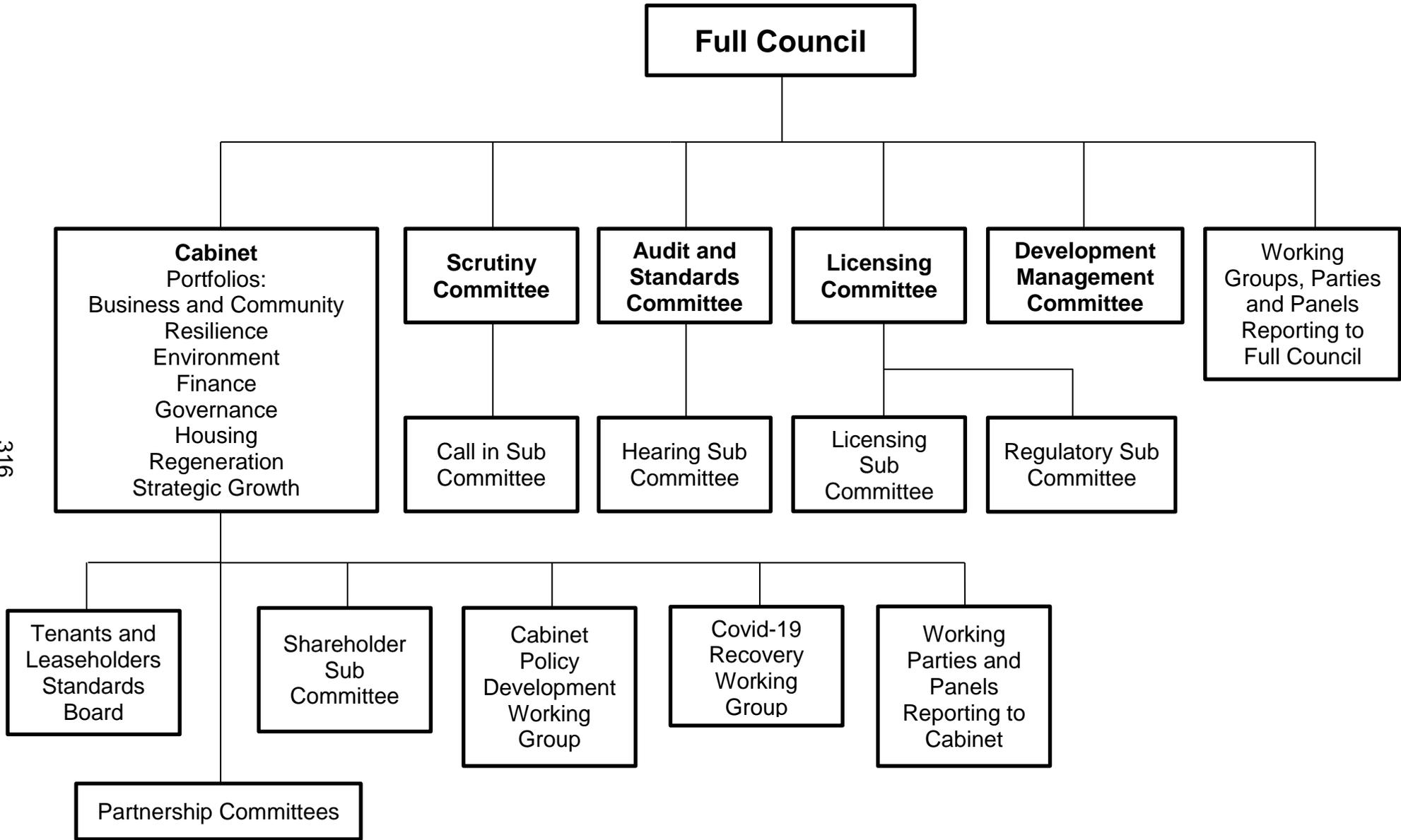
#### **4 Resigning from Office and Elections**

- 4.1. If a Councillor decides not to return to office following during their maternity, paternity or adoption leave the Proper Office must be notified in writing. The Payroll Team must then be informed within two working days of receiving notification. Allowances will cease from the effective resignation date.
- 4.2. If an election is held during the Councillors' maternity, paternity or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would ordinarily leave office.

# **Part 7**

# **Democratic**

# **Structure**



**REPORT TO:** FULL COUNCIL

**DATE:** 3 FEBRUARY 2022

**TITLE:** INTERIM REVIEW OF POLLING DISTRICTS AND PLACES – NETTESWELL WARD

**LEAD OFFICER:** BRIAN KEANE, CHIEF EXECUTIVE  
(01279) 446000

**CONTRIBUTING OFFICERS:** SIMON HILL, DIRECTOR OF GOVERNANCE AND CORPORATE SERVICES  
(01279) 446099

ALISON HODGSON, ELECTORAL SERVICES MANAGER  
(01279) 446038

**RECOMMENDED that:**

- A. The following changes to the Polling Districts and Places will take place with effect from 18 February 2022:
- i) Creation of two polling districts and two polling places in the Netteswell ward
    - GA – Netteswell North – Our Lady of Fatima Church Hall to be designated as the polling place for all elections; and
    - GB – Netteswell South – YCT House to be designated as the polling place for all elections.

**BACKGROUND**

1. The Electoral Administration Act 2006 introduced a statutory requirement for councils to conduct a review of polling places every four years but also at any other time if a building becomes unavailable or if any changes are identified following an election.
2. The current building used as a polling station in GA – Netteswell (David Livingstone URC) is no longer available and so alternatives are required to be found and reviewed in accordance with the legislation and guidance.
3. Following the Interim polling station review which took place in October 2021 it was decided that a further consultation was needed for the Netteswell Ward.
4. The Council began this interim review on 13 December 2021 and gave everyone the opportunity to make a representation until 17 January 2022.

5. A notice of the review was published on the Council's website. A copy was also sent to all local Councillors, relevant polling places, other interested organisations and social media. A summary of the responses are attached as Appendix C.
6. The Council is required by law to divide its area into polling districts for the purpose of Parliamentary Elections and to designate polling places for those districts. The current list of polling districts and places is attached as Appendix A to the report
7. Consideration must be given to the law and the Electoral Commission's Guidance. This means that the Council must:
  - a) Seek to ensure that all electors in the constituency have such reasonable facilities for voting as practicable in the circumstances;
  - b) Seek to ensure that so far as is reasonable and practicable, the polling places they are responsible for are accessible to all electors, including those who are disabled, and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons;
  - c) The polling place must be within the polling district (and therefore ward) unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible parking can be identified in the district).

## **ISSUES/PROPOSALS**

8. The (Acting) Returning Officer has considered the following factors, in addition to those set out in paragraph 7 above:
  - a) Central or convenient location for the maximum number of electors in the ward;
  - b) Physical accessibility, especially for those with mobility difficulties;
  - c) Guaranteed availability;
  - d) Consistent availability;
  - e) Venue is well known to electors;
  - f) Cost;
  - g) Condition of building and facilities; and
  - h) Impartial and ethical use of the building/location.
9. The (Acting) Returning Officer's comments on representations received and any subsequent recommendations are below:

- a) The current David Livingstone URC building is no longer in use, and we are unable to use it therefore an alternative is needed. It is also too small and has insufficient parking and disabled access.
- b) Following UK Government advice received in 2021 we are trying not to use schools as a polling station so as not to disrupt the education of the children therefore it would be unfair to continue to use Freshwaters academy.
- c) The proposed Polling Districts have been drawn up using the main roads as a dividing line however we accept that using the cycle track is a good demarcation and so have amended the dividing line to incorporate this in part. Although this looks like the electorate is more uneven, it takes into consideration the new housing developments at Edinburgh Way, with 375 properties yet to be finished and occupied. Please see Appendix D for the map showing the new divide and appendix E for the Street lists and current property/elector totals in each new area.
- d) We would be using the Our Lady of Fatima church hall, not the main Church which is a separate building (as shown in appendix F) therefore would not be seen as religious building or intimidating for voters. We use six other churches as a polling station in the District of Harlow. It is in a prominent place, well seen from the road, well known by voters and there are plenty of places for signage.
- e) Furthermore the church hall is well used by the community with regular groups using it such as bowls group, slimming world, ballroom dancing and it is hired for meetings, parties and events. We appreciate that it is on the far side of the district but it is still in a prominent position, well seen from the road and there are no suitable venues located in the centre of the new polling district.
- f) The church hall is a large size hall with excellent facilities, ample parking and good access, with 2 pedestrian crossings and bus stops on First Avenue. Only a small proportion (approximately 26 percent) of the electorate in GA would need to cross the main road, First Avenue.
- g) The church hall has good disabled access with a ramped entrance and all level access inside. There is also disabled parking right by the entrance.
- h) Following the voter turnout survey at the end of 2021 a lot of voters are put off voting because of the parking difficulties and the church can overcome these difficulties.
- i) The YCT House was used in May 2021 and no issues were identified and although a smaller hall it would be able to cope with the smaller electorate. It is in a good location and parking is available on the street with no restrictions.
- j) The other suggested venues are unfortunately not in a good position, too small, do not have good parking or access (particularly disabled access) and

also could cause distress and upset to the current users of the buildings such as the Leah Manning Centre which is regularly used by the elderly and vulnerable residents of Harlow.

- i) We also need to consider any covid implications to using a building which affects not just polling day but the day(s) before and after and any other users of the building. Both the Church hall and the YCT are Covid safe and compliant.
- k) The new proposal would increase election costs but will make voting more accessible and increase voter turnout.
- l) We will ensure sufficient publication of the new locations with social media posts, a message on the poll cards and notices in the area.
- m) The polling districts and places will be reviewed again in 2023 following local boundary review and it is likely a comprehensive survey of voters will be carried out.

### **Changes to a Polling Place Before the Next Statutory Review**

- 10. If a polling station becomes unavailable the (Acting) Returning Officer will first consider whether it is feasible to use a different room or area within a designated polling place.
- 11. If a polling place is or will become unavailable and sufficient time permits, a review will take place and a decision on a replacement polling place will be made by Full Council.
- 12. However, in an urgent situation where it is not feasible to make alternative arrangements within a designated polling place, such as the building was destroyed by fire or unsafe, the Council's Scheme of Delegation to Officers would apply whereby the Chief Executive, or another designated Officer in their absence, would identify and designate an alternative polling place taking into account paragraphs 7 and 8 above.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

None specific.

**Author: Andrew Bramidge, director of Strategic Growth and Regeneration**

### **Finance**

There may be some additional costs incurred where buildings other than schools are used. These costs can be met from within existing budgets.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

None specific.

**Author: Andrew Murray, Director of Housing**

## **Communities and Environment**

Appropriate bodies have been consulted over access needs.

**Author: Jane Greer, Director of Communities and Environment**

## **Governance and Corporate Services**

As contained within the report.

**Author: Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A – Current List of Polling Districts

Appendix B – (Acting) Returning Officer's representation

Appendix C – Summary of Responses received

Appendix D – Map of the new polling districts

Appendix E – Street Lists and current property and elector total

Appendix F – Ariel map of Our Lady of Fatima Church hall

## **Background Papers**

None.

## **Glossary of terms/abbreviations used**

None.

## Appendix A

### Harlow Electoral Areas and Polling Stations

Parliamentary	County Division	District Ward	Polling District	Polling Station	Address	Postcode
Harlow Harlow	Harlow South East Harlow South East	Bush Fair	AA Bush Fair East AB Bush Fair West	New Life Christian Fellowship St Stephens Church	Purford Green The Rectory Tawney Road	Harlow CM18 6HP Harlow CM18 6QR
Harlow Harlow	Harlow South East Harlow South East	Church Langley  *only at Parliamentary Elections/Referendums	BA Church Langley East BB Church Langley West	Church Langley Community Centre Church Langley Community Centre Henry Moore Primary School*	Church Langley Way Church Langley Way Kiln Lane	Harlow CM17 9TG Harlow CM17 9TG Harlow CM17 9LW
Harlow Harlow	Harlow West Harlow West	Great Pamdon	CA Great Pamdon East CB Great Pamdon West	Great Pamdon Community Association Katherines Common Room	Abercrombie Way Katherines Hatch Brookside	Harlow CM18 6YJ Harlow CM19 5NJ
Harlow Harlow	Harlow South East Harlow West	Harlow Common	DA Harlow Common East DB Harlow Common West	Potter Street Baptist Church The Royal British Legion	Church Lane Radburn Pavilion Lutton Commor	Harlow CM17 9AW Harlow CM18 7GY
Harlow Harlow Harlow	Harlow West Harlow West Harlow West	Little Pamdon & Hare Street	EA Little Pamdon & Hare Street East EB Little Pamdon & Hare Street South EC Little Pamdon & Hare Street West	Pemberley Academy Harlow Youth Centre St Thomas More Church Hall	Hodings Road Hare Street Hodings Road	Harlow CM20 1NW Harlow CM19 4AY Harlow CM20 1TN
Harlow Harlow	Harlow North Harlow North	Mark Hall	FA Mark Hall North FB Mark Hall South	Harlow Museum Harefield Church	Muskham Road Burgoyne Hatch	Harlow CM20 2LF Harlow CM18 3EH
Harlow	Harlow North	Netteswell  *only at Parliamentary Elections / Referendums	GA Netteswell	David Livingstone URC Freshwaters Primary Academy*	Church Hall Freshwater Maddox Road	Harlow CM20 3RL Harlow CM20 3QA
Harlow Harlow Harlow	Harlow North Harlow North Harlow North	Old Harlow	HA Old Harlow East HB Old Harlow West HC Old Harlow South	St Mary's Church Centre The ABC Centre Newhall Primary Academy	Churchgate Street Garden Terrace Road Roundhouse Way	CM17 0JR Harlow CM17 0AT Harlow CM17 9SF
Harlow Harlow	Harlow West Harlow West	Staple Tye	JA Staple Tye East JB Staple Tye West	Griffin Suite Longwood Primary School	Lutton Bush Centre Paringdon Road Southern Way	Harlow CM18 7BL Harlow CM18 7RQ
Harlow Harlow	Harlow West Harlow West	Sumners & Kingsmoor	KA Sumners & Kingsmoor East KB Sumners & Kingsmoor West	Kingsmoor Christian Centre Xperience Centre	Pamdon Wood Road Broadley Road	Harlow CM19 4SE Harlow CM19 5RD
Harlow Harlow Harlow	Harlow West Harlow West Harlow West	Toddbrook	LA Toddbrook North LB Toddbrook East LC Toddbrook West	Harlow Playhouse St Mark's West Essex Catholic School Salvation Army Centre	Playhouse Square Tipton Road Tending Road	Harlow CM20 1LS Harlow CM18 6AA Harlow CM18 6RN

**Appendix B**

**(Acting) Returning Officer's Representation**

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Current Polling District	Current Polling Place	(Acting) Returning Officer's Proposal	Reasons for change
GA – Netteswell	David Livingstone URC for local elections Freshwaters Primary Academy for Parliamentary Elections	Create 2 polling districts in the Netteswell Ward and 2 polling places: YCT house and Our Lady of Fatima Church Hall as represented on the attached map.	<p>The church is no longer able to accommodate us. Also, the room is extremely small and struggles to accommodate the large electorate in the polling district.</p> <p>The school have previously petitioned for us not to use their building as it will disrupt the education of the pupils plus the access and parking is not suitable.</p> <p>Netteswell ward only has one polling district making it one of the largest polling districts in Harlow with its electorate spread over a wide area. Creating 2 polling districts will allow better access to a polling place for more voters.</p> <p>YCT House was used in May 2021 with no major issues.</p> <p>The Church has a good size hall with good parking and access, it is also on a bus route. It is a prominent building with links to the community.</p>

Brian Keane  
 (Acting) Returning Officer  
 Dated: December 2021

## **Appendix C – Summary of All Comments Received**

### **Comments from Cllr Simon Carter received 15 December 2021**

- Cllr Carter proposed a new divide using the cycle track as a more of a natural and identifiable border.
- TCT appears to be sustainable for smaller numbers but other options are possible for the other polling station. In the south it should be possible to use the Heart and Club public house.
- The scout hut (snows Farm) is another potential site.
- Our Lady of Fatima is a bit isolated, stuck right on the eastern edge of the ward.

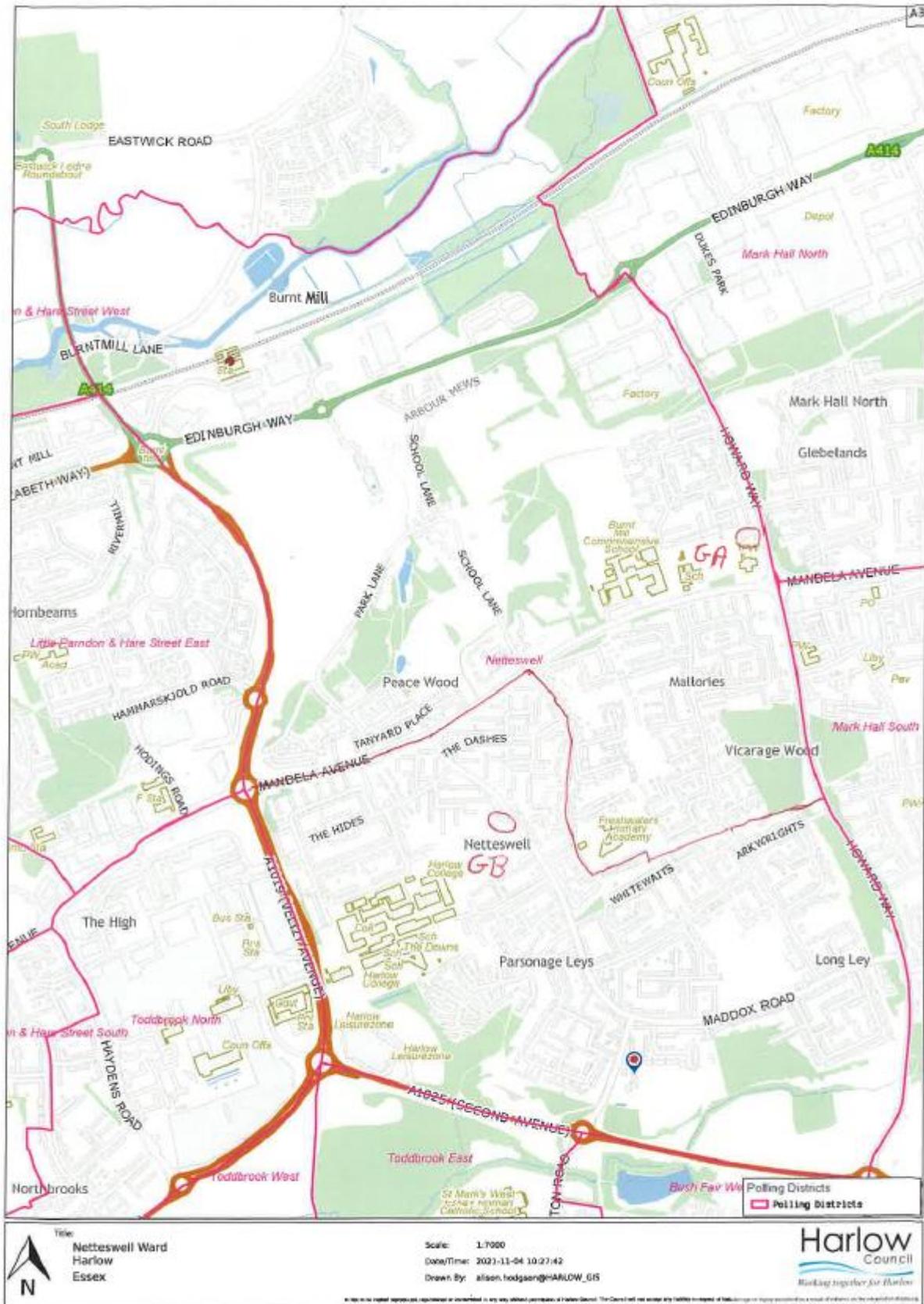
### **Comments from Cllr Mike Danvers received 12 January 2022**

- Opposed to this suggestion.
- It is remote for most Netteswell electors.
- There is an alternative of either Leah Manning Centre of the Essex Youth hub at the Dashes

### **Comments from Cllr Coleen Morrison received 17 January 2022**

- Supports the proposed creation of two polling districts for the Netteswell ward.
- Supports the proposal for YTS house to be the polling place for Netteswell south, as long as it is well publicised that it is located in The Dashes Common Room or community centre, which is what many residents in Netteswell still believe it to be.
- Do not support Our Lady of Fatima as the polling place for Netteswell North due to poor access, lack of local familiarity.
- Do not support Cllr Danver's proposal of the Leah Manning Centre as this is too remote and a proportion of residents will not know of the centre or where it is.
- Understands the difficulty of finding appropriate locations, during the pandemic in particular.
- Will Reluctantly agree to Our Lady of Fatima but only if there are no better alternatives and as long as the hall and its location are well publicised.

Appendix D – Map of Netteswell showing the new polling districts



## Appendix E – Street Lists and property and elector totals

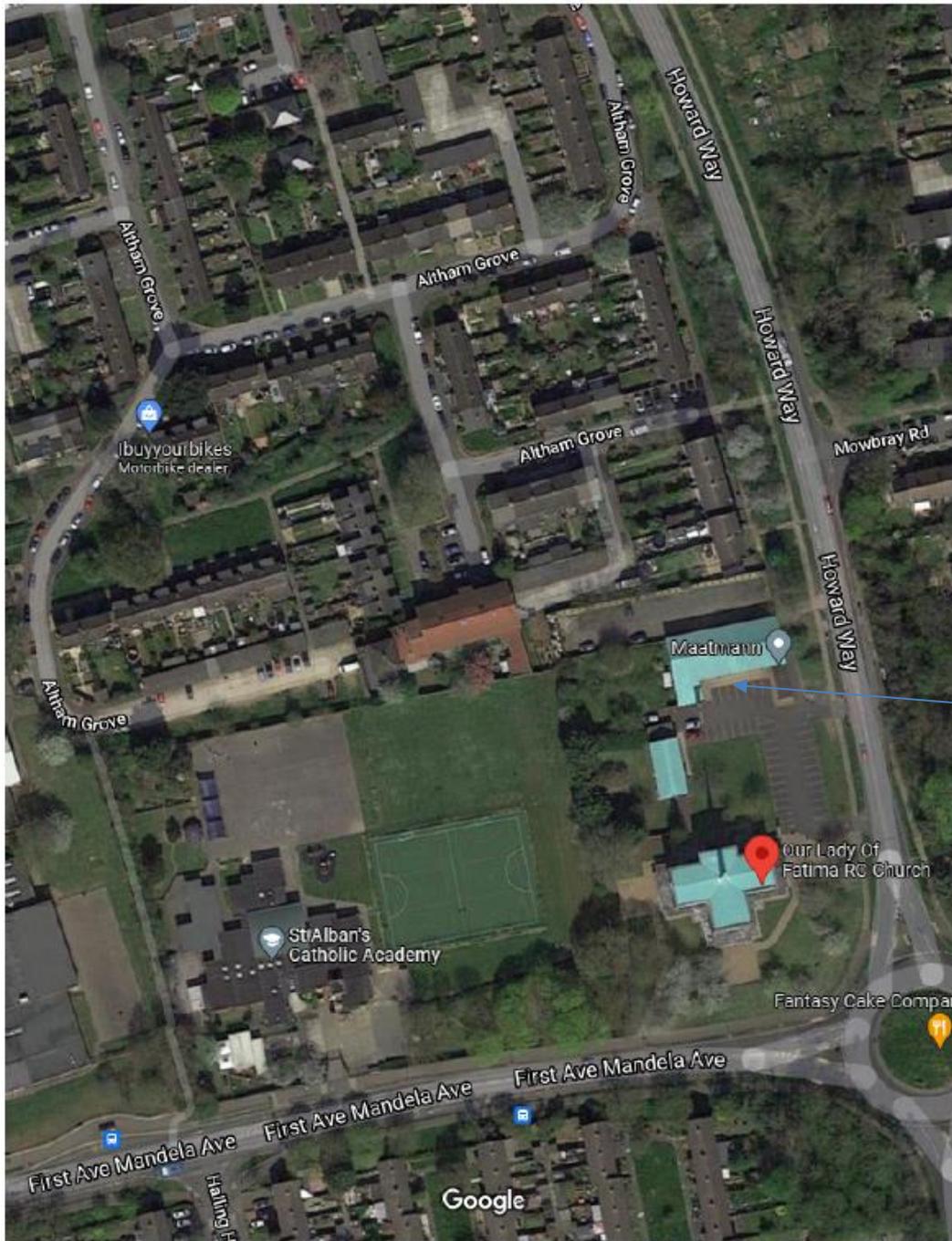
### GA and GB Property and Elector Totals by Street

StreetName	Properties	Electors
GA		
Altham Grove	207	326
Amberry Court	44	54
Arbour Mews	9	18
Burnt Mill Lane	13	16
Commonfields	24	46
Edinburgh Gate	699	361
Halling Hill	335	545
Howard Way	1	2
Lavender Close	37	66
Marshgate Farm	4	9
Netteswell Orchard	97	104
Oldhouse Croft	28	59
Park Court	68	85
Park Lane	30	51
Pittmans Field	192	359
School Lane	58	89
Tanyard Place	65	112
The Drive	23	42
	<b>1934</b>	<b>2344</b>
GB		
Arkwrights	267	436
Broadfield	145	211
Fishers Hatch	1	1
Freshwaters	41	76
Green Hills	116	174
Green Park	7	13
Home Close	34	86
Long Ley	228	403
Maddox Road	27	16
Manston Road	9	14
Monkswick Road	1	1
Parsonage Leys	201	330
School Lane	14	15
St Michaels Close	57	82
The Dashes	281	483
The Downs	201	354
The Hides	350	519
Whitewaits	126	206
	<b>2106</b>	<b>3420</b>

17/01/2022

# Appendix F – Ariel Map of Our Lady of Fatima Church Hall

Google Maps Our Lady Of Fatima R C Church



Imagery ©2022 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, Map data ©2022 20 m

**MINUTES OF THE LICENSING COMMITTEE  
HELD ON**

16 November 2021

7.30 - 8.37 pm

**PRESENT**

**Committee Members**

Councillor Nick Churchill (Chair)  
Councillor Clive Souter (Vice-Chair)  
Councillor David Carter  
Councillor Joel Charles  
Councillor Maggie Hulcoop  
Councillor Jodi Dunne  
Councillor Andrew Johnson  
Councillor John Steer

**Officers**

Hannah Criddle, Governance Support Officer  
Michael Pitt, Environment and Licensing Manager  
Adam Sherwood, Senior Licensing Officer  
Denise Westwood, Assistant FCilex

21. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Gareth Williams.

22. **DECLARATIONS OF INTEREST**

None.

23. **MINUTES**

**RESOLVED** that the minutes of the meeting on 7 September 2021 are agreed and signed as a correct record by the Chair.

24. **MATTERS ARISING**

None.

25. **WRITTEN QUESTIONS AND PETITIONS**

None.

26. **COMMITTEE WORK PLAN**

Michael Pitt, Licensing and Environment Manager, advised that a report on Street Drinking would be added to the work plan for January 2022 and one

of the reports regarding DfT standards would be deferred until March 2021.

Councillor Hulcoop suggested that a report on changes to Council procedures as a result of the Covid-19 pandemic e.g. online driver licence applications be brought to Committee. Michael Pitt confirmed that this could be added to the work plan for March 2022.

**RESOLVED** that the work plan was noted.

27. **HARLOW COUNCIL FOOD SAFETY ENFORCEMENT PLAN 2021/2022**

The Committee received a report on the Food Safety Enforcement Service Plan for 2021/22.

**RESOLVED** that:

**A** The Committee approves the Food Safety Act Service Plan attached as Appendix A to the report.

28. **UPDATE REPORT FOLLOWING STREET TRADING POLICY CONSULTATION (CONSULTATION ENDS 24 AUGUST 2021)**

The Committee received a report on the adoption of Street Trading Policy.

The Committee agreed that further consultation be carried out with schools on the proposed 50m parking restriction for street traders.

**RESOLVED** that:

**A** The Committee consider the proposed street trading policy, as set out at Appendix 2 to this report, representations made on consultation concerning the proposed street trading policy, as set out in Appendix 1 to the report, and determine whether any amendments to the draft policy are required.

**B** Subject to A above, the Committee recommend to Full Council adoption of the proposed Street Trading Policy 2021 – 2026, as set out in Appendix 2 to this report.

**C** The Committee agreed that further consultation be carried out with schools on the proposed 50m parking restrictions for street traders.

29. **REVIEW GAMBLING LICENSING POLICY STATEMENT**

The Committee received a report on the proposed replacement Gambling Licensing Policy.

**RESOLVED** that:

**A** The Licensing Committee approve the issue of the proposed replacement Gambling Act Licensing Policy, as set out in Appendix 1 to the report, for consultation.

**B** A further report to be presented which shall set out any representations received following the proposed ten week consultation.

30. **REFERENCES FROM OTHER COMMITTEES**

None.

31. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**MINUTES OF THE CABINET  
HELD ON**

2 December 2021

7.30 - 9.15 pm

**PRESENT**

**Committee Members**

Councillor Russell Perrin, Leader of the Council  
Councillor Joel Charles, Deputy Leader and Portfolio Holder for Business and Community Resilience  
Councillor Simon Carter, Portfolio Holder for Housing  
Councillor Alastair Gunn, Portfolio Holder for Governance  
Councillor James Leppard, Portfolio Holder for Finance  
Councillor Nicky Purse, Portfolio Holder for Environment  
Councillor Dan Swords, Portfolio Holder for Regeneration

**Additional Attendees**

Councillor Matthew Saggars

**Other Councillors**

Councillor David Carter  
Councillor Michael Garnett  
Councillor Eugenie Harvey  
Councillor John Steer  
Councillor Chris Vince  
Councillor Mark Wilkinson

**Officers**

Brian Keane, Chief Executive  
Andrew Bramidge, Director of Strategic Growth and Regeneration  
Niel Churchill  
Simon Freeman, Deputy to the Chief Executive and Director of Finance  
Jane Greer, Director of Communities and Environment  
Simon Hill, Director of Governance and Corporate Support  
Andrew Murray, Director of Housing  
Adam Rees, Senior Governance Support Officer

85. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Michael Hardware.

86. **DECLARATIONS OF INTEREST**

Councillor Eugenie Harvey declared a non-pecuniary interest in Item 15, Partnership Grants Review, as her husband worked for an organisation that had received partnership grants.

Councillor Chris Vince declared a non-pecuniary interest as an employee of Streets2Homes.

87. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 4 November 2021 are agreed as a correct record and signed by the Leader.

88. **MATTERS ARISING**

None.

89. **WRITTEN QUESTIONS FROM THE PUBLIC**

None.

90. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

91. **PETITIONS**

None.

92. **FORWARD PLAN**

**RESOLVED** that the Forward Plan is noted.

93. **CORPORATE STRATEGY**

Cabinet received a report on the Corporate Strategy 2021-23.

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that Cabinet recommended to Full Council that:

**A** A new Corporate Strategy for 2021- 2023 attached at Appendix A to the report, is adopted.

**B** Authority be delegated to the Chief Executive, in consultation with the Leader of the Council, to make minor and consequential amendments to the Corporate Strategy following strategic stakeholder consultation.

94. **JOINT FINANCE AND PERFORMANCE REPORT, QUARTER 2 2021/22**

Cabinet received the quarter 2 Joint Finance and Performance Report, Quarter 2 2021/22.

Proposed by Councillor James Leppard (seconded by Councillor Russell Perrin) it was:

**RESOLVED** that Cabinet:

- A** Noted the projected outturn position set out in sections three and four of Appendix A to this report for the second quarter (July – September) of 2021/22 as follow:
  - i) A projected overspend of £252,000 representing 0.4 per cent of the gross General Fund Budget.
  - ii) The Council performed on or above target for 40 out of 46 (87 per cent) of its monthly and quarterly Key Performance Indicators (KPIs); and successfully completed 14 out of 59 (24 per cent) of its service milestones.

95. **HOUSING REVENUE ACCOUNT, QUARTER 2 FINANCE REPORT 2021/22**

Cabinet received the quarter 2, Housing Revenue Finance Account report for 2021/22.

Proposed by Councillor Simon Carter (seconded by Councillor James Leppard) it was:

**RESOLVED** that Cabinet noted:

- A** The Quarter 2 – Housing Revenue Account (HRA) Budget Monitoring report as set out in the following paragraphs and in Appendix 1.
- B** That the forecast HRA general working balance as at 31 March 2022 will be £7.055 million.

96. **CAPITAL PROGRAMMES, QUARTER 2 FINANCE REPORT 2021/22**

Cabinet received the quarter 2 Capital Programmes finance report for 2021/22.

Proposed by Councillor Simon Carter (seconded by Councillor Dan Swords) it was:

**RESOLVED** that Cabinet:

- A** Noted the progress in the delivery of the Council’s Housing and Non Housing Capital Programmes at Quarter 2 as follows:
  - i) The current budget for the Housing Capital Programme (HCP) is £38.923 million. The forecast outturn and proposed revised budget is £27.332 million, comprising

£24.083 million for the Core Housing programme and £3.248 million for New Build developments.

- ii) The current budget for the Non Housing Capital Programme (NHCP) is £23.346 million. The forecast outturn and proposed revised budget is £11.796 million.
- B** Approved the removal from the HCP of the balance of the Brenthall Towers budget totalling £734,995 as this scheme is no longer progressing.
- C** Approved the removal from the HCP of the balance of the Stackfield budget totalling £131,857 as this scheme has been removed.
- D** Noted the various delays encountered across the Capital Programmes, many of which are as a direct result of the Covid-19 Pandemic and the subsequent impact this has had on the ability to source materials, resulting in price increases.
- E** Approved a virement of £99,589 from the existing NHCP scheme for the Bush Fair Pavilion to fund the replacement of buried pipework and Courtyard work at Netteswellbury Farm and St. Andrews Church. The balance of the Bush Fair Pavilion scheme has been re-profiled to 2022/23.
- F** Approved the inclusion in the 2021/22 NHCP of an additional £783,750 for works to commence projects at the Bus Station, Broadwalk and Staple Tye as part of the Towns Fund grant. The £23.7 million grant was confirmed by the Ministry for Housing, Communities and Local Government (MHCLG) in June 2021.
- G** Approved an increase of £217,581 to the Paddling Pools and Splash Parks current 2021/22 budget to £823,581. This follows on from Key Decision Number I02905 approved at Cabinet on 14/10/21 for the conversion of the Staple Tye paddling Pool to a Splash Park with retained paddling pool element.
- H** Approved the inclusion of the installation of a new Fire Alarm and Learning Centre Conference Facilities at Pet's Corner, totalling £17,000. Both schemes are to be funded from underspends within the current approved NHCP.
- I** Approved that £180,000 is brought forward from 2022/23 to 2021/22 to align with the timeframe of works anticipated at 4 The Hill.
- J** Approved re-profiling of capital budgets as set out in Appendices A and B to the report.

97. **ADOPTION OF HARLOW DESIGN GUIDE**

Cabinet received a report to adopt the Harlow Design Guide.

Proposed by Councillor Russell Perrin (seconded by Councillor Dan Swords) it was:

**RESOLVED** that Cabinet:

- A** Noted the responses received to the consultation and approves the consequential amendments made to the Design Guide Addendum Supplementary Planning Document (SPD).
- B** Formally adopted the SPD as set out in the Appendix A to this report.

98. **CONTRACT AWARD FOR EXTERNAL REFURBISHMENT AT 19-22, 35-38, 41-44, 55-58, 158-161, 167-170, 189-192 AND 198-201 POTTERS FIELD**

Cabinet received a report to approve a contract award for external refurbishment works at Potters Field.

*Councillor James Leppard declared a non-pecuniary interest as a ward Councillor for Harlow Common*

Proposed by Councillor Simon Carter (seconded by Councillor Dan Swords) it was:

**RESOLVED** that:

- A** The most advantageous tender in consideration of price and quality combined as submitted by Contractor A, be accepted in the sum of £322,425.00 for the delivery of the external refurbishment of eight blocks, subject to contract and Leaseholder Consultation.

99. **PARTNERSHIP GRANT REVIEW**

Cabinet received a report on the partnership grant review.

Proposed by Councillor Joel Charles (seconded by Councillor Russell Perrin) it was:

**RESOLVED** that Cabinet:

- A** Agreed minor amendments to the current arrangements for the provision of partnership grants to community and voluntary sector organisations, as set out in the report.

100. **CABINET APPOINTMENTS**

**RESOLVED** that the Cabinet appointments be approved as set out in the agenda.

101. **COMMUNICATIONS FROM COMMITTEES/WORKING GROUPS/PARTIES AND PANELS**

- a) Referral from Cabinet Policy Development Working Group - Open Space Supplementary Planning Document - Approval for Consultation

Cabinet received a report to approve the Harlow Open Spaces Standards and Biodiversity SPD for consultation.

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that Cabinet:

- A** Approved the Draft Open Space Standards and Biodiversity Supplementary Planning Document (as set out at Appendix A to the report), to enable it to be published for the purposes of consultation under Section 12(b) of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- B** Delegated authority to the Director of Strategic Growth and Regeneration to make and approve any minor or inconsequential amendments to the Draft Open Space Standards and Biodiversity Supplementary Planning Document arising from the statutory consultation.

- b) Referral from Cabinet Policy Development Working Group - Local Council Tax Support Scheme Proposals

Cabinet considered a report on the Local Council Tax Support Scheme Proposals.

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that Cabinet recommended to Full Council that:

- A** The current Local Council Tax Support Scheme (LCTSS) remains unchanged for the 2022/23 financial year.

- c) Referral from Cabinet Policy Development Working Group - Treasury Management Strategy Statement

Cabinet received a report on the Treasury Management Review.

Proposed by Councillor Russell Perrin (seconded by Councillor Joel Charles) it was:

**RESOLVED** that:

A The report attached as (Appendix A to the report) be noted.

102. **MINUTES OF PANELS/WORKING GROUPS**

**RESOLVED** that the minutes of the following meetings are noted.

a) Minutes of meeting Thursday, 7 October 2021 of Cabinet Policy Development Working Group

103. **MATTERS OF URGENT BUSINESS**

None.

LEADER OF THE COUNCIL

**MINUTES OF THE SCRUTINY COMMITTEE  
HELD ON**

7 December 2021

7.30 - 8.45 pm

**PRESENT**

**Committee Members**

Councillor Tony Edwards (Chair)  
Councillor David Carter (Vice-Chair)  
Councillor Tony Durcan  
Councillor Eugenie Harvey

**Also Present**

Councillor Simon Carter

**Officers**

Andrew Bramidge, Director of Strategic Growth and Regeneration  
Simon Hill, Director of Governance and Corporate Support  
Adam Rees, Senior Governance Support Officer

28. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Shona Johnson and Nicky Purse.

29. **DECLARATIONS OF INTEREST**

Councillor David Carter declared a non-pecuniary interest as a site rep for Harlow Allotment Association.

30. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 14 September 2021 are agreed as a correct record and signed by the Chair.

31. **MATTERS ARISING**

None.

32. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

33. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

34. **RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINY COMMITTEE**

None.

35. **DELIVERY OF COUNCIL HOUSE BUILDING PROGRAMME - UPDATE**

The Chair said that this item had been withdrawn from the agenda as the Portfolio Holder responsible had been changed. A report would now be considered at the February meeting.

It was agreed that Councillors Simon Carter and Dan Swords would be invited to the meeting.

36. **ALLOTMENTS - INITIAL REPORT**

The Committee considered an initial report on allotments. The Committee agreed to add the following terms of reference to the review:

- i) To understand the different types of people who use allotments;
- ii) To look at examples of best practice;
- iii) To identify how allotments can be linked into the Council's corporate priorities in the emerging Corporate Strategy;
- iv) To understand how younger people can be encouraged to use allotments; and
- v) To identify potential grant funding opportunities

**RESOLVED** that:

**A** A Councillor Task and Finish group comprising Councillors David Carter and Tony Durcan, supported by officers from appropriate Council services and HTS (P&E), be established to review existing allotment provision.

**B** The terms of reference, set in paragraph 6 of the report, as amended above, be agreed.

37. **REVIEW OF TURNOUT IN LOCAL ELECTIONS - FINAL REPORT**

The Committee received a report of turnout in local elections. It was agreed that a copy of the postal vote form would be included in the next edition of Harlow Times.

**RESOLVED** that:

**A** The Returning Officer be requested to develop an action plan to deal with issues identified by the survey that are within the control of the Council on:

- i) Specific issues raised about polling stations; and
- ii) Communications on voting options and absent voting.

**B** A copy of the postal vote form would be included in the next edition of Harlow Times.

38. **WORK PLAN**

The Committee received a report summarising its work plan.

**RESOLVED** that the work plan be noted as appended to the minutes.

39. **REFERENCES FROM OTHER COMMITTEES**

None.

40. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE  
HELD ON**

8 December 2021

7.30 - 9.36 pm

**PRESENT**

**Committee Members**

Councillor Michael Garnett (Chair)  
Councillor Sue Livings (Vice-Chair)  
Councillor Jean Clark  
Councillor Bob Davis  
Councillor Mike Danvers  
Councillor James Leppard  
Councillor Nicky Purse

**Officers**

Gavin Cooper, Development Manager  
Patricia Coyle, Principal Planning Officer  
Julie Galvin, Legal Services Manager  
Hannah Criddle, Governance Support Officer  
Tanusha Waters, Planning and Building Control Manager

45. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Ash Malik. Councillor Clive Souter attended as a substitute for Councillor Ash Malik.

46. **DECLARATIONS OF INTEREST**

Councillor Bob Davis declared a non-pecuniary interest in items 10 (HW/FUL/12/00501) and 12 (HW/HSE/21/00540) as a Mark Hall Ward Councillor.

Councillor Clive Souter declared a non-pecuniary interest in items 9 (HW/FUL/21/00586), 10 (HW/FUL/12/00501) and 11 (HW/FUL/19/00520) as an Essex County Councillor for Harlow West.

Councillor Mike Garnett declared a non-pecuniary interest in items 7 (HW/FUL/19/00321) and 8 (HW/REM/19/00322) as an Old Harlow Ward Councillor and in items 7 (HW/FUL/19/00321), 8 (HW/REM/19/00322), 10 (HW/FUL/12/00501), 11 (HW/FUL/19/00520) and 12 (HW/HSE/21/0054) as an Essex County Councillor for Harlow North.

47. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 13 October 2021 were agreed as a correct record and signed by the Chair.

48. **MATTERS ARISING**

None.

49. **WRITTEN QUESTIONS**

None.

50. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

**RESOLVED** that the procedure for the conduct of the meeting be noted.

51. **HW/FUL/19/00321 - LOCAL CENTRE PHASE 1, BRIDGE STREET, NEW HALL**

The Committee received a report and application (HW/FUL/19/00321) on the full planning application for the development of 38 residential units (Use Class C3), 199 sqm. of flexible commercial space (Use Class E (a), (b), (c) and (g)) and associated car parking, landscaping and infrastructure works (amended description).

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included additional representations which had been received and amended conditions.

Presentations were heard from two objectors and the applicant's agent.

Councillor Sue Livings proposed (seconded by Councillor Nicky Purse) that a service management plan be included for concerns raised about the waste contract.

Councillor Bob Davis proposed (seconded by Councillor Mike Danvers) that a parking plan be included.

**RESOLVED** that planning permission is **GRANTED** subject to the applicant entering into an appropriately worded Section 106 Legal Agreement, the conditions as set out in the report, the amended conditions as set out in the supplementary agenda pack, the following additional condition 22 and amended condition 16:

22. Details of a Servicing Management Plan shall be submitted to the Local Planning Authority prior to the first use of any of the commercial units or occupation of the residential properties hereby approved. Once approved, the details shall be implemented and retained in perpetuity.

**Reason: To ensure that servicing of the commercial units is undertaken appropriately in accordance with Policy PL2 of the Harlow Local Development Plan, Dec 2020**

16. Prior to works commencing, excluding ground and preparation works (unless required under other conditions), a revised parking plan shall be submitted showing disabled parking spaces in accordance with the Essex Parking Standards. Once approved, the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out prior to the first occupation of the development. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

**Reason: To ensure that appropriate access, parking and turning is provided.**

52. **HW/REM/19/00322 - LOCAL CENTRE PHASE 2, BRIDGE STREET, NEW HALL**

The Committee received a report and application (HW/REM/19/00322) on the approval of reserved matters (access, appearance, landscaping, layout and scale) relating to the development of the site to provide 26 residential units (use class C3) and associated car parking and infrastructure works associated with approved application HW/PL/04/00302 (Phase 2, Newhall).

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included an additional representation received and amendments to the committee report.

A presentation was made by the applicant's agent.

Councillor Bob Davis proposed (seconded by Councillor Clive Souter) that a parking plan be included.

**RESOLVED** that it is **AGREED** that authority is delegated to Officers to agree a Unilateral Undertaking in relation to cross-boundary works and that planning permission is **GRANTED** subject to the conditions in the report and amended condition 3:

3. Prior to works commencing, excluding ground and preparation works (unless required under other conditions), a revised parking plan shall be submitted showing disabled parking spaces in accordance with the Essex Parking Standards. Once approved, the access arrangements, vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out prior to the first occupation of the

development. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

**Reason: To ensure that appropriate access, parking and turning is provided.**

53. **HW/FUL/21/00486 - TELECOMMUNICATION MAST, NORTH EAST OF KATHERINES ROUNDABOUT, KATHERINE'S WAY**

The Committee received a report and application (HW/FUL/21/00486) on the proposed upgrade to an existing base station consisting of the replacement of a 20.0m monopole with a 20m monopole, internal works to the existing cabinets addition together with ancillary works.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report.

54. **HW/FUL/21/00501 - 3A - 3B QUEENSGATE CENTRE, EDINBURGH WAY, HARLOW**

The Committee received a report and application (HW/FUL/21/00501) on the external alterations associated with the amalgamation of Units 3A and 3B, reinstatement of garden centre, continued use of the combined unit for Class E and to allow for the sale of food (up to 10% of GIA), drink (up to 5% of GIA), toiletries (up to 5% of GIA) and other associated works.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report.

55. **HW/FUL/19/00520 - INCLUSIVE PLAY AREA, TOWN PARK, PARK LANE, HARLOW**

The Committee received a report and application (HW/FUL/19/00520) on the retrospective application for an inclusive play area (amended description removing fence from proposal).

The Committee also received a supplementary report containing information which had been received after the publication of the agenda. This included further information to be added to the officer's report.

A presentation was heard from one objector.

**RESOVLED** that planning permission is **GRANTED** subject to the conditions in the report.

56. **HW/HSE/21/00540 - 17 MARK HALL MOORS, HARLOW**

The Committee received a report and application (HW/HSE/21/00540) on replacing white uPVC windows with grey uPVC windows.

A presentation was heard from Councillor Simon Carter.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report.

57. **REFERENCES FROM OTHER COMMITTEES**

None.

58. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

**MINUTES OF THE DEVELOPMENT MANAGEMENT COMMITTEE  
HELD ON**

20 January 2022

7.30 - 8.13 pm

**PRESENT**

**Committee Members**

Councillor Michael Garnett (Chair)  
Councillor Sue Livings (Vice-Chair)  
Councillor Simon Carter (substitute for Councillor James Leppard)  
Councillor Jean Clark  
Councillor Bob Davis  
Councillor Mike Danvers  
Councillor Nicky Purse  
Councillor John Steer

**Officers**

Gavin Cooper, Development Manager  
Julie Galvin, Legal Services Manager  
Adam Rees, Senior Governance Support Officer  
Tanusha Waters, Assistant Director - Planning and Building Control

59. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor James Leppard.  
Councillor Simon Carter was in attendance as his substitute.

60. **DECLARATIONS OF INTEREST**

Councillor Mike Garnett declared a non-pecuniary interest in application  
HW/FUL/21/00494 (Item 7) as an Essex County Councillor for Harlow  
North.

61. **MINUTES**

**RESOLVED** that the minutes of the meeting held on 8 December  
2021 were agreed and signed by the Chair as a correct record.

62. **MATTERS ARISING**

None.

63. **WRITTEN QUESTIONS**

None.

64. **PROCEDURE FOR CONSIDERATION OF PLANNING APPLICATIONS**

**RESOLVED** that the procedure was noted.

65. **HW/FUL/21/00494 - ALLOTMENTS, THE DASHES, HARLOW**

The Committee received a report and application (HW/FUL/21/00494) for the erection of a disabled access eco-compostable twin toilet for a community allotment project that provides horticultural therapy for children and adults with additional needs at the Allotments, The Dashes, Harlow.

Representations were heard from three supporters.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report.

66. **HW/FUL/21/00295 - 20 RYE HILL ROAD, HARLOW**

The Committee received a report and application (HW/FUL/21/00295) for the erection of a 1.5 storey bungalow with new garage and new vehicular access gate at 20 Rye Hill Road, Harlow, Essex, CM18 7JF.

Representations were heard from one objector.

Councillor Mike Garnett (seconded by Councillor John Steer) proposed that a condition be added requiring the installation of an electric vehicle charging point.

**RESOLVED** that planning permission is **GRANTED** subject to the conditions in the report and the following additional condition 12:

12. Prior to occupation, an electric vehicle charging point (EVCP) for motor vehicles shall be installed and be operational. The EVCP shall be maintained to ensure it can be used in perpetuity.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy IN1 of the Harlow Local Development Plan, December 2020.

67. **REFERENCES FROM OTHER COMMITTEES**

None.

68. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE