



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Council Constitution

**Draft for approval
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PART 1 - SUMMARY AND EXPLANATION

The Constitution

All major Councils are required by law to prepare and keep up to date a Constitution. The Constitution explains and regulates how the Council operates, how decisions are made, and the procedures that are followed to ensure that the Council's activities are undertaken in a way that is efficient and transparent and that Councillors remain accountable to local people. The Constitution combines all the governance provisions that the Council is required by law to adopt, together with its traditional standing orders.

The Constitution is divided into 19 Articles, each of which sets out a particular part of the Council's method of operating. More detailed procedures are set out in separate Rules, Codes, Conventions and Protocols at the end of the document.

Summary of the Constitution

Article 1 sets out the aims and principles of the Constitution. **Articles 2 - 17** explain the rights of citizens and how the key parts of the Council operate. These are:

- Councillors (Article 2)
- Citizens and the Council (Article 3)
- The Council Meeting (Article 4)
- Mayor and Deputy Mayor (Article 5)
- Scrutiny Committees (Article 6)
- The **Cabinet** (Article 7)
- Ordinary Committees of the Council (Article 8)
- Health & Wellbeing **Arrangements** (Article 9)
- Solutions SK Contributors Committee/ Stockport Homes Member Committee/ The Funding Committee (Article 10)
- The Standards Committee (Article 11)
- Area Committees (Article 12)
- Joint Arrangements (Article 13)
- Officers (Article 14)
- Decision-making (Article 15)
- Finance Contracts and legal matters (Article 16)
- Review and revision of the Constitution (Article 17)
- Suspension, interpretation and publication of the constitution (Article 18)
- Partnership Working (Article 19)

How the Council operates

The Council is composed of **63** Councillors, with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their ward constituents, including those that did not vote for them.

The Council has a **Code of Conduct for Councillors and Co-opted Members**, based on a nationally prescribed model, which aims to ensure high ethical standards and increase public confidence in the integrity of their local councillors and co-opted members. All Councillors and co-opted members have to agree that they will comply with the Code of Conduct. The Council's Standards Committee advises Members on the Code of Conduct.

All Councillors meet together at the **Council Meeting**. The Council Meeting is responsible for deciding the main policies and setting the budget each year. The Council Meeting also appoints the **Cabinet Leader**. **The Cabinet Leader appoints the Deputy Cabinet Leader** and the other members of the **Cabinet**, and allocates responsibilities ("portfolios") within the **Cabinet**.

How decisions are made

The **Cabinet** is made up of the **Cabinet Leader** and between 2 and 9 other Councillors. It is responsible for implementing the policies of the Council Meeting in accordance with the agreed budget. Most decisions in relation to Council services are taken by the **Cabinet** or, in the case of day to day operational decisions, by officers authorised by the **Cabinet**. When major decisions are to be taken or considered they are published in advance in the **Cabinet's** Forward Plan, in so far as they can be anticipated. If these major decisions are to be considered at a meeting by the **Cabinet** that meeting will generally be open to the public, unless personal or confidential matters are to be discussed. If the **Cabinet** wishes to make a decision that is outside the Policy Framework or Budget this must be referred to the Council Meeting to decide.

Ordinary Committees

Certain Council functions, notably regulatory functions and those which involve dealing with applications from individuals e.g. development control and licensing, are not the responsibility of the **Cabinet** and are dealt with by **Ordinary Committees**.

Scrutiny

There are **5 Scrutiny Committees** that support and monitor the work of the **Cabinet** and the Council as a whole. They can allow Stockport citizens to have a greater say in Council matters by holding public inquiries into areas of concern. They commission reports and undertake reviews which advise the **Cabinet** and the Council Meeting on specific aspects of policy and its implementation. They monitor the decisions of the **Cabinet** and may hold hearings to investigate specific issues. They can also 'call-in' a decision made by or on behalf of the **Cabinet**, but not yet implemented, and may require that the Executive reconsiders it or refers it for a debate at a Council Meeting. They may also be consulted by the **Cabinet** or the Council Meeting on forthcoming decisions and on the development of policy.

Area Committees and Ward Committees

In order to ensure that the Council stays in touch with local issues the Council has **7 Area Committees** made up of ward Councillors for those areas. Area Committees can be authorised by the **Cabinet** to make decisions on and deliver a number of locally based services, and they also decide some categories of planning applications and generally monitor the effect of council services in their areas. They also contribute a "local dimension" to the development of the Council's policies.

Ward Committees aim to provide people who live and work within a Ward with an opportunity to meet with their local Councillors to raise issues of concern to them, to allow Councillors to respond to local circumstances, and to generally enhance the participation of residents in the decision-making process of the Council.

Ward Committees seek to develop an effective partnership between local people and the Council through their local Councillors on matters in the Ward with a view to ensure that the

needs of the Ward and local people are identified that these brought to the attention of the relevant Council Directorate, **Cabinet Members** or other public body.

The Council's Staff

The Council employs **officers** to give advice to all parts of the Council, support Councillors in their work, implement decisions and undertake the day to day planning and management of the wide range of functions undertaken. Certain senior officers have special roles and duties to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between Councillors and officers.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in **Article 3**. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered
- contact their local Councillor about any matters of concern to them
- obtain a copy of this Constitution
- attend the Council Meeting and Committee meetings except where confidential matters are being discussed
- petition to request a referendum on an elected mayoral form of **Cabinet**
- participate in the Council's question time processes
- find out, from the **Cabinet's** Forward Plan, what major decisions are to be discussed by the **Cabinet** or decided by the **Cabinet** or officers
- attend meetings of the **Cabinet** where key decisions are being discussed or decided
- see reports and background papers and the record of decisions taken by the Council Meeting, Committees and Sub-Committees, and the **Cabinet**.
- complain to the Council under its published Complaints Procedure
- complain to the Ombudsman if they think that the Council has not followed its procedures properly. However they should only do this after using the Council's own complaints process
- complain to the Monitoring Officer if they have evidence that shows that a Councillor has not followed the Council's Code of Conduct, and
- inspect the Council's accounts and make their view known to the external auditor
- obtain a copy of a statement of the rights of citizens to inspect agendas and reports and attend meetings.

PART 2 - ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

References:

S.37 Local Government Act 2000

Chapter 10 DETR Guidance

The Local Government Act 2000(Constitutions)(England) Direction 2000

1.01 Powers of the Council

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

1.02 Constitution

This Constitution is the Constitution of the Council within the meaning of Section 37 Local Government Act 2000.

1.03 Aims and principles

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- provide for the separation of the executive and scrutiny roles within the Council's political management arrangements;
- enable decisions to be taken efficiently, effectively and in accordance with best value principles, and assist the Council to implement its Corporate Plan and meet the "Key Challenges" set out in the Community Strategy;
- (see below)
- ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for their decisions;
- help Councillors to represent their constituents more effectively;
- provide a means of improving the delivery of services to the community.

The borough's Community Strategy is developed by the Stockport partnership which is the borough's local strategic partnership. This Partnership comprises a Partnership Board, a Partnership Forum, a Public Services Commissioners' Co-ordinating Board and a number of thematic partnerships. The Partnership involves representatives of the public, private, voluntary and community sectors.

The Community Strategy sets out long term vision of the borough and is a key document for all organisations. It is reviewed as required in order to ensure that the Council and partners take account of changing environment nationally, regionally and locally in developing and delivering services. The Council Plan, adopted by the Council Meeting on an annual basis, provides clear priorities for action that enable the Council to address the key issues identified within the Borough's Sustainable Community Strategy. It also supplies the framework within which performance is measured and monitored. The priorities may change over time as social and economic conditions change. The Council along with partners will continue to consult with residents, businesses and employees to ensure that the priorities expressed

within the Borough's Sustainable Community Strategy and the Council Plan reflect the current situation within the borough

1.04 Interpretation and Review of the Constitution

The Constitution will be interpreted so as to give full effect to the aims and principles set out in 1.03. Where the Constitution permits the Council to choose between different courses of action it will always choose that option which it considers to be closest to those aims and principles.

The Council Meeting will be under a duty to monitor and evaluate the operation of the Constitution in accordance with the terms of **Article 17** so as to ensure that these aims and principles are given full effect.

ARTICLE 2 - COUNCILLORS

References:

Part 1, Part VA and S.79 Local Government Act 1972

Chapter 2 DETR Guidance

S.18 Local Government and Housing Act 1989 and regulations

S.7 Superannuation Act 1972 and regulations

2.01 Composition and eligibility

- (a) **Composition.** The Council is composed of 63 members, otherwise called Councillors. 3 Councillors are 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) **Eligibility.** Only registered voters of the Stockport area or those living or working here are, unless disqualified under the relevant statutory provisions, eligible to hold the office of Councillor.

2.02 Election and terms

Election and term of office. The ordinary elections of a third of all Councillors are usually held on the first Thursday in May in each year. In 2013 and every fourth year after there will be no ordinary election. The term of office of Councillors is normally 4 years, starting four days after being elected, and finishing four days after the date of the ordinary election four years later.

By-elections. By-elections are held, as required, to fill casual vacancies on the Council.

2.03 Roles and functions of all Councillors

Key Roles

Councillors, acting together at the Council Meeting, are responsible for taking the important decisions about the direction and objectives of the Council, for deciding on the overall policy framework and budget, and carrying out a number of strategic and corporate management functions.

Additionally, all Councillors are expected to:

- consult with and represent their local community and bring its views into the Council's decision-making process, i.e. acting as the "champions" of their community and actively encouraging good governance, community participation and citizen involvement in decision making;
- deal with individual casework and act as advocates for constituents in resolving particular problems or grievances;
- balance different, often conflicting, interests identified within the ward and represent the ward as a whole, fairly and without prejudice;
- sit as members of Ordinary and Area Committees and, in the case of non-cabinet members, Scrutiny Committees;
- be available for nomination as the Council's representative on appropriate other bodies, and develop specialisms associated with those bodies.

2.04 Conduct

Councillors are required to maintain the highest standards of conduct and ethics and adhere to the **Code of Conduct for Councillors and Co-opted Members** drawn up by the Standards Committee, approved by resolution of the Council Meeting and set out in **Part 6 CP1** to this Constitution. Councillors must also have regard to the **Protocol on Councillor/Officer Relations** set out in **Part 6 CP3**.

2.05 Access to Information and Confidentiality

Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions. Further information is contained in the **Protocol on Councillor/Officer Relations** set out in **Part 5 CP3** and in the **Cabinet and Scrutiny Procedure Rules (Part 4 PR3 and 4)**.

In order properly to perform their duties, Councillors are deemed to have the need to remain present during public meetings of the **Cabinet** and meetings of Committees of the Council, other than meetings of the Licensing, Environment and Safety Committee, Appointments Committee and Appeals Committees, notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information as defined in the **Access to Information Rules (Part 5 PR7)**.

Councillors must not disclose to the public information that is confidential or exempt, without the consent of the Council or divulge, to anyone other than a Councillor or Officer entitled to know it, information given in confidence. Councillors are required to comply with the **Code of Conduct (Part 5 CP1)** in all respects. "Confidential" and "Exempt" information have the same meaning as in Part VA Local Government Act 1972.

2.06 Allowances

Councillors receive allowances in accordance with the **Members' Allowances Scheme** approved by the Council Meeting and set out in **Part 7** of this Constitution.

2.07 Substitute Members

Where substitutes are permitted, Members can appoint their own substitute from within their group, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

Substitute members of the Planning & Highways Committee, Licensing Environment & Safety Committee and its sub-committees, and the Employment Appeals Committee must have received appropriate training as determined by the Corporate Director for Place Management & Regeneration or the Head of Legal and Democratic Governance.

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained more fully in the **Access to Information Rules (Part 5 PR7)**.

Voting and Petitions. Citizens on the electoral roll for Stockport have the right to vote, and to sign a petition to request a referendum for an elected Mayor form of Constitution.

Information. Citizens have the right to:

- contact their local Councillor about any matters of concern to them;
- attend the Council Meeting and meetings of Committees and Sub-Committees except where confidential matters are being discussed;
- attend meetings of the **Cabinet** where key decisions are being discussed or decided;
- find out, from the **Cabinet's** Forward Plan, what major decisions are to be discussed by the **Cabinet** or decided by the **Cabinet** or officers;
- see reports and background papers and the record of decisions taken by the Council Meeting, Committees and Sub-Committees and the **Cabinet**;
- inspect the Council's accounts and make their view known to the external auditor;
- obtain a copy of a statement of the rights of citizens to inspect agendas and reports and attend meetings;
- obtain a copy of this Constitution;
- access, under the Freedom of Information Act 2000, recorded information held by the Council subject to the exceptions set out in that Act.

Participation. Citizens have the right to participate in the Council's question time and Open Forum procedures.

Complaints. Citizens have the right to complain to:

- their local Councillors or the Council itself under its published Complaints Procedure;
- the Ombudsman, after using the Council's Complaints Procedure, if they think that the Council has not followed its agreed procedures;
- the Monitoring Officer if they have evidence that a Councillor has not followed the Code of Conduct for Councillors.

3.02 Citizens Responsibilities

- Citizens must not be violent, abusive, or threatening to Councillors or officers, or damage Council property. The Council will take appropriate action against any Citizens who engage in such behaviour.
- Citizens are encouraged to register to vote in Parliamentary, European and Local elections, and to exercise their rights under this Constitution to participate in and contribute to the process of decision making by the Council.

ARTICLE 4 - THE COUNCIL MEETING

References:

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000
The Local Authority (Functions and Responsibilities)(England)(Amendment) Regulations 2001 and 2004
Chapters 2 and 9 DETR Guidance

4.01 Definitions

The Council Meeting. The Council Meeting means a meeting to which all members of the Council have been called, constituted and conducted in accordance with this Constitution.

Policy Framework. The Policy Framework means the following plans and strategies:

- Capital Strategy
- Children's Trust Plan
- Council Plan
- Crime and Disorder Reduction Strategy
- Gambling Policy
- Licensing Policy
- Local Development Framework
- Local Transport Plan
- Youth Justice Plan
- Medium Term Financial Strategy
- Treasury Management Strategy
- Annual Investment Strategy
- Minimum Revenue Provision Policy

Budget. Budget includes the allocation of financial resources to different services and projects, proposed contingency funds and setting the council tax requirement.

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

Executive Functions. Executive functions are those functions of the Council allocated to the **Cabinet** either by law or by a decision of the Council Meeting, as set out in **Part 3 – Scheme of Delegation**.

4.02 Functions of the Council Meeting

Only the Council Meeting will exercise the following functions:-

- a) adopting and changing the Constitution except to the extent that it includes arrangements for the discharge of executive functions;
- b) approving or adopting the Policy Framework, the Budget, any application to the Secretary of State in respect of any Housing Land Transfer and any virement not permitted by the Financial Procedure Rules.

- c) subject to the **urgency procedures** contained in the **Access to Information Procedure Rules (Part 5 PR7)** making decisions about any matter relating to the discharge of an executive function which is covered by the Policy Framework or the Budget where the person or body making the decision is minded to make it in a manner contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d) appointing the Mayor and the Deputy Mayor;
- e) Electing and removing the **Cabinet Leader**;
- f) establishing the terms of reference for Ordinary Committees, Scrutiny Committees, Area Committees, Ward Committees, the Health & Wellbeing Board and the Standards Committee, any amendment of those terms, deciding on the composition of those Committees, making appointments to them, and (where the Council Meeting resolves so to do) appointing the chairs and vice-chairs;
- g) agreeing the annual Scrutiny Work Programme;
- h) appointing representatives to outside bodies except where that appointment is within the functions of the **Cabinet** or has been delegated to an officer or Committee;
- i) adopting or varying the Members' Allowances Scheme ;
- j) making, amending, revoking, re-enacting or adopting bylaws and the promoting, or opposing to the making of local legislation or personal bills;
- k) adopting and revising the Council's Code of Conduct for Councillors;
- l) changing the name of the Council, or conferring the title of Honorary Alderman or Freedom of the Borough;
- m) all local choice functions, set out in **Part 3** of this Constitution, which the Council Meeting decides should be undertaken by itself rather than by the **Cabinet**, or by delegation to a Committee, Sub-Committee or officer;
- n) all non-executive functions set out in **Part 3** of this Constitution, which the Council Meeting decides should be undertaken by itself rather than by delegation to a Committee, Sub-Committee or officer;
- o) deciding whether to accept the delegation of an executive or non-executive function from another Local Authority;
- p) establishing joint arrangements, including Joint committees, with one or more local authorities in order to discharge jointly functions that are not executive functions;
- q) approving the appointment of the Head of the Paid Service;
- r) dismissing of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer (appointed under section 151 Local Government Act 1972) after consideration of the advice, views or recommendations of the Independent Panel appointed by the Council Meeting, the conclusions of any investigation into the proposed dismissal and the views of the officer concerned;

- s) in accordance with the Local Authorities (Standing Orders) Regulations 2001/3384, the invitation and appointment of no less than 2 (two) and no more than 5 (five) Independent Persons who have each been appointed by the Council or any other Council pursuant to section 27 of the Localism Act 2011 to the Appointments Committee for the purposes of advising the authority on matters relating to the dismissal of Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer (appointed under section 151 Local Government Act 1972);
- t) all other matters that the law requires to be reserved to the Council Meeting.

4.03 Types of meeting

There are three types of Council Meeting:

- the Annual Meeting
- Ordinary Meetings
- Extraordinary Meetings

and they will be conducted in accordance with the **Council Meeting Procedure Rules (Part 5 PR1)**

4.04 Scheme of Delegation

The Council Meeting will maintain the **Scheme of Delegation** in **Part 3** of this Constitution setting out the responsibilities for the discharge of the Council's functions.

ARTICLE 5 - MAYOR AND DEPUTY MAYOR

References:

*S.3,5, 245;Schedule 2,12;Local Government Act 1972
Schedule 3 Local Government Act 2000
Chapters 2,4 and 9 DETR Guidance*

5.01 Role and Function

The Council Meeting will elect the Mayor and the Deputy Mayor annually. The Mayor and in his/her absence the Deputy Mayor has the following roles and functions:

1. To uphold and promote the aims and purposes of the Constitution and to interpret it, where necessary.
2. To preside over the Council Meeting, promoting the efficient carrying on of business, and paying due regard to the rights of members and the interests of the community.
3. To ensure that the Council Meeting is a forum for the debate of matters which are of concern to the local community and the place at which Councillors who are not members of the **Cabinet** are able to hold the **Cabinet** to account.
4. To be the civic symbol of the Council.
5. To attend such civic and ceremonial functions as he/she determines appropriate.

ARTICLE 6 - SCRUTINY COMMITTEES

References:

S.21 and Schedule 1 (Paras 7,8 10 and 11) Local Government Act 2000
Chapters 3 and 9 DETR Guidance
NHS Act 2006
Local Government and Public Involvement in Health Act 2007
Localism Act 2011
Health and Social Care Act 2012

6.01 Establishment of scrutiny committees

The Council will establish the scrutiny committees set out below to discharge the functions conferred by sections 9F and 9FA to 9FI of the Local Government Act 2000, section 19 of the Police and Justice Act 2006 and any functions conferred on an overview and scrutiny committee by regulations under section 244 (2ZE) of the National Health Service Act 2006.

- Adult Social Care and Health
- Children and Families
- Communities and Housing
- Corporate, Resource Management and Governance
- Economy and Regeneration
- Scrutiny Co-ordination Committee

The specific remit and terms of reference of the above Committees are set out in Part 3 Section 7 of this Constitution.

Scrutiny committees may appoint one or more sub-committees from their membership to discharge any of the functions of the scrutiny committee.

The Council will agree arrangements for the joint scrutiny of Health Services as follows:

- (a) Joint Health Overview and Scrutiny Committee for the Pennine Care Foundation Trust
- (b) Greater Manchester Joint Health Scrutiny Committee (strategic, conurbation wide and cross boundary health services)

The specific remit and terms of reference of the above Committees are set out in Part 3 Section 7 of this Constitution.

6.02 General role

Within their terms of reference, each Scrutiny Committee will:

- (i) review decisions made or actions taken in connection with the discharge of any of the Council's functions
- (ii) make reports and/or recommendations to the Council Meeting and/or the Cabinet and/or any joint or area committee in connection with the discharge of any functions;
- (iii) make reports and/or recommendations to the full Council and/or the Cabinet on any matter affecting the area or its inhabitants;

- (iv) exercise (subject to the Scrutiny Procedure Rules at Part 5 PR4) the right to call in decisions made but not yet implemented by the Cabinet or by an officer (where the officer has made an executive key decision) and to recommend that the decision be reconsidered by the Cabinet or officer who made it;
- (v) arrange for its function under (i) above as regards any decision to be exercised by the full Council;
- (vi) require members of the Cabinet or officers of the authority to attend before it to answer questions, and invite other persons to attend;
- (vii) appoint one or more sub-committees and arrange for the discharge of any of its functions by such a sub-committee;
- (viii) consider matters except “excluded matters” referred to it by any member of the authority.
- (ix) require the Council or the Cabinet to respond to any report or recommendation made by the Committee.

“Excluded Matters” means

- (i) any matter relating to a planning decision
- (ii) any matter relating to a licensing decision
- (iii) any matter relating to a person in respect of which that person has a right of recourse or right of appeal conferred by or under any enactment
- (iv) any matter that is vexatious, discriminatory or not reasonable to be included on the agenda for or to be discussed at a meeting of the scrutiny committee or any sub-committee of that scrutiny committee.

6.03 Specific functions

(a) **Policy development and review**

Scrutiny Committees **may**:

- (i) assist the Council and the **Cabinet** in the development of **its budget and policy framework** by in depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy **issues and possible** options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the **Cabinet and/or committees, and chief officers** about their views on issues and proposals affecting **the area**; and
- (v) liaise with external/partnership organisations operating in **the area**, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Scrutiny Committees **may**:

- (i) review **and scrutinise the** decisions made by and performance of the **Cabinet, and/or committees** and council officers both in relation to individual decisions and over time;
- (ii) review **and scrutinise** the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the **Cabinet and/or committees and chief officers** about their decisions and performance, whether generally in comparison

- with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the **Cabinet** and/or appropriate committee **and/or Council Meeting** arising from the outcome of the scrutiny process;
 - (v) review **and scrutinise** the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance, and question and gather evidence from any person (**with their consent**).

(c) **Reporting**

Scrutiny Committees **will report annually to the Council** on their **workings** and make recommendations for future work programmes and **amended working methods** if appropriate.

6.04 Crime and Disorder Committee

- (a) **The Communities and Housing Scrutiny Committee will be designated as the Crime and Disorder Committee. Its responsibilities will include:-**
- to review or scrutinise decisions or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
 - to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions.
- (b) **“Responsible authorities” include:-**
- Stockport Metropolitan Borough Council;
 - every provider of probation services operating within Stockport in pursuance of arrangements under Section 3 of the Offender Management Act 2007 which provide for it to co-operate with responsible authorities;
 - the Chief Constable of Greater Manchester Police;
 - the Greater Manchester Fire and Rescue Authority;
 - every Clinical Commissioning Group (CCG), the whole or any part of whose area lies within the area of Stockport.
- (c) **“Crime and Disorder Functions” are:-**
- reducing crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - combating the misuse of drugs, alcohol and other substances in the area and reduction of re-offending in the area.

6.05 Health Scrutiny Committee

The Adult Social Care and Health Scrutiny Committee will be designated as the Health Scrutiny Committee to discharge the health scrutiny functions of the Council under Regulations 21 to 23, 26 and 27 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Its responsibilities will include:-

- to review and scrutinise any matter relating to the planning, provision and operation of the health service in the Council's area;
- to make reports and recommendations to relevant NHS bodies and health service providers.

6.06 Flood risk management

The Economy and Regeneration scrutiny committee will be designated as the Flood Risk Management scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's flood risk management functions arising as a result of section 6(7) of the Flood and Water Management Act 2010 and
- to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions

6.07 Education functions

The Children and Families Scrutiny Committee will be designated as the Education Functions scrutiny committee. Its responsibilities will include:-

- to review or scrutinize the exercise of the Council's education functions
- to make reports and recommendations to the Council Meeting or Cabinet with respect to the discharge of those functions

6.08 Proceedings of scrutiny committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 PR4 of this Constitution.

6.09 Scrutiny Officer

The Council will designate one of their officers to act as the Council's Scrutiny Officer who will discharge the following functions:

- (a) to promote the role of the Council's scrutiny committees;
- (b) to provide support for the Council's scrutiny committees and the members of those committees;
- (c) to provide support and guidance to-
 - (i) members of the Council;
 - (ii) members of the Cabinet; and
 - (iii) officers of the Council

in relation to the functions of the Council's scrutiny committees.

6.10 Substitute Members

Substitutes are permitted for Scrutiny Committee. Members can appoint their own substitute from within their group, but not members of the Cabinet, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

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ARTICLE 7 - THE CABINET

References:

*S.11 and Schedule 1 paras 1,2 and 3 Local Government Act 2000
Chapters 4, 14 and 15, DETR Guidance*

7.01 Role and Function

The **Cabinet** will have all the functions of the Council that are not the responsibility of any other part of the Council, whether by virtue of law or this Constitution.

7.02 Form and Composition

The **Cabinet** will consist of the **Cabinet** Leader together with at least 2, but not more than 9, Councillors appointed to the **Cabinet** by the **Cabinet** Leader.

7.03 Cabinet Leader

The **Cabinet** Leader will be a Councillor elected to the office of **Cabinet** Leader for four years (or until the end of their normal term of office as a councillor) by the Council Meeting. The **Cabinet** Leader will hold office until -

- (a) he/she resigns from office; or
- (b) he/she is suspended from being a Councillor; or
- (c) he/she ceases to be a Councillor; or
- (d) or until he/she is removed from office by resolution of the Council Meeting.

7.04 Deputy Cabinet Leader/other Cabinet Councillors

Only Councillors may be appointed to the **Cabinet** by the **Cabinet** Leader. One of the members of the **Cabinet** shall be nominated by the **Cabinet** Leader as Deputy **Cabinet** Leader. There will be no co-opted members and no deputies or substitutes for **Cabinet** members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive and members of the **Cabinet** (including the **Cabinet** Leader) may not be members of a Scrutiny Committee.

Other **Cabinet** Councillors, including the Deputy **Cabinet** Leader, shall hold office until -

- (a) they resign from office; or
- (b) they are suspended from being Councillors; or
- (c) they cease to be Councillors; or
- (d) they are removed from office by the **Cabinet** Leader. The Leader will report any removal to the Council and the **Cabinet** at the earliest opportunity

7.05 Proceedings of the Cabinet

Proceedings of the **Cabinet** shall take place in accordance with the **Cabinet Procedure Rules (Part 5 PR 3)**.

7.06 Scheme of Cabinet Delegation

The Leader may exercise all the Executive powers of the Council or may arrange for those functions to be discharged by the **Cabinet**, **Cabinet Members**, Area Committees, **Cabinet Members** and Officers. Where the Leader arranges for the discharge of Executive functions, the arrangements in this Constitution for the discharge of Executive functions will be approved by the Leader.

The Monitoring Officer will maintain a list setting out which individual members of the **Cabinet**, **Cabinet** Committees, officers or joint arrangements are responsible for the discharge of particular Executive functions. The list will be available for public inspection on the Council's website.

7.07 Access to Information

The **Cabinet** will comply with the Access to Information Rules (**Part 4 PR7**) to the extent that those rules are expressed to apply to the **Cabinet**.

7.08 Public Question Time

A 'public question time' will be held at meetings of Cabinet in accordance with the agreed Code of Practice (**Part 6 CP5**).

7.09 Substitute Members

Substitutes are not permitted for the Cabinet.

Substitutes are permitted for a Cabinet Committee. Members can appoint their own substitute from other members of the Cabinet who are not already members, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

ARTICLE 8 - ORDINARY COMMITTEES

8.01 Ordinary Committees

The Council Meeting will appoint the Ordinary Committees set out in the **Scheme of Delegation** (Part 3 of this Constitution) to discharge the functions specified.

8.02 Procedures

- a) The Council Meeting Procedure Rules (**Part 4 PR1**) apply to meetings of Ordinary Committees to the extent indicated in Rule 26 of those rules.
A 'public question time' will be held at public meetings of Ordinary Committees in accordance with the agreed Code of Practice (**Part 5 CP5**).
- b) Any Councillor may request the **Democratic Services** to place an item on the agenda for an Ordinary Committee subject to giving ten clear days' notice prior to the meeting. The item must relate to the business of the Committee and will normally be placed at the end of the Agenda.
- c) Where an Ordinary Committee is considering a licensing application or appeal any Councillor who is not present throughout the proceedings will not be entitled to participate in the decision.

8.03 Membership – casual vacancies

Where the Council Meeting has determined the allocation to different political groups of seats on Committees then, where a casual vacancy occurs, the Councillor nominated by the political group entitled to fill that vacancy will become a member of that Committee on the day following receipt of notice to that effect by the Chief Executive.

8.04 Membership – training

Members of the Planning & Highways Committee, Licensing Environment & Safety Committee and its sub-committees, and the Employment Appeals Committee must have received appropriate training as determined by the Corporate Director for Place Management & Regeneration or the Head of Legal and Democratic Governance.

8.05 Access to Information

Ordinary Committees will comply with the **Access to Information Rules (Part 5 PR7)**.

8.05 Programme of Meetings

Ordinary Committee meetings will be held in accordance with a programme of meetings agreed by the Council Meeting and at such other times as the particular Committee may reasonably determine.

8.06 Quorum

Business shall not be transacted at a meeting of an Ordinary Committee unless at least one quarter of the membership is present. Provided that in no case shall the quorum of a Committee be less than 2 members.

8.07 Public Question Time

A 'public question time' will be held at meetings of Ordinary Committees in accordance with the agreed Code of Practice (Part 6 CP5).

8.08 Substitute Members

Substitutes are permitted for Ordinary Committees. Members can appoint their own substitute from within their group, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

Substitute members of the Planning & Highways Committee, Licensing Environment & Safety Committee and its sub-committees, and the Employment Appeals Committee must have received appropriate training as determined by the Corporate Director for Place Management & Regeneration or the Head of Legal and Democratic Governance.

ARTICLE 9 - HEALTH & WELLBEING ARRANGEMENTS

References:

S.194- 199 of the Health and Social Care Act 2012

9.01 Role and Function – Health & Wellbeing Board

The Council Meeting will establish the Health & Wellbeing Board as out below, to discharge the functions conferred by Sections 195 and 196 of the Health & Social Care Act 2012 and any other functions the Council sees wish to delegate to it (any such delegation shall be set out in the Scheme of Delegation (**Part 3**))

9.02 General Role

1. Seeking to improve the health and wellbeing of Stockport residents by both direct and indirect influence and by the engagement of relevant stakeholders and partners, including the Stockport Partnership Board;
2. acting on the duty to promote integrated health and care services, encouraging health and care commissioners to work together to advance the health and wellbeing of people in Stockport;
3. working in collaboration with partners, in particular through the Stockport Partnership Board, to reduce inequalities between residents in Stockport, with a particular focus on health and wellbeing;
4. improving transparency and accountability for local people and seeking to secure improvements in the availability, delivery and value for money of health and care services for Stockport residents;
5. leading on the duty to complete a Joint Strategic Needs Assessment (JSNA) and recognising its role in directing and supporting organisational and shared commissioning; and being willing to test and challenge the degree to which the Stockport JSNA has influenced commissioning within the local economy;
6. leading on the duty to draft and agree a high-level Joint Health and Wellbeing Strategy for Stockport. The Strategy should articulate how different services will work together to meet patient and service user needs identified in the JSNA, endorsed by the Council **Cabinet** and the Clinical Commissioning Group Board;
7. leading on the duty to consider the partnership arrangements under the NHS Act as part of the Joint Health and Wellbeing Strategy;
8. leading on the duty to complete a Pharmaceutical Needs Assessment (JSNA);
9. providing leadership in the development of plans for the integration of health and social care provision and the submission of bids for the Integrated Transformation Fund following consultation with appropriate partners and stakeholders;
10. focusing on building relationships, transfer of knowledge and fostering an understanding of how partner organisations function, and leading cultural and behavioural change to support a joint approach to meeting local need; and

11. responding to consultation from partner organisations, particularly on their commissioning plans, or on any other matters as directed by the Department of Health or other relevant bodies.

9.03 Composition

The Board will consist of the following voting members:-

- i) councillors nominated by the **Cabinet Leader**
- ii) representatives of the Stockport Clinical Commissioning Group Board
- iii) the Corporate Director for People, Stockport Council (as statutory director for children's services)
- iv) the Service Director (Adult Social Care) (as the statutory director for adult services)
- v) the Director of Public Health
- vi) a representative of the HealthWatch Stockport
- vii) a representative of the NHS National Commissioning Board

All members of the Board who are not elected members of the authority will be treated, for the purposes of the Board, as if Co-opted Members of the Authority for the duration of their membership of the Board.

Should the Council wish to vary the composition of the Board or to invite other persons or representations from organisations not identified above, it shall only do so after having consulted with the Board.

9.04 Membership – Casual vacancies

Where the Council Meeting has determined the allocation to different political groups of seats on the Board then, where a casual vacancy of an elected member's seat occurs, the Councillor nominated by the political group entitled to fill that vacancy will become a member of Board on the day following receipt of notice to that effect by the Chief Executive.

Where a casual vacancy occurs for a non-Councillor, the person nominated by the organisation will entitled to fill that vacancy will become a member of Board on the day following receipt of notice to that effect by the Chief Executive

9.05 Access to Information

Meetings of the Board will take place in public, and access to agendas, report and minutes and other documents will comply with the Access to Information Rules (**Part 5 PR7**) as appropriate.

9.06 Procedures

With any necessary modifications, the Council Meeting Procedure Rules (**Part 5 PR1**) apply to meetings of the Board to the extent indicated in Rule 26 of those rules. Any member of the Board may request **Democratic Services** to place an item on the agenda for the Board giving ten clear days' notice prior to the meeting. The item must relate to the business of the Board and will normally be placed at the end of the agenda.

9.07 Quorum

Business shall not be transacted at a meeting of the Board unless at least one quarter of the membership is present, and shall include at least one councillor and one representative of the Clinical Commissioning Group.

9.08 Substitutes

Substitutes are permitted on the Board, and members should inform Democratic Services prior to the commencement of the meeting that a substitute shall be attending in their place, and the name of the substitute.

9.09 Chair

The Chair shall be elected by the Board at the first meeting of the municipal year for a period up to the Council's Annual Meeting, unless the Council choose to appoint a Chair at the Annual Meeting.

The Chair shall normally rotate between being a representative of the Council and a representative of the Clinical Commissioning Group. Where one organisation holds the Chair, the other organisation should hold the Vice-Chair.

Any member of the Board shall be eligible to be Chair of the Board with the exception of any member who is also an employee of the Council.

9.10 Code of Conduct

Members are expected to maintain the highest standards of conduct and ethics and abide by the Committee on Standards in Public Life's 'Seven Principles of Public Life' ('Nolan' Principles). Councillors should also abide by the requirements of the Council's Code of Conduct, and non-councillor members of the Board should also have regard to the principles contained in this Code. Members should also have regard to any regulations or guidance published from time to time by the Secretary of State in relation to conduct and declarations of interest.

9.11 Role and Function – Health & Care Integrated Commissioning Board

The Council Meeting will establish the Health & Care Integrated Commissioning Board in accordance with the agreement between the Council and Stockport Clinical Commissioning Group.

9.12 General Role

Such functions as may be conferred by agreement between the Council and Stockport Clinical Commissioning Group under Section 75 of the National Health Service Act 2006.

ARTICLE 10 - SOLUTIONS SK CONTRIBUTORS COMMITTEE/ STOCKPORT HOMES MEMBER COMMITTEE/ THE FUNDING COMMITTEE

10.01 General role of the Committee

(a) The Solutions SK Contributors Committee

1. To appoint and dismiss the Board.
2. To hold the Board to account.
3. To receive and agree the Business Plan.
4. To receive financial monitoring reports and accounts.
5. To approve the cessation of existing business areas and approve new areas of business.
6. To approve any proposals to change the Company's Capital Structure or corporate structure.

(b) Stockport Homes Member Committee

1. To appoint and dismiss the Board.
2. Review the performance of Stockport Homes
3. Monitor and oversee the Delivery Plan and each Annual Service Improvement Plan.
4. To receive financial monitoring reports and accounts.

(c) The Funding Committee

The Committee shall not in any way fetter the Life Leisure Board's ability to make decisions in line with their responsibilities as company directors and their obligations as a registered charity.

All Company information disclosed to the Committee which is of a sensitive commercial nature shall be treated in the strictest confidence and shall not be disclosed to any third party without the express consent of the Company Managing Director.

1. To understand the Life Leisure Board's use of the Council's financial support, and to propose to the Board outcomes that could be delivered with that financial support. (Life Leisure are obliged to provide such information as the Council may reasonably require to demonstrate how the funding has assisted in maintaining or improving community recreation services. They are also obliged to submit unaudited accounts within 6 months of the end of Life Leisure 's financial year (audited within 10 months), identifying the expenditure for which the funding was provided).
2. To receive Life Leisure's Partnership Delivery Plan. (The Plan requires Council approval, not to be unreasonably withheld or delayed. This is submitted three

yearly in October for the next 3 years commencing on 1st April in the following year. If the Plan is approved funding is to be made available for the 3 years).

3. To consider and approve or otherwise as necessary the Partnership Delivery Plan. (The Plan is a detailed service delivery plan setting out Life Leisure's proposals for the 3 year period. Life Leisure's pricing policy must be included in the Plan, and it should identify clearly how it will ensure facilities remain accessible to all sections of the community and safeguard concessionary rates for identified target groups. The Plan should include how Life Leisure contributes to improving the social, community and personal outcomes for the Borough and its people.
4. To discuss what, in the Council's view, Life Leisure's Community Partnership Plan 2015 – 2018 should contain, and to comment in due course on the Board's proposals.
5. To comment upon matters proposed by the Board concerning the use of, activities within, or occupation by any third party, of any of the Company's premises leased from the Council.
6. To receive the unaudited and audited Company accounts annually and to make representations as to the activities of the Company which the Council would like to see implemented (having regard to the likely cost to the Company).
7. To receive on a quarterly basis performance and trading information of the Company.
8. To receive any Company proposals to cease existing business areas and/or enter new areas of business and to comment as appropriate.
9. To receive any proposals to change the Company's corporate status, its memorandum or articles of association, its means of delivering its services, or matters concerning its charitable status and to comment as appropriate.
10. To receive advance notice of any Company matters which may be of potential risk and which affect the economic, social or environmental well-being of the Borough, and to offer views prior to the Company entering any commitment.

10.02 Procedures

The Council Meeting Procedure Rules (Part 5 PR1) apply to meetings of the Committee to the extent indicated in Rule 26 of those rules.

A 'public question time' will be held at meetings in accordance with the agreed Code of Practice (Part 6 CP5)

Any Councillor who is a member of the Committee may request the Proper Officer to place an item on the agenda subject to giving ten clear days' notice prior to the meeting. The item must relate to the business of the Committee and will normally be placed at the end of the agenda.

10.03 Composition

The Committee will be appointed annually by the Council Meeting on the following basis:-

- 2 Liberal Democrat councillors
- 2 Labour councillors
- 2 Conservative councillors
- 1 Independent Ratepayer councillor

10.04 Membership – casual vacancies

Where the Council Meeting has determined the allocation to different political group of seats on the Committee then, where a casual vacancy occurs, the Councillor nominated by the political group entitled to fill that vacancy will become a member of that Committee on the day following receipt of notice to that effect by the Chief Executive.

10.05 Access to Information

The Committee will comply with **Access to Information Rules (Part 5 PR7)**

10.06 Quorum

Business shall not be transacted at a meeting of the Committee unless at least one quarter of the member ship is present. Provided that in no case shall the quorum of the Committee be less than 2 members.

10.07 Substitutes

Substitutes are permitted. Members can appoint their own substitute from within their group provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

ARTICLE 11 - THE STANDARDS COMMITTEE

*References;
Localism Act 2011*

11.01 **Standards Committee**

The Council Meeting will establish a Standards Committee and a Standards Sub-Committee.

11.02 **Composition**

(a) **General**

The Standards Committee and the Standards Sub-Committee will be composed of the following members:

- i) such number of councillors as determined by the Council Meeting;
- ii) such number of Independent Members as determined by the Council Meeting;

~~Councillors may nominate a substitute if they are unable to attend a meeting and should inform Democratic Services prior to the commencement of the meeting that a substitute shall be attending in their place and the name of the substitute.~~

(b) **The Role of the Independent Member**

Independent members provide an independent and impartial presence on the Standards Committee and make a real contribution to the fairness and integrity of the standards process.

Independent Members will be treated as if non-voting Co-opted Members of the Authority for the duration of their membership of the Standards Committee.

(b) **Chair and Vice-Chair**

The Chair and Vice-Chair will be elected at the first meeting of the municipal year for a period up to the Council's Annual Meeting and should be one of the Independent Members. The Chair of the Standards Sub-Committee should also be one of the Independent Members.

11.03 **Role and function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and Co-opted members of the Council;
- (b) assisting Councillors and Co-opted Members to observe the Code of Conduct for Councillors and Co-opted Members;
- (c) advising the Council Meeting on the adoption or revision of the Code of Conduct;
- (d) monitoring the operation of the Code of Conduct;
- (e) advising, training or arranging to train the Councillors and Co-opted Members on matters relating to the Code of Conduct;
- (f) granting dispensations to Councillors and Co-opted Members from requirements relating to the declaration of interests set out in the Code of Conduct.

The Standards Sub-Committee will have the following roles and functions:

- (a) to consider complaints regarding members conduct where, in the opinion of the Monitoring Officer, local resolution is not appropriate or the complainant and/or subject Member refuses to co-operate;
- (b) exercising the above functions in relation to Parish Councils wholly or mainly in Stockport, and the members of those Councils.

11.4 Independent Person

The role of the 'independent person' is a statutory position created by the Localism Act 2011. The Council Meeting will appoint these Persons. The Independent Person will be entitled to attend meetings of the Standards Committee to offer views when appropriate.

11.5 Access to Information

Meetings of the Committee and Sub-Committee will take place in public, and access to agendas, report and minutes and other documents will comply with the Access to Information Rules (**Part 5 PR7**) as appropriate.

11.6 Procedures

With any necessary modifications, the Council Meeting Procedure Rules (**Part 5 PR1**) apply to meetings of the Committee and Sub-Committee to the extent indicated in Rule 26 of those rules. Any member of the Committee may request **Democratic Services** to place an item on the agenda for the Committee giving ten clear days' notice prior to the meeting. The item must relate to the business of the Committee and will normally be placed at the end of the agenda.

11.7 Membership – casual vacancies

Where the Council Meeting has determined the allocation to different political groups of seats on the Standards Committee then, where a casual vacancy occurs, the Councillor nominated by the political group entitled to fill that vacancy will become a member of that Committee on the day following receipt of notice to that effect by the Chief Executive.

11.8 Code of Conduct

Members are expected to maintain the highest standards of conduct and ethics and abide by the Committee on Standards in Public Life's 'Seven Principles of Public Life' ('Nolan' Principles). Councillors should also abide by the requirements of the Council's Code of Conduct, and non-councillor members of the Committee should also have regard to the principles contained in this Code. Members should also have regard to any regulations or guidance published from time to time by the Secretary of State in relation to conduct and declarations of interest.

11.9 Quorum

The quorum for meetings of the Standards Committee or a sub-committee of the Standards Committee shall be 4 members including at least 1 independent member and 3 councillors. Where at least 1 independent member or councillor would have been present but for the fact that he or she has a prejudicial interest in the business to be transacted the quorum for the meeting shall be any 3 members.

11.10 Sub-Committee

The Council Meeting will establish a sub-committee at which a member complained of can respond to the investigation report and the sub-committee can determine whether the member had failed to comply with the Code of Conduct and what action is appropriate.

Substitutes will be permitted in the same way as for the Standards Committee.

11.11 Substitute Members

Substitutes are councillors are permitted for the Standards Committee and Sub-Committee. Members can appoint their own substitute from within their group, provided that they inform Democratic Services prior to the commencement of the meeting.

A member wishing to arrange a substitute for a particular meeting is not required to give a reason for his or her proposed absence.

A notice to the effect that a member will not be able to attend a meeting may be withdrawn only with the agreement of the arranged substitute member (if any).

ARTICLE 12 - AREA AND WARD COMMITTEES

References:

Part VA, Local Government Act 1972

S.13 Local Government and Housing Act 1989

Reg. 4,5 and 16A Local Government (Committees and Political Groups) Regulations 2000

Chapters 6 and 9 DETR Guidance

S.18 Local Government Act 2000

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

12.1 Area Committees

The Council Meeting will appoint the following Area Committees, with membership comprising the Councillors for the wards indicated.

<u>Area Committee</u>	<u>Wards</u>
Bramhall & Cheadle Hulme South	Bramhall North Bramhall South and Woodford Cheadle Hulme South
Central Stockport	Brinnington and Central Davenport and Cale Green Edgeley and Cheadle Heath Manor
Cheadle	Cheadle and Gatley Cheadle Hulme North Heald Green
Heatons & Reddish	Heatons North Heatons South Reddish North Reddish South
Marple [Marple & High Lane]	Marple North Marple South
Stepping Hill	Stepping Hill Hazel Grove Offerton
Werneth [Bredbury, Romiley & Woodley]	Bredbury and Woodley Bredbury Green and Romiley

Details of the powers and duties of Area Committees will be included in the **Scheme of Delegation (Part 3)** including the delegation of executive and non-executive functions, budgets, limitations on delegation, and advisory functions.

12.2 Conflicts of Interest - Membership of Area Committees and Scrutiny Committees

Where a Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of an Area Committee of which the Councillor concerned is a member, the Councillor may not speak or vote at the Scrutiny Committee meeting, unless a dispensation to do so is given by the Standards Committee. Where a Scrutiny Committee is reviewing policy generally, the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw, and may participate in the debate and any vote taken.

12.3 Area Committees - Access to Information

Areas Committees will comply with the **Access to Information Rules (Part 5 PR7)**.

Agendas and notices for Area Committee meetings that discharge both executive and non-executive functions will state clearly which items are which.

12.4 Cabinet Members on Area Committees

Members of the **Cabinet** may be members of Area Committees, if otherwise eligible.

12.5 Public Question Time

A 'public question time' will be held at meetings of Area Committees in accordance with the agreed Code of Practice (**Part 6 CP5**).

12.6 Procedures

The Council Meeting Procedure Rules (**Part 5 PR1**) apply to meetings of Area Committees to the extent indicated in Rule 26 of those rules.

Subject to appropriate modification, Council Meeting Procedure Rule 2.1(a) and (b) will also apply in respect of formalities and announcements and community engagement.

Any member of an Area Committee may request the **Democratic Services** to place an item on the agenda for an Area Committee meeting subject to giving 10 clear days' notice prior to the meeting. The item must relate to the business of the Committee and will normally be placed at the end of the agenda.

12.7 Relationships with other Member Bodies

The Protocol at CP7 governs the relationship between Area Committees and **Cabinet Members**, Scrutiny Committees, Officers and others.

12.8 Programme of Meetings

Area Committee meetings will be held in accordance with a programme of meetings agreed by the Council Meeting. Extraordinary meetings may be held at such other times as the Area Committee shall reasonably determine, provided that no more than one such extraordinary meeting per Ward may be held each year, and that such extraordinary meetings are not held in the period immediately preceding a local, Parliamentary or European election.

12.9 Quorum

Business shall not be transacted at a meeting of an Area Committee unless at least one quarter of the membership is present, provided that in no case shall the quorum of an Area Committee be less than 2 members.

12.10 Ward Committees

To support the Community Leadership role of Councillors, the three ward councillors may decide to establish a 'Ward Committee' or ward councillors from two or more wards may establish a 'Joint Ward Committee'

Ward Committees will act in an advisory capacity and will not have any delegated powers.

12.11 Ward Committees - Access to Information

Ward Committees will comply with the **Access to Information Rules (Part 5 PR7)**.

Agendas and notices for Area Committee meetings that discharge both executive and non-executive functions will state clearly which items are which.

12.12 Public Question Time

A 'public question time' will be held at meetings of Ward Committees in accordance with the agreed Code of Practice (**Part 6 CP5**).

12.13 Procedures

The Council Meeting Procedure Rules (**Part 5 PR1**) apply to meetings of Ward Committees to the extent indicated in Rule 26 of those rules.

Subject to appropriate modification, Council Meeting Procedure Rule 2.1(a) and (b) will also apply in respect of formalities and announcements and community engagement.

Any member of a Ward Committee may request the **Democratic Services** to place an item on the agenda for a **Ward** Committee meeting subject to giving 10 clear days' notice prior to the meeting. The item must relate to the business of the Committee and will normally be placed at the end of the agenda.

12.14 Relationships with other Member Bodies

The Protocol at CP7 governs the relationship between Ward Committees and **Cabinet Members**, Scrutiny Committees, Officers and others.

12.15 Quorum

Business shall not be transacted at a meeting of a Ward Committee unless at least one quarter of the membership is present, provided that in no case shall the quorum of a Ward Committee be less than 2 members.

12.16 Substitute Members

Substitutes are not permitted for Area nor Ward Committees.

ARTICLE 13 - JOINT ARRANGEMENTS

References:

S.2,19,20 Local Government Act 2000

Chapters 6 and 9 DETR Guidance

The Local Authorities (Arrangements for the Discharge of Functions)(England) Regulations 2000

The Local Authorities (Arrangements for the Discharge of Functions)(England)(Amendment) Regulations 2001

13.1 Arrangements to promote well being

The **Cabinet**, in order to promote the economic, social or environmental well-being of Stockport, may:

- enter into arrangements or agreements with any person or body;
- co-operate with or facilitate or co-ordinate the activities of any person or body;
- exercise on behalf of that person or body any functions of that person or body.

13.2 Joint Arrangements

13.2.1 The Council Meeting may establish joint arrangements with another authority or authorities and/or their **Cabinets/Executives** to exercise jointly functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may include the establishment of Joint Committees.

13.2.2 The **Cabinet** may enter into joint arrangements with another authority/authorities to exercise functions that are executive functions. Such arrangements may include the establishment of Joint Committees. Except as set out in **Article 13.2.3** the **Cabinet** may only appoint **Cabinet** members to such a joint committee, and those appointments need not reflect the political composition of the Council.

13.2.3 The **Cabinet** may appoint non-**Cabinet** members to a joint committee only where the joint committee exercises functions in respect of a part of the Borough which is smaller than 2/5ths of the Borough by area or population. In such cases the **Cabinet** may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area in respect of which the joint committee has functions. Political balance requirements do not apply to such an appointment.

13.2.4 The Council participates in the following joint committees:

- a) AGMA (See Part 3 **Section 10A**)
- b) Transport for Greater Manchester Committee (see Part 3 **Section 10B**)
- c) Greater Manchester Police & Crime Committee (see Part 3 **Section 10C**)
- d) STAR Joint Committee (see Part 3 **Section 10D**)
- e) Health & Care Integrated Commissioning Board (HCICB) (see Part 3 Appendix 8E)

13.2.5 Details of any other joint arrangements will be included in the **Scheme of Delegation (Part 3)**.

13.3 Access to Information

13.3.1 The **Access to Information Rules (Part 5 PR7)** apply.

- 13.3.2** If the membership of a joint committee comprises only members of the **cabinet** /executive in each of the participating authorities then the access to information regime is the same as that applied to the **Cabinet**.
- 13.3.3** If the joint committee contains members who are not members of the executive of any of the participating authorities then Part VA of the Local Government Act 1972 will apply.

13.4 **Delegation to and from other Authorities**

- 13.4.1** The Council Meeting may delegate non-executive functions to another authority or, in certain circumstances, to the **cabinet/ executive** of another local authority.
- 13.4.2** The **Cabinet** may delegate executive functions to another authority or, in certain circumstances, to the **Cabinet** of another local authority.
- 13.4.3** The decision whether or not to accept such a delegation from another local authority is reserved to the Council Meeting.

13.5 **Contracting Out**

The Council and the **Cabinet** may contract out to another body or organisation the discharge of their respective functions which may be exercised by an officer and which are subject to order under Section 70 Deregulation and Contracting Out Act 1994. The **Cabinet** may also make contracting arrangements where the contractor acts as the Council's agent under normal contracting principles, provided that there is no delegation of the Council's discretionary decision-making powers.

ARTICLE 14 - OFFICERS

References:

Sections 4 and 5 Local Government and Housing Act 1989

S.60 and S.64-66 Local Government Act 2000

Chapters 8 and 9 DETR Guidance

14.01 Management Structure

General. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Corporate Directors. The Council will appoint persons to the following posts, who will be designated "Corporate Directors":

Chief Executive

Deputy Chief Executive

Corporate Director for People

Corporate Director for Place Management and Regeneration

Head of Paid Service, Chief Financial Officer and Monitoring Officer. The Council will designate the following "statutory" officers:

Head of the Paid Service - Chief Executive

Chief Financial Officer - Borough Treasurer

Monitoring Officer - Head of Legal & Democratic Governance

Such posts will have the functions described in **paragraph 14.02 - 14.04** below.

Structure. The Head of the Paid Service will determine and publicise a description of the overall departmental **Management Structure** of the Council showing in general terms how officers are deployed and managed. This is set out at **Part 8** of this Constitution.

14.02 Functions of the Head of the Paid Service

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

14.03 Functions of the Monitoring Officer

Maintaining, monitoring and reviewing the Constitution. The Monitoring Officer will maintain an up to date version of the Constitution and ensure that it is available for consultation by members, officers and the public. He or she will also carry out the monitoring and review responsibilities referred to at **Article 17.01**.

Ensuring lawfulness and fairness of decision-making. After consulting with the Head of the Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Council Meeting or to the **Cabinet**, in the case of executive functions, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

Conducting Investigations. The Monitoring Officer will conduct investigations into complaints received and make reports or recommendations in respect of them to the Standards Committee.

Proper Officer for Access to Information. The Monitoring Officer will ensure that Executive/ **Cabinet** decisions, together with the reasons for those decisions, and relevant officer reports and background papers, are made publicly available as soon as possible.

Advising whether Cabinet / Executive decisions are within the budget and policy framework. The Monitoring Officer will advise whether decisions of the **Cabinet** are in accordance with the Policy Framework and Budget.

Contributing to Corporate Management. The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.

Maintaining the Register of Councillors Interests. The Monitoring Officer will be responsible for maintaining the Register of Councillors Interests in accordance with S29 of the Localism Act 2011 and regulations made under that section.

Providing advice. The Monitoring Officer will provide advice on the scope of the powers and the authority to make decisions, maladministration, financial impropriety, probity, and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

14.04 Functions of the Chief Financial Officer

Ensuring lawfulness and financial prudence of decision-making. After consulting with the Head of the Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Council Meeting or to the **Cabinet**, in the case of executive functions, and to the Council's External Auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. Such report will have the effect of stopping the proposal or decision being implemented until the report has been considered by the Council Meeting or the **Cabinet**, as the case may be.

Administration of financial affairs. The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

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

Providing advice. The Chief Financial Officer will provide advice on the scope of the powers and the authority to make decisions, maladministration, financial impropriety, probity, and Budget and Policy Framework issues to all Councillors, and will support and advise Councillors and officers in their respective roles.

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

14.05 Resources

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

14.06 Conduct

Officers will at all times adhere to the **Officers' Code of Conduct (Part 6 CP2)** issued by the Secretary of State and to the **Protocol on Councillor/Officer Relations (Part 6 CP3)**.

14.07 Recruitment and Appointment

The recruitment, selection and dismissal of officers will be undertaken in accordance with the **Officer Employment Procedure Rules** set out in **Part 5 PR8**.

ARTICLE 15 - DECISION-MAKING

References:

Chapter 7 DETR Guidance

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

The Local Authorities (Executive Arrangements)(Access to Information)(England) (Amendment) Regulations 2001

15.01 Responsibility for Decision-Making

Responsibility for decision-making is as set out in the **Scheme of Delegation (Part 3)**. The Monitoring Officer will keep the **Scheme of Delegation** up to date in accordance with delegation decisions made from time to time by the Council Meeting, the **Cabinet**, Individual Members of the **Cabinet** or Committees and Sub-Committees.

15.02 Principles of Decision-Making

All decisions of the Council Meeting, the **Cabinet**, Committees and Officers, will be taken in accordance with the following principles:

Principles of decision-making

- Clarity of aims and desired outcomes;
- Presumption in favour of openness;
- Proportionality (meaning the action must be proportionate to the results to be achieved) and reasonableness;
- Consideration of relevant professional advice;
- Appropriate consultation with stakeholders and those persons or organisations likely to be affected;
- Respect for human rights;
- Timeliness;
- Due diligence and financial prudence.

15.03 Types of Decision

(a) Decisions reserved to the Council Meeting

Decisions reserved to the Council Meeting relating to the functions listed in **Article 4** will be made by the Council Meeting and not delegated.

(b) Key Decisions.

A decision of the **Cabinet**, an Area Committee, or of a Corporate Director acting in accordance with the Scheme of Delegation will be a Key Decision if it comes within one or more of the following categories:

- (i) It is likely to result in the Council incurring expenditure or making savings which are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) it is likely to be significant in terms of its effects on communities living or working in 2 or more Stockport wards.

- (iii) it forms part of the development of, or the development of a change to, the Policy Framework or Budget.
- (iv) it involves revenue expenditure or saving that is neither provided for within the Budget, nor virement permitted by the Constitution.
- (v) it involves capital expenditure that is not provided for within:
 - a) the capital estimate for a specific scheme; or
 - b) a lump sum capital estimate;
 - c) the capital programme at all, subject to rule 3.13 of the Financial Procedure Rules, which permits the Executive to utilise released capital funding for other projects where approved scheme costs are reduced or the approved scheme is deleted (unless the resources were specifically ring fenced).
- (vi) it involves a significant reduction in or significant change to a service or facility provided by the Council, such reduction or change not being within the Policy Framework or Revenue Budget.
- (vii) it consists of the declaration of land or property, the estimated value of which exceeds £250,000, as surplus to the Council's requirements.
- (viii) it involves securing approval in principle to the acquisition or disposal of land or property the value of which is estimated to exceed £250,000.
- (ix) it involves securing approval in principle to the taking of, or the granting, renewal, assignment, transfer, surrender, taking of surrenders, review, variation or termination of any leases, licences, easements or wayleaves, at considerations in excess of £250,000 per annum or a premium of £250,000.
- (x) its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of Council employees.

A Key Decision may only be taken in accordance with the requirements of the **Cabinet Procedure Rules (Part 5 PR3)** and **Access to Information Rules (Part 5 PR7)**.

15.04 Decision-making by the Council Meeting

Subject to **para 15.08**, the Council Meeting will follow the **Council Meeting Procedure Rules (Part 5 PR1)** when considering any matter.

15.05 Decision-making by the Cabinet

Subject to **para 15.08**, the **Cabinet** will follow the **Cabinet Procedure Rules (Part 5 PR3)** when considering any matter.

15.06 Decision-making by Scrutiny Committees

Scrutiny Committees will follow the **Scrutiny Procedure Rules (Part 5 PR4)** when considering any matter.

15.07 Decision-making by Ordinary Committees

Subject to **para 15.08**, Ordinary Committees will follow those parts of the **Council Meeting Procedure Rules (Part 5 PR1)** as are stated in those Rules to apply to them.

15.08 Decision-making by Council bodies acting quasi-judicially

When acting as a tribunal or in a quasi-judicial manner or determining/ considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, the Council Meeting, Committees, the **Cabinet**, and officers will follow a procedure which accords with the principles of natural justice and the requirements of the Human Rights Act 1998.



ARTICLE 16 - FINANCE, CONTRACTS AND LEGAL MATTERS

References:

S.135,151,223,224 Local Government Act 1972
Part VIII Local Government Finance Act 1988

16.01 Audit

The Council Meeting will arrange for an independent annual audit of all Council accounts and may provide for more frequent audits, as it deems necessary. The Council has made arrangements for the Audit Committee to carry out a range of audit functions detailed in **Section 5 of Part 3** Scheme of Delegation.

16.02 Financial management

The management of the Council's financial affairs will be conducted in accordance with the **Financial Procedures Rules (Part 5 PR5)**.

16.03 Contracts and procurement

Every contract made by the Council or any part of it will comply with the **Contract Procedures Rules (Part 5 PR6)**.

16.04 Legal proceedings

The Head of Legal & Democratic Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or any part of it, or in any case where he or she considers that such action is necessary to protect the Council's interests.

16.05 Authentication of documents

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

16.06 Common Seal of the Council

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

ARTICLE 17 - REVIEW AND REVISION OF THE CONSTITUTION

References:

S.30 and 37 Local Government Act 2000
Chapters 10 and 15 DETR Guidance

17.01 Monitoring and review

The relevant Scrutiny Committee will monitor and review the operation of the Constitution in order to ensure that the aims and principles of the Constitution are given full effect. In undertaking this function the relevant Scrutiny Committee will have regard to representations made by Councillors, external feedback (e.g. from the external audit report or ombudsman), recommendations of the statutory officers or decisions of the Council Meeting.

It will be the responsibility of the **Monitoring Officer** to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the Council's governance principles. In undertaking this task the Monitoring Officer may:

- observe meetings of different parts of the member and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by Councillors or other sources;
- compare the Council's practices and procedures with those in other comparable authorities, or national examples of best practice.

17.02 Changes to the Constitution

Approval. Changes to the Constitution, with the exception of delegations of executive functions, can only be approved by the Council Meeting. Before changing the Constitution the Council Meeting must take into account any views of the **Cabinet** on the proposed change, and the outcome of any appropriate consultation, together with any evaluation of that proposal by the relevant Scrutiny Committee.

The Monitoring Officer has authority to make changes to the Constitution to correct minor typographical errors.

ARTICLE 18 - SUSPENSION, INTERPRETATION AND PUBLICATION OF CONSTITUTION

18.01 Suspension

Limit to suspension. The Articles of this Constitution may not be suspended. The Procedure Rules specified below may be suspended by the Council Meeting to the extent permitted within those Rules and the law. A motion to suspend any Procedure Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the aims and principles of the Constitution set out in **Article 1**.

Rules capable of suspension. The following Procedure Rule(s) may be suspended in accordance with this Article:

- **Part 5 PR1 Council Meeting Procedure Rules**, to the extent specified in Rule 24.1 of those rules.

18.02 Interpretation

The ruling of the Mayor (or person presiding) as to the construction or application of this Constitution or as to any proceedings of the Council Meeting shall not be challenged at any Council Meeting. Such interpretation will have regard to the aims and principles of this Constitution contained in **Article 1**.

18.03 Publication

The **Monitoring Officer** will give a copy of this Constitution to each Councillor upon delivery to him/her of the Councillor's declaration of acceptance of office on the Councillor first being elected to the Council. Arrangement will also be made to ensure copies are available to members of the public and the press on payment of a reasonable fee. The **Monitoring Officer** will ensure that the summary of the Constitution is widely available within Stockport and is updated as necessary.

ARTICLE 19 - PARTNERSHIP WORKING

References:

Local Government Act 2000

- 19.01** The Council will fulfil its duties under the Local Government Act 2000 to establish a local strategic partnership to work with local agencies to further the social, economic and environmental well-being of the borough. The partnership – known as the Stockport Partnership will include such thematic partnerships as deemed necessary in order to fulfil this aim.
- 19.02** The purpose of the Stockport Partnership is to bring people together from a range of voluntary, community, public and private sector organisations to work co-operatively with local communities and implement the long term vision for a better Stockport.
- 19.03** The Partnership aims to improve the quality of life for local people by actively promoting social, environmental and economic wellbeing, as well as identifying specific problems in order to design and target services at both the neighbourhood and borough levels.
- 19.04** The objectives of the Partnership shall be:
- To set the overall strategic vision for Stockport through the implementation, monitoring and review of the Sustainable Community Strategy and Local Area Agreement.
 - To enable local people and communities (through consulting, informing and advising) to identify gaps in service, needs and priorities which inform the strategic vision of the Partnership and actively shape the development of the agreed initiatives and projects.
 - To promote an exchange of ideas, knowledge and information between communities, partners and sectors to develop learning and understanding of needs within Stockport.
 - To deliver on common priorities, targets, agreed actions and milestones leading to demonstrable improvements against measurable baselines.
 - To bring about the strategic alignment of plans, partnerships and initiatives across Stockport and which affect the Sustainable Community Strategy.
 - To promote the interests of Stockport beyond the borough's boundaries within external organisations, city regional and regional bodies as well as Central Government.
- 19.05** Membership of the Stockport Partnership Board is determined by the Board itself, however, it is agreed that the Council Leader will chair the Partnership. Membership will be received on a regular basis.
- 19.06** The Partnership has an agreed constitution which sets out the following:
- Terms of reference
 - Roles and responsibilities
 - Policies:
 - Codes of Conduct
 - Equality and Diversity

PART 3 – SCHEME OF DELEGATION

References:

Chapters 5 DETR Guidance

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000

The Local Authorities (Functions and Responsibilities (England)(Amendment) Regulations 2001

S.13 Local Government Act 2000

Local Authorities (Executive Arrangements (Meeting and Access to Information) (England) Regulations 2012

Openness of Local Government Bodies Regulation 2014

1. PURPOSE

- 1.1 The purpose of this scheme is to provide for the delegation, by the Council, of its executive and non-executive functions.
- 1.2 The scheme is adopted with the intention that there should be a streamlining and simplification of the decision-making process. Accordingly it should be interpreted widely rather than narrowly.

2. DEFINITIONS

- 2.1 For the purpose of this scheme, a function of the Council means any activity which the Council may lawfully engage in under statute or common law.
- 2.2 Functions of the Council are divided between:
 - **Executive** functions, which are all those functions of the Council that are not non-executive functions or the functions of the Standards Committee and Scrutiny Committees.
 - **Non-Executive** functions, which are those "local choice" functions listed in that the Council Meeting decides should be non-executive functions, together with those functions of the Council listed in the relevant appendices and all other functions which are required by law to be non-executive functions.
 - Functions allocated by law or by this Scheme of Delegation to the Standards Committee or Scrutiny Committees.
- 2.3 This scheme delegates:
 - to the **Cabinet**, to Area Committees, and to officers, the Council's functions as set out in the **Sections 2, 4 and 8**.
 - to Ordinary Committees of the Council, the non-executive functions set out **Section 5**.
 - to the Standards Committee the functions set out in **Section 6**.
 - to Scrutiny Committees, the functions set out in **Section 7**.
 - in each of the above cases, all the powers and duties within those functions under all present and future legislation, and all powers incidental to those functions, including those under S.111 Local Government Act 1972.
- 2.4 The allocation of functions is set out as follows:

Section 1 - Functions reserved to the Council Meeting
Section 2 - Functions of the **Cabinet** ("Collective Functions")
Section 3 - Individual **Cabinet** Member functions

Section 4 - Area Committee functions
Section 5 - Ordinary Committees
Section 6 - Standards Committee
Section 7 - Scrutiny Committees
Section 8 - Officer functions
Section 9 – Health & Wellbeing Arrangements
Section 10 - Joint Committees

- 2.5 The functions delegated by this scheme may be further delegated:
- In the case of a collective function, to a Committee of the **Cabinet**, an Area Committee, or an officer (but not to an individual **Cabinet Members**).
 - In the case of an individual member function, to an Area Committee or to an officer.
- 2.6 Functions delegated to officers may not be further delegated. Officers with delegated functions may arrange for those functions to be carried out by other officers by making written provision authorising the officer to undertake the specified function.
- 2.7 The delegation of functions by the Council Meeting, the **Cabinet**, an individual member, or an officer does not prevent the discharge of that function by the body or person by whom the delegation was made. All such delegations may be revoked at any time.
- 2.8 The delegations in this scheme are subject to:
- (i) the call-in and review procedures set out in the **Scrutiny Procedure Rules (Part 5 PR4)**
 - (ii) a requirement for the **Cabinet** to consult:
 - the Planning and Highways Regulation Committee in preparing proposals for the amendment or replacement of the Local Development Framework;
 - the Audit Committee on the External Audit Management Letter.
 - (iii) a requirement for the Corporate, Resource Management and Governance Scrutiny Committee to consult the **Cabinet** before making any recommendation to the Council Meeting on proposed changes to the Constitution.
 - (iv) Decisions taken in accordance with the scheme being published as appropriate, in accordance with the **Access to Information Rules (Part 4 PR7)**.
- 2.9 All delegated functions within this scheme must be exercised:
- in accordance with the Constitution.
 - consistently with the approved Policy Framework and Budget.
- 2.10 This scheme does not delegate:
- any matter reserved by law or this scheme to the Council Meeting.
 - to an officer, any matter which by law may not be delegated to an officer.

SECTION 1 - FUNCTIONS RESERVED TO THE COUNCIL MEETING

1. Adopting and changing the Constitution;
2. Approving or adopting the Policy Framework, the Budget, Council Tax Base and any application to the Secretary of State in respect of any Housing Land Transfer;
3. Subject to the **urgency procedures** contained in the **Access to Information Procedure Rules (Part 5 PR7)** making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the person or body making the decision is minded to make it in a manner contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
4. Appointing the Mayor and Deputy Mayor;
5. Appointing the **Cabinet** Leader;
6. Establishing the terms of reference for Ordinary Committees, Scrutiny Committees, Area and Ward Committees, the Health and Wellbeing Board and the Standards Committee, any amendment of those terms, deciding on the composition of those Committees, making appointments to them, and (where the Council Meeting resolves so to do) appointing the chairs and vice-chairs;
7. Agreeing the annual Scrutiny Work Programme;
8. Appointing representatives to outside bodies whose representatives report to the Council Meeting and to other bodies other than those appointments that are within the functions of the **Cabinet** or has been delegated to an officer or Committee;
9. Adopting or varying the Members' Allowances Scheme after consideration of a report prepared by an independent remuneration panel pursuant to regulation 21 of the Local Authorities (Members Allowances) (England) Regulations SI 2003/1021 or such other regulations as may from time to time govern such determination;
10. Making, amending, revoking, re-enacting or adopting bylaws and the promoting, or opposing the making of local legislation or personal bills;
11. Adopting and revising the Council's Code of Conduct for Councillors;
12. Changing the name of the Council, or conferring the title of Honorary Alderman or Freedom of the Borough;
13. The following local choice functions:-
 - (i) The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998
 - (ii) The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools
 - (iii) The making of arrangements pursuant to sections 94(1), (1A) and (4) of the School Standards and Framework Act 1998 Act (admissions appeals)
 - (iv) The making of arrangements pursuant to section 95(2) of the of the School Standards and Framework Act 1998 Act (children to whom section 87 applies: appeals by governing bodies)
 - (v) In relation to non executive functions only, the appointment of any individual—
 - (a) to any office other than an office in which he is employed by the authority;

- (b) to any body other than—
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
- (c) to any committee or sub-committee of such a body, and the revocation of any such appointment

14. The following non-executive functions which cannot be delegated:

- a) The function of making any Members' Allowance scheme authorised or required by regulations under section 18 (schemes for basic, attendance and special responsibility allowances for local authority members) of the Local Government and Housing Act 1989 1, or of amending, revoking or replacing any such scheme.
- b) The function of determining—
 - a. the amount of any allowance payable under—
 - (i) subsection (5) of section 3 (Mayor's expenses) the Local Government Act 1972 Act;
 - (ii) subsection (4) of section 5 (Deputy Mayor's expenses) of that Act;
 - (iii) subsection (4) of section 173 (financial loss allowance) of that Act 4;
 - (iv) section 175 (allowances for attending conferences and meetings) of that Act;
 - b. the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;
 - c. the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments by way of any such allowance are to be made;
- c) The function of making a request under section 14A(1) (requests for single-member electoral areas) of the Local Government Act 1992 6 for single-member electoral areas.
- d) (6B) The function of passing a resolution to change a scheme for elections under section 32(1), 37(1) or 39(1) (resolutions for schemes for elections) of the 2007 Act.
- e) The function of making an order giving effect to recommendations made in a community governance review under section 86 (reorganisation of community governance) of the 2007 Act .
- f) The duty to make a change in governance arrangements under paragraph 3 or 8 of Schedule 4 to the 2007 Act.
- g) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, the function of—
 - (a) making arrangements for the discharge of functions by a committee or officer under section 101(5) of the Local Government Act 1972 Act; and
 - (b) making appointments under section 102 (appointment of committees) of the Local Government Act 1972.

15. The following non-executive functions:

- a) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the **Cabinet**; and
- b) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge

Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972
Power to change the name of a parish.	Section 75 of the Local Government Act 1972
Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972
Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972
Duties relating to community governance reviews.	Section 79 of the Local Government and Public Involvement in Health Act 2007
Functions relating to community governance petitions.	Sections 80, 83 to 85 of the Local Government and Public Involvement in Health Act 2007
Functions relating to terms of reference of review.	Sections 81(4) to (6). Local Government and Public Involvement in Health Act 2007
Power to undertake a community governance review.	Section 82 of the Local Government and Public Involvement in Health Act 2007
Functions relating to making of recommendations.	Sections 87 to 92 of the Local Government and Public Involvement in Health Act 2007
Duties when undertaking review.	Section 93 to 95 of the Local Government and Public Involvement in Health Act 2007
Duty to publicise outcome of review.	Section 96 of the Local Government and Public Involvement in Health Act 2007
Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the Local Government and Public Involvement in Health Act 2007
Power to make agreements about incidental matters.	Section 99 of the Local Government and Public Involvement in Health Act 2007
Power to make, amend, revoke, re-enact or enforce byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30)
Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)
Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38)
Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c. 70)
Power to appoint staff, and to determine	Section 112 of the Local Government Act

the terms and conditions on which they hold office (including procedures for their dismissal).	1972
Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972
Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972
Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69)
Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42)
Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989
Duty to provide staff, etc to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000
Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000

16. Decisions on whether to accept the delegation of an executive or non-executive function from another Local Authority;
17. Approving the appointment of the Head of Paid Service, approving the dismissal of the Head of Paid Service, Section 151 Officer and Monitoring Officer;
18. All other matters that the law requires to be reserved to the Council Meeting.

SECTION 2 - FUNCTIONS OF THE CABINET (“Collective Functions”)

Note: In some respects the Cabinet and Individual Cabinet Members share common delegations, enabling Individual Cabinet Member Functions to be referred to the Cabinet to be discharged collectively.

1. To guide the Council Meeting in the formulation and adoption of the Policy Framework and Budget, and in respect of all other functions of the Council that are reserved to the Council meeting.
2. To undertake, in accordance with the approved Policy Framework and Budget:
 - 2.1 the strategic management of all the Council's services including:
 - the approval of service plans, and the monitoring of service performance
 - organisational changes and significant service adjustments
 - 2.2 the taking of any necessary decisions in relation to the discharge of the Council's powers, duties and responsibilities that are not the responsibility of any other part of the Council, whether by law or in accordance with the Constitution.
 - 2.3 the strategic management of the Council's financial, land and property, and employee resources.
 - 2.4 the strategic control of the Council's investment and purchasing policies.
3. The preparation and adoption of all Council plans, policies and strategies that are not included in the Policy Framework and Budget.
4. The determination of fees and charges to be levied by the Council.
5. The receipt of reports from Auditors and all other external inspectors or regulators, the determination of the Council's response thereto, and any consequent action.
6. To lead the search for value for money and decide upon any consequent action with a view to securing the continuous improvement of services
7. The adoption of all statutory or other codes of practice or guidance.
8. The determination of the Council's response to consultation exercises carried out by Government or other external agencies or organisations as appropriate.
9. The strategic oversight of any agency arrangements entered into by the Council.
10. The direction of the Council's relationships with partner organisations and other external bodies.
11. The appointment of Council representatives to outside bodies concerned with the functions of the Cabinet, other than those made by the Council Meeting where the representatives appointed report to the Council Meeting
12. The following local choice function which the Council has decided should be a Cabinet function:

In relation to executive functions, the appointment of any individual—

- (a) to any office other than an office in which he is employed by the authority;
 - (b) to any body other than—
 - (i) the authority;
 - (ii) a joint committee of two or more authorities; or
 - (c) to any committee or sub-committee of such a body, and the revocation of any such appointment
13. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
14. Responding to recommendations and reports from Scrutiny Committees.
15. The exercise of virement between budget heads in accordance with virement rules agreed by the Council Meeting (**Rule 6 of the PR2, Policy Framework and Budget Procedure Rules**).
16. To authorise the use of general reserves for purposes consistent with the Policy Framework, provided that the level of such reserves is not reduced beyond the minimum level recommended, for the time being, by the **Borough Treasurer**.
17. To represent the Council's views on matters of corporate or strategic policy.
18. To award any contract valued at £10,000,000 (ten million pounds) or more.

SECTION 3 - INDIVIDUAL CABINET MEMBER FUNCTIONS

The Leader of the Council is empowered by Section 9E of the Local Government Act 2000 to discharge all executive functions of the Council. The Leader will make arrangements for individual Cabinet Members to exercise function within a portfolio. The Leader will appoint other elected Emmeber and officers to act as Champions of specified interest groups from time to time.

Cabinet members may decline to exercise their delegated functions and refer the matter to the Cabinet collectively for consideration. When cabinet members are exercising their delegated functions, officers will prepare a written report and recommendation for the cabinet member to sign as a record of the decision.

Cabinet member delegations are to be exercised in relation to Executive functions only, consistently with the approved Policy framework and Budget and subject to any written direction of the Leader of the Council, any delegation to officers or any resolution of the Cabinet which conflicts with the member delegations set out below.

Cabinet members shall not take key decisions or contract award decisions.

Individual members of the Cabinet are authorised to make the following executive decisions within the areas of responsibility allocated to them by the Leader of the Council (portfolios) from time to time:

- 1. To authorise the giving of grants to outside bodies within the Council's Budget and Policy Framework.**
2. To monitor the budget for particular services, and report as necessary to the Cabinet.
3. To determine policies, plans and strategies for particular services, and the fees and charges to be levied by the Council, consistent with the Policy Framework and Budget.
4. To make, revoke or modify Traffic Regulation Orders which regulate parking fees.
5. To consider draft reports to the Cabinet with the relevant Corporate Director.
6. To approve service plans, monitor service performance, and agree organisational changes and service adjustments that are consistent with the Policy Framework and Budget.
7. To consider Review reports prepared by Scrutiny Committees, and make recommendations to the **Cabinet** for any consequent action.
8. To respond to requests from Scrutiny Committees for information relating to the discharge of Executive functions and the performance of the Cabinet.
9. The determination of the Council's response to consultation exercises carried out by Government or other external agencies or organisations.
10. The exercise of virement between budget heads in accordance with virement rules set out in the Financial Procedure Rules.
11. To represent the Council's views on matters of corporate or strategic policy and any other matters within their respective 'portfolios'.

12. The Cabinet Member with responsibility for school management/ governance is authorised to nominate individuals for appointment to School Governing Bodies and when permitted by law to appoint such nominees after consultation with Governor Representative Group.



SECTION 4 - AREA COMMITTEE FUNCTIONS

Powers and Duties

(Delegated)

Within the area of the Borough which it represents, and subject to conformity with the Policy Framework and Budget as determined by the Council meeting, and any other relevant plans and strategies adopted by the **Cabinet**, each area committee is authorised as follows:-

Executive Functions

1. To exercise the following **functions** of the Council as local highways authority on all highways except:
 - Motorways;
 - the Key Route Network;
 - the first 15metres of any side road connecting with the Key Route Network or any district distributor road;
 - highways within Stockport Town Centre;
 - highways within the district shopping centres of Bramhall, Cheadle, Hulme, Edgeley, Hazel Grove, Houldsworth Square, Marple and Romiley
 - (a) all traffic orders except :-
 - (i) the restriction of access to premises for more than 8 hours each day
 - (ii) the prohibition of loading outside the peak hours of 7.00 a.m. to 10.00 a.m. and 4.00 p.m. to 7.00 p.m.
 - (iii) traffic orders which regulate fees for parking
 - (b) traffic calming
 - (c) road closures
 - (d) cyclical maintenance comprising minor works, road markings, fences, walls and guardrails, highway drainage and dropped kerbs
 - (e) ward based pavement repairs
2. To determine applications for the use of parks by outside organisations.as follows:
 - where attendance or participation of over 250 or more persons is anticipated.
 - where events are likely to result in noise or traffic disturbance to local residents.
 - where the sale of alcohol is requested at the event.
 - Bonfires and firework displays.
 - Fairs.
 - Circuses.
 - Events involving animals.
 - All evening events which continue after 10pm.
 - **And such other applications for the use of parks that have been referred to the Area Committee by the Director of Place.**
3. **Subject to regulation restricting the pooling of funds, to determine, in accordance with planning agreements under S106 of the Town and Country**

Planning Act 1990 the use of sums received by the Council pursuant to those agreements for schemes in the Area Committee geographic area.

4. To undertake local environmental improvement schemes.
5. The consideration and determination of objections to the designation of litter control areas.
6. **To determine applications for assets (land and buildings) to be listed as being of community value.**
7. **To act as Trustee land held by the Council under charitable trust.**
8. **To determine the use of Ward Flexibility Funds in accordance with the Council's budget.**

Oversight functions

9. To monitor:-
 - (i) the operation, within the area committee's area, of services provided by the **Cabinet**, partnerships and external agencies;
 - (ii) proposals by the **Cabinet** for activities within the area;
 - (iii) any aspect of Council policy or administration affecting or relating to that area;
 - (iv) to undertake local scrutiny reviews.

liaising where appropriate with the **Cabinet**, and with the Council's Scrutiny Committees.
10. **To receive and consider a Councillor Call for Action in accordance with Part 6 CP12.**

Advisory functions

11. To comment on planning applications and other development control matters in respect of land within the area committee's area that exceed the following thresholds:
 - a) Residential development of 100 dwelling units
 - b) Development of 5,000 square metres of floor space
 - c) Development of a site of 3 hectares
 - d) **Applications requiring an Environment Impact Assessment**
12. To comment on applications for planning permission which straddle or are adjacent to an Area Committee boundary which have significant implications for the Area Committee by reason of traffic, noise, or pollution or which have a substantial environmental or visual effect.
13. **To comment on applications which the Area Committee has declined to determine.**
14. **To comment on applications where a site visit has been requested.**

15. **Applications involving departures from the development plan where the officer recommendation is to approve and the Area Committee is minded to support the recommendation.**
16. To focus on and encourage the well-being of the local community, and to coordinate processes for public consultation with the local community, community councils, tenants' and residents' associations and other local groups, on those issues which are of interest or concern to them.
17. To hold open forums, public question times, and facilitate public speaking on planning applications, **in accordance Part 6 (CP6)**
18. To act as a focal point for disseminating information on the Council's services, policies, and performance and community plans.
19. To carry out Local Scrutiny Reviews and liaise where appropriate with the **Cabinet**, and with the Council's Scrutiny Committees
20. To assist in the preparation of plans and strategies included in the Policy Framework and Budget, where requested by the **Cabinet** so to do, in accordance with the **Policy Framework and Budget Procedure Rules (Part 5 - PR2)**
21. The nomination of a member of the Area Committee to represent the Council at any hearing or inquiry where the Area Committee has made a decision contrary to officer advice.
22. **To comment on minor property transactions referred to the area committee by the Deputy Chief Executive on the grounds that the transaction is novel, controversial or relates to charity or not for profit organisations.**

Non-Executive Functions

20. **Subject to the delegations to the Planning and Highways Regulatory Committee to determine applications for planning permission and other development management matters which are not 'Excluded Matters' and which are for land situated within the relevant ward:**
 - a) **which have been called up for determination by an Area Committee**
 - b) **where the Council has received four or more representations which do not accord with the officer recommendation**
20. Public rights of way matters including modifications to the Definitive Rights of Way Map (unless the proposed modification is contrary to an Officer recommendation or conflicts with a decision of another area committee).
21. To determine applications for street trading permits under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 where:-
 - (i) there have been two or more applications for a single pitch;
 - (ii) there have been objections; or
 - (iii) there has been an appeal against the decision of the Corporate Director
22. The consideration of objections to and the confirmation or modification of tree preservation orders in respect of which objections have been received.

Definitions

In this section 'Excluded Matters' means:-

- (a) the determination of the validity of applications;
- (b) the refusal of planning applications for insufficient information;
- (c) declining to accept repeat applications which have previously been refused and raise no significant new issues;
- (d) determination of whether variations and amendments to existing permissions may be treated as working amendments and the determination of those amendments and variations where a planning application is not required;
- (e) matters submitted for approval in accordance with a condition of a planning permission;
- (f) All applications and notifications where the time period for determination is less than 56 days (including those where prior approval is not required);
- (g) certificates of lawfulness of existing or proposed uses or development;
- (h) determination of whether an environmental statement is required, the adoption of screening opinions and scoping opinions under the Town & Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 2011;
- (i) enforcement action, service of breach of condition notices, tree replacement notices, and untidy land notices under the Town and Country Planning 1990;
- (j) enforcement action, service of repair, urgent works, and building preservation notices under the Planning (Listed Buildings and Conservation Areas) Act 1990;
- (k) the carrying out of work where notices have not complied with and the recovery of the costs incurred;
- (l) service of planning contravention notices and consideration of any offers and representations pursuant to such notices;
- (m) service of discontinuance notices under the Town and Country Planning (Control of Advertisements) Regulations;
- (n) notices and action under the Building Act 1984;
- (o) injunction proceedings;
- (p) responses to hedgerow removal notices and the giving of notices under the Hedgerow Regulations 1997;
- (q) determination of whether claims for deemed hazardous substances consent are invalid;
- (r) authorising the prosecution of offenders for offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Building Act 1984, and Regulations made under those Acts;

- (s) the settlement of the amount of costs awarded to or against the Council on appeal;**
- (t) the imposition of conditions on planning permissions and consents and the determination of reasons for imposing conditions.**
- (u) the determination of reasons for refusal;**
- (v) responses to consultations from other local planning authorities on applications other than strategic applications;**
- (w) completion of section 106 agreements for planning applications.**
- (x) the making of tree preservation orders and the confirmation of tree preservation orders where no objections have been received.**
- (y) consent to fell, lop or top protected trees.**

SECTION 5 - ORDINARY COMMITTEES

Planning and Highways Regulation Committee

1. Following comment by the relevant Area Committee(s), to exercise the non executive functions of the Council as local planning authority (including those set out below) in relation to applications exceeding the following thresholds:

- a) Residential development of 100 dwelling units
- b) Development of 5,000 square metres of floor space
- c) Development of a site of 3 hectares
- d) Applications requiring an Environmental Impact Assessment**

And any application:

- (i) that an Area Committee has declined to determine
- (ii) where a Site Visit is needed**
- (iii) which straddles or is adjacent to two or more Area Committee boundaries which have significant implications by reason of traffic, noise, or pollution or which have a substantial environmental or visual effect.
- (iv) for planning permission made by a Councillor, the Chief Executive, Deputy Chief Executive, a Corporate Director, a Service Head or an officer who deals with planning matters
- (v) for prior approval made by a Councillor, the Chief Executive, Deputy Chief Executive, a Corporate Director, a Service Head or an officer who deals with planning matters (unless the Chair or Vice Chair of the Planning and Highways Regulatory Committee and the Corporate Director of Place management and regeneration agree otherwise)
- (vi) applications where the grant of permission would be contrary to the Development Plan

Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8)
Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted

development rights.	Development) Order 1995 (S.I. 1995/418).
Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990 5.
Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Duties relating to applications for listed building consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and [regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to issue enforcement notice in	Section 38 of the Planning (Listed Buildings

relation to demolition of listed building in conservation area.	and Conservation Areas) Act 1990 (c.9)
Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c.8).
Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).

2. Except to the extent that powers are exercisable by an Area Committee and concurrently with the Town Centre Committee and when the Corporate Director for Place and Regeneration has declined to use delegated powers, the exercise of the non-executive powers relating to the regulation of the use of highways as follows:-

Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980 (c. 60)
Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980
Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980
Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980
Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980
Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980
Power to make a special extinguishment order.	Section 118B of the Highways Act 1980
Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980
Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980
Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980
Power to make a special diversion order.	Section 119B of the Highways Act 1980
Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980
Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980
Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways	

Act 1980.	
Section 121B of the Highways Act 1980.	
Power to decline to determine certain applications.	Section 121C of the Highways Act 1980
Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980
Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980
Power to apply for variation of order under section 130B of the Highways Act 1980.	
Section 130B(7) of the Highways Act 1980.	
Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.	
Section 135 of the Highways Act 1980.	
Power temporarily to divert footpath, bridleway or restricted byway.	Section 135A of the Highways Act 1980
Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980
Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980
Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c. 67)
Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69)
Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981
Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	
Section 53B of the Wildlife and Countryside Act 1981.	
Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981
Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38)
Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68)
Power to authorise stopping-up or diversion of footpath [, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990
Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990

Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37)
Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000
Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69)
Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22)
Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c. 66)
Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980.	
Section 115G of the Highways Act 1980.	
Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980
Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980
Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980
Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980
Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980

3. In the period between the publication of the formal Notice of Election and election day no items other than those relating to the determination of development applications will be considered at meetings of Area Committees, Town Centre Committee and the Planning and Highways Regulation Committee.

Licensing, Environment, and Safety Committee

- 1. The functions set out below may be exercised by a Committee or sub-committee of members who have received training approved by the Corporate Director for Place Management & Regeneration.**
- 2. To discharge the functions of the Council as licensing authority under the Licensing Act 2003, with the exception of functions relating to a statement of licensing policy under Section 5 of the Act.**
- 3. To establish sub committees or authorise officers to discharge functions of the Licensing Act 2003 and Gambling Act 2016.**
4. The following non-executive functions:

Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62)
Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49)

Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10& 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2) as saved for certain purposes by article 3(3)(c) of the Gambling Act Order
Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(d) and (4) of the Gambling Act Order
Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 17 as saved for certain purposes by article 3(3)(e) of the Gambling Act Order
Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65) 14 as saved for certain purposes by article 4(2)(l) and (m) of the Gambling Act Order
Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32) as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order
Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(d) and (5) of the Gambling Act Order
Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13)
Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54) 22
Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c. 33), section 79 of the Licensing Act 1964 (c. 26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967

	(c. 19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
Any function of a licensing authority.	Licensing Act 2003 (c. 17) and any regulations or orders made under that Act
Powers and functions relating to late night levy requirements.	Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 (c. 13) and any regulations made under that Chapter
Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005
Functions relating to exchange of information.	Section 30 of the Gambling Act 2005
Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005
Power to resolve not to issue a casino premises licence	Section 163 of the Gambling Act 2005
Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005
Power to make order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises.	Section 284 of the Gambling Act 2005
Power to institute criminal proceedings	Section 346 of the Gambling Act 2005
Power to exchange information	Section 350 of the Gambling Act 2005
Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479)
Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the Gambling Act 2005
Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3
Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46)
Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53)
Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x)
Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c. vii) and section 6 of the London Local Authorities Act 1994 (c. xii)
Power to license night cafes and take-	Section 2 of the Late Night Refreshment

away food shops.	Houses Act 1969 (c. 53) 51, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994
Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), and section 213 of the Local Government Act 1972 (c. 70)
Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16)
Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69)
Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52) 53
Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27)
Power to issue fire certificates.	Section 5 of the Fire Precautions Act 1971 (c. 40)
Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11)
Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35) 54; section 1 of the Animal Boarding Establishments Act 1963 (c. 43) 55; the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70) 56; section 1 of the Breeding of Dogs Act 1973 (c. 60) 57, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999
Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38)
Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)
Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38)
Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)
Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37)
Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)

Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44)
Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40)
Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16)
Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)
Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995
Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995
Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)
Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35)
Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)
Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)
Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
Power to register fishing vessels on board which shrimps or molluses are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998
Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)

Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991
Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30)
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37)
Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843)
Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)

5. The following local choice functions which the Council has decided should be non executive functions:
 - a) Any function under a local Act other than a function that is required by law to be discharged by the full Council.
 - b) Any function relating to contaminated land.
 - c) The discharge of any function relating to the control of pollution or the management of air quality 1.
 - d) The service of an abatement notice in respect of a statutory nuisance.
 - e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
 - f) The inspection of the authority's area to detect any statutory nuisance.
 - g) The investigation of any complaint as to the existence of a statutory nuisance 1.
6. Only members who have received appropriate training (as agreed by the Corporate Director or his representative) in licensing law will be permitted to sit on the Licensing, Environment & Safety Committee.

Employment Appeals Committee (non-cabinet Councillors)

The hearing and determination of appeals by Council employees against dismissal and grievances.

Only members who have received appropriate training in employment law will be permitted to sit on the Employment Appeals Committee.

Appointments Committee

1. The appointment of Corporate Directors (except the Chief Executive which shall be the function of the Council Meeting) and Deputy Chief Officers, the Director of Public Health and Deputy Directors of Public Health and all matters relating to their employment and conditions of service, including discipline and dismissal, except dismissal of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer (appointed under section 151 of the Local Government Act 1972) which shall be the function of the Council Meeting.
2. The designation of the Monitoring Officer and the Chief Financial Officer.

Appeals Panel (non-cabinet Councillors)

The hearing and determination of appeals against decisions of the Council, other than employment appeals, in accordance with rights granted by law or by the Council's own procedures.

Audit Committee

Audit Activity

- Consider, approve, review and monitor the internal audit strategy, strategic and operational plans.
- Consider specific internal audit reports (summary / full reports) as requested.
- Monitor the actions taken in response to internal audit recommendations.
- Consider reports dealing with the management and performance of the internal audit service.
- Receive the annual report from the Internal Audit and Risk Manager setting out internal audit activity during the year and an opinion on the level of assurance as to the Council's corporate governance, risk management and internal control arrangements.
- Comment on the planned external audit activity and coverage, including the proposed fees, to ensure it gives value for money.
- Consider specific reports from the external auditor and other inspection agencies.
- Monitor the actions taken in response to external audit recommendations.
- Consider the external auditor's annual letter, relevant reports and the 'report to those charged with governance'.
- To oversee the process by which the Council's External Auditor is appointed.
- Monitor the relationship and co-operation between the internal and external audit functions and other relevant bodies.
- Commission work from internal and external audit if considered necessary.
- The Audit & Accounts Committee can, on occasion, require the manager of a service which has been the subject of internal audit review, to account to internal audit recommendations.

Risk Activity

- Consider the effectiveness of the Council's risk management arrangements, the control environment, and associated anti-fraud and anti-corruption arrangements.
- Seek assurance that action is being taken on risk related issues, and if required can ask an appropriate person to attend a meeting to give evidence.
- Be satisfied that the Council's assurance statements properly reflect the Authority's risk environment and the actions needed to improve it.
- Monitor the effective development and operation of risk management strategies and policies, reviewing the corporate risk register and associated arrangements and action plans.
- Where appropriate, to refer matters of concern to the relevant Scrutiny Select Committee and receive reports back.

Corporate Governance

- Evaluate the adequacy of the application of the local code of corporate governance, including updates on improvement actions, levels of training and awareness and compliance with codes of conduct.
- To oversee the production of the Council's Code of Corporate Governance and Annual Governance Statement and to recommend their adoption when satisfied.
- Review the adequacy of the anti-fraud and corruption policies and strategies, and the effectiveness of the relevant processes and their application, including the arrangements for dealing with suspected or actual wrongdoing.
- To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.

- Review any relevant issue referred by the Chief Executive, Corporate Directors, the **Cabinet**, Scrutiny Committees or any other council body.

Accounts

- Review and approval of the annual statement of accounts and related matters, considering whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- Receive and consider the external auditor's report and statement.
- Monitor the action taken in response to the issues raised in the auditor's report.

NOTE: The Council has decided that the approval of its statement of accounts, income and expenditure and balance sheet or record of receipts and payments shall be a non executive function carried out by the Audit Committee

SECTION 6 - STANDARDS COMMITTEE

1. Promoting and maintaining high standards of conduct by Councillors and Co-opted Members of the Council.
2. Providing assistance to Councillors and Co-opted Members of the Council in relation to the Code of Conduct for Councillors and Co-opted Members.
3. Advising the Council on the adoption or revision of the Code of Conduct for Councillors and Co-opted Members.
4. Monitoring the operation of the Code of Conduct for Councillors and Co-opted Members.
5. Advising, training, or arranging to train Councillors and Co-opted Members on matters relating to the Code of Conduct.
6. Granting dispensations to Councillors and Co-opted Members from requirements relating to the declaration of interests set out in the Code of Conduct.
7. To assess written allegations of breach of the Code of Conduct as appropriate.
8. To review at the request of the complainant that no action should be taken in respect of an allegation.
9. To consider with any report from the Monitoring Officer on any matter referred to it by the Monitoring Officer.
- 10. To review and revise the procedure the Monitoring Officer investigating complaints.**
- 11. To establish a sub-committee for the purpose of considering whether to investigate complaints in exceptional circumstances.**
12. Exercising the above functions in relation to Parish Councils for which it is the responsible authority, and the members of those Councils.

SECTION 7 – SCRUTINY AND SCRUTINY CO-ORDINATION COMMITTEES

1. Scrutiny Co-ordination Committee

Membership:

Chairs of other Scrutiny Committees and Councillors.

Terms of Reference:

1. The co-ordination of all scrutiny, review and related activity across the Council.
2. The management of the work programmes of Scrutiny Committees and, where matters fall within the remit of more than one Scrutiny Committee, to determine which of those Committees will assume responsibility for any particular issue.
3. The resolution of any issues of dispute between Scrutiny Committees.
4. The preparation, for approval by the Council Meeting and having regard to capacity and the resources likely to be available, of an annual **Scrutiny Work Programme** which seeks to ensure that the resources available for scrutiny are used efficiently and in the interests of the local community, and that the potential for duplication of effort is minimised. In preparing the Scrutiny Work Programme the Committee will consult with the **Cabinet** and with the Head of the Paid Service.
5. To receive requests from the **Cabinet** and/or Council Meeting for policy development or review studies or other work from Scrutiny Committees and to allocate them, if appropriate, to a Scrutiny Committee.
6. The provision and maintenance of a system that ensures that referrals from scrutiny to the **Cabinet** or to the Council Meeting, either by way of report or for reconsideration, are managed efficiently, and do not exceed the limits set out in the Constitution.

2. Corporate, Resource Management and Governance

Membership

Councillors

Terms of reference

1. To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council within the following **Cabinet** Portfolios:
 - Leader (Policy, Finance & Devolution)
 - Reform & Governance
2. The scrutiny of all Council functions and activities not included within the terms of reference of any other scrutiny or audit committee, including responsibility for maintaining an overview of the Council's Local Area Agreement.
3. Monitoring the activities of, and liaising with, relevant external/partnership organisations operating in Stockport, including the Stockport Partnership whether those are national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

3. Children and Families

Membership

Councillors and 4 voting Church and Parent Governor representatives.

Terms of reference

1. To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council within the following **Cabinet** Portfolios:
 - Children & Families Services
 - Education
2. Monitoring the activities of, and liaising with, relevant external/partnership organisations operating in Stockport, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
3. To be the designated Education Functions scrutiny committee.

4. Economy & Regeneration

Membership

Councillors

Terms of reference

1. To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council within the following **Cabinet** Portfolios:
 - Economy & Regeneration
4. The scrutiny of all matters within the terms of reference of the Council's Regulatory Committees.
5. Monitoring the activities of and liaising with relevant external/partnership organisations operating in Stockport, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
6. In accordance with Section 9FH of Schedule 2 of the Localism Act 2011, to be the designated Flood Risk Management Committee.

5. Communities and Housing

Membership

Councillors

Terms of reference

1. To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council within the following **Cabinet** Portfolios:
 - Communities & Housing
2. Monitoring the activities of, and liaising with, relevant external/partnership organisations operating in Stockport, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
3. To be the designated Crime and Disorder Committee.

6. Health & Wellbeing

1. To undertake all the statutory powers and duties of an Overview and Scrutiny Committee in relation to functions or activities of the Council within the following **Cabinet** Portfolios:
 - Adult Social Care
 - Health
2. In accordance with Section 7 Health and Social Care Act 2001 and regulations under that Section and subject to any arrangements agreed by the Council Meeting for the appointment of a joint committee with one or more other local authorities to discharge designated scrutiny functions (see section 6 below), the review and scrutiny, of matters relating to planning, provision and operation of health services in the Borough making reports and recommendations, as appropriate, to local NHS bodies and to the Council's **Cabinet**.
3. Responding to consultation from a local NHS body in relation to a proposal for a substantial development of the health services in Stockport, or for a substantial variation of such services.
4. Monitoring the activities of and liaising with relevant external/partnership organisations operating in Stockport, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.



TERMS OF REFERENCE AND PROTOCOLS FOR WORKING

GM JOINT HEALTH SCRUTINY COMMITTEE

June 2014

Terms of Reference

These reviewed arrangements take into account the extended role for Health Scrutiny as detailed in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Local Health Scrutiny Regulations").

Membership

The membership of the GM Joint Health Scrutiny Committee will be nominated by the ten Greater Manchester local authorities. Each local authority will nominate one non-Executive/Cabinet member. Where possible, members will be drawn from the individual local Scrutiny Panels/Committees that have responsibility for scrutinising Health and Social Care issues within their area.

Officers of Individual District Health Scrutiny Panels/Committees are invited to attend to support and advise Members from their local authority on Health Scrutiny Issues and will have access to all agendas, briefing notes and minutes.

Substitutes will be allowed but will need to be non-Executive/Cabinet members of the respective local authority.

Role

The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan) to undertake all the necessary functions of health scrutiny in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ("the Local Health Scrutiny Regulations"), relating to reviewing and scrutinising health services matters where these are at a Greater Manchester level, and to provide a body to which Health Services Providers have a duty to consult under the Local Health Scrutiny Regulations.

The Committee will scrutinise:

1. The strategies, policies, actions and consultations of:
 - NHS England Greater Manchester Local Area Team
 - The joint work of the Greater Manchester Clinical Commissioning Groups (the Association of GM CCGs)
 - Public Health England (Greater Manchester)
 - Local Authorities across Greater Manchester regarding their role as providers and commissioners of social care, and as public health agencies.
 - All other cross-boundary NHS services i.e. North West Ambulance Service, Christies, Specialist Children's Services provided by the Royal Manchester Children's Hospital
2. Services provided to patients living and working across Greater Manchester
3. Specific health issues that cut across geographical boundaries
4. Individual authorities will reserve the right to undertake scrutiny of any of those authorities listed above with regard to matters relating specifically to their local population

Objectives

1. To ensure that the needs of local people are considered as an integral part of the delivery and development of health services; and to contribute to the reduction of health inequalities by ensuring that services are accessible to all local people.
2. To review proposals for consideration or items relating to proposed substantial developments/substantial variations to services provided across Greater Manchester by NHS organisations, including;
 - Changes in accessibility of services
 - Impact of proposal on the wider community
 - Patients affected
3. To engage pro-actively with the GM Health and Social Care Reform Programme as it develops.
4. To keep abreast of organisational changes and key policy implementation within the NHS.
5. To bring together the responsibilities of local authorities to promote health service provision, delivery and accessibility within the remit of the Health Scrutiny function.

Support

Officers from the Greater Manchester Integrated Support Team (GMIST) will provide policy and administrative support to the Panel.

Protocols For Working

The Protocol for the GM Joint Health Scrutiny Committee has been produced between the AGMA Authorities and the CCGs, NHS England, and NHS Trusts servicing the whole of Greater Manchester. The Protocols have been produced to provide a framework for scrutiny to take place.

1. Membership

The GM Joint Health Scrutiny Committee has the delegated powers from the 10 Authorities of Greater Manchester (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan).

In addition, as many of the sub-regional issues the Committee considers are also of interest to neighbouring authorities, representatives from surrounding local authorities are invited to attend all meetings if they wish. This role is for information, questions and comments. If a vote is taken only the 10 AGMA authorities have voting rights.

AGMA members may agree to confer full voting rights to some or all “associate members” in relation to specific issue being considered, if it is felt that this issue under consideration cuts across Greater Manchester boundaries. This decision would be at the discretion of Committee Members.

2. Principles of Scrutiny Operation:

The GM Joint Health Scrutiny Committee will be positive, objective and constructive. It will acknowledge good practice and will recommend improvements where they could be of benefit. The GM Joint Health Scrutiny Committee will concentrate on service outcomes and seek to add value to each service that it considers.

The health and well being of Greater Manchester residents is dependant upon many factors including the health services provided in partnership by the CCGs, NHS England, NHS Trusts, voluntary services and services provided by AGMA Authorities. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.

The GM Joint Health Scrutiny Committee will only be truly successful if key organisations work and co-operate together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.

The key organisations involved in health scrutiny must be willing to share information, knowledge and reports which relate to the delivery and success of health services in Greater Manchester and carry out duties that would be reasonably expected of them to enable health scrutiny to be successfully undertaken.

At all times both officers and members of the organisation involved in health scrutiny, patient representatives and members of the public will be treated with respect and courtesy. Matters of confidentiality will be treated with respect.

The GM Joint Health Scrutiny Committee will be open and transparent. Any person involved in health scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the Scrutiny Committee in accordance with the Code of Conduct relating to standards of conduct and ethics.

The GM Joint Health Scrutiny Committee whilst working in partnership, is independent of the NHS, the AGMA Executive, District Health Scrutiny Panels and the voluntary and community sector.

The GM Joint Health Scrutiny Committee will be focused on improving services and service provision for the people of Greater Manchester and will concentrate on outputs that are intended to help improve their health.

All dates and times of meetings of the GM Joint Health Scrutiny Committee, agendas, minutes and reports will be circulated to members and Partners in accordance with the Local Government (Access to Information) Act 1985 or subsequent legislation.

CCGs, NHS England, NHS Trusts and other Partners will be consulted on Annual Work Programmes and informed in advance of scrutiny exercises that the GM Joint Health Scrutiny Committee is intending to undertake. Partners will be informed of the scope of all scrutiny exercises and will be given adequate notice of invitations to attend meetings of GM Joint Health Scrutiny Committee and any required information.

The CCGs, NHS England, NHS Trusts and other partners will be consulted on any draft reports before they are published. Final reports will be presented to AGMA Executive, the NHS Trusts, be published on AGMA Website and circulated in accordance with the regulations on health scrutiny.

The GM Joint Health Scrutiny Committee will not be used as a complaint procedure. Case Studies may however be used as part of supporting information for scrutiny exercises.

The CCGs, NHS England, NHS Trusts and partners will be informed of any press releases relating to Health Scrutiny although the GMIST may speak to the press in advance of the meeting to brief them about forthcoming Scrutiny Committee meetings.

The GM Joint Health Scrutiny Committee will at all times comply with the Constitution of AGMA and the GMCA.

3. Expectations upon Greater Manchester CCGs, NHS England and NHS Trusts

The CCGs, NHS England, and NHS Trusts will:

- work in partnership with GM Joint Health Scrutiny Committee to provide objective and effective scrutiny of health services in Greater Manchester and

the health of its residents. They will be mindful of their duty to consult on the planning, provision or operation of a health service within Greater Manchester.

- provide information relating to the planning and operation of health services that is required by the Scrutiny Committee so that it can undertake health scrutiny. This includes responses to NHS Plans, proposals and consultations and undertaking health scrutiny reviews. This will not include confidential information that identifies individual people, unless it can be presented in a way in which does not identify individuals or if an individual consents to the information being disclosed.
- provide the GM Joint Health Scrutiny Committee with such information within one month of the receipt of the request.
- respond to health scrutiny reviews within one month of receipt. A copy of such response will be sent to the AGMA Executive and all other organisations involved in the review.
- carry out consultations with the GM Joint Health Scrutiny Committee on plans for substantial developments in services, or substantial variations in service provision.
- work jointly with GM Joint Health Scrutiny Committee to compile annual work programmes for health scrutiny.
- ensure that officers attending Scrutiny Committee meetings are able to answer questions openly and are given appropriate support by their line managers.

4. Number / Time of Meetings and voting

The GM Joint Health Scrutiny Committee will meet on a quarterly basis. Dates of forthcoming meetings will be confirmed at the first meeting of each municipal year. In addition, extra meetings may be scheduled to effectively deliver the work programme for the forthcoming year. There must be five local authorities represented at each meeting in order for it to be quorate.

Voting will be made by a simple majority, the Chair will have the casting vote.

5. Elections of Chairs and Vice-Chairs Scrutiny Meetings

The Chair and Vice Chair of the GM Joint Health Scrutiny Committee will be appointed by the GM Joint Health Scrutiny Committee at its first meeting at the beginning of the Municipal Year, and will serve for a 1 year term.

6. Work Plan

The GM Joint Health Scrutiny Committee will determine in consultation with CCGs, NHS England and NHS Trusts, Partners and the Association of Greater Manchester PCTs, an annual work programme. The GM Joint Health Scrutiny Committee is however responsible for setting its own agenda. CCGs, NHS England, NHS Trusts and Partners may only make recommendations. Also in setting the work programme the GM Joint Health Scrutiny Committee should take into account the wishes of members on that committee who are not members of the largest political group on the Council.

7. Recommendations

Once it has formed recommendations on proposals for development, the GM Joint Health Scrutiny Committee will prepare a formal report and submit it to the appropriate officer for consideration by the CCG, NHS England or NHS Trust.

The CCGs, NHS England and NHS Trusts shall consider the report of the GM Joint Health Scrutiny Committee and make a response to the Scrutiny Committee within one month of it being submitted.

TERMS OF REFERENCE AND WORKING PRINCIPLES FOR THE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE (JHOSC) FOR THE PENNINE CARE FOUNDATION TRUST

TERMS OF REFERENCE

Purpose

To scrutinise generic services provided by the Pennine Care Foundation

Trust relating to the health of the population in Bury, Oldham, Rochdale Stockport and Tameside and contribute to the development of policy to improve health and reduce health inequalities in respect of services provided by the Hospitals.

Membership

The Membership of the JHOSC will be made up of three Councillors from each of the five constituent Local Authorities (Bury, Oldham, Rochdale, Stockport and Tameside).

Key Objectives and Responsibilities

1. The JHOSC has the delegated powers of the five Local Authorities, Bury, Oldham, Rochdale, Stockport and Tameside to undertake all the necessary functions of Health Scrutiny in accordance with Part 4, Health Scrutiny by Local authorities, of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, relating to reviewing and scrutinising health service matters provided by the Trust's Hospitals. Such matters to include:-
 - (a) Receipt and consideration of performance information relating to the Pennine Care Foundation Trust;
 - (b) Receipt and consideration of any Annual reports and Quality Accounts of the Trust or outcomes of official inspections e.g. the Care Quality Commission, Monitor, PLACE (Patient Led Assessments of the Care Environment) inspections, National Clinical Audit and Patients' Outcome Programme.
 - (c) Improving access to NHS services
 - (d) The review of proposals for the implementation of new initiatives which affect people in Bury, Oldham, Rochdale Stockport and Tameside in respect of patients and public involvement.

- (e) Review proposals for consideration of or items relating to proposed substantial development/substantial variations to services provided by the Trust which affect the Authorities referred to. This could include:-
- Changes in Accessibility of Services and the rationale for those changes.
 - The impact of proposals on the wider community and on other services including economic impact, transport and regeneration;
 - The number of patients affected and the impact of the changes on the patients.
 - Changes in the methods of service delivery, for example moving a particular service into community settings rather than being entirely hospital based.
2. To review the procedural outcome of consultations referred to in 1(e) above, particularly the rationale behind contested proposals.
 3. To undertake in-depth thematic studies in respect of services to which the Trust contributes where such studies can be undertaken on a Trust wide area basis.
 4. To take account of relevant information available and in particular relevant information provided by Healthwatch under their power of referral.
 5. To maintain effective links with Healthwatch in the five local authority areas of Bury, Oldham, Rochdale Stockport and Tameside and give consideration to the co-option of appropriate patient representatives at the appropriate time.
 6. To co-opt people onto the Joint Committee in order to provide appropriate expertise.
 7. To commission pieces of research as and when the need arises from within the JHOSC budget.
 8. To promote the Joint Scrutiny Function in the constituent authorities and raise public awareness.
 9. To refer locality based issues to the respective local authority for investigation.

NB: Each authority reserves the right to undertake individual scrutiny of the Trust's proposals/performance that specifically individually affects their local communities.

WORKING PRINCIPLES

The working principles have been developed to provide a framework for scrutiny to take place.

Membership

Each constituent Local Authority (Bury, Oldham, Rochdale, Stockport and Tameside) shall appoint 3 Councillors to the Joint Overview and Scrutiny

Committee(JHOSC) each Municipal Year. The JHOSC shall therefore have 15 Members.

If a Member of the Joint Health Overview and Scrutiny Committee for the Pennine Care Hospitals NHS Trust is unable to attend a Committee Meeting that Member may ask a substitute Member to attend on his/her behalf in accordance with the conventions of their Council. Substitute Members may attend meetings to take the place of the ordinary Member for whom they are the designated substitute where the ordinary Member will be absent for the whole of the meeting. The Chair of the Joint Health Overview and Scrutiny Committee for the Pennine Care Foundation Trust should be notified via the Joint Health Overview and Scrutiny Officer for the Pennine Care Foundation Trust.

Meetings

The Joint Health Overview and Scrutiny Committee (JHOSC) is a committee established by the five constituent local authorities of Bury, Oldham, Rochdale Stockport and Tameside.

A schedule of meetings will be agreed by the Committee at the beginning of each municipal year.

Additional meetings may be convened by the Committee.

A Chairman and a Vice-Chairman will be elected by the Committee at the first meeting of each municipal year.

A quorum of three of the appointed members will apply.

Any personal, prejudicial or pecuniary interests held by members should be declared on any item of business at a meeting, either under the agenda item **Declarations of Interest** or as soon as it becomes apparent.

Decisions will be taken by consensus. Where it is not possible to reach a consensus, a decision will be reached by a simple majority of those members present at the meeting. Where there are equal votes the Chairman of the meeting will have the casting vote.

The agenda and supporting papers will be circulated at least five working days in advance of meetings. The minutes will be circulated to those with

actions as soon as possible. Minutes, agendas and papers will be published on the JHOSC's website pages.

Meetings shall be held in public with specific time allocated for public question time.

Work Programme

A Work Programme will be developed annually by the Committee. The Work Programme will take into account the priorities of the Pennine Care Foundation Trust, national and local areas of concern, health priorities and health inequalities.

Principles for Effective Scrutiny

Scrutiny undertaken through the Joint Committee will be focused on improving the health and health services for residents in areas served by the committee through the provision and commissioning of acute hospital services for those residents.

Improving health and health services through scrutiny will be open and transparent to Members of the Local Authority, health organisations and members of the public.

All Members, officers, members of the public and patient representatives involved in improving health and health services through scrutiny will be treated with courtesy and respect at all times.

Improving health and health services through scrutiny is most likely to be achieved through co-operation and collaboration between representatives of Local Councils, the Pennine Care Foundation Trust, representatives of Healthwatch and the Clinical Commissioning Groups commissioning hospital services.

Co-operation and joint working will be developed over time through mutual trust and respect with the objective of improving health and health services for local people through effective scrutiny.

All agencies will be committed to working together in mutual co-operation to share knowledge and deal with requests for information and reports for the JHOSC within the time scales set down.

The JHOSC will give reasonable notice of requests for information, reports and attendance at meetings.

The JHOSC, whilst working within a framework of collaboration, mutual trust and co-operation, will always operate independently of the NHS and have the authority to hold views independent of other Members of representative Councils and their Executives.

The independence of the Joint Committees must not be compromised by its Members, by other Members of the Council or any of the Councils' Executives, or by any other organisation it works with.

Those involved in improving health and health services through scrutiny will always declare any particular interest that they may have in particular pieces of work or investigation being undertaken by the Joint Health Overview and Scrutiny Committee and thus may withdraw from the meeting as they consider appropriate.

The Joint Health Scrutiny Committee will not to take up and scrutinise individual concerns or individual complaints.

Where a wider principle has been highlighted through such a complaint or concern, the Joint Overview & Scrutiny Committee should consider if further scrutiny is required. In such circumstances it is the principle and not the individual concern that will be subject to scrutiny.

SECTION 8 – OFFICER FUNCTIONS

[Note: in this appendix “Corporate Director” refers the Chief Executive, Deputy Chief Executive and all Corporate Directors]

INTRODUCTION

1. The Scheme of Delegation set out below authorises the designated officers to discharge, executive and non-executive functions delegated to them in this Scheme.
2. In the event of a designated officer being unavailable or unable to exercise the functions delegated to them by this Scheme, the following officers are authorised to act in their place. A reference to a member of the Corporate Leadership Team is a reference to any Corporate Director.
 - for the Chief Executive the Deputy Chief Executive.
 - for the Deputy Chief Executive, the Chief Executive or another member of the Corporate Leadership Team
 - for the Corporate Director for Place Management and Regeneration, the Chief Executive or another member of the Corporate Leadership Team
 - for the Corporate Director for People, the Chief Executive or the appropriate Service Director, People.
 - for the Director of Public Health, the Deputy Director of Public Health and to the extent permitted by law, the Chief Executive.
 - for the Head of Legal & Democratic Governance (Monitoring Officer), the Deputy Monitoring Officer and to the extent permitted by law, the Chief Executive.
 - for the Borough Treasurer (Chief Finance Officer), the appropriate Head of Management Accounting and Head of Financial Accounting and to the extent permitted by law, the Chief Executive.
 - for the Director of Integrated Commissioning, the Chief Executive.
3. An officer with delegated responsibilities may in writing authorise employees of the Council managed by the officer to act on their behalf and to append their signature to documents.
4. An officer with delegated responsibilities may decline to exercise their responsibilities and refer the matter to members for decision as follows:

Non executive responsibilities – to an ordinary committee, sub-committee, area committee or full Council

Executive responsibilities – to the **Cabinet** or to the Leader of the Council

GENERAL PROVISIONS

1. All officer delegations are to be exercised in accordance with the Constitution, and consistently with the approved Policy Framework and Budget.
2. Any delegation to an officer to take action under a particular statutory provision shall be deemed to authorise action under any statutory re-enactment or amendment of that provision, and any statutory regulations, order, or direction made under that provision.
3. In deciding whether or not to exercise delegated powers, officers should have regard to the desirability of consulting with the appropriate **Cabinet Member** or Committee Chair. Officers will always be entitled to refer matters for decision to the Council Meeting, the

Cabinet or relevant Committee, as appropriate, where they consider it expedient so to do.

4. Where the Leader of the Council or the **Cabinet** has resolved to authorise an officer to take any steps, the resolution takes precedence over any delegation, limit, condition or inhibition on a delegation set out below.
5. **Urgent action** may be taken by the Chief Executive or the appropriate Corporate Director, with the agreement (as appropriate) of the Mayor, **Cabinet** Leader or the relevant **Cabinet Member** or Committee Chair. All such action must be reported to the next available meeting of the Council, **Cabinet** or the relevant Committee as appropriate. In taking urgent action under this provision officers should ensure that they comply, as necessary, with the requirements of the **Access to Information Rules (PR7)** (general exception and special urgency), the **Policy Framework and Budget Procedure Rules (PR2)** (urgent departures), and the **Scrutiny Procedure Rules (PR4)** (exemption from call-in).

IN CONNECTION WITH FINANCIAL MATTERS

Subject to the delegations to the Health and Care Integrated Commissioning Board, all Corporate Directors and the Borough Treasurer shall have authority to deal with the following in relation to their respective Services/Departments:

1. The opening and acceptance of tenders or quotations and the placing of orders for goods, materials, works or services in accordance with the Contract Procedure Rules.
2. The award of contracts in accordance with the following table:

Contract value	Decision maker
Up to £49,999.99	Corporate Director or any officer authorised in writing by the Corporate Director (Chief Officer)
£50,000 to £99,999.99	Corporate Director
£100,000 to 4,999,999.99	Following consultation with Cabinet Member with portfolio responsibility for the contract area, Corporate Director
£5,000,000 to £9,999,999.99	Corporate Director or above and Cabinet Member with portfolio responsibility for the contract area.

3. The signing of contracts with a value of £249,999.99 or less.
4. Incurring revenue expenditure.
5. Incurring expenditure on individual capital schemes and on design preparation of such schemes.
6. Approving price variations under contracts.
7. All functions of the 'Corporate Director' in relation to contracts for the purchase of goods and services and the execution of works as set out in the Contract Procedure Rules.
8. Disposing of a capital asset, other than land, having a value on disposal of less than £100,000, with disposals of between £50,000 and £100,000 being reported to the appropriate **Cabinet Member**.

9. The transfer of budgets within and between cost centres under their control, to the extent permitted by the virement rules set out in the Financial Procedure Rules.
10. Approving grants to voluntary or community organisations up to £5,000.
11. Writing off debts deemed to be irrecoverable, up to a maximum of £5000.
12. To approve in principal bids for external funding. Such approval shall follow consultation with the relevant **Cabinet Member** in any case where the cost of preparing the bid is likely to be significant in relation to the budget for the **Cabinet Member's** portfolio and where the bid, if successful will result in material additional risk, the need for match funding or revenue expenditure in addition to the external funding.
13. To prepare and submit approved bids for external funding including all steps necessary or incidental to the submission of such bids.

(Note: Each Corporate Director must ensure that the Financial and Contract Procedure Rules are observed throughout his/her Department. He/she shall also ensure that all relevant staff are fully aware of and accept the content of the rules.)

IN CONNECTION WITH HUMAN RESOURCES

All Corporate Directors shall have authority to deal with the following in relation to their respective Services/Departments

1. These delegations are subject to:
 - (a) the corporate human resources policies published by the Council.
 - (b) any statutory provisions or requirements.
 - (c) any other instructions given from time to time by the Chief Executive or Deputy Chief Executive where overriding corporate, financial or recruitment controls are to be strictly observed.
2. In relation to human resources matters, each Corporate Director is responsible for the staffing, below Deputy Director level (including staff at Service Director level), of the services that he/she provides.
3. In relation to other employee matters, Corporate Directors shall be responsible for the following delegated employee matters, subject to advice and guidance from the Chief Executive:-
 - (a) appointments and promotions including the determination of starting salaries, salary progression, the payment of professional subscriptions and the determination of working arrangements.
 - (b) the engagement of temporary, agency, seconded or casual employees.
 - (c) granting leave, including special leave, and determining applications for paid/unpaid leave.
 - (d) varying periods of notice.
 - (e) extending an employee's period of paid sick leave in accordance with the scale set out in the Conditions of Service for the post holder.

- (f) authorising payments, including honoraria to staff undertaking additional duties and responsibilities.
- (g) authorising increments in accordance with the conditions of service.
- (h) authorising the payment of disturbance, removal and settling in allowances in accordance with the provisions of the Council's Allowances Scheme.
- (i) authorising the attendance of employees on courses of study including study leave in the United Kingdom, and the payment of course and examination fees, etc., in accordance with the conditions of service
- (j) authorising the attendance of employees at conferences within the United Kingdom and the European Union, provided that the cost, including fees, travelling and subsistence expenses, amounts to not more than £1,500 in any one case.
- (k) authorising the payment of travel and subsistence allowances in accordance with the conditions of service.
- (l) taking disciplinary action in accordance with the Council's disciplinary procedures.
- (m) hearing and determining cases under the Council's grievance procedures.
- (n) undertaking consultation and negotiations with recognised Trade Unions and other employees' representatives.
- (o) approving car and cycle loans in accordance with the approved schemes.
- (p) allowing employees to undertake additional employment, where such consent is required, provided that any such employment does not conflict with, and could not be seen to be detrimental to, the Council's interests
- (q) consulting with Health and Safety representatives in line with statutory requirements.
- (r) determining applications for secondment etc. including to outside bodies.
- (s) approving, in accordance with guidelines issued by the **Deputy Chief Executive**, the retirement/dismissal of employees on the grounds of permanent ill-health.
- (t) approving, in advance, the working of overtime provided that:
 - (i) employees who do not qualify for premium overtime rates are paid in accordance with their conditions of service;
 - (ii) for overtime which is to extend beyond six months, the agreement of the appropriate **Cabinet Member** is obtained.
- (u) approving payments, where applicable, of allowances to employees designated as First Aid Officers.
- (v) determining requests for the provision of temporary Council housing accommodation for employees, in consultation with the Corporate Director for People.
- (w) approving the payment of telephone allowances in line with guidelines issued by the Deputy Chief Executive

- (x) approving redundancies and early retirements in accordance with the Council's agreed arrangements, subject to consultation with the Deputy Chief Executive.
- (y) settling claims under the Employee Indemnification Scheme, in consultation with the Deputy Chief Executive.
- (z) approving payment of all remuneration, compensation and other emoluments to employees and administered by the Deputy Chief Executive.

[Note: None of these delegations apply in respect of teachers in the employment the Council, where the responsibility for personnel matters rests with the School Governing Body].

IN CONNECTION WITH GENERAL MATTERS

1. The management of land, buildings and facilities under their control, subject to advice and guidance from the Deputy Chief Executive in relation to the strategic and corporate use of assets.
2. In consultation with the appropriate **Cabinet Member**, to authorise attendance by Councillors at conferences/seminars.
3. To deal with lost or uncollected property.
3. To authorise, in writing, officers of the Council to exercise statutory rights of entry on to property in pursuance of their duties.
5. To take necessary measures to ensure that high standards of Health, Safety and Welfare are achieved in the activities of the Council and its Departments, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policies.
6. To engage specialist or consultant services, where necessary.
7. To obtain particulars of persons interested in land under S.16 Local Government (Miscellaneous Provisions) Act 1976 and, where appropriate, S.330 Town and Country Planning Act 1990.
8. To seek planning permission for development by the Council or in respect of land under their control.
9. The exercise of the Council's functions under the Regulation of Investigatory Powers Act 2000 including the nomination of officers employed at Service Director or Heads of Service level or above to authorise regulated activities under the Regulation of Investigatory Powers Act 2000.
10. To undertake listing reviews or compensation reviews under the Council's Community Right to Bid.
11. To keep a record of all written notifications made to the Corporate Director by employees pursuant to the **Officers' Code of Conduct at Part 6 CP2**.
12. To keep a written record of all officers authorised to undertake any functions delegated to any officer under this scheme of delegation.

TO THE CHIEF EXECUTIVE

1. To exercise all the powers, duties and functions of the Council which have not been reserved to the Council or the Leader or delegated to an officer, Committee or **Cabinet Member**.
2. All matters associated with the professional management of the Council.
3. The implementation of the Council's corporate strategies.
4. The co-ordination of all official publicity, press statements and official publications.
5. The taking of any action necessary, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
6. The exercise of powers delegated to any officer when that officer is unavailable or unable to act.
7. The following functions of the Council Meeting in relation to elections:

Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2)
Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983
Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part
Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972
Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972
Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983
Duty to provide assistance at European Parliamentary elections.	[Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)
Duty to divide constituency into polling districts.	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983
Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983
Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983
Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983
Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985
Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972

Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972
Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2)
Duty to consult on change of scheme for elections.	Sections 33(2), 38 (2) and 40(2) of the 2007 Act
Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act
Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act
Power to alter years of ordinary elections of parish councillors.	Section 53 of the 2007 Act
Functions relating to change of name of electoral area.	Section 59 of the 2007 Act

8. The exercise, following consultation with the **Cabinet** Leader, of the Council powers under s.13 Public Order Act 1986 in relation to public processions.
9. To adjust the amounts included in the relocation package for officers.
10. To make in-year amendments to the Council Risk Register, in consultation with the Leader of the Council.
11. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, and to determine requests for permission to reproduce the Council's Coat of Arms and symbol.
12. To convene Education Appeals Panels, and refer cases to them as appropriate.
13. **To agree indemnity payments to officers acting as directors on behalf of the Council or otherwise covered by the policy on indemnification of officers.**
14. **To undertake all functions of the Head of the Paid Service.**
15. **To undertake all functions pursuant to any appointment as proper officer as set out at Part 4 of the Constitution.**

TO THE DEPUTY CHIEF EXECUTIVE

Estates management

1. To manage all land held or controlled by the Council including the declaration of land as surplus to requirements and the appropriation of land to any purpose of the Council.
2. To be responsible for all contracts between the Council and others relating to the management of land.
3. When required by law, to advertise any proposed appropriation or disposal of open space, to consider any representations received by the Council as a result of the advertisement in consultation with the relevant **Cabinet Member** and to determine any such disposal or appropriation where the value of the land does not exceed £1million
4. To undertake estates management functions, including dealing with applications to develop or alter property where the Council's consent as landlord is required, and to determine whether action should be taken under relevant property related legislation.
5. To commission valuations relating to property, including "right to buy" applications, mortgages, legal charges, and other financial charges in land and buildings and with the lodging and conduct of appeals relating to rating assessments.
6. Subject to consultation with members of the appropriate Area Committee(s), and to securing the best consideration that can reasonably be obtained:
 - i) To approve transactions for a consideration that does not exceed £25,000 per annum or a premium of £250,000 (whichever is the higher) in relation to the following interests: leases, licences, easements, wayleaves and other similar interests in land and in relation to consents.
 - ii) To approve the acquisition and disposal of land, buildings or other property interests for a consideration not exceeding **£500,000. following consultation with the appropriate Executive Councillor.**
 - iii) In consultation with the appropriate **Cabinet Member**, to approve the acquisition and disposal of land, buildings or other property interests, where the consideration exceeds **£500,000** but does not exceed £1 million.
7. To determine rent reviews and lease renewals.
8. To approve the purchase price and all compensation payable in respect of land and buildings included in Compulsory Purchase Orders, including home loss and disturbance payments, and to authorise acquisitions by agreement where the use of compulsory purchase powers is in contemplation.
9. Jointly with the Corporate Director of Place Management and Regeneration to approve the purchase of properties that the Council is obliged or wishes to purchase under Housing legislation, and take such action as may be necessary to secure compliance with the relevant legislation.
10. To approve the payment of claims for diminution in value not exceeding £100,000 in each case, under the terms of the Land Compensation Act 1973 (Part 1).

11. To determine all dilapidation claims, and compensation claims at the termination or surrender of leases or tenancies relating to tenants improvements or loss of security or tenure under relevant property related legislation.
12. Jointly with the Corporate Director for Place Management & Regeneration to approve the purchase price of properties that the Council is obliged to purchase under the Housing Act 1985, and take such action as may be necessary to secure compliance with the Act.
13. To refuse requests for the purchase or lease of land or property vested in the Council where that disposal would not be in the interests of the Council.
14. To take urgent action to protect the Council's legal or financial position in relation to the management of property.
15. To exercise all the functions of the post holder of Corporate Director of Corporate and Support Services delegated to the post holder by a decision of the **Executive [Cabinet]** or of any committee or sub committee of the Council prior to 31st March 2016.

Information and Communications

26. To be responsible for the Council's telecommunications and information technology systems and procedures.
27. To fulfil the Council's functions and responsibilities under Data Protection and Freedom of Information legislation.
28. The management of the Scrutiny budget in consultation with the Chair of the Scrutiny Co-ordination Committee.
29. **To be responsible for Information Governance, including information asset management and the ability to award IT contracts for the use across all service areas.**

Miscellaneous

30. To exercise any functions or responsibilities delegated to the Corporate Director for Corporate and Support Services by a decision of the Executive [Cabinet] prior to 31 March 2016.
31. To sign agreements with employees in connection with the termination of their employment with the Council.
32. To fulfil the Council's duties in relation to Domestic Homicide Reviews pursuant to Section 9 of the Domestic Violence, Crime and Victims Act 2004 and any functions which are ancillary to that duty.

TO THE CORPORATE DIRECTOR FOR PEOPLE

To undertake all functions pursuant to any appointment as Proper Officer as set out at **Part 4** of the Constitution

Education functions

In accordance with legislation to take necessary and appropriate action in respect of the following service areas:-

1. Leadership and Direction

- (i) Preparation of the statutory plans for the Education function
- (ii) Arrangements for school budgets under Fair Funding regulations
- (iii) Completion of statutory returns to Central Government.
- (iv) Discharge of functions in relation to the making of Instruments of Governance for schools

2. Access

- (i) Arrangements for the admission of pupils to all community, controlled and special schools
- (ii) Arrangements for dealing with pupil exclusion and reinstatement cases
- (iii) The provision of home/school transport for pupils
- (iv) Matters relating to the enforcement of school attendance, including the authorisation of legal proceedings
- (v) All matters relating to child employment and children's participation in public performances
- (vi) The making of any grants to children or students to facilitate educational attendance
- (vii) Implementation of the Capital Programme as agreed by the Council
- (viii) Preparation of the Schools Organisation Plan

3. School Improvement

- (i) Arrangements for the monitoring of school performance having regard to the Code of Practice on LA/School relations
- (ii) Arrangements for intervening in schools under Special Measures or otherwise causing concern
- (iii) Arrangements for receiving OFSTED reports.

4. School Support Services

- (i) All the Council's functions in relation to the employment of teachers and other school based staff
- (ii) Arrangements for reviewing the salaries of Headteachers and Deputy Headteachers in the direct employment of the Council
- (iii) The organisation of in-service training for teachers
- (iv) Setting fees and charges for music tuition and instrument hire
- (v) All matters relating to the supply of milk and school meals.

5. Special Education

- (i) Arrangements for determining whether a child is in need of Special Education
- (ii) Preparation of Statements of special educational need and provision
- (iii) Arrangements to implement special education provisions specified in Statements

- (iv) The provision of education to individual pupils “otherwise than in school”.

6. Lifelong Learning

- (i) Arrangements for securing income from the Skills Funding Agency in respect of course provision
- (ii) Arrangements for awarding grant aid to local youth organisations

Children & Young People's Services

In accordance with the policies from time to time laid down by the **Cabinet** and subject to overall budget provision:

1. To manage the Council's Children's Services functions and establishments.
2. To exercise all the Council's functions as an adoption agency under legislation relating to adoption and associated regulations.
3. All matters relating to the supervision of privately fostered children.
4. The function of placing and reviewing the placement of children and young persons in secure accommodation.
5. The determination of individual applications for provision under community care legislation and the implementation of such provision.
6. The hearing and determination of any complaint or representation relating to the discharge of children's services functions, whether from a client or a member of the public.
7. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.
8. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.
9. Approving (where required) applications by foster parents for residence orders and to pay appropriate allowances to foster parents.
10. Administering grants, loans, charges and other forms of assistance in accordance with Council policy and legislation.
11. Allocating expenditure from the Children's Fund, after consultation with the **Cabinet** Portfolio Holder and in accordance with the recommendations of the Children Trust.

Adult Social Services Matters

In accordance with the policies from time to time laid down by the **Cabinet** and subject to

- overall budget provision and
- the delegation to the Health and Care Integrated Commissioning Board:

1. To manage the Council's Adult Services functions and establishments.
2. To discharge the Council's functions under relevant legislation relating to the care of older people, people with physical disabilities, people with learning difficulties and

persons who are mentally ill, instituting legal proceedings where appropriate jointly with the **Head of Legal & Democratic Services**.

3. The provision of home helps, meals on wheels, and support to luncheon clubs.
4. The provision of equipment and adaptations to property.
5. The determination of individual applications for provision under community care legislation and the implementation of such provision.
6. The hearing and determination of any complaint or representation relating to the discharge of Adult Services functions, whether from a client or a member of the public.
7. Arrangements for the provision of accommodation, where necessary with other authorities or organisations.
8. Dealing with requests for access to personal files in accordance with the relevant legislation and regulations.
9. Carrying out any registration, licensing and inspection functions of the Council under Social Services legislation.
10. Administering grants, loans, charges and other forms of assistance in accordance with Council policy and legislation.
11. The exercise of the Council's functions under Mental Health legislation, including guardianship, the appointment of approved social workers, the exercise of the function of nearest relative, and the authorisation of individual social workers to act in that capacity.
12. All matters relating to the recovery of contributions and charges for accommodation or services.
13. Arrangements for the burial or cremation of persons in the care of the Council, or where no other person takes responsibility.
14. The administration of the scheme for car badges and public transport concessionary fare passes.
15. Responding to consultation in respect of proposed or actual applications for education supervision orders.
16. The development, jointly with the Chief Executive, of community care and health improvement initiatives throughout the Borough, either independently or in partnership with local health trusts and authorities.
17. Functions specified in:
 - (i) Schedule 1 of the Local Authorities Social Services Act 1970 Sections 6 and 7B of the Local Authorities Social Services Act 1970 to the extent that they do not fall within the delegated responsibilities of the Health and Care Integrated Commissioning Board or the Director of Integrated Commissioning
 - (ii) Sections 1 and 2 of the Adoption Act 1976
 - (iii) Sections 114 and 115 of the Mental Health Act 1983
 - (iv) The Registered Homes Act 1984
 - (v) Parts VII to X and Section 86 of the Children Act 1989

- (vi) The functions under Sections 5, 7 and 8 of the Disabled Persons (Services, Consultations and Representations) Act 1986

TO THE CORPORATE DIRECTOR OF PLACE MANAGEMENT & REGENERATION

To undertake all functions pursuant to any appointment as proper officer as set out in **Part 4** of the Constitution

Regeneration, Urban Renewal etc.

1. To approve applications for grants up to £25,000 within the Townscape Heritage Initiatives (THI) and, in consultation with the appropriate **Cabinet Member**, grants in excess of £25,000 within that initiative.

Development and Building Control, Highways and Sewers, Traffic Management

2. Subject to the delegations to the Planning and Highways Regulation Committee, the Area Committees and the Town Centre Committee, to exercise all the non executive functions of the Council as local planning authority including those set out below unless one or more of the following apply:
 - a) applications for planning permission made by a Councillor, the Chief Executive, Deputy Chief Executive, a Corporate Director, a Service Head or an officer who deals with planning matters (in which case the application will be considered by the Planning and Highways Regulation Committee)
 - b) applications for prior approval made by a Councillor, the Chief Executive, Deputy Chief Executive, a Corporate Director, a Service Head or an officer who deals with planning matters (in which case the application will be considered by the Planning and Highways Regulation Committee unless the Chair or Vice Chair of the Planning and Highways Regulatory Committee and the Corporate Director of Place management and regeneration agree otherwise)
 - c) applications where the grant of permission would be contrary to the Development Plan (in which case the application will be considered by the Planning and Highways Regulation Committee)
 - d) applications relating to land or buildings under the management or control of the Corporate Director for Place Management and Regeneration (in which case the application will be considered by the Planning and Highways Regulation Committee)
 - e) applications which have been called up for determination by an Area Committee or the Planning and Highways Regulation Committee in accordance with the procedure set out in the **Planning Protocol (Part 6, CP8)**
 - f) applications in respect of which four or more objections have been received unless the determination accords with those representations (in which case the application will be considered by the relevant Area Committee)
 - g) applications in respect of which four or more representation of support have been received unless the determination accords with those representations (in which case the application will be considered by the relevant Area Committee)

Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).
Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.

Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992 (S.I. 1992/666).
Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990
Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990
Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 (c. 34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act

case may be, are to be subject.	
Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990
Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Duties relating to applications for listed building consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9) and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of Department of the Environment, Transport and the Regions Circular 01/01
Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990 (c.8).
Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)

3. Subject to the delegations to the Area Committees, to exercise all executive functions of the Council as local planning authority, hazardous substances authority , lead local flood authority and related matters.
4. Management and Regeneration Management and Regeneration in which case it will be determined by the Town Centre Committee
5. To exercise the powers of entry contained in the Town and Country Planning Act 1990, Highways Act 1980 and Wildlife and Countryside Act 1981.
6. To act as the Appointing Officer in relation to the appointment of arbitrators of disputes under the Party Walls Etc. Act 1996.
7. Powers to deal with dangerous or dilapidated buildings, dangerous trees, and dangerous excavations on land accessible to the public.
8. The making of Article 4 Directions withdrawing permitted development rights conferred by a development order, subject to consultation with the appropriate **Cabinet Member**.

9. To respond to consultations from adjoining local planning authorities, in accordance with the delegations set out above or in **Part 3, Sections 4 and 5**, after consultation with ward councillors.
10. To exercise the Council's functions in relation to high hedges in accordance with Part 8 Anti Social Behaviour Act 2003 including powers of entry on to land.
11. Action in relation to abandoned vehicles.
12. To exercise the Council's powers to name streets and require the numbering of buildings in streets.
13. To exercise all the Council's functions in respect of the maintenance and improvement of public highways, including action in respect of trees, and the management of car parks.
14. To make temporary orders in accordance with the Road Traffic Regulations (Special Events) Act 1994.
15. To establish or disestablish school crossing patrols in consultation with relevant Ward Councillors.
16. To carry out the duties of supervising officer for engineering and architectural contracts or nominate an appropriate Head of Service to carry out such duties, and to assume powers to ensure the safe and efficient completion of works and the general safety of property and highways.
17. To deal with all matters relating to the private street works code and to inspect and adopt streets and sewers following private street works.
18. To serve notices and, where necessary, carry out work in default and recover costs incurred in relation to:
 - a) liability to maintain unadopted streets;
 - b) interference with highways and streets;
 - c) urgent repairs to private streets;
 - d) liability to maintain stiles and gates across bridleways.
19. To arrange for the temporary prohibition or restriction of traffic on roads by temporary traffic regulation order or notice and the temporary closure or diversion of rights of way.
20. To exercise the Council's functions in relation to the adoption of streets.
21. To investigate Traffic Regulations issues, in consultation with Ward Councillors nominated for this purpose by the relevant Area Committee.
22. To authorise the making of Traffic Regulation Orders provided that there is no outstanding objection to the Council's proposals.
23. To fix operative dates for Traffic Regulation Orders.
24. To authorise the confirmation of Public Rights of Way Orders provided that there is no outstanding objection to the Order as made.
25. To consent to the construction of cellars etc. under streets and to the making

of openings into cellars etc. under streets and pavement lights and ventilators.

26. To keep the definitive map and statement under review and maintain the statutory register of highways maintainable at public expense.
27. To determine applications for consent to statutory undertakers works in highways, temporary excavations and the placing or erection of works, apparatus, equipment, projections or materials, on, over or under the highway.
28. To object to the renewal of commercial vehicle operator's licences of those operators whose vehicles are persistently parked overnight in residential streets.
29. To determine applications for footway crossings and enforce their provision in appropriate cases.
30. To deal with the stopping up, replacement, and provision of private accesses to highways.
31. To regulate builders skips on highways and take any necessary enforcement action.
32. To regulate street works under S.174 Highways Act 1980.
33. To serve notices and secure the removal of obstructions from the highway, including dealing with overhanging trees etc. and all nuisances, encroachments, and interference with the highway, and take any necessary enforcement action.
34. To determine applications for consent to the temporary display of posters on street furniture.
35. To install and maintain all traffic signs, waymarks and road markings.
36. To recover costs in relation to highways works, licences, traffic regulation orders etc, where authorised by statute, and to waive charges in special circumstances.
37. To serve notices requiring the repair of walls etc. of yards under S.43 Greater Manchester Act 1981.
38. To issue licences under the New Roads and Street Works Act 1991.
39. To designate protected streets, streets with special engineering difficulties, and traffic sensitive streets, under the New Roads and Street Works Act 1991 (or any subsequent enactment).
40. To authorise persons to enter land and to serve notices under the provisions of the Countryside and Rights of Way Act 2000.

Environmental Health and Safety/Licensing

41. The powers of the Council in relation to statutory nuisances, offensive trades, pest control, infectious diseases, food and drugs, food safety, environmental protection, pollution control, air quality, health and safety at work, and trading standards.
42. The appointment of Inspectors and Authorised Officers under legislation relating to private sector housing, health and safety at work, public health, food safety,

environment protection, pollution control, animal health, weights and measures, trading standards, or the sale of tobacco to children and young persons, identifying the powers each Inspector or Authorised Officer is empowered to exercise, and the variation or termination of such appointments.

43. To serve notices under Section 264 of the Public Health Act 1936 (or any similar provision), Section 59 Building Act 1984 and Section 17 Public Health Act 1961, and where necessary carry out work in default and recover the costs involved.
44. The signature and serving of any notice in a form approved by the Head of Legal & Democratic Governance, in relation to the issuing of licences and authorisations, procuring of samples, seizure of unsound food and articles and the execution of work in default under legislation relating to private sector housing, health and safety at work, public health, food safety, environment protection, pollution control, animal health, weights and measures, trading standards or the sale of tobacco to children and young persons.
45. To carry out all licensing, registration and enforcement functions, other than those specifically delegated to other Corporate Directors, including determining applications and imposing conditions, in accordance with policies and criteria determined from time to time by the Council and Licensing, Environment and Safety Committee, in connection with the licensing of premises and persons or issue or renewal or transfer of permits or consents or registration of taxis, private hire vehicles, drivers and operators, regulated entertainments, the sale of alcohol, the provision of late night refreshment, gambling and gaming machines, game dealers, charities, street and house to house collections, small lotteries, gaming machines, scrap yards, hypnotists, car boot sales, sex shops, hairdressers and barbers, sports grounds, street traders, acupuncturists, tattooists, ear piercers and electrolysis, pet shops, animal boarding establishments, animal trainers and exhibitors, zoos, caravan sites, riding establishments, dog breeders and, dangerous wild animals.
46. To waive the requirement that an electrician's certificate be supplied on an application for an occasional licence for a public entertainment, following a satisfactory inspection by the fire service.
47. To authorise, in writing, officers of the Council to exercise the powers of the "authorised officer", under the Local Government Act 1976, in relation to taxis and hire cars.
48. Within the criteria laid down from time to time by the Licensing, Environment and Safety Committee, to determine the size and design of signs permitted to be displayed in the windscreen of private hire vehicles and on the sides of taxis and private hire vehicles.
49. To require a taxi or private hire vehicle to be submitted for mechanical inspection in accordance with the Council's agreed procedures.
50. To order an applicant for a taxi or private hire vehicle driver's licence to submit to examination by a nominated medical practitioner.
51. To administer the Council's "Doorsafe" registration scheme.
52. To regulate temporary markets and fairs subject to approved conditions.
53. To make all necessary formal appointments and arrangements in respect of legislation relating to explosives and safety of sports grounds.

54. To exercise the functions of the Council under Part 1 of the Wildlife and Countryside Act 1981.
55. The designation of litter control areas.
56. To determine applications for street trading consents under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 save in those instances where
- (i) there have been two or more applications for a single pitch;
 - (ii) there have been objections; or
 - (iii) there has been an appeal against the decision of the Corporate Director
- (such determinations to be made by the relevant area committee)
57. To determine applications for short term street trading permits under Part III of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for consent for streets in the Town Centre in consultation with the Chair of the Central Stockport Area Committee.
58. In relation to the functions of the Scrap Metal Dealers Act 2013;
- (i) To grant or renew a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
 - (ii) To serve Notice of a proposal to refuse or cancel a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
 - (iii) To serve notice of a proposal to vary a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013.
 - (iv) To determine applications for a licence of a Scrap Metal Dealer under the Scrap Metal Dealers Act 2013 where it is the intention to refuse or cancel a licence or to vary a licence under section 4 of the Act, where the applicant has not served notice requiring the opportunity to make representations to the authority in respect of the proposal to refuse or cancel a licence, or to impose conditions on a licence.

Policy Development

59. In consultation with the appropriate **Cabinet Member**, to approve the Annual Monitoring Report required by the Planning and Compulsory Purchase Act 2004.

Leisure and Heritage Functions

60. The management and control of all the Council's Sport, Leisure, Recreational, Heritage and Cultural facilities.
61. To authorise the letting of rooms in the civic buildings and community facilities on approved terms and conditions.
62. To let sporting and recreational accommodation, facilities and equipment on approved terms and conditions.
63. To determine all matters in relation to the licensing of premises for civil marriages.
64. In consultation with the relevant **Cabinet Member**, to determine admission charges,

fees and concessions for the use of recreational establishments and facilities, and to agree variations from the standard charges.

65. To authorise the emergency closure of premises and facilities, without notice, in the interests of public safety.
66. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.
67. To provide floral decorations for public and private functions, and to hire out plants in accordance with Council policy and on approved terms and conditions.
68. To authorise proceedings for the removal of trespassers on land in Council ownership.
69. To deal with all matters relating to the Council's powers and duties as enforcement authority concerning the safety of reservoirs under relevant legislation.
70. In consultation with the relevant **Cabinet Member**, to agree seasonal and other variations in the hours of opening of recreational and heritage establishments and facilities, and the closure of facilities at bank holidays.
71. To engage artists for musical, dramatic or similar functions.
72. To authorise the emergency closure of premises and facilities, without notice, in the interests of public safety.
73. To designate appropriate officers as the holders of liquor and entertainment licences for Council premises, and to authorise the making of applications for necessary licences in connection with the use of premises.
74. To accept or refuse gifts or work or exhibits for museums and art galleries, and to hire, or obtain on loan, exhibitions for museums and art galleries.
75. To exercise the Council's functions under Part 1 of the Wildlife and Countryside Act 1981.
76. The powers of the Council in relation to the preservation of trees including the making of tree preservation orders, the confirmation of such orders except where objections have been received, and the granting or refusal of consent to lop, top or fell protected trees.
77. To determine applications for the use of parks by outside organisations except
 - where attendance or participation of over 250 or more persons is anticipated.
 - where events are likely to result in noise or traffic disturbance to local residents.
 - where the sale of alcohol is requested at the event.
 - Bonfires and firework displays.
 - Fairs.
 - Circuses.
 - Events involving animals.
 - All evening events which continue after 10pm

and subject to all applications for the use of parks being issued to members of relevant area committees with the opportunity being given for individual councillors to "call up" the application for determination by the area committee.

78. To be responsible for the management of Stockport Market, including the letting, transfer and surrender of stalls, applications for change of trade, and the cancellation of licences.

Housing matters

Note: The operational management functions relating to Council housing and associated accommodation was transferred with effect from 1 October 2005 to an Arm's Length Management Organisation, Stockport Homes Limited.

79. To discharge the functions of the Council as a Local Housing Authority.
80. To be responsible for all matters concerning the relationship between the Council and Stockport Homes Limited.
81. To discharge the Council's functions under legislation relating to homeless persons.
82. To deal with special circumstances not adequately provided for within the Council's allocations policy.
83. To deal with requests for access to personal files in accordance with the relevant legislation and regulations.
84. Jointly with the Head of Legal & Democratic Governance, to take legal action under the **Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988** in respect of anti-social behaviour and neighbour nuisance.
85. To authorise proceedings for the removal of squatters and persons left in possession of Council dwellings.
86. Jointly with the Head of Legal & Democratic Governance, to deal with disrepair claims.
87. Jointly with the Deputy Chief Executive to approve the purchase of properties that the Council is obliged or wishes to purchase under Housing legislation, and take such action as may be necessary to secure compliance with the relevant legislation.
88. To authorise all action required to repair and/or improve conditions in private sector housing, to protect the health, safety and welfare of the occupants and persons visiting the premises, to bring long-term empty domestic properties back into use and to investigate the harassment and illegal eviction of private sector tenants in accordance with the relevant legislation. To serve statutory notices as appropriate and to authorize officers to enter premises to perform these functions.
89. To inspect periodically and report on housing conditions in the Borough from time to time with a view to determining what action needs to be taken.
90. To determine applications for grants to improve properties in accordance with housing legislation and local policy and to take all necessary steps to ensure that any action relating to the implementation of renewal areas, grants and necessary repair of properties is carried out.
91. To make arrangements with statutory undertakers or relevant supply companies to

restore or continue the supply of water, gas or electricity to an occupied privately rented dwelling in accordance with the relevant legislation.

92. To enter into agreements relating to the carrying out by the Council of works of improvement by agreement with, and at the expense of, the property owner.
93. To issue licences and certificates as appropriate for licensing and accreditation schemes for privately rented properties run in accordance with housing legislation and local policy.
94. To authorize all action required to address public health concerns within private sector housing including statutory nuisances, filthy and verminous premises, pest control, local drainage concerns and accumulations. To serve statutory notices as appropriate and to authorize officers to enter premises to perform these functions.
95. To provide an integrated welfare benefits service, including advisory services.
96. To discharge the Council's functions as local housing authority as they relate to the disabled facilities grants.

Miscellaneous

97. All matters concerning the relationship between the Council and Solutions Stockport Limited.

TO THE BOROUGH TREASURER

To undertake all functions pursuant to any appointment as proper officer as set out in **Part 4** of the Constitution.

Finance Matters

1. To be responsible for:-
 - (a) administration of the General Fund, the Collection Fund, Housing Revenue Accounts and the former Greater Manchester Residuary Body in accordance with the approved Codes of Practice and all other matters which are the responsibility of the Chief Finance Officer appointed pursuant to section 151 of the Local Government Act 1972;
 - (b) implementation and monitoring of the Council's Treasury Management arrangements;
 - (c) the authorisation of claims for grant monies;
 - (d) the recording of income, expenditure, assets and liabilities in accordance with proper practices;
 - (e) the recording of proposed and approved budget adjustments arising from virement or budget re-alignment;
 - (f) arrangements for the leasing of vehicles plant and equipment, where the acquisition of the item has the necessary approvals;
 - (g) insurance matters;
 - (h) the Council's contributions to and risks arising from participation in the Greater Manchester Pension Fund by the Council and any other body for which the Council acts as guarantor.
2. To submit to the **Cabinet** the budget process timetable and a medium term plan.
3. To audit financial and accounting procedures.
4. To administer the Council's procedures to deal with debt recovery.
5. To administer the Council's car loan, car leasing, and similar schemes.
6. Approval loans to employees granted in accordance with an approved Employee Benefit scheme.
7. To be responsible for the collection and recovery of all Council Tax, National Non-Domestic Rates, residual Community Charge monies, and Housing Rents, and to determine applications for discretionary non-domestic rate relief and Council Tax discounts in accordance with the policy adopted by the **Cabinet**.
8. To commence legal proceedings for the recovery of arrears of Council Tax, National Non-Domestic Rates, residual Community Charge monies, and Housing Rents.
9. To appoint officers from Corporate and Support Services to represent the Council in legal proceedings for the recovery of Council tax, National Non-Domestic Rates, rent arrears, and the repossession of Council housing accommodation.
10. To review, at least biennially, the Council's Financial and Contract Procedure Rules.
11. To administer Council Tax Benefit, Rent Rebate and Housing Benefit in accordance with Council policy.

12. To write off rent arrears and other irrecoverable debts in excess of £5000, provided that, where the debt exceeds £10000 net of VAT, and the debtor is not in liquidation or bankruptcy or deceased, a report on the matter shall be submitted to the **Cabinet Member** or **Cabinet** as appropriate.
13. To refer fraudulent housing benefit and council tax benefit claimants for prosecution.
14. To make and review arrangements for a pooled budget in relation to the integrated commissioning arrangements made with Stockport CCG pursuant to Section 75 of the National Health Service Act 2006.

TO THE HEAD OF LEGAL & DEMOCRATIC GOVERNANCE (MONITORING OFFICER)

To undertake all functions pursuant to any appointment as proper officer as set out in **Part 4** of the Constitution.

1. To make any order or direction, give or serve any notice, or sign on behalf of the Council, or witness the sealing of, any document necessary to give effect to any decision lawfully taken in accordance with the Scheme of Delegation.
2. To institute, defend, intervene in, appear in, and be responsible for the conduct of any legal proceedings in any civil or criminal court, tribunal or Inquiry, or before a Coroner, where the interests of the Council are or could be affected and, in consultation with the relevant **Cabinet Member**, to settle proceedings, where it is in the Council's interest so to do.
3. To accept service of any proceedings.
4. To institute criminal proceedings in respect of offences against any legislation (including bye-laws) that the Council is authorised to enforce, and to institute and respond to appeals arising out of such proceedings.
5. To settle claims against the Council, **and where claims exceed £20,000 to settle these in consultation with the Borough Treasurer (as 151 Officer) and Chief Executive.**
6. To approve, in consultation with the relevant Corporate Director, the payment of financial compensation not exceeding £5000, in order to resolve a complaint submitted in accordance with the Council's Complaints Procedure.
7. On the instructions of a Corporate Director, to take all necessary steps to secure the removal of any person or persons from land.
8. To authorise officers of the Council to appear in the Magistrates' and County Courts.
9. To obtain Counsel's opinion and brief Counsel.
10. To authorise the payment of costs awarded against the Council.
11. To sign indemnities, where they are required to enable the Council to exercise any of its functions, provided that, where the giving of an indemnity could have significant financial implications, the consent of the Borough Treasurer is obtained.
12. To take out a grant of representation to a deceased person's estate as creditor, beneficiary or trustee.
13. To make formal application to H.M. Land Registry to register and dispense with statutory charges, in respect of private residential properties.
14. To be responsible for the sale of Council accommodation under the Right to Buy Scheme.
15. To deal with land in compulsory purchase orders by way of notice to treat or vesting declaration procedure.
16. To accept blight notices where all the statutory requirements are met.

17. To accept the District Valuer's valuation of properties, and authorise payments in advance of completion of property purchases.
18. To serve notice to quit on tenants of land required for Council purposes.
19. To obtain particulars of persons interested in land under S.16 Local Government (Miscellaneous Provisions) Act 1976 and S.330 Town and Country Planning Act 1990.
20. To contribute to the legal costs of other local authorities in respect of specific cases with implications for the Council, up to a maximum of £1000.
21. To maintain the Local Land Charges Register, respond to local searches, and deal with the registration of Common Land etc.
22. To take action, including the institution of proceedings, under the Crime and Disorder Act 1998, where necessary in the interests of community safety.
23. To make any order or direction, give or serve any notice, or sign on behalf of the Council, or witness the sealing of, any document necessary to give effect to any decision lawfully taken in accordance with the Scheme of Delegation.
24. To instruct and appoint external legal advisors to the Council.
25. Jointly with the Corporate Director of Place Management and Regeneration to take legal action under the **Anti-social Behaviour, Crime and Policing Act 2014, Housing Act 1985 and Housing Act 1988** in respect of anti-social behaviour and neighbour nuisance.
26. Jointly with the Corporate Director of Place Management and Regeneration to deal with disrepair claims.
27. To procure contracts for goods and services supplied for the purposes of providing legal services to the Council.
28. **To do all things necessary and incidental to their carrying out function as the Monitoring Officer as set out in the Monitoring Officer Protocol at CP11 of the Constitution.**
29. **To make typographical changes to the Constitution and those required to ensure compliance with legislation.**

TO THE DIRECTOR OF PUBLIC HEALTH

In accordance with legislation, the Council's Constitution and the policies from time to time laid down by the **Cabinet** and subject to the overall budget provision and to the delegation of the Health and Care Integrated Commissioning Board or the Director for Integrated Commissioning to take necessary and appropriate action in respect of the following:-

1. To discharge the responsibilities for public health within Stockport in accordance with the requirements of the Health and Social Care Act 2012 and the NHS Act 2006, including the award of contracts for the provision of public health services.
2. To manage the Council's Public Health functions
3. Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.
4. To cooperate with the police, the probation service and prison service to assess the risks posed by violent or sexual offenders.
5. To provide the Council's public health response as a 'responsible authority' under the Licensing Act.
6. To develop and maintain the Joint Strategic Needs Assessment for the Stockport and to discharge the responsibilities for research in relation to public health and wellbeing.
7. To produce an annual report.

TO THE DIRECTOR OF INTEGRATED COMMISSIONING

To undertake the following functions:

1. Day to day management of the pooled fund and the pooled service budgets established by the Section 75 agreement of the 21 June 2016 in accordance with that agreement.
2. For the purpose only of making arrangements for the provision of such adult social services as are set out in any agreement for the time being in operation between the Council and Stockport Clinical Commissioning Group, to exercise the Council's functions set out at Schedule 1 of the Local Authorities Social Services Act 1970

TO THE HEAD OF PUBLIC PROTECTION

1. To consider written representations and be the person appointed to hear oral representations and determine those applications on the **Cabinet's** behalf under Schedule 1 (Section 7(7) and (8)) of the Act where the Corporate Director for Place Management and Regeneration proposes to refuse or to cancel a licence or to vary a licence under section 4 of the Act and the applicant has given notice to the authority within the prescribed time that they require the opportunity to make representations about that proposal.

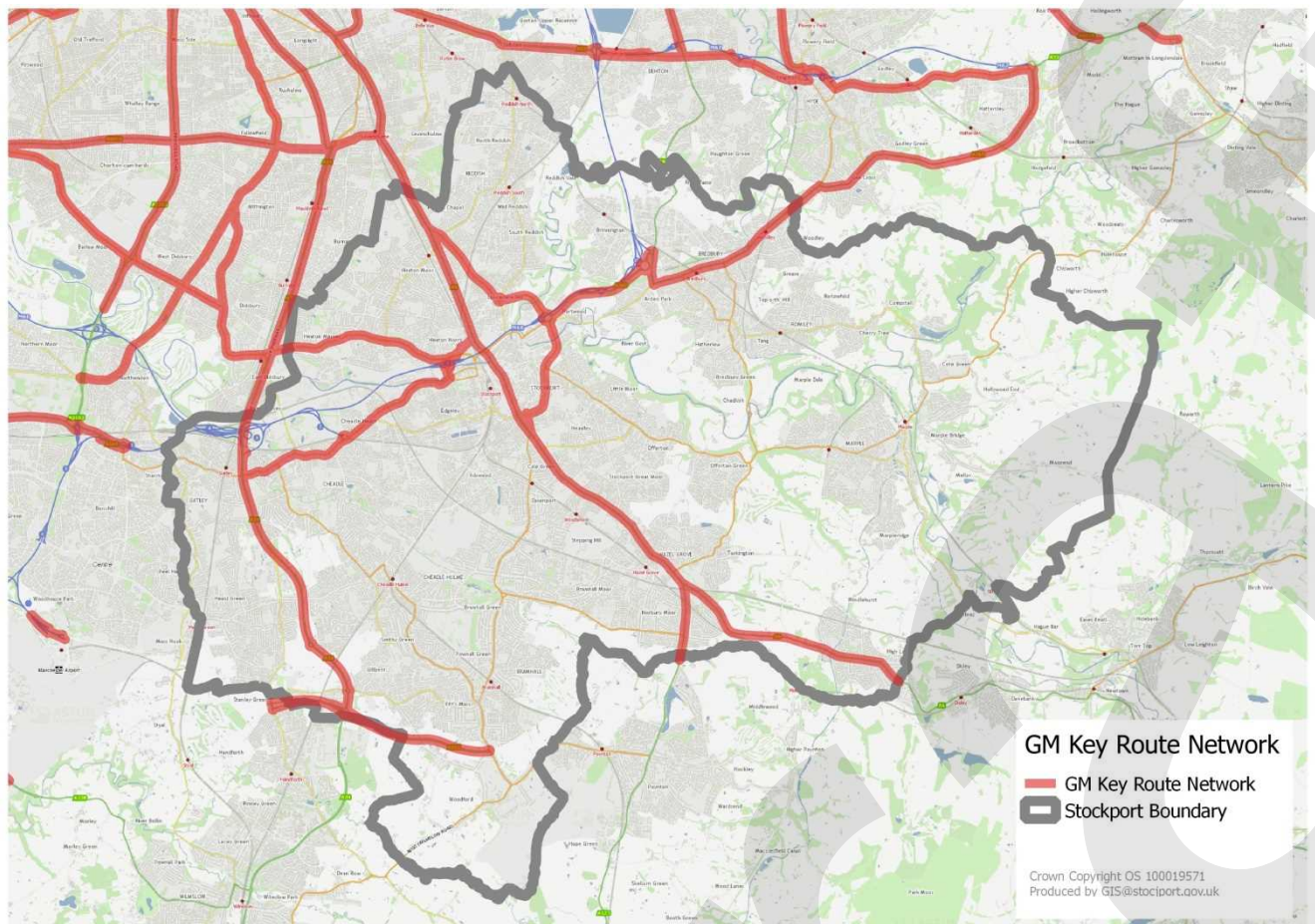
TO THE DEMOCRATIC SERVICES MANAGER

1. To undertake all functions pursuant to his or her appointment as Designated Scrutiny Officer under Section 9FB of the Local Government Act 2000.

TO THE CSS MANAGER – EVENTS AND REGISTRAS SERVICE

1. To undertake all function pursuant to his/her appointment as Proper Officer under the Registration Services Act 1953.

Section 8A – Key Route Network (KRN) Plan



Section 8B – GMCA Highways Protocol

Protocol 1 :Traffic Signals Between Greater Manchester Combined Authority and Transport for Greater Manchester Committee and Transport for Greater Manchester And The AGMA Local Highway I Traffic Authorities

Introduction

1. The Greater Manchester Combined Authority Order 2011 statutorily delegates to the Greater Manchester Combined Authority ('GMCA') the following functions of the constituent councils in relation to traffic signals:
 - functions under section 65 (placing of traffic signs) of the Road Traffic Regulation Act 1984 so far as it relates to traffic signs that are traffic light signals;
 - functions under section 23 of that Act (pedestrian crossings) so far as it relates to Pelican and Puffin crossings as defined by regulation 3(1) of the Zebra, Pelican and Puffin Crossings Regulations 1997

The Order states that "traffic light signals" means a traffic sign of the size, colour and type prescribed by regulation 33, 34, 37, 39, 41, 44, 45, 46 47, 48, 49 or 52 of the Traffic Signs Regulations 2002 or another traffic sign of a like nature prescribed by those Regulations as from time to time amended or any regulations for the time being replacing those Regulations

2. The delegation relates to the light signals specified in the following regulations of the Traffic Signs Regulations 2002:

Regulation 33	Light signals for the control of vehicular traffic
Regulation 34	Green arrow light signals
Regulation 37	light signals for control of vehicular traffic entering or proceeding on motorway or dual carriageway
Regulation 39	Light signals to control traffic at level crossings etc
Regulation 41	Light signals for the control of tramcars
Regulation 44	Light signals for lane control of vehicular traffic
Regulation 45	Warning light signals on motorways and dual carriageways
Regulation 46	Matrix signs
Regulation 47	Light signals at signal controlled pedestrian facilities
Regulation 48	Light signals at equestrian crossings
Regulation 49	Light signals at toucan crossings
Regulation 52	Light signals for pedestrian traffic at level crossings

and functions relating to pelican and puffin crossings.

3. The GMCA will also have power to enter into Agreements under s278 Highways Act 1980 to enable it to obtain 3rd party funding for such signals and crossings.
4. The delegation does not include functions relating to portable light signals, school crossing warning light signals or powers relating to zebra crossings which will continue to be authorised by the relevant traffic authority.
5. For the purpose of this protocol the term 'traffic signals' (except where otherwise indicated) means the light signals set out at paragraph 2 above (and the term 'traffic signal function' shall be construed accordingly). The function includes the installation, upgrading, replacement,

maintenance and management of traffic signals on local highway authority roads.

6. This protocol sets out the roles and responsibilities of GMCA, the Transport for Greater Manchester Joint Committee ('TfGMC'), Transport for Greater Manchester ('TfGM') and the local highway/traffic authorities ('LTAs') with regard to installing, managing, maintaining and running traffic signals under the combined authority arrangements. It is expected that all parties will work together in close partnership to ensure an effective , efficient and integrated approach to the matters covered by this protocol.

GMCA Role

The GMCA is responsible for:

1. producing and developing policies in relation to the installation, maintenance, and management of traffic signals which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and the GMCA's and LTA's- budgets.
2. Setting budgets in relation to traffic signals including the TfGM unit responsible for traffic signals.
3. Entering into agreements under section 278 of the Highways Act 1980 in relation to traffic signals.
4. Determining the functions to be carried out in relation to traffic signals by TfGMC and TfGM respectively and making arrangements accordingly.

TfGMC Role

The TfGMC is responsible for:

1. making recommendations to the GMCA in respect of:
 - (a) the development of policies relating to the installation, maintenance, and management of traffic signals that take both strategic and local strategies and frameworks into account
 - (b) the GMCA's budget for traffic signals
2. making arrangements for the discharge of the functions to be carried out in relation to traffic signals by TfGM.
3. monitoring and overseeing the activities and performance of TfGM in relation to the traffic signal function.

TfGM Role

TfGM is responsible for:

1. designing and arranging for the construction of traffic signals (including carrying out any necessary statutory formalities) and associated equipment to meet the GMCA's and LTA's objectives and the agreed programme.
2. agreeing with LTAs, on a case by case basis, whether the TfGM or the relevant LTA will be responsible for carrying out lining, installation of tactile paving and ancillary signing for traffic signals.
3. producing and updating a traffic signals asset management plan which identifies cost effective programmes for replacing time expired traffic signals and associated equipment.
4. maintenance of traffic signals.

5. designing, managing and adjusting traffic signal timings in a manner that takes into account the needs of users of both the strategic and local road networks, following consultation with the relevant LTA.
6. coordinating the carrying out of traffic signal works with ancillary signing/lining and any complementary highway improvement works to be carried out by the relevant LTA.

LTA Role

LTAs are responsible for:

1. identifying locations where the benefits of introducing new traffic signals or upgrading existing installations are justified to meet the LTA's priorities and are consistent with GMCA policies.
2. including such locations within their programmes and requesting TfGM to design and install the traffic signals.
3. advising TfGMC of any revisions they recommend to maintenance policies and standards.
4. informing the TfGM of LTA objectives and local priorities, which need to be taken into account alongside GM strategic objectives and priorities, in designing, managing and adjusting traffic signal timings.
5. carrying out complementary highway improvement works and, where agreed with TfGM carrying out the ancillary lining, tactile paving and signing in respect of traffic signals, coordinating these works with the traffic signal works to be carried out by TfGM.
6. carrying out temporary traffic management following accidents/incidents which result in temporary traffic signals failure.
7. repairing highway surfaces in advance of detection loops being installed or repaired.
8. carrying out functions in relation to portable light signals, school crossing warning light signals and zebra crossings.
9. entering into agreements under section s278 of the Highways Act 1980 in respect of non-traffic signal highway works.

**Protocol 2 : Transport Studies I Forecasting Between
Greater Manchester Combined Authority and
Transport for Greater Manchester Committee
Transport for Greater Manchester
and
The AGMA Local Highway I Traffic Authorities**

Introduction

1. The Greater Manchester Combined Authority Order 2011 statutorily delegates the duty to prepare reports on road traffic levels within Greater Manchester under section 2 Road Traffic Reduction Act 1997 ("the transport studies function") to the Greater Manchester Combined Authority ('GMCA')
2. The above function is referred to in this protocol as the 'transport studies function'. The GMCA has other powers to carry out research and studies in respect of traffic levels and emissions.
3. This protocol sets out the roles and responsibilities of the GMCA, the Transport for Greater Manchester Joint Committee ('TfGMC'), Transport for Greater Manchester ('TfGM') and the local traffic/highway authorities ('LTAs') in respect of the above functions. It is expected that all parties will work together in close partnership to ensure an effective, efficient and integrated approach to the matters covered by this protocol.

GMCA Role

The GMCA is responsible for:

1. producing and updating policies in respect of the transport studies function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives, the agreed objectives for the Key. Route Network, and the GMCA's and LTA's budgets. • •
2. setting budgets in respect of the roles and functions outlined in this protocol.
3. determining the functions to be carried out by TfGMC and TfGM respectively in relation to the transport studies function and making arrangements accordingly.

TfGMC Role

The TfGMC is responsible for:

1. making recommendations to the GMCA in respect of:
 - (a) producing and updating policies and programmes in respect of the transport studies function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives, the agreed objectives for the Key Route Network, and GMCA's and LTA's budgets
 - (b) setting budgets in respect of the roles and functions outlined in this protocol
2. making arrangements for the discharge of the functions to be carried out in relation to the transport studies function by TfGM.
3. monitoring and overseeing the activities and performance of TfGM in relation to the transport studies function.

TfGM Role

To deliver the transport studies function, TfGM on behalf of the GMCA is responsible for:

1. providing a strategic transport analysis and advice service based on the databases and modelling resources which it maintains.
2. maintaining the following GM databases :
 - (a) road traffic accident and casualties
 - (b) traffic volume, pedestrian and cycle counts
 - (c) traffic interview surveys
 - (d) traffic speeds and journey times (Blue Tooth and the DfT Trafficmaster database)
 - (e) passenger boarding and alighting counts
 - (f) vehicle occupancy counts
 - (g) key centre cordon and car park counts
 - (h) such other GM databases as are requested by LTAs
3. providing access to transport assessment trip rate information (UK-wide TRICS database)
4. maintaining the following GM models:
 - (a) Strategy Planning (GMSPM2)
 - (b) Public Transport Network (GMPTM)
 - (c) Strategic Highway Model (GMSATURN)
 - (d) Transport Element of Emissions Inventory (EMIGMA)
5. providing a cost effective traffic count, transport survey, modelling, analysis and advice service for the LTAs including modelling and forecasting support for scheme design for major and minor transport projects and operational, transport and economic appraisals of LTA's strategies and developers' proposals.

For the KRN specifically, and working in close cooperation with the LTAs, TfGM on behalf of the GMCA is additionally responsible for:

6. undertaking periodic reviews of the operation of the KRN to identify problems and opportunities
7. specifying and undertaking studies to identify, and inform prioritisation of, potential interventions on the KRN targeted at maintaining or enhancing its performance and effectiveness
8. undertaking such operational, transport, economic and environmental appraisals, and preparation of documentation for interventions as are commensurate with their scale and impacts; the requirements of Central Government; and/or the needs of a business case submission
9. undertaking operational monitoring of the KRN and periodic reporting to GMCA and LTAs to inform delivery of the KRN Network Management Function.
10. liaising with Highways England on areas of work of common interest.

LTA Role

The LTAs will be responsible for:

1. making efficient use of the available databases, models and shared GM analysis and advice services where appropriate.
2. identifying new survey, database and analysis work that they wish TfGM to carry out on their behalf
3. if considered necessary by the LTA, initiating studies on the KRN, at the LTA's cost and

using their own contractors

4. working with TfGM to deliver the KRN-related studies set out under TfGM roles 6 to 9 above.

**Protocol 3 : Network Management and Development Between
Greater Manchester Combined Authority and
Transport for Greater Manchester Committee and
Transport for Greater Manchester
and**

The AGMA Local Traffic Authorities

Introduction

1. The AGMA local highway/traffic authorities ('LTAs') have delegated the discharge of the following function to the Transport for Greater Manchester Committee {'TfGMC'}:

Carrying out actions to facilitate the performance by focal traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular -

- (a) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
 - (b) determining specific policies and objectives in relation to strategic roads;
 - (c) monitoring the effectiveness of traffic authorities in managing their road network.
2. The above function is referred to in this protocol as 'the strategic network management function'. This function dovetails with the GMCA's duty under section 108{1} (a) of the Transport Act 2000 to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area. ('the s108 duty').
3. In addition to the responsibilities that apply across all of the network, this protocol also sets out responsibilities that apply specifically to the management and development of the Key Route Network (KRN).
3. This protocol sets out the roles and responsibilities of GMCA, TfGMC, the Transport for Greater Manchester ('TfGM') and the LTAs in respect of the above function under the combined authority arrangements. It is expected that all parties will work together in close partnership to ensure an effective, efficient and integrated approach to the matters covered by this protocol.

The GMCA Role

The GMCA is responsible for developing policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area under s108 Transport Act 2000.

TfGMC Role

The TfGMC will be responsible for:

1. producing and developing policies in relation to the strategic network management function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and the GMCA's and LTA's budgets.
2. drawing up budgets in relation to the strategic network management function.
3. making recommendations to the GMCA in respect of the development of policies for the

promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area under s108 Transport Act 2000.

4. determining the tasks to be carried out in relation to the strategic network management function by TfGM.
5. monitoring and overseeing the activities and performance of TfGM. TfGMC will have the following additional responsibilities for the KRN:
6. Development of evidence based policies (for adoption by the LTA) to guide investment in the development and maintenance of the network, balancing fair and equitable funding across each local authority area.
7. Review of capital budgets for network development and structural maintenance programmes.

TfGM Role

The TfGM will be responsible for:

1. Taking action to improve poorly performing routes including:
 - (a) providing safety and travel information to passenger and traveller organisations, satellite navigation operators , news media and internet users
 - (b) delivering behavioural change campaigns aimed at supporting public transport, walking, cycling, car-sharing and delivery vehicle sharing and encouraging fewer journeys
 - (c) coordinating enforcement activities between local Highway and Traffic Authorities, the Highways Agency and Greater Manchester Police
 - (d) proactive monitoring of highway, transport, developer and street works activities and driver behaviour on strategic routes to identify regular and real time unauthorised activities which are causing delays
2. maintaining an accurate calendar of events at key sporting, cultural and leisure venues and events on roads ('events') that have the potential to cause significant delays on the strategic routes.
3. giving support to the events organisers and LTAs to produce the traffic management plan to be deployed by organisers at the event.
4. monitoring the deployment of major event plans and proposing further strategic, tactical and operational interventions to minimise disruption to the network.
5. working with LTAs to assist event organisers with the management of planned strategic, operational and tactical response to events.
6. coordinating LTA responses to incidents such as traffic accidents, breakdowns, carriageway failures, adverse weather , security alerts etc ('incidents') which affect more than one highway authority.
7. working with LTAs, the Highways Agency, and the Police to identify strategic routes within Greater Manchester which suffer from regular incidents or climatic events and develop resilience plans and, where needed, tactical divers ion plans to be implemented for future incidents or events.
8. dealing with abnormal load routes, in a manner that takes into account the needs of users of both the strategic and local road networks, to ensure the safe and fluid movement of abnormal

loads across Greater Manchester.

9. providing event and incident travel information to passenger and traveller organisations, satellite navigation operators, news media and internet users.
10. developing and managing a Greater Manchester Traffic Control Centre to enhance the data gathering, monitoring, coordinating and communications capabilities within Greater Manchester.

TfGM will have the following additional responsibilities for the KRN:

11. Identify potential interventions that respond to key issues on the network, including those identified in the KRN Route Studies and specific issues raised by the LTAs.
12. Preparation of capital budgets for network development and structural maintenance programmes (in consultation with the LTAs).
13. Prioritise interventions on the network based on agreed criteria (to be informed by the Greater Manchester Local Transport Strategy) with respect to available budgets. Prepare reports regarding recommendations to TfGMC and GMCA.
14. Identify and prioritise proposed schemes for inclusion in funding bids and report to Chief Executives' Investment Group and Transport and Growth Group for approval. Lead the preparation of bids, working with the respective LTAs.
15. Identify scheme options for prioritised projects and undertake high level feasibility work. Make recommendations to the respective LTAs regarding the scheme design and development work required to progress individual projects.
16. Work jointly with the LTAs through the scheme development process to ensure that detailed designs meet the objectives of the scheme. Approve detailed designs for schemes.
17. Provide a consistent Programme Management Service for projects on the KRN, covering delivery, programme and budget. The level of Programme Management should be commensurate with the size of schemes being progressed.
18. Undertake consultation with Elected Members, stakeholders and residents regarding proposed projects on the network (where it has been agreed with the LTA that TfGM is best placed to undertake the consultation).
19. Identify survey data requirements (to be collected by the LTAs) regarding the condition of the network. Maintain a joint database on behalf of the local authorities and report results at the Greater Manchester and LTA level.
20. Identify and recommend to the LTA's common minimum maintenance standards for the network.
21. Review and comment on planning applications that have a material impact on the KRN (as a non-statutory consultee). Work jointly with LTA's to scope/specify the highway requirements arising from proposed development.

LTA Role

LTAs will be responsible for:

1. securing the expeditious movement of traffic on their roads.
2. appointment of a Traffic Manager

3. carrying out the following to complement TfGM initiatives and GMCA policies :
 - (a) carrying out junction and traffic lane improvements
 - (b) proactive management of highway, transport, developer and street works activities and driver behaviour on strategic and local routes to minimise delays
 - (c) coordination of road works, street works and developers' activities
 - (d) proactive management of highway and transport authority, utility and developer occupation of highway space and reinstatement quality
 - (e) prioritising enforcement of parking and bus lane contraventions where these obstruct or adversely affect the free flow of traffic
4. holding planning discussions with event organisers to ensure that events take place at a time and in a manner that has minimum effect on network operations.
5. preparing plans to reduce the impact of events on overall network operation.
6. working (together with TfGM) to assist event organisers with the management of planned strategic, operational and tactical response to events.
7. working with TfGM, the Highways Agency and the Police to identify strategic routes within Greater Manchester which suffer from regular incidents or climatic events and develop resilience plans and, where needed, tactical diversion plans to be implemented for future incidents or events.
8. working with the Police in responding to emergency incidents to minimise disruption to the network and to maximise network capacity as soon as practicable.

LTA's will have the following responsibilities specifically for the KRN:

9. Work jointly with TfGM to identify key issues on the network, (including through the KRN Route Studies) - identification of potential interventions to address the issues to inform capital programmes and funding bids.
10. Collate maintenance/condition data for the network, as specified by TfGM.
11. Undertake detailed scheme design and development work for prioritised schemes on the network, in consultation with TfGM.
12. Provide updates to TfGM regarding the progression of schemes in terms of development and delivery. Information requirements (commensurate with the size of the scheme) to be set by TfGM's Project Management Services.
13. Implementation of minimum maintenance standards for the network.
14. Work jointly with TfGM to specify the highway requirements relating to developments that impact directly or indirectly on the KRN.

Protocol 4 : Road Safety
between
Greater Manchester Combined Authority and
Transport for Greater Manchester Committee and
Transport for Greater Manchester
and
The AGMA Local Authorities

Introduction

1. The AGMA local authorities ('LAs') have delegated the discharge of the following function to the Transport for Greater Manchester Committee ('TfGMC'):

Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

2. The above function is referred to in this protocol as 'the road safety function.' This function dovetails with the GMCA's duty under section 108(1) (a) of the Transport Act 2000 to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area. ('the s108 duty').
3. This protocol sets out the roles and responsibilities of GMCA, TfGMC, the Transport for Greater Manchester ('TfGM') and the LAs in respect of the above function under the combined authority arrangements. It is expected that all parties will work together in close partnership to ensure an effective, efficient and integrated approach to the matters covered by this protocol.

The GMCA Role

The GMCA is responsible for developing policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within its area under s108 Transport Act 2000.

TfGMC Role

The TfGMC is responsible for:

1. producing and developing policies in relation to the road safety function which are consistent with the Greater Manchester Strategy, the GM Local Transport Plan objectives and the GMCA's and LA's budgets.
2. drawing up budgets in relation to the road safety function insofar as it is exercised by the TfGM.
3. determining the tasks to be carried out in relation to the road safety function by TfGM.
4. making recommendations to the GMCA in respect of the development of policies for the promotion and encouragement of safe..... transport to, from and within its area under s108 Transport Act 2000.
5. monitoring and overseeing the activities and performance of TfGM.

TfGM Role

TfGM is responsible for:

1. providing advice on the GM Road Safety strategy, risks, required behavioural changes, campaigns and publicity.
2. providing a service that identifies and analyses the contributory factors that cause high levels of casualties, the behaviours needed to be influenced and what locations need to be improved in order to meet GM safety objectives.
3. consulting the GM Casualty Reduction Partnership on proposed casualty reduction intervention programmes.
4. delivering Road Safety advice to GM Casualty Reduction Partners based on the analysis of casualty data to identify high risks and locations across Greater Manchester that have a high casualty problem.
5. delivering the Annual Road Safety publicity and communications programme, linked to national road safety, health and sustainable communities publicity programmes. to encourage responsible behaviour on Greater Manchester's roads.
6. analysing and sharing safety activity performance data, for use in press releases and web based publicity and educational materials in support of road safety objectives.
7. benchmarking of performance data, best practice and the most effective processes
8. linking into health interventions with shared goals around active travel, alcohol and substance misuse, supported by evidence from public health colleagues.
9. providing National Driver Improvement Programme courses.
10. monitoring and analysing the performance of safety camera sites

With regard to the Key Route Network (KRN), in addition to the above, TfGM is responsible for:

11. investigating the causes of accidents at hotspot locations.
12. identifying high level options for reducing casualties at hotspot locations.
13. prioritising potential interventions on the network with respect to available budgets.
14. advising and working with the respective local authorities during the detailed design process.
15. reviewing and approving the detailed scheme designs, as prepared by the local authorities.
16. undertaking Road Safety Audits at the request of the respective local authorities.

Local Traffic Authority Role

LTAs are responsible for:

1. carrying out physical changes to the highway to improve road safety
2. implementing a speed management strategy
3. taking enforcement action eg in respect of unsafe parking near schools

4. undertaking Training and Education projects
5. investigating options for reducing casualties on the local road network and prioritising those which give the best casualty reduction per pound spent.
6. undertaking:
 - (a) local highway improvement I safety schemes
 - (b) the installation of new and upgrading existing safety cameras
 - (c) maintenance of safety camera housings
 - (d) maintenance of safety assets
 - (e) minor highway improvements eg white lining
 - (f) pedestrian training
 - (g) cycle training
 - (h) theatre groups for young people
 - (i) primary school safety schemes
 - U) local community publicity events, including those targeted to coincide with national and GM campaigns
 - (k) parking enforcement at high risk sites

In the case of the KRN, the above should be informed by items 12 and 13 (TfGM Role)

SECTION 10 – HEALTH & WELLBEING ARRANGEMENTS

Health & Wellbeing Board

Powers and Duties

The Health and Well Being Board will discharge the following functions as required by the Health & Social Care Act 2012:-

1. For the purpose of advancing the health and wellbeing of the people in Stockport, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
2. Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
3. Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board
4. Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.

Health & Care Integrated Commissioning Board

Powers and Duties

Such functions as may be conferred by agreement between Stockport Council and Stockport Clinical Commissioning Group under Section 75 of the National Health Service Act 2006.

SECTION 10 - JOINT COMMITTEES

The Council participates in the following joint Committees:

<u>JOINT COMMITTEE</u>	<u>TERMS OF REFERENCE</u>
1. AGMA Executive Board	Section 10A
2. Transport for Greater Manchester Committee	Section 10B
3. Greater Manchester Police and Crime Panel	Section 10C
4. STAR joint committee	Section 10D

SECTION 10A - AGMA CONSTITUTION



THE ASSOCIATION OF GREATER MANCHESTER AUTHORITIES

CONSTITUTION

**v2 AS AGREED AT THE AGMA EXECUTIVE BOARD MEETING IN ROCHDALE
ON 29 JANUARY 2010**

AGMA Constitution – Quick Reference Guide

For ease of reference key elements in the constitution are listed below:-

Explanatory Note: Preceding the draft constitution itself, and setting out the reasons for a new constitution for AGMA

Para 1.1 on page 348: The principle of **retaining the existing authorities and not creating a new authority**.

Para 1.5 on Page 348: the **obligation of the Leader of each authority to report to their own authority** the decisions, proposals and actions of the AGMA Executive Board

Para 4.2 on Page 349: This and Schedule 1 on pages 13-15 set out **the policy areas and functions which the Executive Board and its Commissions etc will be responsible for**.

Para 7.1 on page 350: Formally links the **Business Leadership Council** in to the constitution.

Paras 8.1 & 8.2 on page 350. **Enables the Board to set up Commissions and Sub Committees** as it wishes.

Para 8.3 on page 351. Sets out the **principles of political and geographical balance** that apply throughout this agreement.

Para 8.4 - 8.9 on page 351. Gives any Local Authority the **power to refer any Commission or Sub Committee decision to the Executive Board**. These include the following proposals:

- Commissions to provide a work programme on an annual basis
- Commissions to prepare a record of proceedings to made available to Executive Board Members.

Paras 10.1 -10.4 on Page 352. Sets out **how the Chair & Vice Chairs will be appointed** and builds political balance into these arrangements.

Para 10.6 on Page 352. **Quorum for the Board**. Usually 7, but in areas where any party has opted out; would be less.

Para 12.1 on Page 353. The **principle of trying to reach decisions by agreement**

Paras 12.3-12.5 on pages 353. If agreement can't be reached, **new voting arrangements**.

Para 13.2 on page 354. Formally includes the **Greater Manchester Forum as at least an annual meeting** to be consulted on the Board's activities and progress.

Para 16.2 on page 355. The principle of **dividing up costs per capita** across the 10 authorities.

Para 17 on page 355. Any **constitutional amendments require 2/3 agreement** at the Board and of participating authorities. Section included to formally review operation of the constitution on an annual basis.

Para 26 on Page 356. **Protects the statutory functions of each of the 10 authorities**.

Page 358: Shows the **signatories to the new constitution**, signed at the Special general Meeting on 29 August 2008.

Schedule 1 on pages 359-361 and Schedule 2 on pages 362: Sets out the parameters under which the Executive Board and its commissions/sub committees will operate; and the **Executive Board's terms of reference**.

Schedule 3 on pages 363-368: set out the **rules of procedure for the Executive Board**

Schedule 4. on pages 369-372: set out the **Scrutiny processes** to be followed and include:-

Section 3.1 -3.3 page 369-370. setting out how **membership of the scrutiny pool** will be determined and

Section 5. page 371 The proposed procedure for **Call in**.

AGMA: Constitution/Operating Agreement

Explanatory Note

AGMA was established in 1986. Since then its function as the body representing the collective interests of the local authorities within Greater Manchester and its principles have remained largely unchanged. However in recent years it has been apparent that AGMA's constitution is no longer 'fit for purpose'.

There are two main ways in which this lack of fit in AGMA's current constitution currently manifests itself:-

- it does not properly reflect the ambitions which the 10 authorities in Greater Manchester have expressed in terms of collaborating more effectively at a sub regional level on issues where they agree this is necessary. We want a legal framework which shows both a readiness to manage strategic development and financial resources delegated from either a national or regional level and which underpins our common goal of Greater Manchester becoming a world-class city region at the heart of a thriving and competitive North
- it contains very little in terms of linking the functions and work which is done at a strategic sub regional level into a system of democratic accountability, both at a sub regional and individual local authority level.

The constitution attached attempts to address both these issues as well as revise other issues which have been discussed and agreed in recent months, particularly around the way in which votes are taken within AGMA and the election of its senior political positions.

There are two other fundamental points to be aware of when considering the attached constitution:-

Firstly, it has been developed with two key and fundamental principles built within it:-

- it is not seeking to create a separate local authority; and the 10 Leaders of the AGMA authorities are committed to retaining the existing structure of metropolitan districts within Greater Manchester.
- Nothing in the constitution should be interpreted as an attempt to fetter or restrict in any way the exercise by any of the 10 local authorities within AGMA of their statutory functions.

Secondly, this is the first attempt at developing a new constitution in this way for city region collaboration within Greater Manchester. It may be that in the light of experience and operation it will need change. The constitution therefore builds into its clauses the principle of at least an annual review. Any such review will need to reflect views from both the local authorities within Greater Manchester and other partners in the city region and beyond as to the effectiveness of its operation.

Operating agreement and Constitution (Joint Arrangements) Committee

This agreement is made on 29th day of August 2008 between:

The Parties in this Agreement, and who have executed this Agreement.

WHEREAS:

- (1) Each of the Parties is a local authority within the meaning of the Local Government Acts 1972 and 2000 for the purposes of their administrative areas.
- (2) The Executive and full Council of each of the Parties has determined by resolution to establish this joint committee to become effective from 1st July 2008 for the purposes of exercising agreed functions over their 'combined administrative area'.
- (3) The joint committee will be established as the (Joint Arrangements) Committee and be called the **AGMA Executive Board**, AGMA being the acronym for the Association of Greater Manchester Authorities.

THIS AGREEMENT witnesses as follows:

1. Key principles

- 1.1 The Parties are not seeking to create a separate local authority and are committed to retaining the existing structure of metropolitan districts within the combined administrative area.
- 1.2 The Parties have established a joint committee which provides streamlined decision making; excellent co-ordination of services across the combined administrative area; mutual co-operation; partnering arrangements, and added value in the provision of shared services.
- 1.3 The Parties are committed to open and transparent working and proper scrutiny and challenge of the work of the joint committee.
- 1.4 Any new Parties to this agreement after the agreement becomes effective will have all the same rights and responsibilities under this agreement
- 1.5 The Parties are committed to ensure that any decisions, proposals, actions whether agreed or considered will be subject to an obligation upon the Leader of each of the Parties to report it to their own authorities
- 1.6 The collective name of the parties who are signatories to this operating agreement shall be the Association of Greater Manchester Authorities

2. Definitions

‘functions’ means those functions of the Parties delegated from time to time to the joint committee to discharge and set out in Schedule 1.

‘the combined administrative area’ means the local government areas of the Parties combined.

‘the Parties’ means the signatories to this agreement for the time being.

‘voting members’ means the appointed elected member(s) of each of the Participating Parties in the decision.

‘Sub-committees’ will only comprise elected members with decision making powers.

‘Commissions’ may comprise of elected and non elected members whose decisions are subject to ratification by the Board.

‘Lead Authority’ means the local authority appointed by the Parties under this agreement to lead on a specified matter or function.

‘AGMA Executive Board’ (hereinafter called the Board) means the Joint Committee established under this Agreement.

‘Participating Parties’ means those parties which have delegated to the Board the functions set out in Schedule 1

3. Objectives

3.1 The objectives of the Board are to:

- (i) improve outcomes in the economic, social and environmental conditions across the combined administrative area.
- (ii) Streamline decision making where joint arrangements already exist.
- (iii) Develop and agree current and new areas of joint working.

4. Powers and functions

4.1 This Board is established under section 20 of the Local Government Act 2000 and Regulations 4, 11 and 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and section 101(5) of the Local Government Act 1972 enabling the Parties to perform the functions in the manner set out in this agreement.

4.2 The Board has the power to take decisions on behalf of the Parties in relation to those functions set out in Schedule 1. The role of the Board is restricted to those matters described in Schedules 1 and 2. The Board may only exercise those functions delegated to it by the parties and the Board reserves the right to refuse the delegation. The delegation of functions to the Board may be amended or withdrawn by resolution of any of the Parties. Where any such resolution affects any financial liabilities and/or commitments of the Board twelve months notice must be given in writing not later than 31 March in any year to withdraw with effect from 1 April in the following year from any of the functions of the Board.

5. Terms of reference

5.1 The terms of reference of the Board will be as set out in Schedule 2.

6. Membership and voting rights

- 6.1 The Board comprises the Leader of the Council of each of the Parties to this agreement. Each of the Parties will appoint for each Municipal Year two additional members of their Executive one of whom may substitute for the Leader as necessary. The Parties will inform the Secretary to the Board in writing of these annual appointments.
- 6.2 The term of office of each member of the Board shall be for as long as the member is the Leader of the appointing Council or a member of that Councils Executive in relation to substitute members.
- 6.3 Non-voting advisers may attend the Board from any or all of the Parties or from other organisations as the Board may agree. These advisers may participate in the debate but may not vote.
- 6.4 The following can be "Associate Members":-

The Greater Manchester Fire and Civil Defence Authority.
The Greater Manchester Passenger Transport Authority.
The Greater Manchester Police Authority.
The Greater Manchester Waste Disposal Authority.

Together with any local authority or any joint committee of local authorities outside Greater Manchester subject to the agreement of the Board. These Associate Members may participate in the debate but may not vote.

a. The Business Leadership Council

- 7.1 The Board will establish a Business Leadership Council which will advise the Board on its policies and priorities, conduct its own reviews in matters that will affect the future economic well being of Greater Manchester and may make representations to the Board.
- 7.2 The appointment of the Chair of the Business Leadership Council will be subject to confirmation by the Executive Board and will be reviewed on an annual basis. The process of appointing other members of the Business Leadership Council will be subject to agreement between the Chair of the Council and the Executive Board.

8. Sub-committees/Commissions/advisory groups

- 8.1 The Board may establish sub-committees, commissions and or advisory groups as it may determine.
- 8.2 When establishing a sub-committee, commissions and or advisory groups the Board will agree the:
- (i) terms of reference for the sub-committee, commission and or advisory groups.
 - (ii) size and membership of the sub-committees, commissions, and or advisory groups including co-optees.
 - (iii) the period where appropriate for which the sub-committee will remain constituted.
 - (iv) chair of the sub-committee or will delegate the appointment to the sub-committee.

- 8.3 Within the arrangements to be agreed at 8.2 above the Board will ensure that there is political and geographical proportionality across sub committees, commissions and advisory groups and that, as far as is possible, this will also apply within individual sub-committees, commission and advisory groups.
- 8.4 Any Commission created under clause 8 of this constitution shall be required to produce, on at least an annual basis, a Commission Work Programme for approval by the Executive Board. This Work Programme will need to include any specific budget requirements. The Executive Board will indicate, when confirming each Commission Work Programme, for which elements they are prepared to waive the process described in clauses 8.6 and 8.7 below.
- 8.5 The Executive Board shall appoint a Lead Officer in relation to each Commission with delegated authority to take all necessary actions and decisions, in consultation with the relevant Commission, to implement the Work Programme of that Commission which has been approved by the Executive Board.
- 8.6 Following each meeting of any Commission established under clause 8.1 above it will be a requirement of the Chair of the Commission, within two working days of the Commission meeting, to provide the AGMA Secretary with a record of proceedings within two working days of each meeting. The AGMA Secretary will then e-mail a record of proceedings of the meeting to all members of the Executive Board within two working days of receipt.
- 8.7 Following the issuing of any record of proceedings from a Commission meeting, any Party may, within 5 working days, refer any item considered at that meeting to the Board for reconsideration, except where it has previously been agreed that this process can be waived as set out in clause 8.4 above. The Party must set out the reasons for referral in a Notice signed by the Chief Executive or Executive Board member or named substitute appointed under clause 6.1. The notice must be served in accordance with clause 24 of this constitution.
- 8.8 Any proposed decision on any such issue referred to the Executive Board under clause 8.7 above shall not take effect until after the Executive Board has considered the matter.
- 8.9 In relation to any Commission set up under clause 8.1 above, notice of meetings and access to agendas and reports will be in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2000 and 2002 or sections 100A-K and Schedule 12A of the Local Government Act 1972 as appropriate.
9. Delegation to sub-committees and officers
- 9.1 The Board will establish a scheme of delegation and will review the scheme annually.
10. Meetings and procedure
- 10.1 A Chair and up to 3 Vice Chairs ("the four offices") will be appointed by the Board from amongst its membership.
- 10.2 The Chair of the Board will be appointed from the largest political group represented on the Board. Where two or more political groups have an equal number of seats on the board, the group which holds the larger number of Council seats within the combined administrative area will be regarded as being the largest political group.
- 10.3 Subject to (b) below 3 Vice Chairs of the Board will be appointed by the Board from its number under the following principles:

- (a) If more than one political group is represented on the Board then all the four offices will not be occupied by members from the same group
- (b) If less than three political groups are represented on the Board, then the Board may choose not to make an appointment to one of the three Vice Chair positions
- (c) If at least three political groups are represented on the Board, the three largest political groups will be entitled to at least one of the four offices
- (d) For the purposes of (c) above, where two or more political groups have an equal number of seats on the board, the group which holds the larger number of Council seats within the combined administrative area will be regarded as being the largest political group

10.4 If the Chair is present at a meeting of the Board he/she will preside. If the Chair is not present, if there is a Vice Chair from the same political group as the Chair he/she will preside; if neither the Chair nor that Vice Chair is present one of the other Vice Chairs will preside. In the absence of the Chair and all the Vice Chairs, the meeting will elect a Chair for that meeting from those present.

10.5 The Chair and Vice Chairs (sitting as a sub-committee) may have decision making powers delegated to them. Such powers will require to be delegated by the full Board.

10.6 The quorum of the Board will be two thirds of participating Parties for any particular function listed in Schedule 1 that is under discussion

10.7 The Board will conduct its business in accordance with this operating agreement and Schedule 3 to this agreement.

11. Agenda setting and access to meetings and information

11.1 The agenda for the Board shall be agreed by the Chair of the Board.

11.2 Notice of meetings and access to agendas and reports will be in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2000 and 2002 or sections 100A-K and Schedule 12A of the Local Government Act 1972 as appropriate and the Board Rules of Procedure as set out in schedule 3.

12. Decision making

12.1 The principle of decision making by the Board shall be that, wherever possible decisions of the Board will be made by agreement, without the need for a vote. Where this is not possible a vote may be taken where the Chair considers it to be necessary or where any Voting Member requests that a vote be taken. The vote will be by way of a show of hands and the vote of each member recorded in the Minutes.

12.2 In the event of a vote, only the appointed member(s) of each of the Parties present at the meeting shall be entitled to vote (including the Chair). In the event of a tied vote the Chair has no second or casting vote. Any motion or proposal which results in a tied vote will be deemed not to have been agreed.

12.3 The following areas have been identified as matters of strategic importance, where – as a matter of last resort if agreement cannot be reached without a vote – a 2/3 majority of the Participating Parties will be needed:-

1. adoption of sub regional strategic policies and plans.
2. adoption of a Multi Area Agreement following negotiations with Government and other partners.
3. responses to Government consultations.
4. decisions with financial consequences/costs to the member authorities (e.g. AGMA Units contributions, budgets - if any – delegated to individual Commissions, etc).
5. decisions/recommendations on levies/precepts of joint authorities.
6. endorsement of strategic plans produced by the new Commissions.
7. Associate Membership under Clause 6.4.
8. Proposed amendments to this Agreement

12.4 For the following areas a simple majority need only apply

1. appointments to external bodies.
2. appointments to the new Commissions when established.
3. election to any of the four offices set out in section 10.1 above.

12.5 For issues not covered in paragraphs 12.3 or 12.4 where agreement cannot be reached without a vote the presumption will be that a two thirds majority of the Parties will be needed.

12.6 Where the effect of a particular proposition, if adopted by the Board, would give rise to contractual or financial implications for any of the Parties, then a vote must be taken and the vote(s) of the appointed member(s) of the effected Party (ies) on of the proposition shall be recorded.

13. Forward Plan and Greater Manchester Forum

13.1 The Board will produce a forward plan in accordance with the requirements of section 22 of the Local Government Act 2000.

13.2 The Board will be required to report, at least annually, on meeting its Forward Plan and its operation and progress in achieving the promotion or improvement of the economic physical and social well being of the Manchester City Region, its people and businesses to a wider forum of interested parties within Greater Manchester. The Board will determine the nature and membership of this forum which shall be known as the Greater Manchester Forum.

14. Scrutiny

14.1 Scrutiny arrangements will be in accordance with Schedule 4

15. Lead authorities and allocation of roles

- 15.1 In order to achieve the objectives of the Board, the Parties may appoint one or more Lead Authority/ies for any of the functions under this Agreement. All governance arrangements will be in accordance with the CIPFA/SOLACE guidance for the time being and using the Lead Authorities standing orders and financial regulations.
- 15.2 Staff from the Lead Authority or any other Authority are commissioned to provide services, advice and support to the Board and will continue to be employees of the relevant Lead Authority or said other Authority.
- 15.3 Responsibility for the following support functions to the Board will be allocated to one or more of the Parties as Lead Authority as agreed by the Board from time to time:
- (i) the provision of legal advice and services.
 - (ii) the provision of financial advice and services.
 - (iii) secretariat support and services.
 - (iv) communications support and services.
- 15.4 In order to provide accountability for these support functions, the Board shall, at every Annual Meeting, appoint: -
- (a) A Secretary
 - (b) A Treasurer
 - (c) Such other officer(s) as may be deemed appropriate.

Unless otherwise agreed by the Board, the Secretary and Treasurer appointments shall be made from among officers of the authority of the Chair appointed at the Annual General Meeting. These appointments may be terminated and/or new appointments made at any Meeting of the Board.

- 15.5 The cost of the services and advice set out in this section and additional services agreed will be apportioned and paid for in accordance with paragraph 16

16. Budgetary arrangements/ delegated funds

- 16.1 The Board shall prepare a budget to cover all its expenses which will be submitted to and agreed by the Board before submission of the levy to each of the Parties by the last day of February in each year.
- 16.2 Each party to this agreement shall agree to pay a contribution to the budget proportionate to its population as determined by the Department for Communities and Local Government or any successor Department of Central Government when determining the annual financial Local Government Settlement.

17. Amendments to this operating agreement

- 17.1 This Agreement may be amended following a resolution of two thirds of the Board and also approved by two thirds of the Parties.

17.2 The operation of the agreement will also be subject to annual review.

18. New membership and cessation of membership

18.1 New Parties may join the Board provided that the Executive and full council of the joining Party (ies) and of all the Parties to the agreement for the time being so resolve.

18.2 Any of the Parties may cease to be a party to this Agreement following notice of cessation subsequent to a decision by the relevant Party/ies. A minimum of twelve months notice is required for any Party to leave the Board and in any event, any notice of cessation can only be effective at the end of a financial year.

18.3 Termination of this agreement must be by agreement of all but one of the Parties who are signatories to the agreement when any such termination is proposed.

19. Dispute resolution

19.1 Any dispute between the Parties arising out of this Agreement which cannot be settled by the Head of Paid service of the Parties shall be referred to a single arbitrator to be agreed between the Parties, or, where no agreement can be reached, and having regard to the nature of the dispute, by an arbitrator nominated by the Chair of the Local Government Association and will be carried out in accordance with the provisions of the Arbitration Act 1996 as amended or modified and in force for the time being.

20. Mutual indemnification

20.1 Each of the Parties is responsible for its own personnel and property and any consequential losses arising out of this agreement, and for the personnel and property and consequential losses of each of the other Parties of any decision taken by a party to this agreement under clauses 4.2 and 17.2.

20.2 Each of the Parties shall ensure that they have a sufficient policy of insurance for any work that they undertake on behalf of the Board and for a period of six years after termination of this Agreement.

21. Intellectual Property

21.1 The Board will not acquire any right, title or interest in or to the intellectual property rights of the Parties unless agreement to do so is given by the party or parties with the right.

21.2 Any issues, challenges or claims in relation to any intellectual property rights shall be advised to each of the Parties immediately, and any intellectual property right claim shall be managed by the Parties as agreed.

22. Data Protection, Freedom of Information, information sharing & confidentiality

22.1 Subject to the specific requirements of this clause, each of the Parties shall comply with its legal requirements under data protection legislation, freedom of information and associated legislation, and the law relating to confidentiality.

22.2 An authority will be appointed as Lead Authority for the purposes of ensuring compliance with any legal requirements relating to these issues should they arise directly in relation to the Board (as compared to information held by the Parties to this Agreement).

22.3 The Board will abide by any Information Sharing Protocol in relation to information shared between the Parties, any third parties and the Board

23. Severability

- 23.1 If any term, condition or provision contained in this agreement shall be held to be invalid, unlawful or unenforceable to any extent, such term, condition or provision shall not affect the validity, legality or enforceability of the remaining parts of this agreement.

24. Notice

- 24.1 Any notice, demand or other communication required to be served under this Agreement shall be sufficiently served if delivered personally to or sent by pre-paid first class recorded delivery post or email or facsimile transmission to the address of the AGMA Policy & Research Unit at the Wigan Investment Centre, Waterside Drive, off Swan Meadow Road, Wigan WN3 5BA. If so sent any such notice, demand or other communication shall, subject to proof to the contrary, be deemed to have been received by the addressee the time of personal delivery or on the second working day after the date of posting or unsuccessful transmission as the case may be.

25. Counterparts

- 25.1 This agreement may be executed in any number of counterparts, all of which when taken together shall constitute one and the same instrument.

26. Exercise of statutory authority

- 26.1 Without prejudice to this agreement, nothing in this agreement shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions.

27 Appointment to External Bodies

- 27.1 Not less than two months before the Annual Meeting of the Boards it shall be the responsibility of the Secretary to advise Parties of those positions on other bodies to which the Board need to make nominations for the forthcoming year.
- 27.2 It shall be the responsibility of Chief Executives of each of the Parties to advise the Secretary, in writing and not less than 15 days before the Annual Meeting of the Board, of any nominations which that Party wishes to make to those positions that have been identified by the Secretary under section 27.1 of this agreement.
- 27.3 Nothing in section 27.2 should be taken as assuming that any positions held by any person at the time that the Secretary issues information under section 27.1 of this constitution are automatically re-nominated for consideration at the Annual General Meeting. For any such position it will be the responsibility of Chief Executives of any Party to confirm to the Secretary, in writing and not less than 15 days before the Annual Meeting of the Board, where any existing representatives are to be re-nominated.
- 27.4 It shall be the responsibility of the Secretary to advise Parties of all nominations received for representation on outside bodies. This advice must be issued in writing to Parties not less than 14 days before the Annual Meeting of the Board.

Signed by Bolton Metropolitan Borough Council Cllr C. Morris Authorised Signatory S Harriss Dated 29.8.08	Signed by Salford City Council D. A. Lancaster Authorised Signatory B Spicer Dated 29.8.08
Signed by Bury Metropolitan Borough Council Bibby Authorised Signatory M Kelly Dated 29.8.08	Signed by Rochdale Metropolitan Borough Council I Davidson Authorised Signatory R Ellis Dated 29.8.08
Signed by Stockport Metropolitan Borough Council D Goddard Authorised Signatory G Lucas Dated 29.8.08	Oldham Metropolitan Borough Council H Sykes Authorised Signatory A Kilburn Dated 29/8/08
Trafford Borough Council S Williams Authorised Signatory D McNulty Dated 29.8.08	Tameside Metropolitan Borough Council J Callender Authorised Signatory R Oldham Dated 29.08.08
Signed by Manchester City Council R Leese Authorised Signatory S Orrell Dated 29.8.08	Signed by Wigan Borough Council P Smith Authorised Signatory J Redfearn Dated 29/08/08

Signatures:-

Bolton MBC: Cllr C. Morris (Leader) & S Harriss (Chief Executive)
 Bury MBC: Cllr B Bibby (Leader) & M Kelly (Deputy Chief Executive)
 Manchester CC: Cllr R Leese (Leader) & S Orrell (City Solicitor)
 Oldham MBC: Cllr H Sykes (Leader) & A Kilburn (Chief Executive)
 Rochdale MBC: Cllr I Davidson (Deputy Leader) & R Ellis (Chief Executive)
 Salford CC: Cllr D Lancaster (Deputy Leader) & B Spicer (Chief Executive)
 Stockport MBC: Cllr D Goddard (Leader) & G Lucas (Deputy Chief Executive)
 Tameside MBC: Cllr R Oldham (Leader) & J Callender (Chief Executive)
 Trafford MBC: Cllr S Williams (Leader) & D McNulty (Chief Executive)
 Wigan MBC: Cllr P Smith (Leader) & J Redfearn (Chief Executive)

SCHEDULE ONE

A. General functions

1. Production of an integrated strategy for Greater Manchester to set out the key economic, social and environmental objectives for the combined administrative area and to form Greater Manchester's key input into the new integrated Regional Strategy for North West England.
2. Where the Executive Board has decided it is appropriate to operate at the level of the combined administrative area,
 1. development and adoption of sub regional strategic policies and plans
 2. responsibility for delivery of any Multi Area Agreement for the combined administrative area;
 3. responses to regional, national and international consultations
- 3 To hold to account bodies which impact upon the social, economic and environmental well being of Greater Manchester; including any Joint Authorities operating within the combined administrative area.
- 4 Undertake and publish research to support any function exercised by this agreement

B. Financial Functions

- 5 Agree any financial matters related to the exercise of any of the functions set out in this schedule
- 6 Monitoring of the budgets and expenditure of all authorities or bodies having power to issue a precept or levy on Member Councils and effecting appropriate consultation with them and taking appropriate action.
- 7 Receive on an annual basis a report on the management and performance of the Greater Manchester Superannuation Scheme and the Pension Fund.

C. Specific functions

Economic Development

8. Production of strategic plans for the combined administrative areas as required by national Government, other agencies or as the partners shall determine are necessary to provide a strategic basis for the delivery of economic development services within the combined economic area
9. Coordination and management of the work of Manchester partners and their jointly owned agencies in delivering any of the functions listed in this schedule.
10. The development and management of an integrated Greater Manchester employment and skills service
11. The development and management of a Greater Manchester business support system
12. Management of resources on behalf of government agencies in line with agreed regional and sub regional priorities

Planning & Housing

13. Developing and coordinating the operation of a Greater Manchester Spatial Strategy as a framework for underpinning and linking partners Local Development Frameworks and Core Spatial Strategies
14. To coordinate and manage joint Local Development Framework activity across the combined administrative area on behalf of the 10 local planning authorities, in circumstances where this is agreed as appropriate (initially in terms of Waste and Minerals Planning)
15. To develop and coordinate the operation of a Greater Manchester Housing strategy
16. To determine the future allocation of any pooled public sector housing resources across the combined administrative area and provide a sub-regional context for managing the scale, distribution and mix of new housing development.

Transport

17. Together with whatever other statutory bodies are appropriate within the designated administrative area, to:-
 - i.) have responsibility for developing an integrated transport system for Greater Manchester
 - ii.) oversee the development and management of actions resulting from the Greater Manchester Local Transport Plans and any other investment programmes agreed by the partners.

Environment

18. Preparation and co-ordination of delivery of strategic plans and projects, design of infrastructure for the combined administrative area for the purpose of protecting and improving environmental quality, and liaison and advice with the Board and other work areas to ensure alignment of Plans and projects with environmental objectives
19. Establish, and where appropriate, provide a governance pathway for agencies, groups and organisations whose remit is to drive forward environmental priorities
20. Establishment and Management of effective strategy, plans and infrastructure to co-ordinate and deliver an effective response to Climate Change, including the establishment of a Climate Change Agency for the combined administrative area
21. Together with the Greater Manchester Waste Disposal Authority (WDA), and Wigan Metropolitan Borough Council in its role as a WDA, to develop a comprehensive city regional sustainable waste management approach that encompasses commercial, industrial and construction and demolition waste streams, delivers synergies and economies of scale, and promotes sustainable production and consumption.

Health

22. To develop a shared health vision for Greater Manchester
23. To provide leadership and challenge for the development and delivery of high level health indicators within the context of a shared vision
24. To coordinate the necessary response within Greater Manchester to the Audit Commission Review of health Inequalities within Greater Manchester and any such subsequent reviews

25. To oversee, when appropriate, any interface between health and social care functions where this is appropriate at a Greater Manchester level

Public Protection

26. To be determined

Improvement and Efficiency

27. To establish a Manchester City Region Improvement and Efficiency Strategy
28. To provide effective overarching governance arrangements to deliver the Strategy, Identify innovative ways of working to deliver the Strategy, maximise skills, knowledge and expertise within the City Region to deliver the strategy and seek and secure available funding

D. Other Miscellaneous Functions

29. To act as: -
- i.) the joint committee for trading standards and related functions for the purposes of paragraph 15 of Schedule 8 to that Act;
 - ii.) a joint committee in respect of the grants and schemes pursuant to Section 48 of that Act;
 - iii.) a joint committee in respect of schemes and relevant activities under Section 88 of that Act;
 - iv.) a joint committee in respect of the Greater Manchester County Record Office;
 - v.) a joint committee for such other purpose or purposes as all the Member Councils concerned may at any time agree and.
 - vi.) Trustees to the Greater Manchester Disaster Relief Trust.

SCHEDULE TWOTERMS OF REFERENCE

The terms of reference for the Board are to :-

- (a) conduct its business and direct its affairs in accordance with any policies and guidelines which may from time to time be jointly agreed by the parties to this agreement and as set out in this agreement,
- (b) receive and, if approved, adopt recommendations from the Business Leadership Council, or any Sub Committee or Commission set up by virtue of this agreement with or without amendment, addition or deletion.
- (c) work together in order to achieve the promotion or improvement of the economic physical and social well being of the Manchester City Region, its people and businesses, through measures and joint actions which member authorities may determine from time to time.
- (d) work with other appropriate agencies and bodies beyond Greater Manchester in order to achieve the above objective,
- (e) operate within the regional context of N W England and whatever regional structures and arrangements are in place
- (f) provide a forum for the discussion of matters of common concern and interest.
- (g) provide a means of co-ordination and decision-making in respect of joint action and working including the monitoring of joint professional teams and units.
- (h) exercise statutory functions which the parties to this agreement are required or empowered to refer or delegate to joint committees.
- (i) to consult and liaise with other bodies or organisations of a public or quasi-public nature exercising functions or carrying out activities which are of importance to Greater Manchester.
- (j) to provide a forum for consulting with other bodies on issues of common interest
- (k) to keep under review expenditure incurred and services provided by Joint Authorities and to keep under review and control expenditure incurred and services provided by the parties to this agreement s and other bodies, teams or units under arrangements or statutory provisions whereby costs are recoverable from or chargeable to some or all of the parties to this agreement, whether by levy or otherwise.
- (l) to watch over, protect and promote the interest, rights, powers, functions and duties of the parties to this agreement and local government generally in Greater Manchester.
- (m) to provide a means for the formulation and expression of joint views of the parties to this agreement to the Local Government Association, central government and other bodies and organisations in respect of legislation, proposed legislation and other matters of concern, interest or relevance to Greater Manchester.
- (n) to provide a means of contact and liaison with institutions of the European Communities and to advance the interests of Greater Manchester in Europe and elsewhere in the world
- (o) approve of an annual statement of accounts of the Board made up to the 31st March in each year for submission to its Annual General Meeting.

SCHEDULE 3

Rules of Procedure

1. Annual General Meeting.

There will be an Annual General Meeting of the Executive Board in the June of each year.

The AGM will annually elect –

The Chair
Vice Chairs
The Secretary
The Treasurer

See Paragraphs 10 and 15.4 of the Operating Agreement.

2. Duration of Appointments.

See Paragraph 6 of the Operating Agreement.

3. Servicing.

See paragraph 15.3 of the Operating agreement.

4. Meeting Agendas.

- (i.) The Chair of the Board will decide upon the agenda for the meetings of the Board. He/she may put on the agenda of any meeting any matter which he/she wishes
- (ii.) Any member of the Board may require the Secretary to make sure that an item is placed on the agenda of the next available meeting of the Board for consideration.
- (iii.) The Secretary will make sure that an item is placed on the agenda of the next available meeting of the Board where any Commission or the Business Leadership Council have resolved that an item be considered by the Board.
- (iv.) Any Party to this agreement may ask the Chair of the Board to put an item on the agenda of Board meeting for consideration. If the item is in line with the Terms of Reference (Schedule 2) then this request must be agreed by the Chair and the item considered at the next available meeting of the Board. The notice of the meeting will give the name of the Party which asked for the item to be considered.
- (v.) The Secretary or Honorary Treasurer may include an item for consideration on the agenda of a Board meeting
- (vi.) Any item proposed to be included on the agenda for any board meeting in accordance with 4(i)-(v) above which is not submitted before 5 clear days of the meeting shall not be included on the agenda for that meeting unless it is agreed by the Chair. In this case the amended agenda for the meeting will state the reason for the late acceptance of any such item.

See also Paragraphs 8, 9 and 10 of the Operating Agreement.

5. Substitutes.

See Paragraph 6 of the Operating Agreement.

6. Sub-Committees.

See Paragraphs 8 & 9 of the Operating Agreement.

7. Voting.

See Paragraph 12 of the Operating Agreement.

8. Quorum.

See Paragraph 10 of the operating Agreement.

9. Rules of Debate.

- (i) A motion or amendment shall not be discussed unless it has been proposed and seconded.
- (ii) A Member shall address the Chair and direct any speech to the question under discussion. If two or more Members indicate they wish to speak the Chair shall call on one to speak first.
- (iii) An amendment shall be
 - (a) to leave out words
 - (b) to leave out words and insert or add others
 - (c) to insert or add wordsbut any such amendment must not have the effect of introducing a new proposal into or of negating the original motion.
- (iv) A Member shall not speak for longer than 5 minutes on any matter without the consent of the Board.
- (v) No Member shall address the Board more than once on any issue unless this be by invitation of the Chair, but the mover of an original motion may reply, in which reply no new matter shall be introduced, but the reply shall be confined strictly to answering the previous observations.
- (vi) A Member may claim to speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a specified statutory provision or this constitution or any of its Schedules and the way in which the Member raising it considers that it has been broken. A personal explanation shall be confined to some material part of a former speech by him in the current debate which may appear to have been misunderstood. The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion
- (vii) If an amendment is rejected other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any other amendment may be moved.
- (viii) A further amendment shall not be moved until the Board has disposed of every amendment previously moved, provided that the Chair shall have discretion to allow debate to take place on two or more amendments.
- (ix) A Member at the conclusion of a speech of another representative may move without comment

- (a) that the question be now put
- (b) that the debate be now adjourned
- (c) that the Board proceed to the next business
- (d) that the Board do now adjourn

If such a motion is seconded, the Chair, shall, subject to the mover's right to reply, put the motion to the vote, and if it is carried -

in case (a) - the motion then before the meeting shall, subject to the right of reply, be put to the vote; or

in case (b) - the debate on the motion then before the Board shall stand adjourned until the next ordinary meeting of the Board; or

in case (c) - the motion then before the Board shall be regarded as lost and the Board shall proceed to the next item on the Agenda, if any; or

in case (d) - the meeting shall stand adjourned.

- (ix) If the Chair is of the opinion that the matter before the Board has been sufficiently discussed he may put the motion that the question now be put
- (x) The Chair shall decide all questions of order and any ruling by the Chairman upon such questions and the interpretations of these Standing Orders, and upon matters arising in debate shall be final and shall not be open to discussion.

10. Admission of Public.

All meetings of the Board shall be open to the Public (including the Press) except to the extent that they are excluded whether during the whole or part of the proceedings either:-

- (i) In accordance with Section 100A(2) of the Local Government Act 1972; or
- (ii) By resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 101 of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

11. Disorderly Conduct.

- (i) If the Chair is of the opinion that a Member has misconducted, or is misconducting him or herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively or by wilfully obstructing the business of the Board the Chair may notify the meeting of that opinion and may take any of the following actions either separately or in sequence:
 - (a) the Chair may direct the Member to refrain from speaking during all or part of the remainder of the meeting
 - (b) the Chair may direct the Member to withdraw from all or part of the remainder of the meeting
 - (c) the Chair may order the Member to be removed from the Meeting
 - (d) the Chair may adjourn the meeting for such period as shall seem expedient to him
- (ii) In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair, in addition to any other

power invested in the Chair, may without question, adjourn the meeting of the Board for such periods as in the Chair's discretion shall be considered expedient.

12. Urgent Business.

Any member of the Board may, with the agreement of the Chair, raise an item of urgent business during the course of any meeting of the Board.

See also section 4 (vi) of this schedule

14. Declaration of Interests.

- (i.) Any elected member of the Board or any Commission or Sub Committee established under this operating agreement must disclose any personal interests in any business conducted by any meeting held under this operating agreement in accordance with the Member's Code of Conduct.
- (ii.) Any other person who is a member of any Commission or Sub Committee established under this operating agreement must disclose any personal interests in any business conducted by any meeting held under this operating agreement. Such a declaration must occur at the start of the relevant item of business or as soon the interest becomes apparent. Upon declaration of any such personal interest it shall be for the other members of the meeting to determine what action should be taken as a result of the disclosure of any personal interest.

15. Access to Documents.

(i) Notices Of Meeting

At least five clear days notice of any meeting of the Board will be given by posting details of the meeting at the address specified in Paragraph 24.1 of this operating agreement

(ii) Access To Agenda And Reports Before The Meeting

Copies of the agenda and reports of the Board, if available, will be available for inspection at the the address specified in Paragraph 24.1 of this operating agreement at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda and any such item will be open to inspection at the time the item is added to the agenda.

(iii) Supply of Copies

Copies of:

- any agenda and reports which are open to public inspection;
- any further statements or particulars necessary to indicate the nature of the items in the agenda;

shall be available from the address specified in Paragraph 24.1 of this operating agreement to any person on payment of a charge for postage and any other costs.

(iv) Access To Minutes Etc After The Meeting

Copies of the following will be made available for six years after a meeting:

- the minutes of the meeting, records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

- 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;
- the agenda for the meeting; and
- reports relating to items when the meeting was open to the public.

(v). Background Papers

The author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

(vi) Public inspection of background papers

Background papers listed in any report shall be made available by the local authority which employs the author of any such report. One copy of each will be made available for public inspection for four years after the date of the meeting.

16. Suspension of Rules of Procedure

Any of the preceding Rules of Procedure Orders may be suspended at any meeting so far as regards any business on the Agenda for such a meeting, providing that the majority of the Members present and voting so decide.

SCHEDULE 4

PROTOCOL FOR JOINT SCRUTINY ARRANGEMENTS

This protocol provides a framework for carrying out joint scrutiny work within the arrangements of this constitution and operating agreement, and will be reviewed annually to ensure it remains relevant.

Separately to this schedule, any of the Parties to this agreement may, under paragraph 8.4 of this agreement, refer any decision of any Commission or Sub Committee established under paragraph 8.1 of this agreement to the Executive Board.

1. Objectives

- 1.1 These arrangements have been established to act as a focus for the scrutiny and challenge of the activities of the Board and Commissions and for investigating matters of strategic importance to residents within the combined administrative area covered by the participating authorities.

2. Role of the joint scrutiny arrangements

- 2.1 The role of these arrangements will include:
- monitoring the decisions of the Board and its responsibilities and to make recommendations for improvement and/or change
 - monitoring and preparing reports and recommendations as to the work done within and the performance of any relevant Multi Area Agreement
 - investigating matters of strategic importance to residents within the combined administrative area and report with recommendations to the Board
 - facilitating the exchange of information about the work of AGMA and to share information and outcomes from reviews
 - Scrutiny in respect of the Health function will be undertaken in accordance with separate statutory arrangements.
- 2.2 The terms of reference for these joint scrutiny arrangements and its work programme will be subject to the annual review of this constitution as set out in paragraph 17 of this operating agreement.
- #### **3. Operation of Joint Scrutiny Arrangements**
- 3.1 A pool of elected members will be established which will comprise of 3 councillors from each of the participating authorities. Appointees must not be members of the Board. Both sexes must be represented within the 3 elected members from each of the participating authorities.
- 3.2 Any elected member appointed under these joint scrutiny arrangements who is also appointed as a substitute for a Board members under section 6.1 of this agreement

or to any commission, or sub –committee cannot participate in the operation of the joint scrutiny arrangements on any issues and decisions which were taken at any meeting of the Board or any Commission or Sub Committee at which they were present.

- 3.3 Where one quarter of the elected members within a Participating Party are from minority groups, one of that Participating Party's three members of the scrutiny pool shall come from the minority group on with the largest number of seats within that Participating Party. Where the two or more largest minority groups within a Participating Party have an equal number of seats they shall decide from which one of them a member shall be chosen for the purposes of this Clause.
- 3.4 The term of office for councillors will be one year from the date of the annual council meeting that appoints them to the joint scrutiny arrangements, or sooner, if they cease to be an elected member, wish to no longer participate in these arrangements or the Secretary is advised by any of the Participating Parties that it wishes to change one or more of its appointees to the pool in accordance with clauses 3.1-3.3 of this section.
- 3.5 Non/voting members may be co-opted to participate in these arrangements from all or any of the associated authorities or from other organisations as panel members shall decide.

4 Joint Meetings of Scrutiny Pool members

- 4.1 The members appointed to the arrangements under section 3 above will hold at least one joint annual meeting. may convene additional joint meetings in accordance with these arrangements.
- 4.2 At the annual joint meeting pool members will:-
 - (i.) elect a Chair and Vice Chair. The Chair and Vice Chair must come from different political groups.
 - (ii.) determine the areas of review and scrutiny that they wish to pursue during the ensuing 12 months
 - (iii.) agree to establish scrutiny panels from amongst their number in order to carry out agreed areas of review and scrutiny
- 4.3 The quorum for this annual meeting and any other joint meetings held under this section of this schedule will be 10, and must include representatives from at least 7 of the participating authorities.
- 4.4 In accordance with paragraph 12.1 of the operating agreement the principle of decision making at any such joint meeting shall be that, wherever possible decisions will be made by agreement, without the need for a vote. If a vote is necessary it will be a simple majority of those present and the Chair will not have a casting vote.
- 4.5 The venue for each annual meeting and any other joint meetings held under this section will be decided by Chair and notified to participating authorities for inclusion on their Council web sites.
- 4.6 Notice of the annual meeting and any other joint meetings held under this section will be sent to each panel member of at least 7 clear working days before each meeting

and will in any event comply with the requirements of the Local Government Act 1972.

- 4.7 The chair will approve the agenda for each annual meeting and any other joint meetings held under this section; however any member of the panel will be entitled to require an item to be placed on the agenda for the meeting
- 4.8 Subject to 4.1-4.7 above, meetings will proceed in accordance with the rules of procedure set out in Schedule 3 to this agreement.

5. Call in of Board decisions

- 5.1 Members of the scrutiny pool appointed under these arrangements will have the power to call in any decision of the Board.
- 5.2 When a decision is made by the Board the decision shall be published, including where possible by electronic means, and shall be available from the address specified in Paragraph 24.1 of this operating agreement normally within 2 days of being made. It shall be the responsibility of the Secretary to send electronic copies of the records of all such decisions to all members of the pool within the same timescale.
- 5.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 5 members the scrutiny pool object to it and call it in.
- 5.4 During that period, the Secretary shall call-in a decision for scrutiny by a joint meeting of pool members if so requested by any five members from the pool, and shall then notify members of the Board of the call-in. The Secretary shall call a joint meeting of pool members on such date as he/she may determine, where possible after consultation with the Chair of the pool, and in any case within 15 working days of the decision to call-in.
- 5.5 If, having considered the decision, the joint meeting of pool members is still concerned about it, then it may refer it back to the Board for reconsideration, setting out in writing the nature of its concerns. If referred to the Board they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- 5.6 The call-in procedure set out above shall not apply where the decision being taken by the Board is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Board's or the public's or an individual's interests. The record of the decision, and notice by which it is made public 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 Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

6. Key principles for the operation of the joint scrutiny arrangements

- 6.1 The Parties will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of local and other authorities

- 6.2 Members of the scrutiny pool will, when considering reviews, determine whether the issue is more appropriately dealt with by one of the Parties or elsewhere and will not duplicate the work of existing bodies or agencies.
- 6.3 Subject to prior consultation, the Parties will respond positively to requests for information, or for the attendance of a member or officer at any meetings set up under these arrangements
- 6.4 While it is ultimately for each Party to decide who it considers the most appropriate person(s) to speak on its behalf at any meetings set up under these arrangements consideration will be given to meeting specific requests
- 6.5 Dates and times for officer and member attendance at any meetings set up under these arrangements should be by agreement
- 6.5 Members appointed under these arrangements may request the attendance of officers employed by the Parties to answer questions and give evidence at any meetings set up under these arrangements. All such requests must be made via the Chief Executive of the relevant party. If any request is declined by the Chief Executive, he/she must state the reasons for so doing.
- 6.6 When considering any matter in respect of which a panel member appointed under these arrangements is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement any deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

7. Scrutiny Panels

- 7.1 The annual meeting of members of the pool will establish panels to undertake agreed scrutiny reviews. Membership of the panels will be determined at the annual meeting and the principle of political balance from across panel members must be applied when membership is agreed.
- 7.2 Scrutiny panels established by this section shall include representatives from at least 7 of the participating authorities. Each panel shall appoint a Chair and Vice Chair from amongst its members. Unless unanimously agreed by all members appointed to any Scrutiny Panel, the Chair and Vice Chair of each Panel must come from different political groups.
- 7.3 Scrutiny panels established under this schedule must be appointed to carry out specific scrutiny tasks and purposes and be time limited. Their continuation will be subject to confirmation at each annual meeting of scrutiny pool members. Any panel continuing for more than two years must be subject to confirmation by the Executive Board.
- 7.3 The Board may also, if it chooses, request that a panel drawn from amongst members appointed under section 3 of this schedule be appointed to examine a specific issue in more detail and report back its findings to the Board.

8. Reviews and recommendations

- 8.1 The process of joint scrutiny will be an open and transparent process designed to engage the participating councils, their residents and other stakeholders.

- 8.2 Meetings will be held in public unless the meeting decides to convene in private in order to discuss confidential information, in accordance with Paragraph 10 of Schedule 3 of this agreement.
- 8.3 The terms of reference, timescale and outline of any review will be agreed by scrutiny pool members appointed at their annual meeting.
- 8.4 Different approaches to scrutiny reviews may be taken in each case but members will seek to act in an inclusive manner and will take evidence from a wide range of opinion. It will make specific efforts to engage with hard to reach groups.
- 8.5 The primary objective of any panel established under these arrangements will be to reach consensus on its recommendations, but where a minimum number of 2 members express an alternative to the majority view, they will be permitted to produce a minority report.
- 8.6 Voting if needed will be by show of hands and a simple majority will be required to approve any recommendation.

9. Budget and Administration

- 9.1 The annual meeting of scrutiny pool members will prepare a budget to cover the costs of operating these arrangements and will submit this to the Board before referral to each participating authority for agreement. The timetable for submission of the budget proposal will be determined by the participating authorities.
- 9.2 Contributions to the budget of the joint scrutiny arrangements shall be in accordance with paragraph 16.2 of the operating agreement.
- 9.3 The first budget for the joint scrutiny arrangements will be determined by the agreement of all the participating authorities.
- 9.4 The budget will be required to meet all officer support to the joint scrutiny arrangements, including research support.
- 9.5 The decisions and recommendations of any panels set up under these arrangements will be communicated to the Board, other scrutiny pool members and participating Parties as soon as possible after resolution by those appointed to any such panel.

10. Support and advice to joint scrutiny arrangements

- 10.1 Members appointed to any Scrutiny panel under these arrangements may ask individuals or groups to assist it on a review by review basis and may ask independent professionals for advice during the course of reviews. Such individuals or groups will not be able to vote.
- 10.2 Members appointed to any Scrutiny panel under these arrangements may invite any other person to attend their meetings to answer questions or give evidence; however attendance by such persons cannot be mandatory.

SECTION 10B - TERMS OF REFERENCE OF THE TRANSPORT FOR GREATER MANCHESTER COMMITTEE

SECTION A

The following functions will be referred by GMCA to the TfGM in order for them **to make recommendations** to the GMCA in respect of:

1. The GMCA's revenue budget for transport, including approving the estimates of income and expenditure of the TfGM pursuant to Sections 15(1)(b) of the Transport Act 1968, grants to be made to TfGM pursuant to Section 13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992.
2. Determining the borrowing limits of the GMCA in relation to transport matters pursuant to Section 3 of the Local Government Act 2003.
3. Approving borrowing by TfGM pursuant to Section 12(3) of the Transport Act 1968, and lending money to TfGM pursuant to Section 12(4) of the Transport Act 1968.
4. Approving the capital programme of GMCA and TfGM.
5. Developing policies for the promotion and encouragement of safe, efficient and economic transport facilities and services and producing a Local Transport Plan pursuant to Sections 108-112 of the Transport Act 2000.
6. Approving new transport schemes to be funded by the Greater Manchester Transport Fund.
7. Granting approval to TfGM to promote or oppose any Bill in Parliament pursuant to Section 10(1)(xxix) of the Transport Act 1968.
8. Making a written request to the Minister to authorise TfGM to purchase compulsorily any land which TfGM require for the purposes of their business pursuant to Section 10(3) of the Transport Act 1968.
9. Any exercise by GMCA of the power pursuant to Section 15A(3) of the Transport Act 1968 to cause a review to be made of the organisation of TfGM's undertaking, and to give to TfGM such directions as appear from any such review to be requisite to secure that TfGM's undertaking is organised in the most efficient manner.

Section B

The following functions **will be delegated to the TfGMC**, subject to the TfGMC exercising these functions in accordance with any transport policies of the GMCA, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

1. Formulating general policies with respect to the availability and convenience of public passenger services pursuant to Sections 9A(5)-(7) of the Transport Act 1968;
2. Monitoring and overseeing the activities and performance of TfGM (including the power pursuant to Section 15(6) of the Transport Act 1968 to give to TfGM such directions as appear to TfGMC to be appropriate to secure the observance of the rights of the GMCA);
3. Ensuring that the TfGM secures the provision of appropriate public passenger transport services pursuant to Section 9A(3) of the Transport Act 1968;
4. Considering and approving the creation and development of:-
 - (i) Quality Partnership Schemes pursuant to Sections 114-123 of the Transport Act 2000;
 - (ii) Quality Contracts Schemes pursuant to Sections 124-134 of the Transport Act 2000;
 - (iii) Ticketing Schemes pursuant to Sections 135-138 of the Transport Act 2000; and
 - (iv) Concessionary Travel Schemes pursuant to Sections 93-104 of the Transport Act 1985;
5. Determining what local bus information should be made available, and the way in which it should be made available pursuant to Sections 139- 143 of the Transport Act 2000;
6. Ensuring that the TfGM implements those actions delegated to it for promoting the economic, social and environmental well-being of Greater Manchester and its residents pursuant to Section 99 of the Local Transport Act 2008;
7. Monitoring the GMCA's transport budget pursuant to Section 15A(2) of the Transport Act 1968;
8. Approving releases for capital schemes within the agreed capital programme and the agreed budget for the scheme concerned (including approving capital payments for the purpose of the provision, improvement or development of facilities for public passenger transport, pursuant to Section 56(2) of the Transport Act 1968);
9. Monitoring performance against the Local Transport Plan and other GMCA transport policies;
10. Formulating, developing and monitoring procedures for public consultation of, and lobbying for, the GMCA's transport policies including taking responsibility for the active promotion of Greater Manchester's transport interests;
11. Determining issues arising from Metrolink contracts;
12. Determining variations in charges for transport services or facilities provided by TfGM, pursuant to Section 15(2) of the Transport Act 1968;
13. Determining issues arising from the rail franchising process in accordance with the Rail Protocol agreed between AGMA and the Department for Transport;
14. Approving the level of support of local rail services over and above that in the

baseline franchise specification in accordance with the Rail Protocol agreed between Manchester City Region and the Department for Transport;

15. Considering issues arising from the implementation of schemes for the introduction of Smartcards;
16. Authorising:-
 - (i) the disposal of any land by the TfGM pursuant to Section 10(1)(xxiii) of the Transport Act 1968;
 - (ii) the acquisition of any land by the TfGM pursuant to Section 10(1)(xx) of the Transport Act 1968; and
 - (iii) the development of any land of TfGM pursuant to Section 10(1) (xxii) of the Transport Act 1968;
17. Determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services pursuant to Section 10(1)(via) of the Transport Act 1968;
18. Determining the operation, performance and development of the GMCA's accessible transport provision pursuant to Sections 106(1) and 106(2) of the Transport Act 1985;
19. Monitoring the performance of Metrolink services and initiating appropriate action;
20. Monitoring the operation and performance of bus and local rail services and influencing accordingly.
21. Authorising agreements between TfGM and
 - (i) any person providing passenger transport services by air pursuant to Section 10(1)(vii) of the Transport Act 1968;
 - (ii) any owner of any locomotive or rolling stock pursuant to Section 10(1)(viic) of the Transport Act 1968;

Section C

The following transport related functions of the constituent councils will be delegated to the GMCA. They **will then be sub-delegated to TfGM** subject to the TfGM exercising those functions in accordance with any policies of the GMCA, the Local Transport Plan and the GMCA's agreed transport budget and borrowing limits:

1. Preparing reports containing an assessment of the levels of road traffic in the GMCA's area and a forecast of growth in those levels pursuant to Section 2 of the Road Traffic Reduction Act 1997 or otherwise;
2. Functions of the constituent councils pursuant to section 65 of the Road Traffic Regulation Act 1984 (placing of traffic signs), in relation to traffic signs in the combined area which are light signals by virtue of regulations 33, 34, 37, 39, 41, 44, 45, 46, 47, 48, 49 or 52 of the Traffic Signs Regulations 2002.
3. Functions of the Constituent Councils pursuant to section 23 of the Road Traffic Regulation Act relating to pelican and puffing crossings.

Section D

The following transport related functions of the constituent councils **will be delegated directly to the TfGMC** subject to the TfGMC exercising these functions in accordance with any policies of the GMCA (as local transport authority), the Local Transport Plan and the terms of the delegation from the constituent councils:

1. Carrying out actions to facilitate the performance by local traffic authorities of their duty to manage their road traffic on their own roads and facilitating the same on other local authorities' roads pursuant to Sections 16 and 17 (except for sub-sections 17 (2) and (3)) of the Traffic Management Act 2004, including in particular –
 - (a) establishing processes for identifying things (including future occurrences) which are causing or have the potential to cause road congestion or other disruption to the movement of traffic on the road network;
 - (b) determining specific policies and objectives in relation to strategic roads;
 - (c) monitoring the effectiveness of traffic authorities in managing their road network.
2. Preparing and carrying out a programme of measures designed to promote road safety, including carrying out road safety studies, studies into accidents, accident prevention campaigns, the dissemination of information and advice relating to the use of roads and arranging for the giving of practical training to road users pursuant to Sections 39(2) and 39(3)(a) and (b) of the Road Traffic Act 1988.

SECTION 10C - GREATER MANCHESTER POLICE AND CRIME PANEL (GMPCP) PROCEDURE RULES

1. Definitions

In these Procedure Rules –

- 1.1 “Appointed Member” means an elected member of a Constituent Council who is appointed by the Constituent Council as a Member of the GMPCP in accordance Paragraph 4(1)(a) of Schedule 6 of the Police Reform Act and the GM Police Panel Arrangements.
- 1.2 “Constituent Councils” mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.
- 1.3 “Co-Opted Member” means a co-opted member of the GMPCP and includes both co-opted Members of the GMPCP appointed in accordance with Paragraph 4(1)(b) of Schedule 6 of the Police Reform Act and the GM Police Panel Arrangements and also any co-opted Members of the GMPCP appointed in accordance with Paragraph 31 of the Schedule 6 of the Police Reform Act and the GM Police Panel Arrangements.
- 1.4 “the Complaints and Misconduct Regulations” means The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012 No. 62).
- 1.5 “the GM Police Panel Arrangements” means the formal Panel Arrangements agreed by the Constituent Councils at a meeting of the Association of Greater Manchester Authorities (AGMA) held on 29 June 2012.
- 1.6 “the PCC” means the Police and Crime Commissioner for Greater Manchester elected in accordance with the requirements of the Police Reform Act.
- 1.7 “GMPCP” means the “the GM Police Panel” means the Greater Manchester Police and Crime Panel established and maintained in accordance with requirements of the Police Reform Act.
- 1.8 “Lead Chief Executive” means the person appointed by the AGMA Executive Board in relation to the GMPCP.
- 1.9 “the Police and Crime Panel Regulations” means The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 (S.I. 2012 No. 1433).
- 1.10 “the Police Precepts and Appointments Regulations” mean The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (S.I. 2012 No. 2271).
- 1.11 “the Police Reform Act” means the Police Reform and Social Responsibility Act 2011.

2. Interpretation, Suspension and Chair’s Ruling

- 2.1 These Rules of Procedure (“the Rules”) are made by the GMPCP pursuant to Schedule 6 Paragraph 25 of the Police Reform Act.
- 2.2 Meetings of the GMPCP and, where appropriate, meetings of Sub Committees of the GMPCP, will be conducted in accordance with the Rules. The Rules should be read having regard to the GM Police Panel Arrangements.

- 2.3 References in these Rules to the “Chair” mean the Member of the GMPCP for the time being presiding at the meeting of the GMPCP and a meeting of a Sub Committee of the GMPCP.
- 2.4 References in these Rules to a “Member” of the GMPCP includes both Appointed Members and Co-Opted Members of the GMPCP.
- 2.5 These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 2.6 The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

3. Amendment of GMPCP Procedure Rules

- 3.1 These Rules shall not be amended unless notification of a proposed amendment is received by the Chair and the Lead Chief Executive not less than fourteen working days prior to a GMPCP meeting, a report on the implications of the amendment has been considered by the GMPCP and the amendment has been agreed by two thirds of the current membership of the GMPCP. No amendment may be considered by the GMPCP if it does not comply with the Police Reform Act, relevant Regulations or statutory guidance.

4. Chair

- 4.1 The Chair of the GMPCP will be appointed at the first meeting of the GMPCP and subsequently in June of each year at the GMPCP’s Annual Meeting. The Chair will be drawn from amongst the Members of the GMPCP and will, unless they are removed, resign, cease to be a Member of the GMPCP or become disqualified, act until their successor becomes entitled to act as Chair.
- 4.2 The appointment of the Chair shall be the first business transacted at the Annual Meeting of the GMPCP.
- 4.3 The appointment of the Chair shall be on the basis of a simple majority of the Members of the GMPCP present and voting at the meeting.
- 4.4 The Chair may be removed by the agreement of a majority of the whole Membership of the GMPCP and in that event the GMPCP will appoint a replacement Chair from amongst the Members of the GMPCP.
- 4.5 On a vacancy arising in the office of Chair for whatever reason, the GMPCP shall make an appointment to fill the vacancy at the next ordinary meeting of the GMPCP held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The Member appointed shall hold such office for the remainder of the year in which such vacancy occurred.
- 4.6 If the Chair is unable to act or unlikely to be able to act as Chair for a particular period for any reason, the GMPCP may appoint an Acting Chair to act in the place of the Chair until the Chair is able to resume his/her duties.
- 4.7 Subject to these Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, an Acting Chair.

5. Meetings

- 5.1 The GMPCP will normally hold a meeting in public every month, but in any case there shall be a minimum of four meetings of the GMPCP held in public in each municipal year to carry out the functions of the GMPCP.
- 5.2 An Extraordinary Meeting of the GMPCP may be called at any time by:
- (a) the Chair;
 - (b) by four Members giving notice in writing to the Chair; or
 - (c) by the Lead Chief Executive.
- 5.3 The business to be conducted at an Extraordinary Meeting of the GMPCP shall be restricted to the item of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports, except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the GMPCP's business.
- 5.4 The Annual Meeting of the GMPCP shall be held in June on a date and at a time determined by the GMPCP.
- 5.5 Ordinary meetings of the GMPCP will take place in accordance with the programme decided by the GMPCP, and will be held on such dates and at such times as the GMPCP shall determine.
- 5.6 Ordinary meetings of the GMPCP will:
- (a) receive any declarations of interest from Members;
 - (b) approve the minutes of the last meeting;
 - (c) consider reports from officers and Members.
- 5.7 At least five clear days before a meeting of the GMPCP notice to the public of the time and place of the intended meeting shall be published by the Lead Chief Executive and posted at [Salford City Council Civic Centre, Chorley Road, Swinton, Salford M57 5FJ] and on the GMPCP's website.

6. Work Programme

- 6.1 The GMPCP will be responsible for setting its own work programme and in doing so shall have regard to:
- (a) the requirement to properly undertake the functions and responsibilities of the GMPCP as set out in the Police Reform Act;
 - (b) the priorities defined by the PCC; and
 - (d) the views of Members and advisers as to the appropriate work to be undertaken.

7. Meeting Agendas

- 7.1 The agenda for a meeting of the GMPCP will be issued to Members at least five clear working days before the meeting. Copies of the agenda for a meeting of the GMPCP and

copies of any report for the meeting will be made available for public inspection by the Lead Chief Executive at [Salford City Council Civic Centre, Chorley Road, Swinton, Salford M57 5FJ] and will also be published on the GMPCP's website and by sending copies to each of the Constituent Councils.

- 7.2 The Chair of the GMPCP will decide upon the agenda for the meetings of the GMPCP. The Chair may put on the agenda of any meeting any matter which is relevant to the functions of the GMPCP that the Chair wishes.
- 7.3 Any Member may require the Lead Chief Executive to make sure that a motion (formal proposal) which is relevant to the functions of the GMPCP is placed on the agenda of the next available meeting of the GMPCP for consideration in accordance with Rule 10 (Motions) of these Rules.

8. Chair of Meeting

- 8.1 At each meeting of the GMPCP the Chair, if present, shall preside.
- 8.2 If the Chair (or, if applicable, any Acting Chair appointed under Rule 4.6) is absent from a meeting of the GMPCP, the Lead Chief Executive shall invite the Members present to elect a Member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 8.3 Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.
- 8.4 The Chair may bring before the GMPCP at their discretion any matter that they consider appropriate to bring before the GMPCP as a matter of urgency.

9. Quorum

- 9.1 No business shall be transacted at any meeting of the GMPCP unless at least one half of the whole number of its Members are present.

10. Motions

- 10.1 Any Member may put forward a motion to be considered at a meeting by giving the Lead Chief Executive written notice at least 10 working days before the date of the meeting.
- 10.2 When the Lead Chief Executive receives a notice of motion, he or she will:
 - (a) write the date it was received on the notice;
 - (b) number notices in the order they are received; and
 - (c) enter the notice in records which will be available for any Member to inspect.
- 10.3 The Member, or Members, who gave the original notice may withdraw a motion by notice in writing to the Lead Chief Executive.
- 10.4 Every motion must be directly relevant to some matter relating to the GMPCP's powers or duties, and must not be to overrule or change any resolution that has been passed at a meeting of the GMPCP within the previous six months.
- 10.5 Any motion a Member gives notice of in line with Rule 10.1 will be included in the agenda for the next meeting, in the order in which the motions were received. If notice for a motion is

received less than 10 days before the next meeting, it will be put on the agenda for the meeting after that.

- 10.5 If a motion set out in the agenda for a meeting is not put forward at the meeting by the Member who gave notice of it, or by another Member acting on his or her behalf, or fails to be seconded (supported by at least one other Member), it will be considered to have been withdrawn.

11. Rules of Debate for Meetings

- 11.1 The debate at meetings of the GMPCP shall be conducted by consensus unless any Member present indicates to the Chair that they require the following provisions to be invoked.

- 11.2 A matter can only be discussed if it has been proposed and seconded. The Chair can ask for a motion to be put into writing and handed to him or her before it is put to the meeting or discussed further.

- 11.3 When a motion is being debated, no other motion can be put forward at the same time unless that motion is:

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business on the agenda;
- (e) for the matter to be put to the vote;
- (f) for a Member not to be allowed to speak further on the matter;
- (g) for a Member to leave the meeting under Rule 26.2; or
- (h) to exclude the public from the meeting under Section 100A of the Local Government Act 1972.

- 11.4 Any Member may, after a speech by another Member, propose:

- (a) "That the question be now put" (the motion is voted on); or
- (b) "That the meeting of the GMPCP be now adjourned" (the meeting is put off till a later date).

If the proposal is seconded, the Chair will put that proposal to the vote without it being discussed.

- 11.5 A Member can raise a point of order (question whether the meeting is being conducted properly) if they think that a Rule or legal requirement is not being met, giving their reasons.
- 11.6 Any Member speaking must give way if a point of order is raised.
- 11.7 The Chair's decision on a point of order will be final and not open to discussion.

- 11.8 Any Member when speaking does so to the Chair. If two or more Members want to speak, the Chair will call on them to speak one at a time. While a Member is speaking, the other Members must remain silent unless raising a point of order.
- 11.9 A Member shall direct their speech to the question under discussion or to a personal explanation or a point of order.
- 11.10 A Member shall not speak for longer than [five] minutes on any matter without the consent of the Chair.
- 11.11 A Member can put forward an amendment proposing to:
- (a) refer a matter to a committee, group or panel for them to consider or reconsider;
 - (b) to leave out, insert or add other words to the motion, as long as this does not make the motion ineffective; or
 - (c) put a matter off until further information is provided.

The amendment must be relevant to the motion being discussed at the time.

- 11.12 Only one amendment can be made and discussed at a time, and no further amendment can be proposed until the previous amendment has been dealt with. If the Chair allows two or more amendments to be discussed (but not voted upon) together because this would allow the matter to be dealt with most effectively, he or she will decide what order the amendments will be discussed in.
- 11.13 If a proposed amendment to a motion is lost, other relevant motions or amendments can be put forward. If a proposed amendment is carried (approved by a majority vote), the amended motion will take the place of the original motion.
- 11.14 If the majority of Members at a meeting agree, a Member can, by making an amendment, alter a motion that they have given notice of but which has not yet been put forward. If a motion has been put forward, the Member who put it forward can ask for an amendment as long as the majority of the Members, and the Member who seconded the motion, allows this.
- 11.15 A motion or amendment can be withdrawn by the Member who put it forward, but another Member can then put that same motion or amendment forward.

12. Voting

- 12.1 Subject to Rule 12.5 and the requirements of the Police Reform Act, any questions that are to be decided by the GMPCP will be decided by a simple majority of those Members present and voting on the question.
- 12.2 Whenever a vote is taken at meetings of the GMPCP it shall be by a show of hands. If, before a vote is taken, one Member proposes that votes are recorded, and at least five other Members support this by raising their hands, a record will be kept of who voted for or against the matter or who abstained.
- 12.3 All Members of the GMPCP may vote in proceedings of the GMPCP and each Member of the GMPCP is to have one vote.
- 12.4 If there are equal numbers of votes for and against, the Chair (or person presiding) will have a second or casting vote.

12.5 Questions that are to be decided by the GMPCP relating to the following matters require that at least two thirds of the persons who are Members of the GMPCP at the time when the decision is made vote in favour of that decision:

- (a) Decision to exercise the GMPCP's power to veto the PCC's proposed precept pursuant to Paragraph 4, of Schedule 6 of the Police Reform Act;
- (b) Decision to exercise the GMPCP's power to veto the PCC's proposed precept pursuant to Paragraph 5 of Schedule 8 of the Police Reform Act.

13. Minutes

13.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

14. Reports from the GMPCP - General

14.1 Reports and recommendations made by the GMPCP in relation to its statutory functions will be carried out in accordance with the procedure outlined in this Rule 14.

14.2 Where the GMPCP makes a report to the PCC, it will publish the report or recommendations on the GMPCP's website and send copies to each of the Constituent Councils.

14.2 The GMPCP may by notice in writing require the PCC, as appropriate, within one month of the date on which it receives the report or recommendations to:

- (a) consider the report or recommendations;
- (b) respond to the GMPCP indicating what (if any) action the PCC proposes to take;
- (c) where the GMPCP has published the report or recommendations, publish the response;
- (d) where the GMPCP has provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member.

14.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information is defined in the rules on access to information in Schedule 12A of the Local Government Act 1972 (as amended).

14.4 If the GMPCP cannot unanimously agree on one single final report to the PCC then one separate report may be prepared and submitted for consideration along with the majority report.

15. Scrutiny and Review

15.1 The GMPCP must scrutinise and review decisions made or actions taken by the PCC in the discharge of his/her duties, and make reports or recommendations to the PCC with respect to the discharge of those duties.

15.2 The GMPCP will publish all reports or recommendations made in relation to the discharge of the PCC's duties on the GMPCP's website and by sending copies to each of the Constituent Councils.

15.3 As well as reviewing documentation, in fulfilling its scrutiny role the GMPCP may require the PCC, and members of the GM PCC's staff, to attend before the GMPCP (at reasonable

notice) to answer any questions which appear to the GMPCP to be necessary in order to carry out its functions.

- 15.4 Where the PCC, or a member of the PCC's staff, is required to attend the GMPCP in accordance with this provision the Chair will inform him/her in writing giving, where practical, 14 days notice of the meeting. The notice will state the nature of the item on which the PCC or a member of the PCC's staff is required to attend to give account and whether any papers are required for production for the GMPCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 15.5 In urgent circumstances the GMPCP may request the PCC, or a member of the PCC's staff, to attend at such shorter notice as the Chair of the GMPCP considers to be appropriate or reasonable in the circumstances. Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair of the GMPCP.
- 15.6 A member of the PCC's staff attending a meeting of the GMPCP shall not be required to disclose any advice given to the PCC by that person.
- 15.7 If the GMPCP requires the PCC to attend before the GMPCP, the GMPCP may (at reasonable notice) request the Chief Constable of GMP to attend before the GMPCP on the same occasion to answer any questions which appears to the GMPCP to be necessary in order for it to carry out its functions.

16. Attendance by others

The GMPCP may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not Members of the GMPCP and officers in other parts of the public sector and may invite such people to attend.

17. Establishment of Sub-Committees and task groups

- 17.1 Subject to Rules 17.1 and 17.2 below, the GMPCP may establish such Sub Committees or task groups as it considers necessary to discharge the functions of the GMPCP and may refer to those Sub Committees or task groups such matters as the GMPCP considers appropriate.
- 17.2 The Special Functions of the GMPCP may not be discharged by a Sub Committee of the GMPCP or a task group.
- 17.3 For the purposes of these Procedure Rules "Special Functions" means the functions conferred on the GMPCP by:
 - (a) Section 28(3) of the Police Reform Act (scrutiny of the GM Police and Crime Plan);
 - (b) Section 28(4) of the Police Reform Act (scrutiny of the PCC's Annual Report);
 - (c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform Act (review of senior appointments)
 - (d) Schedule 5 of the Police Reform Act (issuing precepts)
 - (e) Part 1 of Schedule 8 of the Police Reform Act (scrutiny of the appointment of the Chief Constable of GMP).

17.4 A Sub Committee of the GMPCP may not appoint co-opted Members.

18. Carrying out the “Special Functions”

Reports and recommendations made in relation to the GMPCP’s Special Functions listed at Rule 17.3 will be carried out in accordance with the procedure outlined at Rule 14.

18.1 Police and Crime Plan

- (a) The GMPCP is a statutory consultee on the development of the PCC’s police and crime plan and will receive a copy of the draft police and crime plan, or a draft of any variation to its, from the PCC.
- (b) The GMPCP must -
 - (i) hold a public meeting to review the draft police and crime plan (or a variation to it), and
 - (ii) report or make recommendations on the draft plan which the PCC must take into account.

18.2 Annual Report

- (a) The PCC must produce an annual report about the exercise of their functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the GMPCP for consideration.
- (b) The GMPCP must comment upon the annual report of the PCC, and for that purpose must:
 - (i) arrange for a public meeting of the GMPCP to be held as soon as practicable after the GMPCP receives the annual report;
 - (ii) require the PCC to attend the meeting to present the annual report and answer questions about the annual report as the Members of the GMPCP think appropriate;
 - (iii) review the PCC’s annual report; and
 - (iii) make a report or recommendations on the annual report to the PCC.

18.3 Senior Appointments

- (a) The GMPCP has powers to review the PCC’s proposed appointments of the following senior staff –
 - (i) the PCC’s Chief Executive;
 - (ii) the PCC’s Chief Finance Officer; and
 - (iii) a Deputy GM Police Commissioner

(collectively referred to as a “Proposed Senior Appointment”)
- (b) The PCC is required to notify the GMPCP of any Proposed Senior Appointment and also to notify the GMPCP of the following information:
 - (i) the name of the person whom the PCC is proposing to appoint (“the candidate”);
 - (ii) the criteria used to assess the suitability of the candidate for the appointment;
 - (iv) why the candidate satisfies those criteria; and

- (iv) the terms and conditions on which the candidate is to be appointed.
- (c) The GMPCP is required to hold a public confirmation hearing for any Proposed Senior Appointment.
- (d) The GMPCP will be notified of the need for a confirmatory hearing in respect of Proposed Senior Appointments made by the PCC. The confirmatory hearing in respect of a Proposed Senior Appointment will normally be held at the next available meeting of the GMPCP.
- (e) Confirmatory hearings will be held in public, where the candidate for the Proposed Senior Appointment is requested to appear for the purpose of answering the questions relating to the appointment. Following this hearing, the GMPCP is required to review the Proposed Senior Appointment and make a report to the PCC on the Proposed Senior Appointment. The GMPCP's report must include a recommendation to the PCC as to whether or not the candidate for a Proposed Senior Appointment should be appointed.
- (f) The PCC may accept or reject the GMPCP's recommendation as to whether or not the candidate for a Proposed Senior Appointment should be appointed. The PCC must notify the GMPCP of their decision whether to accept or reject the GMPCP's recommendation.

18.4 Appointment of Chief Constable of GMP

- (a) The GMPCP has powers to review and to veto the PCC's proposed appointment of the Chief Constable of GMP.
- (b) The PCC is required to notify the GMPCP of any proposed appointment of the Chief Constable of GMP and also to notify the GMPCP of the following information:
 - (i) the name of the person whom the PCC is proposing to appoint ("the candidate");
 - (ii) the criteria used to assess the suitability of the candidate for the appointment;
 - (v) why the candidate satisfies those criteria; and
 - (iv) the terms and conditions on which the candidate is to be appointed.
- (c) The GMPCP is required to hold a public confirmation hearing in relation to any proposed appointment of the Chief Constable of GMP.
- (d) The GMPCP will be notified by the PCC of the need for a confirmatory hearing in respect of a proposed appointment of the Chief Constable of the GMP. The confirmatory hearing in respect of a proposed appointment of the Chief Constable of the GMP will normally be held at the next available meeting of the GMPCP.
- (e) Confirmatory hearings will be held in public, where the candidate for the appointment as Chief Constable of GMP is requested to appear for the purpose of answering the questions relating to the appointment. Following this hearing, the GMPCP is required to review the proposed appointment of the candidate as Chief Constable of GMP and make a report to the PCC on the proposed appointment of the candidate as chief constable of GMP. The GMPCP's report must include a recommendation to the PCC as to whether or not the candidate for appointment as chief constable of GMP should be appointed (unless the GMPCP vetoes the proposed appointment of the candidate

pursuant to its powers under Paragraph 5 of Schedule 8 of the Police Reform Act, in which case the procedure set out below at Rules 18.4 (g) to (k) will be followed).

- (f) Where the GMPCP does not veto the appointment of a candidate for Chief Constable of GMP, the PCC may accept or reject the GMPCP's recommendation as to whether or not the candidate for Chief Constable of GMP should be appointed. The PCC must notify the GMPCP of the decision whether to accept or reject the recommendation.
- (g) The GMPCP may, having reviewed the proposed appointment of a candidate for Chief Constable of GMP, veto the appointment of the candidate. A decision of the GMPCP to veto the appointment of a candidate for Chief Constable of GMP must be taken by the "required majority" of Members as set out at Rule 12.5. Where the GMPCP decides to veto the appointment of a candidate for Chief Constable of GMP, the GMPCP's report to the PCC must include a statement that the GMPCP has vetoed the appointment of the candidate.
- (h) Where the GMPCP exercises its power to veto the proposed appointment of a Chief Constable of the GMP, the PCC must propose another person for appointment as Chief Constable of GMP ("a Reserve Candidate") and must notify the GMPCP of the following information:
 - (i) the name of the Reserve Candidate;
 - (ii) the criteria used to assess the suitability of the Reserve Candidate for the appointment as Chief Constable of GMP;
 - (iii) why the Reserve Candidate satisfies those criteria; and
 - (iv) the terms and conditions on which the Reserve Candidate is to be appointed.
- (i) Within the period of three weeks beginning with the day on which the GMPCP receives notification of the PCC's Reserve Candidate the GMPCP shall –
 - (i) review the proposed appointment; and
 - (ii) make a report to the PCC on the proposed appointment.

Before making a report to the PCC in relation to the Reserve Candidate, the GMPCP must hold a confirmation hearing as detailed at Rule 18.4(e) above. The report of the GMPCP in relation to the Reserve Candidate must include a recommendation to the PCC as to whether or not the Reserve Candidate should be appointed.

- (j) On receiving a report from the GMPCP regarding the Reserve Candidate, the PCC shall have regard to the report (including the recommendation in the report) and notify the GMPCP of his or her decision as to whether he or she accepts or rejects the recommendation.
- (k) After the PCC gives notification of his or her decision as required by Rule 18.4(j) the PCC may then –
 - (i) appoint the Reserve Candidate as Chief Constable of GMP;
 - (ii) propose another person for appointment as Chief Constable of GMP.

18.5 Appointment of an Acting Police and Crime Commissioner

- (a) The GMPCP must appoint a person to act as PCC if:
 - (i) no person holds the office of PCC;

- (ii) the PCC is incapacitated, or
 - (iii) the PCC is suspended.
- (b) The GMPCP may appoint a person as acting commissioner only if the person is a member of the PCC's staff at the time of the appointment.
- (c) In appointing a person as acting commissioner in a case where the PCC is incapacitated, the GMPCP must have regard to any representations made by the PCC in relation to the appointment.
- (d) The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:
 - (i) the election of a person as PCC;
 - (ii) the termination by the GMPCP, or by the acting commissioner, of the appointment of the acting commissioner.
 - (iii) in a case where the acting commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated, or
 - (iv) in a case where the acting commissioner is appointed because the PCC is suspended, the PCC ceasing to be suspended.

18.6 Proposed Precept

- (a) Pursuant to Section 28(5) and Schedule 5 of the Police Reform Act provides the GMPCP has the power to scrutinise and to veto the PCC's issuing of precepts.
- (b) The PCC may not issue a precept under Section 40 of the Local Government Finance Act 1992 for a financial year until "the end of the scrutiny process" is reached. For the purposes of Schedule 5 of the Police Reform Act "the end of the scrutiny process" is reached when -
 - (i) in a case where the GMPCP does not veto the proposed precept, the PCC gives the GMPCP a response to the GMPCP's report; or
 - (ii) in a case where the GMPCP vetoes the proposed precept, the end of the process is reached in accordance with Regulations 5 to 8 of the Police Precepts and Appointments Regulations, as set out Rules 18.6(d), (h) and (j) below.
- (c) Pursuant to Regulation 3 of the Police Precepts and Appointments Regulations the PCC must notify the GMPCP of the precept which the PCC is proposing to issue for the financial year ("the proposed precept") by the 1st February of the relevant financial year.
- (d) The GMPCP must review the PCC's proposed precept, and must make a report to the PCC on the proposed precept. The GMPCP's report may include recommendations, including recommendations as to the precept that should be issued in each financial year. The GMPCP must comply with the duty to review the proposed precept by 8th February of the relevant financial year. (Where the GMPCP exercises its power to veto the proposed precept under Paragraph 4 of Schedule 5 to the Police Reform Act, but fails to comply with the requirement to review and report to the PCC on the proposed precept by 8th February, then pursuant to Regulation 4(1) of the Police Precepts and Appointments Regulations, the end of the scrutiny process is reached and, notwithstanding the veto, the PCC may issue the proposed precept as the precept for the financial year).

- (e) Pursuant to Paragraph 4 of Schedule 5 of the Police Reform Act the GMPCP may, having reviewed the proposed precept, veto the proposed precept. A decision of the GMPCP that the proposed precept should not be the precept for the financial year must be taken by the “required majority” of Members as set out at Rule 12.5. If the GMPCP vetoes the proposed precept, then the report that the GMPCP is required to make to the PCC under Paragraph 3 of Schedule 5 of the Police Reform Act must include a statement that the GMPCP has vetoed the proposed precept.
- (f) Where the GMPCP does not veto the proposed precept, the PCC must –
 - (i) have regard to the report made by the GMPCP (including any recommendations in the report);
 - (ii) give the GMPCP a response to the report (and any such recommendations); and
 - (iii) publish the response.
- (g) Where the GMPCP vetoes the proposed precept, the PCC must, by the 15th February of the relevant financial year -
 - (i) have regard to the report made by the GMPCP (including any recommendations in the report);
 - (ii) give the GMPCP a response to the report (and any such recommendations); and
 - (ii) publish the response.

The PCC must, in the response given to the GMPCP referred to at Rule 18.6(g)(ii), notify the GMPCP of the precept that the PCC now proposes to issue (“the revised precept”). Where the GMPCP’s report to the PCC -

- (i) indicates that the GMPCP vetoes the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;
 - (ii) indicates that the GMPCP vetoes the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.
- (h) On receiving the PCC’s response containing notification of a revised precept the GMPCP shall, by 22nd February of the relevant financial year -
 - (i) review the revised precept; and
 - (ii) make a report to the PCC on the revised precept (“the second report”).

The GMPCP’s second report may –

- (i) indicate whether the GMPCP accepts or rejects the revised precept (but rejection does not prevent the PCC from issuing the revised precept as the precept for the financial year); and
- (ii) make recommendations, including recommendations as to the precept that should be issued for the financial year.

(Where the GMPCP fails to act in accordance with the requirement to submit a second report by 22nd February, the end of the scrutiny process is reached and the PCC may issue the revised precept as the precept for the financial year).

- (i) On receiving the GMPCP’s second report the PCC shall, by 1st March of the relevant financial year -

- (i) have regard to the second report (including any recommendations in the report);
 - (ii) give the GMPCP a response to the second report (and any such recommendations); and
 - (iii) publish the response.
- (j) Pursuant to Regulation 8(1) of the Police Precepts and Appointments Regulations the end of the scrutiny process is reached when the PCC gives the GMPCP a response to their second report in accordance with Rule 18.6(i) above. The PCC may then -
- (i) issue the revised precept as the precept for the financial year; or
 - (ii) issue a different precept, but this is subject to Regulation 8(3) of the Police Precepts and Appointments Regulations.
(Pursuant to Regulation 8(3) of the Police Precepts and Appointments Regulations, where the GMPCP's report to the PCC made under Paragraph 3(2) of Schedule 5 to the Police Reform Act –
 - (i) indicates that the GMPCP vetoes the proposed precept because it is too high, the PCC shall not issue a precept which is higher than the revised precept; and
 - (ii) indicates that the GMPCP vetoes the proposed precept because it is too low, the PCC shall not issue a precept which is lower than the revised precept;

unless it would be in accordance with a recommendation made by the GMPCP in the second report to do so).

19. Complaints

- 19.1 Criminal and non-criminal complaints in relation to the PCC or the Deputy GM Police Commissioner will be dealt with and/or delegated in accordance with the Police Reform Act and the Complaints and Misconduct Regulations.
- 19.2 The GMPCP's Procedure for dealing with complaints in relation to the PCC or the Deputy GM Police Commissioner is set out in a separate Protocol.

20. Rights of Public to Attend Meetings

- 20.1 All meetings of the GMPCP, and its Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
- (a) In accordance with Section 100A(2) of the Local Government Act 1972 which requires that the public must be excluded from a meeting of the GMPCP during an item of business whenever in the view of the Lead Chief Executive it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence. For the purposes of Section 100A(2) of the Local Government Act 1972 "confidential information" means –
 - (i) information furnished to the GMPCP by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 - (ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

- (b) In accordance with Section 100A(4) by of the Local Government Act 1972 by way of a resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

21. Interests of Members

- 21.1 An Appointed Member of the GMPCP must disclose any interests in any business conducted by any meeting of the GMPCP in accordance with their own Constituent Council's Code of Conduct for Members.
- 21.2 A Co-Opted Member of the GMPCP must disclose any interests in any business conducted by any meeting of the GMPCP in accordance with the Code of Conduct for Members adopted by Salford City Council in accordance with the requirements of the Localism Act 2011.

22. Records

- 22.1 The Lead Chief Executive shall ensure that the names of the Members of the GMPCP present at any meeting of the GMPCP shall be recorded in the minutes of the meeting concerned.
- 22.2 The minutes of the proceedings of a meeting of the GMPCP are to be kept in such form as the GMPCP may from time to time determine.
- 22.3 The minutes of the proceedings of a meeting of the GMPCP shall be signed at the next meeting of the GMPCP by the person presiding at the meeting of the GMPCP to which the minutes relate.
- 22.4 Any minute purporting to be signed as mentioned in sub-paragraph 22.3 shall be received in evidence for the purposes of any legal proceedings without further proof.
- 22.5 Until the contrary is proved, a meeting of the GMPCP, a minute of whose proceedings has been signed in accordance with this paragraph 22 is deemed to have been duly convened and held, and all the Members of the GMPCP present at the meeting are deemed to have been duly qualified.

23. Supply of Copies

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

to any person on payment of a charge for postage and any other costs.

24. Access to Minutes etc. after the meeting

- 24.1 The Lead Chief Executive will make available copies of the following for six years after a meeting of the GMPCP:
- (a) the minutes of the meeting (excluding any part of the minutes or proceedings when the meeting was not open to the public or which disclose exempt or confidential information);
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting; and
 - (d) reports relating to items when the meeting was open to the public.

25. Background Papers

- 25.1 An officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report.
- but does not include published works or those which disclose exempt or confidential information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).
- 25.2 The Lead Chief Executive will make available for public inspection for four years after the date of a meeting of the GMPCP one copy of each of the documents on the list of background papers.

26. Conduct of Members

- 26.1 If, in the Chair's opinion any Member at a meeting is:
- (a) persistently ignoring the ruling of the Chair;
 - (b) behaving irregularly, improperly or offensively; or
 - (c) intentionally obstructing the meeting;
- the Chair can propose that "the Member named be not further heard" (cannot speak further at the meeting). If the proposal is seconded, it will be put to the vote without being discussed.
- 26.2 If it is agreed that the Member should not speak further at the meeting, but that Member continues to speak, the Chair will propose that:
- (a) "the Member named leaves the meeting"; or
 - (g) the meeting is adjourned for a period the Chair considers appropriate.
- 26.2 In there is a general disturbance, which in the opinion of the Chair, makes it impossible to conduct the meeting properly, the Chair can, without question, adjourn the meeting for such period as the Chair considers appropriate.

27. Disturbance by Members of the Public

- 27.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him or her that if they continue to act in that way they will be removed from the meeting.
- 27.2 If members of the public are causing a general disturbance in any part of the meeting room, the Chair can make an order that part of the meeting room to be cleared.

SECTION 10D - CONSTITUTION OF THE STaR JOINT COMMITTEE

The terms of reference of the joint committee are as follows:

- To manage the procurement operations of the Councils except for any procurement activity carried on by each Council that is specifically excluded by each Council from being dealt with by the STaR on its behalf.
 - To agree any changes to the cost and income sharing arrangements set out in this agreement.
 - To agree the organisational structure of the STaR to carry out those operations.
 - To recommend to Trafford Council the person to be appointed as Director and the salary for the post.
 - To consider the policies and procedures for procurement activities carried out by the STaR recommended to it by the Board including the contract procedure rules under which it will operate for each of the Councils.
 - To recommend the business plans and budgets of the STaR for approval by the Councils.
 - To monitor the budget and performance of the STaR
 - To approve major changes to standard tender documentation and procedures
 - Such other matters as the Councils (for non-executive matters) and/or the Executive Leaders jointly agree
- 1 Each of the Councils will appoint one appropriate executive Member of that Council as its nominated Member of the Joint Committee. The Members appointed will have full voting rights.
 - 2 Each Council may appoint one or more substitute executive Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given by the substitute member to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute will have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Member attends a meeting of the Joint Committee, any named substitute may also attend as an observer but will not be entitled to vote.
 - 3 Each Member of the Joint Committee will comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
 - 4 Each of the Councils may remove its appointed Member or substitute Member of the Joint Committee and appoint a different executive Member or substitute to the Joint Committee by giving written notice to the Secretary to the Joint Committee.
 - 5 Each appointed Member or substitute member attending a meeting of the Joint Committee will have one vote.
 - 6 Each Member of the Joint Committee will serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member will cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her, if the relevant Council removes him or her as a Member of the Joint Committee or the relevant Council ceases to be a party to this agreement.
 - 7 Any casual vacancies howsoever arising will be filled by the Council from which the

vacancy arises by notice in writing sent to the Secretary to the Joint Committee.

- 8 Meetings of the Joint Committee will be held at the venue or venues as agreed by the Joint Committee.
- 9 The first meeting of the Joint Committee will elect a Chairman for the remainder of the municipal year in which the election took place and until the election of a Chairman at the first meeting of the following municipal year whichever is later. Thereafter, the Chairman will be elected at the first meeting of the municipal year and that member will remain Chairman until the election of a Chairman at the first meeting of the following municipal year unless he or she ceases to be a Member of the Joint Committee.
- 10 The Joint Committee will elect a Vice Chairman for the same periods as set out at paragraph 9 above.
11. The Joint Committee will determine the frequency of its meetings.
12. The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one appointed Member of the Joint Committee from each Council requests it or the Head of Paid Service of each of the Councils request it.
13. Meetings will be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
14. The Secretary to the Joint Committee will send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear Business Days before the date of the relevant meeting.
15. The Secretary to the Joint Committee will arrange for written minutes to be taken of each meeting of the Joint Committee and will present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes will be signed by the Chairman or Vice-Chairman.
16. Meetings of the Joint Committee will start at a time to be agreed by the Joint Committee.
17. A meeting of the Joint Committee will require a quorum of one Member or substitute Member of each Council who is entitled to attend and vote.
18. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee will be decided by a majority of the appointed Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman will have a second or casting vote but before exercising this, the Chairman will consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
19. Any Member of the Joint Committee may request the Joint Committee to record the votes of individual Members of the Joint Committee on a matter for decision.

20. A Member when speaking will address the Chairman. If more than one Member wishes to speak, the Chairman will call on one to speak. While a Member is speaking other Members will remain silent.
21. A Member will direct his/her speech to the question under discussion or to a personal explanation or to a point of order.
22. Only one amendment to a proposal may be moved and discussed at a time and no further amendment will be moved until the amendment under discussion has been disposed of, providing that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business.
23. If an amendment be lost, other amendments may be moved on the original motion.
If an amendment be carried, the motion as amended will take the place of the original motion and will become the motion upon which any further amendment may be moved.
24. The order of business will be indicated in the agenda for the meeting.
25. When a motion is under debate by the Joint Committee no other motion will be moved except the following:
 - 25.1 to amend the motion;
 - 25.2 to adjourn the meeting;
 - 25.3 to adjourn the debate;
 - 25.4 to proceed to the next business;
 - 25.5 that the question be now put;
 - 25.6 that a Member be not further heard;
 - 25.7 by the Chairman that a Member do leave the meeting;
 - 25.8 a motion under Section 100(A)(4) of the Local Government Act 1972 to exclude the public;
 - 25.9 to postpone consideration of the item.
26. A Member may move without comment at the conclusion of a speech of another Member, "That the Committee proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Committee do now adjourn", on the seconding of which the Chairman will proceed as follows:
 - 26.1 on a motion to proceed to next business; unless in his opinion the matter before the meeting has been insufficiently discussed put to the vote the motion to proceed to the next business
 - 26.2 on a motion that the question be now put; unless in his opinion the matter before the meeting has been insufficiently discussed he will first put to the vote the motion that the question be now put
 - 26.3 on a motion to adjourn the debate or the meeting; if in his opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion put the adjournment motion to the vote.
 - 26.4 The ruling of the Chairman will not be open for discussion.

27. Any member of the Councils who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he or she will not be entitled to vote, will not take part in the consideration or discussion of any business, save by leave of the Chairman and comments by them will be recorded only on the direction of the Chairman.
28. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 30.
29. Members of the public wishing to address the Joint Committee (or a subcommittee of the Joint Committee) on public reports contained within the agenda for the meeting will be given the opportunity to do so at the discretion of the Chairman.
30. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
31. Each Council may call in any decision of the Joint Committee in accordance with the overview and scrutiny provisions of that Council's constitution. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee will take no action to implement that decision unless the call in process upholds the decision.
32. The Joint Committee may delegate a function to a Sub-Committee or an officer.
33. Until such time as the Joint Committee adopts its own financial regulations and contract procedure rules the regulations and rules of Trafford will apply.
34. The Secretary to the Joint Committee will provide secretarial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils. Trafford will make available committee officers to provide administrative services at the meetings of the Joint Committee.
35. The Lawyer to the Joint Committee will provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils. The Lawyer to the Joint Committee will inform the Monitoring Officer of any Council if he or she becomes aware of any situation that would require that monitoring officer to exercise their statutory functions.
36. The Finance Officer to the Joint Committee will provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
37. The operational strategic management of the STaR will be carried out by the Board. Its functions will include the following:
 - To make recommendations to the Joint Committee about the operational procurement functions of the Councils being dealt with by the STaR on its behalf.
 - To recommend changes to the organisational structure of the STaR to carry out those operations.

- To approve the terms and conditions of staff employed by the STaR
 - To manage the Director.
 - To approve an officer scheme of delegation in consultation with the Director where possible
 - To approve policies and procedures for procurement activities carried out by the STaR including the contract procedure rules under which it will operate for each of the Councils and to make recommendations to the Joint Committee about such matters having regard to best procurement practices.
 - To recommend the business plans and budgets of the STaR for consideration by the Joint Committee.
 - To monitor the budget and performance of the STaR
 - To recommend to the Joint Committee major changes to standard tender documentation and procedures
 - To recommend to the Joint Committee changes to the cost and income sharing arrangements set out in this agreement
38. The Board will comprise of a senior officer from each of the Councils. The senior officer to represent each Council will be appointed by the head of paid service of each Council who may change that appointment at any time.

PART 4 - PROPER OFFICER APPOINTMENTS

APPOINTMENT OF STATUTORY AND PROPER OFFICERS

- 1.1 The Local Government Act 1972 and other legislation requires local authorities to make specific statutory appointments which carry specific responsibilities. These are identified in Appendix A.
- 1.2 Earlier local government legislation required local authorities to appoint officers with specified titles but the Local Government Act 1972, in the main, abolished the procedure. This was in order to give local authorities freedom in deciding what officer posts to establish. It follows that the officers responsible for certain statutory duties can no longer be identified by the post they occupy. Consequently, the 1972 Act makes provision for certain officers to be designated by their employing authority as the "Proper Officer" to carry out particular functions under various Acts of Parliament.
- 1.3 In this Constitution the posts designated in Appendix A and B are the designated Statutory and Proper Officers for the Council and the post holders will undertake the specific responsibilities attached to the role.
- 1.4 In the event of any officers mentioned above being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his absence, the Deputy Chief Executive (if appointed), will appoint an officer to act in their place.
- 1.5 Every appointment hereby made in relation to a provision that is replaced or re-enacted shall be effective as an appointment of the same officer in relation to the corresponding new provision.
- 1.6 Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.

APPENDIX A**STATUTORY OFFICERS**

	<u>LEGISLATION</u>	<u>STATUTORY OFFICER</u>	<u>ALLOCATED TO</u>
S6	Local Authority Social Services Act 1970 (as amended by the Children Act 2004)	Director of Adult Social Services	Corporate Director for People
S151	Local Government Act 1972	Chief Financial Officer	Borough Treasurer
S4	Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
S5	Local Government and Housing Act 1989	Monitoring Officer	Head of Legal & Democratic Governance
S18	Children Act 2004	Director of Children's Services	Corporate Director for People
S30	Health and Social Care Act 2012	Director of Public Health	Director of Public Health

APPENDIX B

<u>PROPER OFFICER</u>	<u>LEGISLATION</u>	<u>ROLE</u>
Chief Executive	N/A	Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the town clerk which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.
Chief Executive	N/A	Any reference in any local statutory provision to the clerk of the Council or similar which, by virtue of an order made under the Local Government Act 1972 or the Local Government Act 1992 is to be construed as a reference to the Proper Officer of the Council.
Chief Executive	N/A	Any reference in any public or local statutory provision to the Proper Officer of the Council, except as provided in this Appendix.
Borough Treasurer		Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer which, by virtue of any provision of the said Act, is to be construed as a reference to the Chief Financial Officer of the Council.

HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Regs 2,3 and 6	Receipt and disclosure of notification of suspected notifiable disease in patients and dead persons
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PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (AS AMENDED)

Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Section 48	Preparation of certificate to Justice of the Peace for removal of body to mortuary and for burial within a prescribed time or immediately
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REGISTRATION SERVICES ACT 1953

CSS Manager-Events and Registrars Services	S9(1) S3(b) S13(2)(h) S20(b)	} Registration of Births, Deaths and Marriages
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CSS Manager – Events and Registrars Service	Registration of Births, Deaths and Marriages Regulations 1968 – 1994	Registration of Births, Deaths and Marriages
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Section 46A of the Marriage Act 1949 and Marriages and Civil Partnerships (Approved Premises) Regulations 2005	Approval of premises for the solemnization of marriages
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MILK AND DAIRIES (GENERAL) REGULATIONS 1959

Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Part VII (Regs 18-20)	Pasteurisation Orders
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LOCAL GOVERNMENT ACT 1972

Chief Executive	S13(3)	Parish Trustee
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Chief Executive	S83(1)-(4)	Witness and receipt of declaration of acceptance of office
Chief Executive	S84	Receipt of declaration of resignation of office
Chief Executive	S88(2)	Convening of meeting of Council to fill casual vacancy in office of Chair/Mayor
Chief Executive	S89(1)(b)	Receipt of notice of casual vacancy from two local government electors
Chief Executive	S94 & 96(2)	Keeping of record of disclosures and notices of pecuniary interests
Chief Executive	S96(1)	Receipt of notices of pecuniary interests
Chief Executive	S100(B)(2)	Circulation of reports and agendas
Chief Executive	S100(B)(7)	Supply of papers to press
Chief Executive	S100(C)(2)	Summary of minutes
Chief Executive	S100(D)(1)(a)	Compilation of background papers
Chief Executive	S100(F)	Identification of confidential documents not open to Members
Borough Treasurer	S115(2)	Receipt of money due from officers
Borough Treasurer	S146(1)(a) & (b)	Declarations and certificates with regard to securities
Corporate Director for Place Management and Regeneration	S191	Functions in respect of Ordnance Survey
Borough Treasurer	S210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities – or if there is no such office, to the Proper Officer
Chief Executive	S225(1)	Deposit of documents
Borough Treasurer	S228(3)	Accounts – to be open for inspection
Chief Executive	S229(5)	Certification of documents
Chief Executive	S234	Signature of documents
Corporate Director for Place Management and Regeneration	S234(2)	Statutory Notices under various Public Health and associated legislation
Head of Legal & Democratic Governance	S234(2)	Notices in respect of Council dwellings relating to the right to buy, or proceedings for the termination of a secure tenancy.

Head of Legal & Democratic Governance	S238	Certification of Bye-laws
Chief Executive	S248(2)	Keeping roll of Freeman
Chief Executive	Schedule 12 para. 4(2)(b)	Signature of summons to Council
Chief Executive	Schedule 12 para. 4(3)	Receipt of notices regarding addresses which summons to meeting are to be sent
Chief Executive	Schedule 14 para. 25(7)	Certification of resolutions under para. 25 applying certain provisions of the Public Health Acts throughout the Council's area.
Corporate Director for Place Management and Regeneration	Schedule 16 para. 28	Receipt of deposit lists of protected buildings
Borough Treasurer	N/A	Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified borough which, by virtue of order made under Section 254 of the Local Government Act 1972 or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council
Borough Treasurer	N/A	Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26 October 1972 to the Treasurer or a Treasurer of a borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council

LOCAL GOVERNMENT ACT 1974

Chief Executive	S30(5)	Notice of Local Government Ombudsman report
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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Chief Executive	S41	Certification of copies of resolutions, minutes, other documents
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RENT ACT 1977

Corporate Director, People	Schedule 15 Part IV	Certificates of provision of suitable alternative accommodation
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LOCAL AUTHORITIES CEMETERIES ORDER 1977

Corporate Director for Place Management	All	Officer of the burial authority
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and Regeneration

CREMATION REGULATIONS

Corporate Director for Place Management and Regeneration	All	Registrar for various matters relating to cremation AND to nominate a Medical Referee and Deputy Referees under the Regulations
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HIGHWAYS ACT 1980

Corporate Director for Place Management and Regeneration	S37(5)	Deposit of Certificate of dedication or copy order
Corporate Director for Place Management and Regeneration	S205(3)	Preparation of specification estimate and provisional appointment
Corporate Director for Place Management and Regeneration	S205(5)	Certification of copies of resolution and approved documents
Corporate Director for Place Management and Regeneration	S210(2)	Certification of document giving details of estimate and consequential amendment of provisional appointment
Corporate Director for Place Management and Regeneration	S211(1)	Making final appointment
Corporate Director for Place Management and Regeneration	S216(2) & (3)	Settlement of proportion of amount

GREATER MANCHESTER ACT 1981

Corporate Director for Place Management and Regeneration	S60(5)(a)	Receipt of objections to proposals to designate places for touting, hawking, photographing etc.
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RATES ACT 1984

Borough Treasurer	S7	Certification of rate
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PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (as amended)

Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Parts II, III, IV and VI	Control of Diseases (various)
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ELECTIONS

Chief Executive	N/A	Registration Officer for any constituency or part of a constituency coterminous with or contained in the Stockport Metropolitan Borough
Chief Executive	S35 Representat ion of the People Act 1983	Returning Officer for the election of councillors for the Stockport Metropolitan Borough
Deputy Chief Executive	N/A	Officer who may do acts in respect of Registration in the event of the Chief Executive's incapacity or of a vacancy

LOCAL ELECTIONS (PRINCIPAL AREAS) RULE 1986

Chief Executive	Rule 44	Receipt from Returning Officer of names of persons elected to Council
	Rule 46, 47	Receipt from Returning Officer of election documents
	Rule 48,49,51	Retention of election documents and making them available for public inspection

HEALTH PROTECTION (LOCAL AUTHORITY POWERS) REGULATIONS 2010

Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	All	Control of Diseases (various)
Dr. David Baxter, or in his absence, a consultant in public health engaged by the Chief Executive	Health Protection (Part 2A) Regulations 2010	Control of Diseases (Various)

LOCAL GOVERNMENT AND HOUSING ACT 1989

Chief Executive	s.2	Receipt of list of politically restricted posts
Chief Executive	s.15, 16	Receipt of Notice relating to political groups.
Chief Executive	s.19	Receipt of general notice of members pecuniary interests.

ENVIRONMENTAL PROTECTION ACT 1990

Corporate Director for Place Management and Regeneration	S149	Stray dogs
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COUNCIL TAX (ADMINISTRATION AND ENFORCEMENT) REGULATIONS 1992

Borough Treasurer	Reg 37 and Schedule 3	Service of Attachment of Earnings Orders
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THE LOCAL AUTHORITIES (REFERENDUMS)(PETITIONS AND DIRECTIONS)(ENGLAND) REGULATIONS 2000

Chief Executive	Regs various	Verification etc. of Mayoral petitions
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LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Chief Executive	Reg 12	Recording of executive decisions.
Chief Executive	Regs 5, 6, 7, 13, 14, 15	Compilation and availability of background papers, agenda and connected reports in relation to executive decisions.
Chief Executive	Regs 9, 10, 11	Publicity in connection with Key Decision and giving notice etc. in cases of urgency.
Chief Executive	Regs 16 and 17	Rights of access to documents for councillors.

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Chief Executive	Reg 3, 4 and Schedule 1	Provision relating to the appointment and dismissal of staff.
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LOCAL GOVERNMENT ACT 2000

Democratic Services Section 9FB Designated Scrutiny Officer
Manager

ALL

Chief Executive

The Chief Executive is appointed Alternative Proper Officer in respect of all functions in the event that the appointed Proper Officer is unable to act.

Deputy Chief
Executive/Monitoring
Officer

The Deputy Chief Executive and the Monitoring Officer are the appointed Alternative Proper Officer for those functions where the Chief Executive is the Proper Officer and is unable to act.

PART 4 - PROCEDURE RULES

PR1 - COUNCIL MEETING PROCEDURE RULES

References:

S.106 and Schedule 12 Local Government Act 1972

S.8,9 and 20 Local Government and Housing Act 1989

Local Authorities (Standing Orders) Regulations 1993 and 2000

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2. Ordinary meetings
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- 24. Suspension and amendment of Council Meeting Procedure Rules
- 25. Interpretation of Council Meeting Procedure Rules and rights of the Mayor
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RULES

1. ANNUAL COUNCIL MEETING

- 1.1 The **Annual Council Meeting** will be held, in years when there is an ordinary election of Councillors, within 21 days of the retirement of outgoing Councillors and, in other years, in May or June.

The **Business** of the Annual Council Meeting will be:

- (i) the election of a person to preside if the Mayor is not present;
- (ii) the election of a Mayor;
- (iii) the election of a Deputy Mayor;
- (iv) approval of the minutes of the last meeting;
- (v) the receipt of announcements, if any from the Mayor or the Head of the Paid Service;
- (vi) the receipt of declarations of interest;
- (vii) the appointment of the **Cabinet** Leader;
- (viii) the appointment of at least one Scrutiny Committee, a Standards Committee, and such other Committees as the Council Meeting considers appropriate to deal with matters (as set out in **Part 3, Section 1** of this Constitution) which are neither reserved to the Council Meeting nor are executive functions; to decide the size and terms of reference of those Committees, and the allocation of seats to political groups in accordance with the political balance rules;
- (ix) the appointment of Councillors to serve on outside bodies (except where appointment to those bodies has been delegated by the Council or is exercisable only by the **Cabinet**).
- (x) To agree the delegation of non-executive functions except those set out in **Part 3 Section 1**;
- (xi) the approval of a programme of ordinary Council Meetings for the year; and
- (xii) the consideration of any business set out in the notice convening the meeting.

- 1.2 In the event that it appears likely that disagreement about any business to be transacted would cause political debate at the Annual Council Meeting, an informal Council Meeting will be convened before the Annual Council Meeting. The decisions

of the informal meeting will be reported to the Annual Council Meeting and ratified without debate.

2. **ORDINARY MEETINGS**

2.1 **Ordinary Meetings** of the Council will take place in accordance with a programme determined by the Annual Council Meeting. Subject to Rule 2.2 below the structure and order of business will be:

(a) Formalities and Announcements

- (i) to elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) to approve the minutes of the last meeting;
- (iii) to receive any declarations of interest from Councillors or officers;
- (iv) to report any urgent action taken under the Constitution
- (v) to receive announcements, if any, from the Mayor.

(b) Community Engagement

- (i) in accordance with **Rule 10**, to receive questions from, and provide answers to, the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the Council's activities.
- (ii) to receive petitions and, by prior arrangement receive delegations and presentations, from members of the public, community groups or partnership organisations. No presentation (including questions from councillors) to exceed 20 minutes;
- (iii) to deal with any matters arising from the Council's relationship with its strategic partners which the Council Meeting needs to consider;
- (iv) to answer questions on the business of Joint Authorities, Greater Manchester Combined Authority, Transport for Greater Manchester Committee and the Police and Crime Panel;

(c) Policy Framework and Budget

- (i) to consider reports on the development, adoption or review of policies included in the Policy Framework;
- (ii) to deal with any matters relating to the budget.

(d) Leaders Report and **Cabinet** Question Time

- (i) to receive a report from the **Cabinet** Leader and other members of the **Cabinet** on the conduct of **Cabinet** business since the last ordinary meeting;
- (ii) in accordance with Rule 11, to answer questions from Councillors addressed to the **Cabinet** Leader or other members of the **Cabinet**.

- (iii) formally to receive the minutes of the **Cabinet** and **Cabinet** Committees and the record of executive Decisions, and consider any recommendations they contain.
- (e) Scrutiny
 - (i) to receive reports from the Chair of the Scrutiny Co-ordination Committee or Chairs of Scrutiny Committees on the conduct of Scrutiny business since the last ordinary meeting, including the consideration of reports and references from Scrutiny Committees (unless dealt with under (c) above);
 - (ii) in accordance with Rule 11 to answer questions from Councillors and addressed to the Chair of the Scrutiny Co-ordination Committee or the Chair of a Scrutiny Committee;
 - (iii) formally to receive the minutes of Scrutiny Committees and Sub-Committees.
- (f) Ordinary and Area Committees
 - (i) in accordance with Rule 11, to answer questions from Councillors addressed to the Chair of an Ordinary Committee or an Area Committee;
 - (ii) to receive reports from the Chairs of the Planning and Highways Regulation Committee and the Licensing Environment and Safety Committees and Audit Committee on the conduct of their business since the last ordinary meeting.
 - (iii) formally to receive the minutes of Ordinary Committees, Area **and Ward** Committees, Standards Committee and the Health & Wellbeing Board and consider any recommendations they contain.
- (g) Motions and Other Business
 - (i) to consider motions, notice of which has been given in accordance with **Rule 12**
 - (ii) to consider any other business specified in the summons to the meeting.

A MAXIMUM OF 1 HOUR WILL BE ALLOCATED TO BUSINESS SPECIFIED UNDER RULE 2(b) COMMUNITY ENGAGEMENT.

- 2.2 At the ordinary meeting of the Council, held annually to determine the budget, Council Plan and Council Tax, the only additional items of business, subject to any item that the Mayor wishes to raise as urgent business, shall be the items relating to the Council Plan and community engagement as set out in Rule 2.1(b) above.

3. EXTRAORDINARY MEETINGS

3.1 Calling and Requisition of Extraordinary Meetings

Those listed below may instruct the **Chief Executive** to call an Extraordinary Council Meeting:

- (i) the Council Meeting;
- (ii) the Mayor;

- (iii) the Monitoring Officer and Chief Financial Officer, in pursuance of their statutory responsibilities; and
- (iv) any five Councillors, if they have signed a requisition presented to the Mayor and he or she has refused to call a meeting, or has failed to call a meeting, within seven clear days of the presentation of the requisition.

3.2 **Business**

No business other than that specified in the summons to the meeting may be considered at an Extraordinary Meeting unless the Mayor determines that it is urgent. The summons to the meeting will not include the consideration of the minutes of previous meetings nor more than two items for consideration.

4. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES**

~~The appointment of substitute members of committees will be dealt with in accordance with CP17 Appointment of Substitute Members of Committees.~~

No substitutes are permitted.

5. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the **Chief Executive** and notified in the summons.

6. **NOTICE OF AND SUMMONS TO MEETINGS**

Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting the **Democratic Services** will send a summons signed by the **Chief Executive**, by post, to every Councillor, or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor under these Rules. Where these Rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chair of Committees.

8. **QUORUM**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting, if the Mayor counts the number of members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

9. **DURATION OF MEETING**

9.1 **Interruption of the meeting**

If the business of the meeting has not been concluded within 4 hours of the commencement of the meeting, the Mayor will, at the conclusion of the speech then being delivered, unless the majority of Councillors present vote for the meeting to continue, give the mover of the motion under debate a right of reply, and then put the motion or amendment to the vote. If an amendment was before the Council Meeting at that time, the Mayor will then give the mover of the motion a right of reply to the debate on the motion. The vote will then be taken without any further discussion.

9.2 **Motions and recommendations not dealt with**

If there are other items on the agenda that have not been dealt with, the meeting will then proceed to any items requiring decision without further debate. Any further items on the Summons requiring a decision, including motions under CMP Rule 12, will be deemed formally moved and seconded. The vote on any motion as it appears on the Summons (unless any alteration to the motion has been tabled prior to the commencement of the meeting by the mover and seconder, in which case that will become the substantive motion) will be taken without discussion.

Any remaining items on the Summons not requiring a decision will be deemed noted without debate.

9.3 **Recorded vote**

If a recorded vote is called for during this process it will be taken immediately.

9.4 **Close of the meeting**

When all items on the agenda have been dealt with, the Mayor will declare the meeting closed.

10. **QUESTIONS BY THE PUBLIC**

10.1 **General**

Registered voters of the Stockport area, or persons living or working in the Borough, may ask questions of Councillors at ordinary Council Meetings. A maximum of **30 minutes** will be allocated to this procedure during the Council Meeting.

10.2 **Notice of questions**

A question may only be asked if notice has been given by submitting it in writing to **Democratic Services no later than 30 minutes prior to the commencement of the Council Meeting**. Each question must give the name and address of the questioner, and must identify the Councillor to whom it is to be put. The same question may be addressed to two identified Councillors, in which case this will count as two separate questions for the purposes of Rule 10.4.

Immediately prior to the Council Meeting, copies of the questions received in advance will be made available to those Councillors present.

Questions may be submitted electronically, but must be submitted on the pro-forma available on the Council's web site.

Where a question is received 48 hours prior to the meeting, the Council will endeavour to ensure that an oral response to the question is delivered at the meeting. Where a question is received less than 48 hours prior to the meeting an

oral response to the question cannot be guaranteed; and in such cases a written response may be issued in accordance with rule 10.8(c).

Supplementary questions are not permitted

10.3 **Order of questions**

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

10.4 **Number of questions**

At any one meeting no person may submit more than two questions, and no more than three questions may be asked on behalf of one organisation.

10.5 **Scope of questions**

Subject to the provisions of the Freedom of Information Act 2000 the **Monitoring Officer**, in consultation with the Mayor, may reject a question if it:

- is not about a matter for which the Council either has a responsibility or which affects the Borough;
- is defamatory, frivolous or offensive;
- relates to a quasi-judicial matter;
- is substantially the same as a question which has been put at a Council Meeting in the past six months; or
- would be likely to require the disclosure of confidential or exempt information.

10.6 **Asking the question at the meeting**

The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is not present, the question will not be put at the meeting and will receive a written reply in accordance with Rule 10.9 below, if appropriate.

10.7 **Clarification of questions and responses**

In the event that the need to clarify the original question or response becomes apparent, the questioner or member responding will be given an opportunity to clarify his / her question or response.

10.8 **Response**

An answer to a question under this Rule 10 may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer sent later to the questioner.

The Councillor to whom a question has been addressed may decline to answer or may nominate another Councillor to answer; such other Councillor may also decline to answer.

10.9 **Written answers**

Any question which is not dealt with during public question time, either because of lack of time or because of the absence of either the Councillor to whom it was addressed or the questioner, will be dealt with by a written answer. Where a written response is given, a copy of the response will be circulated to all Councillors.

10.10 **Reference of question to the Cabinet or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the **Cabinet** or the appropriate Committee. Once seconded, such a motion will be voted on without discussion.

10.11 **Question time at meetings of the Executive and Committees**

The procedure by which the public can ask questions at meetings of the **Cabinet**, **Cabinet** Committees, and at Ordinary and Area Committees meetings is set out in **Part 6 CP5** of the Constitution.

11. **QUESTIONS BY COUNCILLORS**

11.1(a) **On minutes of the Cabinet or Minutes of Ordinary Committees**

A Councillor may ask the Executive Leader, another member of the **Cabinet**, or the Chair of an Ordinary or Area Committee, up to four questions (this to include supplementary questions requesting clarification of the answer to a previous question), without notice, on an item referred to in the report on **Cabinet** business or, as the case may be, the minutes of a Committee, when those items are being received or are under consideration by the Council Meeting. Only Councillors who are not members of the **Cabinet** may question the **Cabinet** Leader or another member of the **Cabinet**.

Any Non- **Cabinet** Councillor may, without notice, ask up to four question of the **Cabinet** Leader or any **Cabinet Member** or comment upon **Cabinet** business generally provided that the period for each question or comment shall not exceed three minutes.

Each question is to be answered individually by the **Cabinet** Leader, **Cabinet Member** or Chair of an Ordinary Committee.

At the conclusion of questions on **Cabinet** Business, the Mayor will invite Councillors to make comments on the business of each **Cabinet** Portfolio. The time allotted to councillors to comment on each portfolio will be three minutes. The appropriate **Cabinet Member** will have the right of reply after all comments addressed to their portfolio have been made.

11.1(b) **On the business of Scrutiny Committees**

A Councillor may ask the Chair of the Scrutiny Co-ordination Committee, or a Scrutiny Committee Chair, any question, without notice, on an item referred to in the

report on Scrutiny business or, as the case may be, the minutes of Scrutiny Committees when those items are being received or are under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair.

11.1(c) On the business of Planning and Highways Regulation and Licensing Environment and Safety Committees

A Councillor may ask the Chairs of the Planning and Highways Regulation or the Licensing Environment and Safety Committee any question, without notice, on an item referred to in the report on the business of those committees, or as the case may be, the minutes of those Committees when those items are being received or are under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair.

11.1(d) On the business of Area and Ward Committees

A Councillor may ask the Chair of any Area Committee any question, without notice, on an item referred to in the minutes of that Area Committee when that item is being received or is under consideration by the Council Meeting. No Councillor may address more than four questions to any one Chair.

11.2 Questions on notice at Council Meetings

Subject to Rule 11.3, a Councillor may ask:

- the Mayor;
- a member of the **Cabinet**;
- the Chair of any Committee;

a question on any matter in relation to which the Council Meeting, the **Cabinet**, or the Committee has powers or duties, or which affects the Borough.

11.3 Notice of questions

A Councillor may only ask a question under Rule 11.2 if either:

- (a) he or she has given at least 2 working days' notice in writing of the question to the **Democratic Services**; or
- (b) the question relates to urgent business, the questioner has the consent of the Councillor to whom the question is to be put, and the content of the question is given to **Democratic Services** no later than the commencement of the meeting.

11.4 Response

An answer to a question under Rule 11.1 or 11.2 may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is contained in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer sent later to the questioner, a copy of which, unless agreed otherwise, is to be sent to every Councillor.

The Councillor to whom a question has been addressed under Rule 11.1 or 11.2 may decline to answer or may nominate another Councillor to answer; such other Councillor may also decline to answer.

12. **MOTIONS ON NOTICE**

12.1 **Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion to be moved at a Council Meeting, signed by at least two Councillors, must be delivered to **Democratic Services** not later than seven clear days before the date of the meeting. These will be entered in a book open to public inspection.

12.2 **Motion set out in agenda**

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

12.3 **Scope**

Motions must be about a matter for which the Council has a responsibility or which affects the Borough.

13. **MOTIONS WITHOUT NOTICE**

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 change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Committee member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of committees or officers, and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) that the meeting continue beyond 4 hours in duration;
- (n) to suspend a particular Council Meeting Procedure Rule under Rule 24;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Councillor named under Rule 21.3, or to exclude a Councillor from the meeting under Rule 21.4; and
- (q) to give the consent of the Council Meeting, where its consent is required by this Constitution.

14. RULES OF DEBATE

14.1 No speeches until motion seconded

No speeches may be made, after the mover has moved a proposal and explained the purpose of it, until the motion has been seconded.

14.2 Mayor's Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

14.3 Seconded's speech

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes without the consent of the Mayor.

14.5 When a Councillor may speak again

Subject to the exercise of the Mayor's discretion under Rule 25 a Councillor who has spoken on a motion may not speak again while it is the subject of debate, except:

- (a) to speak once on an amendment moved and seconded by two other Councillors;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved and seconded by two other Councillors, to speak on the main issue;
- (d) in exercise of a right of reply under Rule 14.9;
- (e) to move a procedural motion under Rule 14.10;
- (f) on a point of order (Rule 14.12);

- (g) by way of clarification of previous speech (Rule 14.13).

14.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion, be received in writing by the Chief Executive and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others;
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is to do something other than negate the motion.

- (b) All amendments must be submitted in writing and a copy provided to the Chief Executive and Monitoring Officer before they are moved or discussed.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. With regard to any motion under discussion, any further amendment cannot have substantially the same effect as an amendment previously disposed of at the same Council Meeting.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Mayor may, for the purpose of clarity, read out the amended motion before accepting any further amendments, or if there are none, putting the amended motion to the vote.

14.7 Alteration of motion

- (a) A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he/she has moved 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 moved as an amendment may be made.

14.8 Withdrawal of motion

A Councillor may withdraw a motion which he/she has moved 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.

14.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, or the motion as amended, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of an amendment has no right of reply to the debate on his or her amendment.

14.10 Procedural Motions that may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions. With the exception of motions under (h) and (i) below, such motions can only be moved at the end of any speech currently in progress:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond four hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- and
- (i) to not hear further a Councillor under Rule 21.3, or to exclude a Councillor from the meeting under Rule 21.4.

14.11 Closure motions

- (a) If a motion to proceed to the next business is seconded, and the Mayor is of the opinion that the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply to the procedural motion, and then put the procedural motion to the vote.
- (b) If a motion that the question be now put is seconded, and the Mayor is of the opinion that the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed he or she will give the mover of the original motion a right of reply under Rule 14.9 before putting his or her motion to the vote.

- (c) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Mayor is of the opinion that the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote, without giving the mover of the original motion the right of reply.
- (d) An equivalent procedure will be followed where the closure motion is moved during the debate on an amendment.

14.12 **Point of order**

A Councillor may raise a point of order at any time. The Mayor will hear the Councillor immediately. A point of order may only relate to an alleged breach of these Council Meeting Procedure Rules or the law. The Councillor must indicate the Rule or law and the way in which he/she considers it has been breached. The ruling of the Mayor on the matter will be final.

14.13 **Clarification of previous speech**

A Councillor may make a request to be allowed to clarify a previous speech at any time. The Mayor will hear the Councillor immediately. A request may only relate to some material part of an earlier speech by the Councillor that appears to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of such clarification will be final.

14.14 **Motions affecting Employees**

If any matter arises, at a Council meeting to which the public are admitted, about the employment or conduct of any employee of the Council, such matter must not be discussed until the Council Meeting has decided whether or not to exclude the public from the meeting.

15. **STATE OF THE BOROUGH DEBATE**

15.1 **Calling of debate**

The **Cabinet** Leader may call a State of the Borough debate annually, on a date determined by him/her.

15.2 **Form of debate**

The **Cabinet** Leader will decide the form of the debate, with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of the Borough debate.

15.3 **Chairing of debate**

The debate will be chaired by the Mayor.

15.4 **Outcomes of debate**

The outcomes of the debate will be:

- (i) disseminated as widely as possible within the Borough, and to agencies and organisations in the area; and

- (ii) considered by the **Cabinet** in proposing the budget and policy framework to the Council Meeting for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

Unless needed to ensure that the Council complies with the law, a motion to rescind a decision made at a Council Meeting within the past six months cannot be moved unless the notice of motion under Rule 12 is signed by at least 7 Councillors.

16.2 Motion similar to one previously rejected

Unless needed to ensure that the Council complies with the law, a motion in similar terms to one that has been rejected at a Council Meeting in the past six months cannot be moved unless the notice of motion under Rule 12 is signed by at least 7 Councillors. Once the motion is dealt with, no Councillor can propose a similar motion or amendment for six months.

17. VOTING

17.1 Division Bell

When a vote is about to be taken during a Council Meeting any two Councillors may request that the division bell is rung so as to summon those Councillors not present in the Chamber. The Mayor will then allow two minutes after the bell is rung before the vote is taken.

17.2 Majority

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

17.3 Mayor's casting vote

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

17.4 Method of Voting

Unless a recorded vote is demanded under Rule 17.5(i) or required under Rule 17.5(ii), the Mayor will take the vote by show of hands, or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.

17.5 Recorded vote

- (i) If, before a vote is taken, two Councillors present at the meeting demand it, the names of the Councillors voting for and against the motion or amendment, or abstaining from voting, will be taken down in writing and recorded in the minutes.
- (ii) **A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the**

budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Councillors voting for and against the motion or amendment, or abstaining from voting.

17.6 Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken, that Councillor's vote will be so recorded in the minutes to show whether he or she voted for or against the motion or abstained from voting.

17.7 Voting on appointments

If there are more than two people 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.

18. MINUTES

18.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

18.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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.

18.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor put them to the vote.

19. RECORD OF ATTENDANCE

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

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the **Access to Information Rules in Part 5 PR7** of this Constitution or Rule 22 (Disturbance by Public).

21. COUNCILLORS' CONDUCT

21.1 Speaking

When a Councillor speaks at a Council Meeting he or she must address the meeting through the Mayor and may stand or remain seated. If more than one Councillor indicates a wish to speak, the Mayor will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or clarification of a previous speech.

21.2 Mayor standing

When the Mayor stands during a debate, any Councillor speaking at the time must stop speaking and sit down. The meeting must be silent.

21.3 Councillor not to be heard further

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

21.4 Councillor to leave the meeting

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

21.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If he or she continues to interrupt, the Mayor will order his or her or their removal from the Council Chamber.

22.2 Clearance of part of meeting room

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

22.3 No banners, placards or similar items are allowed to be displayed inside the Council Chamber during Council Meetings.

23. MEDIA

23.1 The recording of the proceedings of the meeting is permitted.

23.1 The Mayor may withdraw consent to film, record or photograph the meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

24. **SUSPENSION AND AMENDMENT OF COUNCIL MEETING PROCEDURE RULES**

24.1 **Suspension**

All of these Council Meeting Procedure Rules except Rules 9, **17.5(ii)**, 17.6 and 18.2 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.

24.2 **Amendment**

Any motion to add to, vary or revoke these Council Meeting Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary Council Meeting.

25. **INTERPRETATION OF COUNCIL MEETING PROCEDURE RULES AND RIGHTS OF THE MAYOR**

The ruling of the Mayor on the application or interpretation of these Council Meeting Procedure Rules, or as to any proceedings of the Council Meeting, may not be challenged at any Council Meeting. The Mayor has the right to permit departures from these Rules where he or she considers it necessary to do so in order to secure a proper, full and effective debate. The steps the Mayor may take include:

- allowing more time for a Councillor properly to explain himself or herself;
- permitting a Councillor to speak more than once, or move or second more than one amendment, while a motion is the subject of debate;
- allowing officers to advise the Council Meeting as appropriate;
- allowing extended discussion of reports and matters for decision;
- proposing the suspension, under **Rule 9.1** of the “guillotine”.
- allowing members of the public to ask questions or contribute to the debate, otherwise than in accordance with these Rules.
- Allowing emergency debates or motions on any matter over which the Council has responsibility or which affects the borough, and which in the opinion of the Mayor is of sufficient importance and cannot wait for the next meeting.

26. **APPLICATION TO COMMITTEES**

All of these Council Meeting Procedure Rules apply to Council Meetings. None of the rules apply to meetings of the **Cabinet** or **Cabinet** Committees. Only Rules **5-9**, 14 (but not Rule 14.5), 17 but not Rule 17.1, 18, 20-21 (but not Rule 21.1), 22, 23, 24.1 and 25 apply, with the necessary modifications, to meetings of Ordinary Committees, Area Committees, Scrutiny Committees, Ward Committees and the Standards Committee. Rule 9.2 does not apply to meetings when they are considering quasi-judicial matters.

PR2 - POLICY FRAMEWORK AND BUDGET PROCEDURE RULES

References:

Chapter 2 DETR Guidance

The Local Authorities (Functions and Responsibilities)(England) Regulations 2000

The Local Authorities (Functions and Responsibilities)(England)(Amendment) Regulations 2001

1. A Framework for Executive Decisions

The Council Meeting will be responsible for the adoption of the policy framework and budget as set out in **Article 4**. It is the responsibility of the **Cabinet** to implement the policy framework and budget and to make all its decisions in accordance with them.

2. Process Generally

Subject to Rule 3 below, the process by which the policy framework and budget will be developed is:

- 2.1 The **Cabinet** will include in the Forward Plan, which will be published at the Town Hall and available on the Council's web site, a timetable in accordance with which it will make proposals to the Council Meeting for the adoption of any plan, strategy or budget that forms part of the policy framework and budget, and its arrangements for consultation after publication of initial proposals that have been approved by the **Cabinet** or by a Corporate Director in consultation with the relevant **Cabinet Member(s)**. The consultation period will normally be not less than 12 weeks. If a relevant Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. It is open to Scrutiny Committees to investigate/research/report in detail with policy recommendations, before the end of the consultation period, but Scrutiny Committees should avoid duplicating any consultation already undertaken by or on behalf of the Executive.
- 2.2 At the end of that period, the **Cabinet** will draw up firm proposals having regard to the responses to that consultation. The Executive will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council Meeting, and its report to the Council Meeting will reflect the comments made by consultees, including any response or recommendation from a Scrutiny Committee.
- 2.3 The Council Meeting will consider the proposals of the **Cabinet** and may adopt them, amend them, refer them back to the **Cabinet** for further consideration, or substitute its own proposals in their place.
- 2.4 The decision of the Council Meeting on the **Cabinet**'s proposals will be published within two working days, in accordance with the **Access to Information Procedure Rules (Part 5 PR7)**, and notice of the decision will be given to the **Cabinet** Leader and the Monitoring Officer. The notice will be dated and will state either that the decision will be effective immediately (if the Council Meeting accepts the **Cabinet**'s proposal without amendment) or (if the **Cabinet**'s proposal is not accepted without amendment) that the decision will become effective on the expiry of 5 working days after the publication of the notice, unless the **Cabinet** raises an objection in that period.
- 2.5 If the **Cabinet** wishes to object to the decision of the Council Meeting, the **Cabinet** Leader must give written notice to **Democratic Services** to that effect prior to the date upon which the decision is to be effective. The written notice must state the reasons for the objection. Where such notice is received, the **Democratic Services** will refer the matter, for reconsideration, to the next ordinary Council Meeting (or in cases of urgency

will convene an Extraordinary Council Meeting for this purpose), and the decision will not be effective, pending that meeting. At that Council Meeting, the decision of the Council Meeting will be reconsidered in the light of the objection, a copy of which will be available for all Councillors. The Council Meeting will, at that further meeting, make its final decision on the matter on the basis of a simple majority. The decision will be made public in accordance with the **Access to Information Procedure Rules (Part 5 PR7)** and will be effective immediately.

- 2.6 Once a policy or strategy within the policy framework and the budget is in place, it may be amended only by the Council Meeting, except to the extent that the **Cabinet** is authorised to make adjustments in accordance with **Rule 6 - Virement** or **Rule 7 - In Year Changes**.

3. Process where Area Committees lead the policy development process

Where the **Cabinet** Leader considers, in relation to a plan or strategy so indicated in the Forward Plan, that it would be appropriate for Area Committees to lead the policy development process:

- 3.1 The **Cabinet** will include in the Forward Plan, which will be published at the Town Hall and available on the Council's web site a timetable in accordance with which it will make proposals to the Council Meeting for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. Within this timetable each Area Committee will develop proposals in relation to that plan strategy or budget for their locality, having taken steps to consult residents and other stakeholders in that area. Their proposals will be presented to the **Cabinet**.
- 3.2 The **Cabinet** or relevant **Cabinet Member(s)** will consider the proposals of Area Committees and will prepare composite initial proposals which, once formulated, will be referred to the relevant Scrutiny Committee, for further advice and consideration. The Scrutiny Committee may canvass the views of local stakeholders, if it considers it appropriate to do so, having particular regard not to duplicate any consultation carried out by Area Committees. The Scrutiny Committee will report to the **Cabinet** on the outcome of its deliberations. The Scrutiny Committee will have 6 weeks to respond to the initial proposals of the **Cabinet**.
- 3.3 Having considered the report of the Scrutiny Committee, the **Cabinet**, if it considers it appropriate, may amend its proposals, before submitting them to the Council Meeting for consideration.
- 3.4 The provisions of Rules 2.3 to 2.6 will apply to the consideration of the proposals by the Council Meeting.

4. Decisions outside the policy or budgetary framework

- 4.1 Subject to the provisions of **Clause 5 - Urgency** and **Clause 6 - Virement**, the **Cabinet**, **Cabinet** Committees, individual members of the **Cabinet**, and any officer or Area Committee discharging Executive functions, may only take decisions that accord with the policy framework and budget. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget, then that decision may only be taken by the Council Meeting and not by the **Cabinet**.
- 4.2 If the **Cabinet**, **Cabinet** Committees, individual members of the **Cabinet**, or any officer or Area Committee discharging Executive functions, wishes to make a decision which may be considered to be contrary to the policy framework, or contrary to or not wholly in

accordance with the budget, they must take advice from the Monitoring Officer and/or the Chief Financial Officer. If the advice of either of those officers is that the decision would not be in accordance with the existing policy framework and/or budget, the decision must be referred to the Council Meeting for decision, unless the decision is a matter of urgency, in which case the provisions in **Rule 5 - Urgency** shall apply.

5. Urgency

- 5.1 The **Cabinet**, **Cabinet** Committees, individual members of the **Cabinet**, or any officer or Area Committee discharging Executive functions, may take a decision that is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget, if the decision is a matter of urgency and it is not practical to convene an Extraordinary Council Meeting. However the decision may only be taken if the Chair of a relevant Scrutiny Committee agrees that the decision is a matter of urgency. The reasons why it is not practical to convene an Extraordinary Council Meeting, and the Chair of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency, must be noted on the record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor will suffice, and in the absence of both, the consent of the Deputy Mayor.
- 5.2 Following the decision, the decision taker will, at the next available meeting, provide to the Council Meeting a report explaining the decision, the reasons for it, and why the decision was treated as a matter of urgency.

6. Virement

- 6.1 In implementing Council policy the **Cabinet**, **Cabinet** Committees, individual members of the **Cabinet**, or any officer or Area Committee will not exceed the amounts allocated to each budget head. However, these bodies or individuals will be entitled to vire across budget heads to the extent permitted by the Financial Procedure Rules. All other virements must be authorised by the Council.

7. In-year changes to policy framework

- 7.1 The responsibility for agreeing the policy framework and budget lies with the Council Meeting, and decisions by the **Cabinet**, **Cabinet** Committees, individual members of the **Cabinet**, or any officer or Area Committee discharging Executive functions must accord with the policy framework and budget. No changes to or departures from any policy and strategy contained in the policy framework and budget may be made by the **Cabinet** except:
 - as provided for within the policy itself;
 - changes necessary to ensure compliance with the law, ministerial direction or government guidance;
 - decisions in relation to a policy within the policy framework where the existing policy document is silent on the matter under consideration.

8. Call-in of decisions outside the budget or policy framework

- 8.1 Where a Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the budget, it will seek advice from the Monitoring Officer and/or Chief Financial Officer. In cases of urgency, such advice may be sought by the Chair of the Scrutiny Committee.

8.2 If the decision has yet to be made, or the **Cabinet** has purported to make it but it has not yet been implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, the decision making body or person must be informed, and the Monitoring Officer and/or the Chief Financial Officer, may require **Democratic Services** to refer the matter to the Council Meeting. In such cases, no further action will be taken in respect of the decision or its implementation until the Council Meeting has considered the matter.

8.3 The Council Meeting may either:

- endorse the decision or proposal as being in accordance with the existing policy framework and budget, having first considered the advice of the Monitoring Officer and/or the Chief Financial Officer, in which case no further action is required, other than that the decision of the Council Meeting be minuted and circulated to all Councillors in the normal way.

or

- if appropriate in the circumstances, amend the budget or policy concerned to encompass the decision or proposal, and agree to the decision with immediate effect, in which case no further action is required save that the decision of the Council Meeting be minuted and circulated to all Councillors in the normal way.

or

- where the Council Meeting accepts that the decision or proposal is not within the policy framework and budget, and does not amend the existing framework to accommodate it, require the **Cabinet** to reconsider the matter in accordance with the advice of the Monitoring Officer/Chief Financial Officer.

PR3 - CABINET PROCEDURE RULES

References:

Chapters 4-7 DETR Guidance

Local Government Act 2000 Part II and Schedule 1

The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. **CABINET DELEGATION**

1.1 **Who may make executive decisions?**

The arrangements for the discharge of Executive functions may be set out in the executive arrangements adopted by the Council Meeting. If they are not set out there, the **Cabinet** Leader may decide how they are to be discharged.

1.2 **Delegations set out in Executive Arrangements**

The executive arrangements adopted by the Cabinet Leader may provide for executive functions to be discharged by:

- the **Cabinet** collectively;
- an individual member of the **Cabinet**, including the **Cabinet** Leader;
- an **Cabinet** Committee;
- an area committee
- an officer.

Sub-delegation, Area Committees and Other Authorities

The **Cabinet** may arrange for any functions which it is authorised by the Cabinet Leader to discharge to be discharged by a Committee of the **Cabinet** or an officer (but not by an individual member of the **Cabinet**).

An **Cabinet** Committee or an individual member of the **Cabinet** may arrange for any functions which they are authorised by the Cabinet Leader to discharge to be discharged by an officer.

The Cabinet, Cabinet Committees, and individual members of the Cabinet may make arrangements for functions which they are authorised by the Cabinet Leader to discharge to be discharged by an Area Committee or another local authority or make joint arrangements.

Arrangements made by the **Cabinet, Cabinet Committees** or individual members of the **Cabinet** for the discharge of Executive functions do not prevent the discharge of that function by the body or person by whom the arrangements were made.

1.3 **Sub-delegation, Area Committees, and Other Authorities**

Provided that the **Cabinet** Leader does not direct otherwise, if the **Cabinet** Leader delegates functions to the **Cabinet**, the **Cabinet** may delegate further to a Committee of the **Cabinet**, or to an officer (but not to an individual member of the **Cabinet**).

Provided that the **Cabinet** Leader does not direct otherwise, if the **Cabinet** Leader delegates functions to an individual member of the **Cabinet**, that member may arrange for the discharge of those functions by an officer.

Provided that the **Cabinet** Leader does not direct otherwise, an **Cabinet** Committee to whom functions have been delegated by the **Cabinet** Leader may delegate further to an officer (but not to an individual member of the **Cabinet**).

Provided that the **Cabinet** Leader does not direct otherwise, the **Cabinet**, **Cabinet** Committees, and individual members of the **Cabinet** may make arrangements for functions which they are authorised by the **Cabinet** leader to discharge to be discharged by an Area Committee or by another local authority or may make joint arrangements.

Arrangements made by the **Cabinet**, **Cabinet** Committees or individual members of the **Cabinet** for the discharge of **Cabinet** functions shall not prevent the discharge of that function by the body or person by whom the arrangements were made.

1.4 **The Scheme of Delegation**

The **Cabinet** Leader is permitted by the executive arrangements to decide whether to delegate executive functions, he/she may make amendments to the Scheme of Delegation as follows:

- (a) the **Cabinet** Leader may amend the scheme of delegation in so far as it relates to Executive functions at any time during the year, by giving written notice to the **Chief Executive**. As soon as possible, the **Chief Executive** will in turn give written notice to the person, Committee or body concerned.
- (b) the notices given by the **Cabinet** Leader and the **Chief Executive** will set out the extent of the proposed amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the **Cabinet** as a whole. Where the **Cabinet** Leader proposes to amend delegation to a Committee, notice will be deemed to be served on that Committee when the **Chief Executive** has served it on its Chair.

The **Chief Executive** will present a report to the next ordinary Council Meeting setting out the changes made by the **Cabinet** Leader.

2. **CONDUCT OF CABINET MEETINGS**

2.1 **Cabinet meetings - frequency and venue**

The **Cabinet** will meet at times to be determined by the **Cabinet** Leader. The **Cabinet** will meet at the Town Hall or another location to be determined by the **Cabinet** Leader.

2.2 **In public or private?**

The **Access to Information Rules (Part 5 PR7)** apply.

Meetings of the **Cabinet** and/or **Cabinet** Committees will be held in public unless the Meeting is likely to be considering exempt or confidential information as defined in the Access to Information Rules and consideration of the information is likely to result in the disclosure of that exempt or confidential information.

2.3 **Chair**

The **Cabinet** Leader, or in his/her absence the Deputy **Cabinet** Leader, will preside at any meeting of the **Cabinet** or an **Cabinet** Committee at which he/she is present,

unless he/she appoints another person so to do. In the absence of a Chair the members present shall elect a Chair for the meeting.

2.4 Quorum

The quorum for a meeting of the **Cabinet** shall be 3. The quorum for a meeting of an **Cabinet** Committee shall be 2.

2.5 Attendance

Attendance at public and private meetings of the **Cabinet** and **Cabinet** Committees is dealt with in the **Access to Information Rules (Part 5 PR7)**.

2.6 Business

At each meeting of the **Cabinet** the following business will be conducted:-

- (i) consideration of the accuracy of the minutes of the last meeting;
- (ii) declarations of interest;
- (iii) public question time in accordance with the **Code of Practice (Part 6 CP5)** (if the meeting is held in public)
- (iv) matters referred to the **Cabinet**, whether by Scrutiny Committee or by the Council, for reconsideration in accordance with the call-in provisions of the **Scrutiny Procedure Rules (Rule 11 of Part 5 PR4) or the Policy Framework and Budget Procedure Rules (Part 5 PR2)**;
- (v) scrutiny reports referred to the **Cabinet** by Scrutiny Committees in accordance with the **Scrutiny Procedure Rules (Rules 10.2 and 10.3 of Part 5 PR4)**;
- (vi) matters set out in the agenda for the meeting (which shall indicate which decisions are key decisions and which are not).

No other business shall be considered at the meeting unless included on the agenda.

2.7 Agenda Items

Members

- 2.7.1 The **Cabinet** Leader may put on the agenda of any **Cabinet** meeting any matter which he/she wishes, whether or not authority has been delegated to the **Cabinet**, a Committee of it or any Councillor or officer in respect of that matter.
- 2.7.2 Any member of the **Cabinet** or an **Cabinet** Committee may require **Democratic Services** to make sure that an item is placed on the agenda of the next available meeting of the **Cabinet** or **Cabinet** Committee for consideration.
- 2.7.3 The **Democratic Services** must ensure that an item is placed on the agenda of the next available meeting of the **Cabinet** where a relevant Scrutiny Committee, or the Council Meeting, has resolved that an item be considered by the **Cabinet**. However there may only be up to 3 such items on any one agenda.

Officers

- 2.7.4 Only the Head of the Paid Service, a Corporate Director, or the Monitoring Officer and/or the Chief Financial Officer, may include an item on the **Cabinet** agenda.
- 2.7.5 Where the Monitoring Officer and/or the Chief Financial Officer, in pursuance of their statutory responsibilities, include an item for consideration on the agenda of an **Cabinet** meeting, they may require the **Chief Executive** to call such a meeting. In other circumstances, where any two of the Head of the Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the **Cabinet** needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an **Cabinet** meeting. In any circumstances to which this paragraph relates, if there is no meeting of the **Cabinet** within an appropriate time-scale to deal with the issue in question, then the person(s) entitled to include an item on the agenda, may also require that a meeting be convened at which the matter will be considered.

2.8 Format for reports

All agenda items and reports submitted to the **Cabinet** will be prepared in accordance with procedures as determined by the Chief Executive and in compliance with any other statutory or locally agreed requirements. **Protocol for Executive Decisions (Part 5 CP8)**. All reports to the **Cabinet** on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters must set out the details and outcome of consultation as appropriate. The level of consultation undertaken should be appropriate to the nature of the matter under consideration.

2.9 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the **Cabinet** as a whole will be taken at a meeting convened in accordance with the **Access to Information Rules (Part 5 PR7)** by simple majority of the votes cast.
- (b) Where executive decisions are delegated to an **Cabinet** Committee, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the **Cabinet** as a whole.

2.10 Conflicts of Interest

- (a) Conflicts of interest should be dealt with as set out in the **Code of Conduct for Councillors and Co-opted Members (Part 6 CP1)**
- (b) If the exercise of an Executive function has been delegated to a Committee of the **Cabinet**, an individual member of the **Cabinet** or an officer, then should a conflict of interest arise, the function shall be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the **Code of Conduct for Councillors (Part 6 CP1)**

2.11 Publicity

- (a) The **Cabinet** Leader or other member of the **Cabinet** may request the publicising of decisions already taken through news releases and other mechanisms. If such publicity requires a quotation to increase its effectiveness, it will normally be attributed to the **Cabinet** Leader, appropriate **Cabinet Member**, or appropriate

senior officer. The inclusion of a quotation will be subject to the Monitoring Officer being satisfied that the statutory provisions restricting party political publicity will not be contravened.

- (b) The title **Cabinet** Leader, Deputy **Cabinet** Leader or **Cabinet Member** may not be used to give the impression that a party political communication is an official Council communication.

2.12 Disturbance by Public

If a member of the public interrupts proceedings the Chair of the meeting will warn the person concerned. If he or she continues to interrupt the Chair will order his or her removal from the meeting room.

2.13 Media

The recording of the proceedings of the meeting is permitted. The Chair may withdraw consent to film, record or photograph the meeting at any time in the event that it is carried out in a manner that interferes with the proper conduct of the meeting.

PR4 - SCRUTINY PROCEDURE RULES**1. Appointment of Scrutiny Committees**

The Council will establish the Scrutiny Committees with the terms of reference set out in the **Scheme of Delegation (Part 3)**. **The terms of reference of each scrutiny committee will be set out at Article 6 of Part 2 and Section 7 of Part 3 of this Constitution.**

2. Membership

All Councillors who are not members of the **Cabinet** may be members of a Scrutiny Committee.

3. Co-opted Members

Subject to Rule 4 below (Education Representatives), co-opted members will not be appointed to Scrutiny Committees, Sub-Committees or Panels.

4. Education Representatives

Each relevant Scrutiny Committee or Sub-Committee dealing with education functions (as set out in schedule 36A of the Education Act 1996) shall include in its membership the following voting representatives:

- 1 Church of England diocese representative;
- 1 Roman Catholic diocese representative;
- 2 Parent Governor representatives.

When the Children and Families Scrutiny Committee deals with matters that are not related to “Education Functions” in whole or in part then the voting representatives shall not be entitled to vote, but may remain in the meeting and speak at the discretion of the Chair.

Those Education Functions, as set out in schedule 36A of the Education Act 1996 are:-

Nature of Functions	Enactment
Making of byelaws relating to the employment of children	Children and Young Persons Act 1933 (c. 12) Section 18
Payment of injury benefit to or in respect of teachers.	Superannuation Act 1972 (c. 11) Section 9(5A)(a)
Powers and duties relating to careers services Duty to provide information to the Secretary of State.	Employment and Training Act 1973 (c. 50) Sections 10 and 10A(b) Section 12
General duty to secure that facilities for education are provided without sex discrimination.	Sex Discrimination Act 1975 (c. 65) Section 25
Power to use a school bus to carry fare-paying passengers.	Public Passenger Vehicles Act 1981 (c. 14) Section 46
Duty to prepare and revise lists of rooms in school premises which	Representation of the People Act 1983(c.2) Paragraph 2 of Schedule 5

candidates may use.	
Duty to require the appropriate officer to give an opinion as to whether a child with a statement is disabled.	Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33) Section 5(1) to (4), (6) and (8)
Education supervision orders.	Children Act 1989 (c. 41) Section 36 and Part 3 of Schedule 3 (except paragraph 19(2))
Duty to secure that disabled pupils are not placed at a substantial disadvantage.	Disability Discrimination Act 1995 (c.50) Sections 28C, 28G and 28T as modified by Schedule 4C(c).
Duty to prepare an accessibility strategy.	Section 28D(a)
Duty (as responsible body) to prepare an accessibility plan.	Section 28E
Duty relating to the provision of independent advocacy services	Section 28IE
Duties as an “authorised body” relating to qualifications	Learning and Skills Act 2000(c. 21) Sections 96, 101 and 102
Duty to arrange assessments relating to learning difficulties	Section 139A(d)
Duty to implement approved proposals relating to sixth forms.	Schedules 7 and 7A(e)
Duty to include certain persons on overview and scrutiny committee if it relates to education functions	Local Government Act 2000(c. 22) Paragraphs 7, 8 and 9 of Schedule 1
Powers and duties relating to education of a child in an accommodation centre	Nationality, Immigration and Asylum Act 2002 (c. 41) Section 37
Powers and duties relating to parenting orders and parenting contracts.	Anti-social Behaviour Act 2003(c. 38) Sections 19, 20, 21 and 22A
Duty to make available to the Secretary of State appropriate accommodation for enabling the Secretary of State to arrange for medical inspections in schools.	National Health Service Act 2006 (c. 41) Paragraph 5 of Schedule 1

5. Frequency and Calling of Meetings of Scrutiny Committees

There must be at least 7 ordinary meetings of each Scrutiny Committee in each **municipal** year. In addition extraordinary meetings may be called from time to time. A Scrutiny Committee meeting may be called by the Chair, by any 3 members of the Committee, or by the Chief Executive if he/she considers it necessary or appropriate.

6. Quorum

The quorum for a Scrutiny Committee shall be one quarter of the membership, subject to a minimum of 3.

7. Chair

The Council Meeting will allocate the right to nominate the Chairs of Scrutiny Committees in proportion to the respective size of the party groups represented on

the Council unless the Council Meeting has exercised its right to appoint a chair and vice-chair. The Chair of a Scrutiny Committee will be elected from among the Councillors appointed to the Committee and, in electing its Chair, the Committee will give effect to the allocations determined by the Council Meeting and nomination of the relevant party group. A Scrutiny Sub-Committee will elect a person to Chair it from amongst the Councillors appointed to it.

8. Work Programme

The review programme for each Scrutiny Committee will be allocated by the Scrutiny Co-ordination Committee in accordance with the Programme approved annually by the Council Meeting. The Scrutiny Co-ordination Committee may agree variations to the Scrutiny Review Programme during the year, in order to respond to issues and events that arise.

9. Agenda items

- 9.1 Any member may give notice to the Chief Executive that he/she wishes a matter with direct impact on local government relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting. However, a matter that has been defined by the Secretary of State as an 'excluded matter', shall not be included on the agenda of a Scrutiny Committee.
- 9.2 The Chief Executive will inform the Chair of the relevant Scrutiny Committee/Sub-Committee of the request at the earliest opportunity, and will, unless the matter is an 'excluded matter' make arrangements for the item to be included on the agenda for the next available meeting.
- 9.3 If a Scrutiny Committee makes any report or recommendations to the **Cabinet** on the matter, the member must be provided with a copy of the report or recommendation. If the Scrutiny Committee decides not to make any report or recommendations on the matter, the members must be notified of the decision and the reasons for it.
- 9.4 Scrutiny Committees will respond, as soon as their work programme permits, to requests from the Council Meeting (and, if the Scrutiny Committee considers it appropriate, the **Cabinet**) to review particular areas of Council activity. Where they do so, Scrutiny Committees will report their findings, and any recommendations, back to the **Cabinet** and/or Council Meeting.

10. The Role of Scrutiny Committees

10.1 Cabinet /Scrutiny Dialogue

- (a) In relation to the development of the Council's policy framework and budget the role of the Scrutiny Committees is set out in detail in the **Policy Framework and Budget Procedure Rules (Part 4 PR2)**
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy framework and budget, Scrutiny Committees may, if they so wish, at any time make proposals to the **Cabinet** in relation to any matter within their terms of reference.
- (c) Scrutiny Committees will undertake such Reviews as are allocated to them by the Scrutiny Co-ordination Committee in accordance with the annual Scrutiny Work Programme. Reviews will be undertaken in accordance with the Council's agreed procedures and Scrutiny Committees may appoint Panels or Sub-

Committees for this purpose. Within the resources made available to them, Scrutiny Committees may undertake policy analysis and investigate the available options for future policy development and the achievement of best value, and may appoint advisers and assessors to assist them in this process. They may arrange site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. Scrutiny Committees should seek to avoid duplicating any consultation or research that has previously been undertaken by or on behalf of the **Cabinet**.

10.2 Review reports from Scrutiny Committees

Scrutiny Committees will prepare formal reports on completion of Reviews, and submit them to **Democratic Services** for consideration by the **Cabinet**. Such reports will make appropriate reference to any minority views expressed by members of the Committee.

10.3 Consideration of Scrutiny Committee reports by the Cabinet

- (a) Once a Scrutiny Committee report on any Review has been completed, it will be included on the agenda of the next available meeting of the **Cabinet**, unless the matter which is the subject of the report is scheduled to be considered by the **Cabinet** in accordance with the Forward Plan within a period of 8 weeks from the date the report was adopted by the Scrutiny Committee. In such cases, the report of the Scrutiny Committee will be considered by the **Cabinet** when it considers that matter. If, for any reason, the **Cabinet** does not consider the Scrutiny Committee's report within 8 weeks, the report will be referred to the next Council Meeting.
- (b) Where a Scrutiny Committee has made a recommendation to the **Cabinet** in accordance with 10.1(b) above on a matter not forming part of the policy framework and budget, the recommendation will be considered by the Executive or the appropriate **Cabinet Member** at the first available meeting or opportunity and a formal response given within 8 weeks of that consideration and reported to the Scrutiny Committee.

10.4 Rights of Scrutiny Committee members to documents.

In addition to their rights as Councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the **Access to Information Rules (Part 5 PR 7)**.

Nothing in this section prevents more detailed liaison between **Cabinet** and Scrutiny Committees as appropriate to the particular matter under consideration.

10.5 Members and officers giving account

- 10.5.1** Scrutiny Committees may, within their area of responsibility, review and scrutinise decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, they may require the **Cabinet Leader** or other member of the **Cabinet**, the Head of the Paid Service, and/or any Corporate Director to attend before them to explain in relation to matters within their remit:

- any particular decision or series of decisions

- the extent to which the actions taken implement Council policy
- their performance

and it is the duty of those persons to attend and respond, if so required, and the duty on the Scrutiny Committee to treat them with courtesy and respect for their human rights.

10.5.2 In relation to scrutiny of any matter relating to the planning provision and operation of health services, a Scrutiny Committee may, subject to any directions of the Secretary of State, require an officer of a local NHS body to attend before the Committee to answer such questions as appear to the Committee to be necessary for discharging its functions. Reasonable notice must be given to the officer concerned.

10.5.3 Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform **Democratic Services**. **Democratic Services** will inform the member or officer in writing giving at least 3 working days notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

10.5.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Chair of the Scrutiny Committee will, in consultation with the member or officer, arrange an alternative date for attendance, unless the attendance of a suitable substitute member or officer can be agreed.

10.5.5 Officers attending Scrutiny Committees should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. In relation to policies or decisions taken by the **Cabinet**, questions to officers should be confined to matters of fact and explanation. Officers may explain what the policies are and the justification for those policies as perceived by the **Cabinet**, and to what extent those objectives have been met. Officers can be asked to explain and justify advice that had been given to the **Cabinet** prior to decisions being taken, and can also be asked to explain and justify decisions taken by officers under delegated powers. Any comment by an officer on policies and actions taken should always be consistent with the requirement for officers to be politically impartial and Scrutiny Committees should avoid any interrogation of officers which could compromise that impartiality.

10.6 Attendance by Others

Scrutiny Committees may invite people other than those referred to in Rules 10.5.1 and 10.5.2 above to address them, discuss issues of local concern and/or answer questions. They may, for example, wish to hear from Councillors who are not members of the **Cabinet**, or members and officers from other parts of the public sector, or partnership or community organisations. Such invitees may attend at their discretion.

11. Call-In

11.1 When an executive decision is made, whether by the **Cabinet**, an individual member of the **Cabinet**, an **Cabinet** Committee, or an Area Committee, or a key decision is made by an officer, the decision will be published in accordance with the **Access to Information Rules (Part 5 PR7)** including, where practicable, by electronic means, and will be available for inspection at the Town Hall, normally within 2 working days. Chairs of all Scrutiny Committees will be sent copies of the records of all such

Executive decisions within the same time scale, by the person responsible for publishing the decision or the Democratic Services.

- 11.2 That record will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 4 working days after the publication of the decision, unless it is called in, in accordance with the following procedures.
- 11.3 During that period, any **3 Councillors* including 1 from the relevant Scrutiny Committee** may **call-in** the decision, by signed notice in writing to the Chief Executive, and require that officer to refer the decision to the next available meeting of the Scrutiny Committee. A relevant Scrutiny Committee is one within whose remit the scrutiny of the decision falls. Councillors wishing to call-in a decision for scrutiny must do so by 4 p.m. on the day of the call-in deadline shown on the Executive Decision Record i.e. within 4 days of the decision being published. Emails or Faxes, but not telephone calls, will be accepted by the Chief Executive, but the prescribed form containing the signatures of the 3 Councillors calling in the decision should support these and be received by Democratic Services before the Scrutiny Committee considers the decision. (Signatures need not all be on one form).

* The Church and Parent Governor voting representatives on the Children & Young People Scrutiny Committee will be permitted to call-in decisions relating to the Education Service.
- 11.4 A decision may only be called in once, and the Chief Executive will include an item on the agenda for the next available meeting of the Scrutiny Committee within whose remit the scrutiny of the decision falls. Once a decision has been called-in, the decision cannot be implemented until it has been through the call-in process.
- 11.5 Executive decisions taken by officers, other than key decisions as defined in this Constitution, are not capable of being called in under these procedures, although they may be reviewed as part of any review of service plans or during the best value process.
- 11.6 On occasions it may be helpful for Councillors, officers, members of the public or others to be invited to assist the Scrutiny Committee during the call-in process, to ensure that it has all the information necessary to evaluate the decision that is being scrutinised. Invitees may attend personally or nominate someone else or decline to attend. Officers, other than Corporate Directors, should either not be invited or, if they are, should only attend with the consent of their Corporate Director. Because of the short time scale, all requests for persons to attend should be channelled through Democratic Services to the Scrutiny Committee Chair who will be asked to act, at his or her entire discretion, on behalf of the Committee. Full details of who is to be invited to attend, and why, should be provided to Democratic Services. The Democratic Services will contact the individual/organisation concerned and prepare a note for members of the Scrutiny Committee, providing details of those invited.
- 11.7 Corporate Directors and **Cabinet Members** can be "summoned" i.e. placed under a legal obligation to attend, but this can only be done by decision of the Scrutiny Committee. The Scrutiny Committee Chair may "invite in lieu of summons". Those summoned may seek to nominate a suitable representative and the Scrutiny Committee Chair should be consulted on this. If the Committee subsequently insists on the attendance of a named person, then the person summoned has a duty to attend at a reasonably convenient date.

- 11.8** The Chair of the decision-making body or his or her nominee, or the decision-making person, (i.e. **Cabinet Leader**, **Cabinet Member**, Chair of Area Committee, Corporate Director, or their nominee) and, in the case of member decisions, the Corporate Director who commissioned the decision as the case may be, have the right to attend and speak at the meeting of the Scrutiny Committee which is examining a decision in accordance with these procedures. Therefore as a matter of course, Democratic Services will invite such persons to attend and address the Scrutiny Committee.
- 11.9** Democratic Services will also invite those Councillors who have called-in the decision to attend and address the Committee when considering the item. Only members of the Scrutiny Committee will be entitled to vote.

Call-In Procedure at Meeting

- 11.10** It is the responsibility of the Chair to regulate and control the proceedings. The Chair is invested with substantial discretion to determine the order and identity of speakers, and the timing of debate. It is the Chair's duty to conduct the business in such a way as to ensure that the meeting is properly informed, and that all members of the Committee are afforded a reasonable opportunity to contribute to the debate.

Subject to the overriding discretion of the Chair to conduct the meeting in an orderly fashion:

- the Councillors who called-in the decision will be invited to explain why the decision should be re-considered or why their alternative proposal(s) should be adopted;
- members of the Committee will be entitled to question the Councillors who called in the decision;
- the relevant **Cabinet Member** and Corporate Director (or their nominees) will be permitted to explain the reasons for the decision and may be questioned by members of the Committee.
- other invitees or persons present may be invited to contribute to the debate, at the discretion of the Chair, and may be questioned by members of the Committee; it will usually be more appropriate, in the interests of ensuring fairness and the orderly conduct of business, for contributions "from the floor" by a non-member of the Committee to be pre-arranged, with the consent of the Chair, rather than be permitted on an ad hoc basis.
- The **Cabinet Member**/Corporate Director (or nominee) will be invited to sum up before the Scrutiny Committee debates, and reaches a decision, on the matter.

Members should confine themselves to examining and evaluating the decision being scrutinised.

Decision of the Scrutiny Committee on called-in item

- 11.11** The Scrutiny Committee has no power to alter the executive decision, but if, having considered it, the Committee is concerned about the decision, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. The decision making body or person must then reconsider at the first available opportunity, amending the decision or not, before adopting a final decision. The decision-making body may invite the Chair of the Scrutiny Committee

or his or her nominee to attend and speak at the meeting at which the decision is reconsidered. Notice of the final decision must be given in accordance with the **Access to Information Rules (Part 5 PR7)**, including reasons where the decision has not been amended in line with the recommendation of the Scrutiny Committee.

- 11.12** If, following call-in of an Executive decision, the Scrutiny Committee does not meet within a period of 4 weeks from the expiry of the call-in period, or does meet but does not refer the matter back to the decision making person or body or, in accordance with Rule 11.13 below, to the next Council Meeting, the decision will take effect on the day following the Scrutiny Committee meeting, or the expiry of that 4 week period, whichever is the earlier.
- 11.13** As an alternative to referring the decision back to the decision making person or body for reconsideration, the Scrutiny Committee may, exceptionally, give notice to **Democratic Services** that it requires the decision to be referred to the next available Council Meeting, so that the matter can be debated by all Councillors. A written record of the concerns of the Scrutiny Committee will be submitted to the Council Meeting by the Chair of the Committee. No more than 4 Scrutiny Committee references may be considered at any one Council Meeting and, in the event that there are more than 4, it will be the responsibility of the Scrutiny Co-ordination Committee to prioritise them. Any references excluded from the Council Meeting as a result of prioritisation will be referred back to the decision-making body or person for reconsideration.
- 11.14** If the Council Meeting does not object to a decision that has been made, then no further action is necessary and the decision will be effective in accordance with 11.15 below. However, if the Council Meeting does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the Council's agreed budget. Unless that is the case, the Council Meeting will refer any decision to which it objects back to the decision making person or body, together with the Council Meetings opinion on the decision. That decision making body or person will decide whether to amend the decision or not before reaching a final decision and implementing it. Notice of the final decision will be published in accordance with the **Access to Information Rules (Part 5 PR7)**.
- 11.15** If the Council Meeting does not refer the decision back to the decision making body or person, the decision will become effective on the day following the Council Meeting.

Call-in by Members of Area Committees

- 11.16** Where an Executive decision has been taken by an Area Committee, then the right of objection and call-in will extend to any 3 members of another Area Committee, if they are of the opinion that the decision made, but not implemented, will have an adverse effect on the whole or any part of their area. In such cases, those 3 members may object to the decision by notice in writing to **Democratic Services**, who will refer the matter to a relevant Scrutiny Committee for consideration in accordance with these call-in provisions. All other provisions relating to call-in will apply as if the call-in had been exercised by members of a relevant Scrutiny Committee.
- 11.17** Where an Executive decision has an effect solely within the area of one Area Committee, any 3 members of that Committee may object to the decision by notice in writing to the Chief Executive, who will refer the matter to a relevant Scrutiny Committee for consideration in accordance with these call-in provisions. All other

provisions relating to call-in shall apply as if the call-in had been exercised by members of a relevant Scrutiny Committee.

Call-in and Urgent Business

- 11.18** The call-in procedures, set out in Clauses 11.1 to 11.17 above, do not apply where the decision being taken by or on behalf of the **Cabinet** is urgent business. A decision will be urgent business if the Executive Leader or the relevant Executive Councillor or Area Committee Chair, together with the relevant Corporate Director and either the Chief Executive, the Monitoring Officer or the Chief Financial Officer (minimum of 3 signatures required), certify in writing that the decision is urgent business and that its delay, for scrutiny, would prejudice the interests of the Council or the interests of some other person or organisation. A decision should be considered to be urgent business if it is unforeseen or unanticipated, and failure to implement it promptly would be likely to cause administrative, financial, or other difficulty, or the loss of a significant opportunity to benefit, either for the individual(s)/organisations(s) concerned and/or the Council, so that it would clearly be sensible and consistent with the Council's fiduciary and legal obligations to deal with the matter without delay.

The record of the decision, and notice by which it is made public, must state whether, in accordance with these provisions, the decision is urgent business, and therefore not subject to call-in.

The relevant Scrutiny Committee may evaluate, in retrospect, any decision dealt with as urgent business under these provisions, and may examine also the reasons for certifying it as urgent business.

- 11.19** The operation of the provisions relating to call-in and urgency will be monitored by the Monitoring Officer, and a report submitted to the Council Meeting with proposals for review, if necessary.

12. The Party Whip

- 12.1** Consistent with Government guidance, the party whip will not normally be applied in relation to the business of Scrutiny Committees. When considering any matter in respect of which a member of a Scrutiny Committee **is** subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, will be recorded in the minutes of the meeting.
- 12.2** For the purposes of this Rule, a "party whip" is any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor should speak or vote on any matter before the Council Meeting or a Committee or Sub-Committee, or the application of or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.

13. General Procedures at Scrutiny Committee meetings

- 13.1** Scrutiny Committees will consider the following business:-
- the accuracy of the minutes of the last meeting;
 - declarations of interest (including whipping declarations);

- any matter referred to the Committee in relation to call-in of a decision made by the **Cabinet** in accordance with Rule 11 above;
- responses of the **Cabinet** to reports of the Scrutiny Committee;
- matters relating to current or forthcoming policy or best value reviews and investigations;
- matters otherwise set out in the agenda for the meeting.

13.2 Where a Scrutiny Committee conducts an investigation or review, the Committee may, in accordance with Rule 10.6, invite persons to attend to give evidence and assist with the investigation or review. Such meetings will be conducted in accordance with the following principles:

- (a) that the investigation is conducted fairly and all members of the Committee are given a reasonable opportunity to ask questions of persons attending, and to contribute and speak;
- (b) that those assisting the Committee by giving evidence are treated with courtesy and respect for their human rights;
- (c) that the investigation is conducted so as to maximise the efficiency of the investigation or analysis;

The provisions of Rule 10.1 above (fees and expenses etc) will apply in respect of the attendance of invitees in these circumstances.

13.3 Following any investigation or review, the Scrutiny Committee will prepare a report for submission to the **Cabinet** and/or Council, as appropriate, in accordance with Rule 10.3 above.

13.4 The Council Meeting Procedure Rules (**Part 5 PR1**) apply to meetings of Scrutiny Committees and Sub-Committees to the extent indicated in Rule 26 of those rules.

14. Matters within the remit of more than one Scrutiny Committee

14.1 Where a matter for consideration by a Scrutiny Committee also falls within the remit of one or more other Scrutiny Committees, the decision as to which Scrutiny Committee will consider it will be resolved by the Scrutiny Co-ordination Committee.

14.2 Where a Scrutiny Committee conducts an investigation or review, or otherwise scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the Committee conducting the review shall invite the Chair of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

14.3 Before submitting its findings to the **Cabinet** for consideration on a matter which it has investigated or reviewed or otherwise scrutinised, and which falls (in whole or in part) within the remit of another Scrutiny Committee, the reviewing Scrutiny Committee will submit its findings to the other Scrutiny Committee for comment. Those comments will be incorporated into the report that is then sent to the **Cabinet** for consideration.

15. Publicity

15.1 The Chair of a Scrutiny Committee may request the publicising of its decisions through news releases and other mechanisms. If such publicity requires a quotation to increase its effectiveness, it will normally be attributed to the Scrutiny Chair or appropriate Senior Officer. The inclusion of a quotation will be subject to the Monitoring Officer being satisfied that the statutory provisions restricting party

political publicity will not be contravened.

- 15.2** The title Scrutiny Chair may not be used to give the impression that a party political communication is an official Council communication.

PR 5 - FINANCIAL PROCEDURES RULES

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PR 5 - FINANCIAL PROCEDURE RULES

References:
Chapter 2 DETR Guidance

1. INTRODUCTION

- 1.1 *The purpose of these rules (formerly referred to as Financial Regulations) is to advise Councillors and employees of Stockport Council of the required standards to be complied with in the management of the Council's financial affairs. They are the rules referred to in Article 16 of the Council's constitution.*
- 1.2 These rules set out those financial matters that are delegated to Chief Officers under the scheme of delegation or under statute and are to be managed by officers and agents of the Council.
- 1.3 All officers and agents responsible for the financial matters covered by these rules are required to maintain and promote the highest standards of financial management, integrity and administration. Chief Officers are responsible for ensuring that all relevant officers in their departments understand their responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.4 All account keeping arrangements and financial systems operated by the Council shall be subject to standards, controls and protocols determined by the Chief Finance Officer. Any proposed departure from using corporate financial systems must be justified on value for money and service grounds and subsequently approved by the Chief Finance Officer.
- 1.5 These rules should also be read in conjunction with other relevant parts of the Constitution including:
- Article 4 (Para. 4.01) – Definition of Policy Framework and Budget
 - Article 14 – Definition and Functions of the Chief Finance Officer
 - Article 15 – Principles of Decision Making and Definition of 'Key Decision'
 - Article 16 – Finance, Contracts and Legal Matters
 - Part 3 – The Scheme of Delegation
 - Part 5 (PR2) – Policy Framework and Budget Procedure Rules
 - Part 5 (PR6) – Contract Procedure Rules
- 1.6 The Stockport Scheme for Financing Schools sets out the financial relationship between the Council and the maintained schools that it funds and takes precedence over similar provisions within these rules.

2. DEFINITIONS

In these Rules the words and phrases below have the following meanings:

Authorised Finance Officer means officers or posts that have been nominated in writing by Chief Officers as being responsible for the duties and activities set out in these Financial Procedure Rules.

Budget Holder means officers or posts responsible for discharging the relevant duties and activities set out in these Financial Procedure Rules.

CIPFA means The Chartered Institute of Public Finance and Accountancy.

Chief Finance Officer means the officer responsible for the proper administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988 or suitably qualified and experienced officers nominated by the Chief Finance Officer as being able to deputise for this role in the context of these Financial Procedure Rules.

Chief Internal Auditor means the officer nominated by the Chief Finance Officer as being responsible for the Council's internal audit arrangements.

Chief Officer means Corporate Directors, the Chief Finance Officer and Head Teachers and Chairs of Governors of schools covered by the Stockport Scheme for Financing Schools.

Capital Financing means borrowing, capital receipts, grants, third party contributions, commuted sums, revenue contributions or any other source that is earmarked to finance capital expenditure.

Financial Records means receipts, invoices, claim forms, income and expenditure records, or any other document supporting or relating to a financial transaction, contract or prospective contract.

Stockport Scheme for Financing Schools means the approved scheme published on the Council's website which defines the financial relationship between the Council and the schools in its area. The scheme contains requirements relating to financial management and associated issues, which are binding on both the Council and on the schools. The scheme is subject to specific statutory arrangements and governance arrangements whereby any changes to the scheme are subject to consultation with school governing bodies and must be approved by the Schools Forum.

Transparency Code means the Local Government Transparency Code covering the publication of expenditure and other information.

3. **ROLE OF THE CHIEF FINANCE OFFICER**

3.1 To support the Chief Finance Officer in the fulfilment of their duties, the Council will comply with the CIPFA Statement on the Role of the Chief Financial Officer in Local Government. In particular, the Council will ensure that the Chief Finance Officer:

- is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the authority's strategic objectives sustainably and in the public interest;
- must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the authority's financial strategy; and
- must lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

3.2 To deliver these responsibilities the Chief Finance Officer must:

- lead and direct a finance function that is resourced to be fit for purpose; and
- be professionally qualified and suitably experienced.

4. FINANCIAL MANAGEMENT

- 4.1 Chief Officers shall in writing nominate which officers or posts within their service are authorised to:
- Carry out the role of Authorised Finance Officer;
 - Carry out the role of Budget Holder; and
 - Process debit or credit card transactions (by telephone, internet or point of sale) from clients or customers on behalf of the Council.
- 4.2 Chief Officers shall determine which income, expenditure, assets, liabilities, services and/or projects each of the above are responsible for managing (both revenue and capital). The Chief Finance Officer shall be notified in writing of these details and promptly informed of any changes to the authorisations. All officers who are given specific financial responsibilities must familiarise themselves with these rules and ensure proper financial controls are maintained.
- 4.3 Authorised Finance Officers shall approve suitable access to financial systems to enable:
- Budget Holders and those officers supporting Budget Holders to carry out their duties under these Rules;
 - Officers authorised to process debit or credit transactions from clients or customers to carry out their duties under these Rules
- 4.4 Budget Holders shall notify their Authorised Finance Officer and the Chief Finance Officer as soon as possible of any matter within their area of responsibility which may lead to a material budget deficit or loss. The Chief Finance Officer will provide guidance or advice on request with regard to materiality levels. Notification shall be given whether or not the matter is to come before a committee, the **Cabinet** or an **Cabinet Member**. *Budget deficits or losses include significant potential liabilities, projected variations against revenue budgets and capital scheme allocations, instances of non-compliance with laws or regulations which could affect the finances of the Council, significant pending legislation and instances of known irregularities arising from fraud, error or corruption.*
- 4.5 Budget Holders are responsible and accountable for the following activities that fall within their span of control:
- Developing detailed and robust financial plans including the development of savings plans and proposals to redesign service provision as and when required by Chief Officers or Authorised Finance Officers;
 - The regular monitoring of expenditure and income generation against financial plans taking account of any approved virements, budget realignment, the re-phasing of expenditure and transfers to or from reserves;
 - Taking action to mitigate and reduce a forecast deficit or delays to expenditure plans;
 - Preparing and reporting forecast and final outturn positions and providing an explanation of any forecast surpluses or deficits against budget in accordance with standards and timescales determined by the Chief Finance Officer;
 - Ensuring material items of income and expenditure are accounted for (coded) correctly and recognised in the correct financial year;
 - Ensuring that proper financial controls are maintained and appropriate separation of duties is enforced to mitigate the risk of fraud, error or corruption;
 - Promptly authorising or rejecting purchase order requests, changes to purchase orders, departmental recharges and payments which support activities within their span of control;
 - Ensuring income from all sources is collected in a timely manner by preparing grant claims to the required standard in accordance with official deadlines, ensuring income is collected at the point services are requested wherever possible and by raising

bills/following up sundry debtors promptly to minimise the risk of accruing bad or doubtful debts.

- 4.6 Authorised Finance Officers shall ensure another officer within the service at an appropriate level of seniority can act as a substitute for carrying out Budget Holder duties in the event of absence or a vacancy.
- 4.7 Authorised Finance Officers shall approve appropriate access to financial systems, reports and other information for officers occupying Budget Holder Positions and other officers or agents required to support Budget Holders in the discharge of their duties.
- 4.8 Authorised Finance Officers and Budget Holders shall undertake their activities using corporate financial systems, methodologies, protocols and guidance determined by the Chief Finance Officer.
- 4.9 Budget holders shall also adhere to any standards and timescales specified by The Chief Finance Officer.
- 4.10 The Chief Finance Officer will make arrangements to support budget holders in these endeavours by:
 - Providing training, support and advice that is focused on improving standards of financial management and that encourages a 'self-service' approach to dealing with regular or routine financial matters;
 - Providing financial advice and support commensurate with risk assessments of spending and income generating activity;
 - Providing advice on technical financial matters; particularly with regard to the interpretation of accounting codes of practice and the local government finance framework;
 - Providing support for complex costing/financial modelling activities and any associated profiling of expenditure linked to the achievement of milestones;
 - Assisting with the procurement of specialist financial advice where required.

Financial Planning Framework

- 4.11 It is a legal requirement for the Council to ringfence and separately manage the following financial resources and expenditure.
 - Housing Revenue Account income and expenditure;
 - Income and expenditure which falls within the remit of the Stockport Scheme for Financing Schools;
 - Capital expenditure and its financing;
 - The Collection Fund;
 - Any trust fund being managed on behalf of their trustees;
 - Any other ringfenced budget coming into effect after the publication of these rules.
- 4.12 The Council may also be required to earmark specific or ringfenced grants, contributions or other resources to particular activities.
- 4.13 Any income or expenditure which does not fall within the categories set out at paragraph 4.11 is deemed to fall within General Fund (non-schools).
- 4.14 Having regard to all statutory arrangements, the Chief Finance Officer, after consulting the **Cabinet** and other Chief Officers, shall be responsible for designing and implementing the annual budget and medium term financial planning system. The Chief Finance Officer is responsible for the preparation of a Medium Term Financial Strategy, Capital Strategy,

corporate revenue budget, capital programme and to provide advice on the setting of a Council Tax.

Budgetary Control

- 4.15 Chief Officers, Authorised Finance Officers and Budget Holders shall:
- not take steps intended to exceed the overall revenue budget and/or capital programme resources allocated to them;
 - not allocate ringfenced funding to activities that fall outside of the relevant statutory arrangements or the conditions imposed by the relevant funding body;
 - ensure borrowing, capital receipts or capital grants are not used to finance revenue expenditure unless prior approval has been obtained from the relevant Government Minister or Secretary of State;
 - take all reasonable steps to mitigate the impact of events that may cause net expenditure to exceed budgeted amounts for a given financial year.
- 4.16 The re-phasing of planned expenditure between financial years is only permitted if:
- resources can also be brought forward or carried forward to avoid creating 'in year' deficits or surpluses;
 - The overall approved budget for the relevant service, project or scheme is not exceeded.

Budget Monitoring

- 4.17 The Chief Finance Officer (in consultation with the **Cabinet** and other Chief Officers) shall from time to time specify the reporting framework for disclosing forecast or outturn expenditure compared to budgets, total revenue and capital expenditure and the financial arrangements of major policies, schemes and projects presented for approval to the Council meeting or the **Cabinet**. Budget Holders shall supply the information necessary to undertake these tasks in compliance with the format, standards and timescales specified by the Chief Finance Officer.
- 4.18 Budget Holders shall be responsible for revenue budget and capital programme management within the totals allocated to them. Revenue and capital budgets and financial resource transfers must comply with the Virement and Budget Realignment Rules set out below.
- 4.19 Authorised Finance Officers shall ensure financial monitoring and governance arrangements are put in place that are commensurate with the size, risk, complexity and volatility associated with particular revenue budgets and capital schemes. Regular 'in year' reports will be prepared by the Chief Finance Officer for the **Cabinet** and individual **Cabinet Member** comparing actual net expenditure to budget for which the relevant **Cabinet Member** is accountable.
- 4.20 Where either a deficit or the re-phasing of expenditure is anticipated, Budget Holders shall identify why the deficit or re-phasing has arisen, specify what steps are being taken to ensure it will not be repeated and how the impact on revenue budgets and/or capital programme allocations will be mitigated.
- 4.21 Where one-off surpluses are carried forward to a future financial year, they may be used to fund existing commitments on a temporary basis. However, they must not be used solely to commit the Council to new or additional services that result in permanent ongoing expenditure that will require continued funding in subsequent years.

- 4.22 Authorised Finance Officers are responsible for ensuring 'exit strategies' are in place to support, for example the winding-up of any service provision that is financed from time-limited specific grants or third party contributions.
- 4.23 Where any monitoring information is referred to Scrutiny Committees, Authorised Finance Officers, or members of the **Cabinet** shall make arrangements to supply such further information as is requested by the relevant Scrutiny Committee provided the request falls within the relevant Committee's Terms of Reference.

Virement

- 4.24 Virement is the transfer of financial resources from one activity area to another. Virement between revenue budgets and between capital schemes is only permitted within the rules set out below.
- 4.25 Either the **Cabinet** collectively, or the appropriate **Cabinet** Member in respect of budgets within their area of responsibility (portfolio), may authorise virement, provided that such virement does not conflict with the Policy Framework determined by the Council Meeting.
- 4.26 Chief Officers, Authorised Finance Officers and Budget Holders may exercise virement between services and budget items within their span of control, provided that such virement does not:
- Conflict with the Policy Framework or with any other policy or strategy adopted by the **Cabinet** or an ordinary Committee of the Council;
 - Conflict with a decision taken previously by the Council Meeting, the **Cabinet** or an Ordinary Committee or Area Committee;
 - Create greater permanent spending commitments than would otherwise exist, or commit the Council to additional spending in future years;
 - Create or increase a deficit against any individual budget item;
 - Change the revenue budget or capital programme resources allocated to individual **Cabinet** Member portfolios (such virements must be approved by the appropriate **Cabinet** Member(s) or the **Cabinet**).
- 4.27 Budget Holders must keep a record of all virements affecting their revenue budget or capital programme allocations, including the reasons for the virement. The Chief Financial Officer will report regularly to the **Cabinet** in respect of virements that result in transfers between the portfolios of individual **Cabinet** Members.
- 4.28 Where budgets are delegated to Area Committees, virement may only be undertaken within the constraints, if any, determined by the **Cabinet**.

Budget Realignment

- 4.29 Budget Realignment means the transfer of activities and their associated budgets, reserves or spending allocations from one area of the Council to another. Budget realignment is normally necessary after the restructuring of council services or changes to individual **Cabinet** Member (portfolio) responsibilities.
- 4.30 The Chief Finance Officer will sanction Budget Realignment to keep pace with changes in organisational structure or changes to individual **Cabinet** Member (portfolio) responsibilities. The Chief Financial Officer will report regularly to the **Cabinet** in respect of Budget Realignment that results in transfers of revenue budget or capital scheme allocations between the portfolios of individual **Cabinet** Members.

Bids for additional external funding

- 4.31 Where third parties invite the Council to bid for additional resources (e.g. capital grants), care should be taken to ensure that the costs and risks associated with preparing a bid do not outweigh the benefits of receiving additional funding. All costs associated with bidding should be financed from the relevant service budget unless the **Cabinet** has specifically approved alternative financing arrangements. Successful bids typically require the Council to deliver specific outcomes or provide additional matched funding. Failure to meet these obligations could result in the clawback of funding from the donor organisation. Any decision to bid for external funding must take account of the costs, risks and obligations associated with the bid being accepted by the provider of the funding.
- 4.32 The Chief Finance Officer shall be notified by Budget Holders of all external bids for additional resources and any additional confirmed funding. Copies of original correspondence confirming funding allocations shall also be forwarded by Budget Holders to the Chief Finance Officer.

Capital Expenditure and Financing

- 4.33 Capital expenditure shall be accounted for in accordance with the relevant statutory definition. The Chief Finance Officer will provide guidance or advice on request as to whether an item can be treated as expenditure for capital purposes. Budget Holders should develop plans to support capital investment commensurate with the value, risks and complexity associated with the activity. Where those plans include phases or milestones, Budget Holders should forecast:
- the expected date each phase or milestone will be achieved;
 - the expenditure incurred at the completion of each phase or milestone.
- 4.34 Decisions to approve new schemes or variations to existing schemes must consider:
- the value, risks and complexity associated with delivering new investment;
 - Capital Financing requirements;
 - any additional revenue expenditure commitments arising from proposed new capital expenditure such as additional maintenance costs or additional capital financing costs.
 - the governance arrangements for managing and monitoring progress against plans.
- 4.35 Decisions to earmark uncommitted Capital Financing to particular programme areas, service areas or **Cabinet** portfolios must consider:
- the type of funding to be earmarked including the amount, its purpose, timescales for spending, and any ringfencing or other conditions associated with the funding;
 - whether there are alternative options for deploying funding elsewhere;
 - The process for allocating earmarked funding to specific schemes or projects and which councillors and officers will be responsible for making those decisions.
- 4.36 Projects which are financed from Prudential Borrowing shall comply with the Prudential Code for Capital Finance in Local Authorities (published by CIPFA). Furthermore, Head Teachers shall ensure that they comply with the Prudential Borrowing and Leasing Scheme for Schools as agreed by and updated from time to time by the Schools' Forum.

5. CLOSURE OF ACCOUNTS/STATUTORY AND STATISTICAL FINANCIAL RETURNS

- 5.1 The Chief Finance Officer shall prepare and publish the Council's annual Statement of Accounts in accordance with the relevant statutory requirements and accounting codes of practice.

- 5.2 Budget Holders shall supply working papers and supporting information to assist the preparation of the Statement of Accounts. This information shall comply with the format, standards and timescales specified by the Chief Finance Officer.
- 5.3 Budget Holders shall also supply to the Chief Finance Officer such information to complete corporate statutory financial and statistical returns, meeting the format, standards and timescales determined by the Chief Finance Officer
- 5.4 Arrangements for the completion of all other statutory statistical returns will be the responsibility of the relevant Chief Officer.

6 INCOME

Charging for Services (Fees and Charges)

- 6.1 The Chief Finance Officer shall publish guidance from time to time setting out the process for reviewing the scale and scope of discretionary Fees and Charges. Budget Holders shall ensure that up to date fees and charges are published on the relevant service web pages of the Council's website.

The Collection of Income

- 6.2 The Chief Finance Officer shall be responsible for the collection of Council Tax and Non-Domestic Rates.
- 6.3 Income may only be collected using methods and channels approved by the Chief Finance Officer. Officers responsible for the collection of income shall utilise and promote the most cost-effective approved means of collection including electronic payments. Where it is reasonable to do so, income should be collected at the point a service is requested. Budget Holders shall be responsible for the prompt collection of all income due to their budget area whether grants, contributions, commuted sums, sales, fees, charges or rents, in a cash or credit form. Value Added Tax must be added to charges where statutorily required and must be shown separately on bills and receipts under the circumstances specified by HMRC.
- 6.4 Officers who collect income on behalf of the Council shall, where possible issue receipts for all 'customer present' transactions showing the full amount received. Receipts will be issued for postal remittances that are sent to the correct address if requested by the payee and if a stamped addressed envelope is enclosed with the remittance. Where it is not possible to issue a receipt for a 'customer present' transaction, additional controls shall be put in place by the relevant Budget Holder to prevent fraud and ensure all such takings are justified and accounted for correctly.
- 6.5 The form of receipt issued in respect of income shall be approved in guidance issued by the Chief Finance officer from time to time. Where a receipt is given officers must only use machine-printed or receipt forms approved by the Chief Finance Officer.
- 6.6 Officers or posts are only permitted to process debit/credit card transactions (by telephone, internet or point of sale) if authorised to do so by Chief Officers. Officers who process debit/credit card transactions must:
- be trained to correctly use the council's income processing system and must only use their own unique user ID to access the system;
 - uphold the quality and security standards laid down by the Payment Card Industry;
 - comply with the council's Payment Card Security Policy and any supporting guidance.

- 6.7 Debit/credit card transactions must only be processed in a secure office environment where ID badges are worn at all times. Debit/credit card transactions cannot be processed by homeworkers where security procedures cannot be monitored effectively.
- 6.8 Whenever possible, refunds of debit/credit card payments back to clients or customers should be processed against the card used to make the original payment. Officers who processed a debit/credit card payment that is now being refunded should either:
- ensure the refund is processed by a different officer that is authorised to process debit/credit card transactions; or
 - ensure the refund is supervised and checked by an officer independent of the transaction while it is carried out.
- 6.9 All requests for the provision of Chip and PIN devices must be approved by the Chief Finance Officer. The location of Chip and PIN devices and their use must comply with Payment Card Industry Standards and the Council's Payment Card Security Policy (including supporting guidance issued by the Chief Finance Officer from time to time). Whenever possible, Chip and PIN devices and other channels for card payments should be interfaced/linked to the council's corporate income processing system.
- 6.10 Where the Council is supplying goods or services, any payment by cheque at the point of supply shall be supported wherever possible by a cheque guarantee card subject to the conditions imposed by such cards.
- 6.11 All cash, cheques and postal orders received shall be deposited promptly into the Council bank account specified by the Chief Finance Officer. The frequency of bankings should be commensurate with the amounts collected relative to the cost of making a deposit (either in person at locations specified by the Chief Finance Officer or by an authorised secure courier). Cash, cheques and postal orders must be stored securely between bankings.
- 6.12 Every officer who prepares bankings/deposits on behalf of the council shall complete separate paying-in slips for cash and cheque deposits. Postal orders should be included on the same paying in slip as cheques. Officers must also promptly complete and submit an income analysis sheet and email it to deposits@stockport.gov.uk to accompany each paying in slip. The form of the income analysis sheet and instructions for submission will be specified by the Chief Finance Officer.

Reconciliation

- 6.13 All income collected shall be reconciled daily to till rolls and receipts/tickets or certificates issued and any other daily income records. Bankings shall be reconciled to total income collected.
- 6.14 A check shall be carried out by an officer independent of the person undertaking the bankings to prevent fraud and ensure that bankings are properly credited to the Council's bank and recorded correctly in the ledger.
- 6.15 Budget Holders shall arrange for periodic reviews to be undertaken throughout the year to ensure that these reconciliations and checks are being carried out appropriately.
- 6.16 Officers shall ensure that their own monies, any unofficial funds (eg school funds) and Council monies are kept separate. Officers must never borrow Council funds or unofficial funds nor use Council funds or unofficial funds to cash personal cheques. Sums due to the Council shall not be paid into personal or non-Council bank accounts.

- 6.17 Whenever any transfer of Council or unofficial fund money is made from one officer to another, the officer receiving the money must sign for it and date and record the receipt. The officer passing the money on shall retain the record bearing the receiving officer's signature and the date of the transfer.
- 6.18 Authorised Finance Officers shall establish adequate procedures and controls to ensure that all officers entrusted with Council money are properly trained and familiar with these rules.

Debt Recovery

- 6.19 The Chief Finance Officer is responsible for determining the procedures to be followed in relation to debt recovery.
- 6.20 Budget Holders shall ensure that there is documentary evidence to support the raising of an invoice. This is essential if the debt has to be pursued at a later date because it is unpaid. Invoices should only be raised where there is sufficient evidence that the recipient of the invoice is responsible for the debt.
- 6.21 Budget Holders shall enforce recovery in relation to debts due that have been raised against their budget. Enforcement shall be carried out in accordance with the Corporate Recovery Code Policy Statement. Where statute requires a specific form of debt recovery, those procedures must be followed e.g. for rent collection or Council Tax collection.
- 6.22 The circumstances in which debt should be considered for write off are covered in the Council's Corporate Recovery Code Policy Statement. Where debts are deemed to be irrecoverable, write off shall be approved in accordance with the limits set out in the following table:

Debt Value	Approved By:
Up to £500	The Budget Holder for the service area against which the debt was raised. Also see paragraph 6.23 below.
£500 up to £5,000	An Authorised Finance Officer or the Head of Revenues and Benefits in the case of centrally managed debts
£5,000 up to £10,000	Chief Finance Officer
£10,000 up to £50,000	Cabinet Member
£50,000 or above	The Cabinet

- 6.23 It is not legally possible to recover debts that are cancelled as a result of liquidation or bankruptcy proceedings. Where debts are cancelled as a result of liquidation or bankruptcy proceedings, write off shall be approved as follows:

Debt Value	Approved By:
Up to £5,000	The Head of Revenues and Benefits or such other officer as the Chief Finance Officer may nominate from time to time
Over £5,000	The Chief Finance Officer

- 6.24 Periodically, officers from the Revenues and Benefits service will undertake a data cleansing exercise to maintain the quality of information held regarding debtors and outstanding balances. Officers undertaking this work will be permitted to write off uncollectable residual debts worth up to £20.
- 6.25 The above amounts are exclusive of any value added tax where it is charged.

- 6.26 Multiple invoices shall not be raised nor write-offs made in several stages to circumvent the above-mentioned approval levels.

7 PURCHASING

Procurement, Commissioning and Purchasing

- 7.1 Purchases shall only be made when a need has been established and a budget is identified as available. The decision to purchase shall only be made by Chief Officers, Authorised Finance Officers or Budget Holders.
- 7.2 All purchases shall be lawful, made in accordance with the Council's **Contract Procedure Rules (PR6)** and based on a clear need in relation to the provision of Council services.
- 7.3 The Chief Finance Officer shall from time to time determine the **processes** to be followed for all purchase to payment activity. In this regard, the Chief Finance Officer shall issue policies or guidance covering:
- The provision of access to financial systems;
 - Roles and Authorisation Limits;
 - Supplier Verification and Set Up;
 - **The Process for ordering, receiving and paying for goods and services, known as the Purchase to Pay Policy.**
- 7.4 Budget Holders shall make arrangements for managing supplier relationships and shall resolve supplier queries, mismatches between orders; goods receipt notes and invoices and deal with disputes including their resolution. In the event of absence, Authorised Finance Officers shall ensure another (substitute) officer is nominated to manage the supplier relationship.

Choice of Supplier

- 7.5 Officers and agents responsible for purchasing goods and services on behalf of the Council shall ensure that value for money is obtained, and be able to provide evidence that this has been achieved by complying with the Council's Contract Procedure Rules. Prior to placing orders, officers responsible for awarding contracts or approving the use of a particular supplier must ensure the supplier's details are accurately recorded in the council's financial systems in accordance with procedures specified by the Chief Finance Officer. To prevent fraud, supplier details (including bank details) must be independently verified as part of this process.
- 7.6 Authorised Finance Officers shall **ensure that officers utilise the expertise of the STAR** procurement service to support **all** procurement and commissioning activity **and in addition are aware of the Corporate Contracts Register.**

Ordering

- 7.7 To support value for money objectives and facilitate prompt and efficient invoice processing, **a purchase order must be placed for all goods and services unless the goods and services are covered by the Purchase to Pay exemptions issued by the Chief Finance Officer. Orders provided to suppliers must be placed using the Council's ordering systems as set out in the Procure to Pay Policy issued by the Chief Finance Officer.** All orders should be clear, unambiguous **and must** quote an official purchase order number. Purchase orders shall include the name and contact details of the Officer duly authorised to manage the supplier relationship. Orders should normally be priced, and where appropriate make reference to the quotation, tender or contract

concerned. **Budget Holders authorised to manage the supplier relationship must ensure that supplier invoices reference the purchase order number.**

- 7.8 To prevent fraud and minimise the risk of duplicate supply or payment, confirmation, copy or replacement orders shall only be issued in accordance with guidance issued from time to time by the Chief Finance Officer.
- 7.9 Additional monitoring arrangements shall be put in place for goods and services that are purchased without quoting an official purchase order number (e.g. **those items that are included on exemptions list which is part of the purchase to pay**). **As a minimum supplier invoices should quote the Officers full name, and the cost centre and general ledger code of the budget the invoice will be coded against.** The purpose of these additional arrangements is fraud prevention and to ensure that goods or services supplied are in accordance with the terms and conditions associated with any agreement or contract.
- 7.10 Officers shall not attempt to bypass Standing Orders or European Union Procurement Directives by deliberately breaking up or staging purchases or phasing of work so that they remain below any threshold or limits specified in the Contract Procedure Rules.
- 7.11 Where it is identified prior to the order or before the goods are received that they are to be leased, this shall be recorded on the copy order. The Chief Finance Officer shall be notified of all requests to lease equipment prior to entering into a leasing arrangement. All requests to lease equipment shall be subject to approval by the Chief Finance Officer.

Receipt of Goods and Services

- 7.12 The 'goods receipting' process shall be carried out **promptly** in accordance with guidance issued from time to time by the Chief Finance Officer. The correct receipt of goods shall be acknowledged by an appropriate officer who checks for quantity and quality to the details set out on the delivery note to validate the receipt of goods or services. Delivery notes shall be matched and checked to the appropriate copy order and retained. Budget Holders shall establish clear procedures for the treatment of part or incorrect deliveries.
- 7.13 Goods shall be held with appropriate security and entered into stores or an inventory if appropriate (see sections 10 and 12). Permanent valuable items shall be marked as the property of Stockport Metropolitan Borough Council. This does not apply to equipment leased by the Council which shall be marked to indicate the equipment is leased in such a way as not to deface the equipment.

8 PAYMENTS

- 8.1 All payments shall be made in accordance with guidance issued from time to time by the Chief Finance Officer. Payments shall only be made in respect of goods or services properly received on receipt of an official invoice quoting an official purchase order number sent by the supplier. In limited circumstances where the supplier insists on payment with order, **authorisation must first be sought from the Chief Finance Officer.** Invoice prices should be checked for accuracy against the related purchase order and/or goods receipt note. Copy invoices shall not be paid until a thorough check has been made that the invoice has not already been paid and the appropriate officer should certify that this is the case. To facilitate prompt and efficient payment, suppliers should be instructed to send invoices to the correspondence address specified by the Chief Finance Officer.
- 8.2 Payments shall not be made against statements sent by suppliers. Duplicate invoices and copy orders shall be marked as such to mitigate the risk of making duplicate orders or payments. Payments to settle invoices should be made by BACS transfer unless the Chief Finance Officer specifies that an alternative payment method may be used in specific circumstances.

- 8.3 Credit notes shall be checked to the original order and payment. Where a credit note cannot be deducted from current or future payments, a refund shall be requested from the supplier. All credit notes and refunds shall be credited to the budget code(s) used to fund the original payment.
- 8.4 Payments shall be coded to valid and accurate accounting codes which are appropriate to the goods or service provided. Budget Holders shall ensure sufficient budget is made available to finance the payment.
- 8.5 Budget Holders shall ensure that the treatment of value added tax and the contractor's tax deduction scheme has been considered and undertaken correctly.
- 8.6 Any discounts e.g. for early payment shall be deducted when payments are made within the required terms.
- 8.7 Payments shall be authorised or rejected by the relevant Budget Holder using systems and protocols determined by the Chief Finance Officer.
- 8.8 No one Officer shall alone be responsible for all stages of the purchasing and payment process, ie ordering, receipt, checking to the original order and authorisation.
- 8.9 Authorised Finance Officers shall ensure efficient and prompt payment by following the procedures set out in these rules and in policies or guidance issued by the Chief Finance Officer. Where possible, advantage should be taken of early payment discounts and payments should be made in accordance with specified terms of trade but never more than 30 days from receipt of the goods or service or receipt of invoice whichever is the later. (Payment should only be made later than 30 days if specifically included in the contract terms). *Failure to achieve these deadlines may lead to the council incurring a financial penalty in accordance with relevant legislation which will be charged against the relevant budget .*

Payments without an Invoice

- 8.10 Payments relating to Salaries, Wages, Pensions, Travelling, Subsistence and Other Employee Allowances are covered in sections 14 and 15 below. Requests to make other payments without an invoice (including the transfer of funds to bank imprest accounts and prepaid or top up cards) must be made using systems and protocols determined by the Chief Finance Officer.

Payment Methods

- 8.11 Where practical, officers should support all efforts to process payments by BACS. For most transactions, BACS is the most cost-effective method of payment. The use of alternative payment methods must be justified on value for money grounds and is only permitted if approved in writing by the Chief Finance Officer.

Payment Disputes

- 8.12 Budget Holders shall be responsible for liaising with suppliers, clients, customers and other third parties in order to resolve payment disputes. In the event of absence, Authorised Finance Officers shall ensure another (substitute) officer is nominated to deal with such matters.

Corporate Purchasing Cards/Credit Cards

- 8.13 The Council shall operate a Corporate Purchasing Card Scheme. The definition of Purchasing Cards shall also include Credit Cards. The terms of the Corporate Purchasing

Card Scheme shall be determined by the Chief Finance Officer and the card provider. The Chief Finance Officer shall issue guidance relating to the operation of the scheme which cardholders and their managers/supervisors must comply with. All requests for a purchasing card should be justified by a suitable business case and signed off by the appropriate Authorised Finance Officer.

- 8.14 Officers should not seek to obtain a Corporate Purchasing Card in order to circumvent the Council's purchasing and procurement rules. Use of a purchasing card does not change an officer's obligation to follow financial and contract procedure rules. Officers continue to have an obligation to secure value for money for purchasing card expenditure. All purchasing card expenditure that has been incurred must be checked/verified by an Officer who is not the cardholder.
- 8.15 Officers who use a Corporate Purchasing Card must retain copies of all receipts for expenditure to facilitate the monitoring and auditing of card expenditure and to enable the council to legitimately reclaim VAT on expenditure incurred. Copies of receipts must be retained for a period of six years. Purchasing cardholders must also submit monthly spend analysis returns on request in the form determined by the Chief Finance Officer to facilitate accurate recording of expenditure in the ledger and to enable the council to meet its obligations regarding the publication of expenditure under the Transparency Code.
- 8.16 **Officers who hold a Corporate Purchasing Card will have an Authorised Finance Officer assigned to them. Authorised Finance Officers are responsible for monitoring spend on the Purchasing Cards they have been assigned to ensure the above requirements are met and assist with the prevention of fraudulent spend.**

9. **BANKING AND FINANCING ARRANGEMENTS**

Treasury Management

- 9.1 The Chief Finance Officer shall be responsible for the management of the Council's cash flow, lending and borrowing in accordance with the Treasury Management Policy Statement approved by the Council meeting.
- 9.2 The Chief Finance Officer shall approve the opening of all bank accounts (including imprest accounts), funds and similar arrangements (except for bank accounts held by schools under the Stockport Scheme for Financing Schools). Signatories and Authorisers for all council operated bank accounts must be approved by the Chief Finance Officer.
- 9.3 The Chief Finance Officer shall be responsible for all external financing arrangements for borrowing and leasing, including those for schools exercising delegation under the Stockport Scheme for Financing Schools.
- 9.4 The Council must not offer any type of consumer credit which would require specific registration with the Financial Conduct Authority.

Payments from Bank Accounts

- 9.5 The Chief Finance Officer in consultation with the Council's provider of banking services shall approve the design of all cheques and shall be responsible for the ordering, issuing and safe keeping of cheques. All cheques issued shall be crossed 'account payee only'. The opening of cheques payable to 'cash' is prohibited.
- 9.6 Council cheques for the main bank accounts shall bear the facsimile or actual signature of the Chief Finance Officer or be signed by an Officer authorised by the Chief Finance Officer.

- 9.7 Cheques drawn against other bank accounts shall be signed by at least two officers of the Council. Cheques drawn against other bank accounts must not be pre-signed before issue.
- 9.8 If a school exercises its legal right to operate its own bank account, the account must be operated within the terms of the Stockport Scheme for Financing Schools.

Cash Floats, Petty Cash and Imprest Bank Accounts

- 9.9 The effective operation and control of cash floats, petty cash and imprest bank accounts is the responsibility of the appropriate Budget Holder. Budget Holders shall arrange for records to be kept of holders, locations, amounts and signatories acknowledging receipt of the cash and any subsequent variations. The holding of and operation of such accounts shall be subject to annual review by the Chief Finance Officer.
- 9.10 All petty cash payments shall be supported by relevant receipts and by VAT invoices where appropriate.
- 9.11 A record of expenditure and reimbursements shall be maintained. This shall be reconciled at least at each reimbursement to ensure that the sum of the payments to be reimbursed and the cash in hand or at the bank equals the total of the imprest.
- 9.12 Budget Holders shall arrange for an independent reconciliation of the imprest to be carried out no less than annually.
- 9.13 Income received on behalf of the Council other than for the reimbursement of payments from the account shall not be paid into a petty cash float or imprest bank account. It shall be paid into the Council's bank account in accordance with section 6 'Income'.
- 9.14 A cash float, petty cash or imprest bank account holder shall provide full details of the account to the Chief Finance Officer on request. Budget Holders shall provide on request to the Chief Finance Officer a list of all float, petty cash and bank imprest account holders, locations and balances.
- 9.15 Prior to leaving Council employment or otherwise ceasing to hold a cash float, petty cash or bank imprest account, the officer shall account for the advanced amount to the appropriate Budget Holder or Authorised Finance Officer.
- 9.16 Imprest bank account holders shall not cause an account to become overdrawn. Banks shall be requested by the Chief Finance Officer not to allow any formal or authorised overdraft facilities on such accounts.

10. STORES

- 10.1 Budget Holders shall be responsible for the custody, security, control and recording of stores and stock items and shall provide the Chief Finance Officer with such information as required. Stores shall not be misapplied and must be held securely and free from possible damage.
- 10.2 Budget Holders shall ensure stocks are managed and maintained at appropriate levels and shall operate a form of continuous stocktaking so that all items are checked at least once a year in all stores or stocks held under their control. They should retain evidence of these and make such regular stocktaking returns as determined by the Chief Finance Officer. All discrepancies should be investigated and pursued to a satisfactory conclusion, including where appropriate the removal from the council's records (i.e. write-off). Budget Holders shall be responsible for approving the write-off of stocks.

- 10.3 Budget Holders shall ensure that obsolete or surplus very slow moving items are disposed of at the best price possible.
- 10.4 Budget Holders should keep under review the need for stocking items, which should take into account options available for alternative provisioning methods.

11. **INSURANCE**

- 11.1 The Chief Finance Officer shall arrange all insurance cover and negotiate any claims in consultation with appropriate officers and outside claims agencies. The exceptions to this are schools which may arrange insurance cover, personal accident and sickness schemes and balance of risks under the Stockport Scheme for Financing Schools.
- 11.2 Authorised Finance Officers shall inform the Chief Finance Officer promptly of all new risks, properties or vehicles requiring insurance and of any alterations affecting existing policies.
- 11.3 Authorised Finance Officers shall inform the Chief Finance Officer of any new scheme, working practice, or programme that entails potential risk or possible loss or legal action.
- 11.4 The Chief Finance Officer shall inform Authorised Finance Officers of any conditions of the policies affecting insured risks. Authorised Finance Officers shall be responsible for ensuring that such conditions are met and that the actions of officers do not invalidate any claims.
- 11.5 Authorised Finance Officers shall immediately inform the Chief Finance Officer of any loss, damage or liability, actual or potential, which is likely to lead to a claim by or against the Council. Where appropriate the Police shall be informed of the incident
- 11.6 The Chief Finance Officer shall review all insurances in consultation with appropriate Authorised Finance Officers, at least annually.
- 11.7 The Chief Finance Officer shall be responsible for administering any self-funding arrangements set up either to run alongside or replace conventional, externally provided insurance. Exceptions to this relate to the internal funds for balance of risks, personal accident and sickness cover.
- 11.8 Authorised Finance Officers shall consult the Chief Finance Officer about any indemnity requested from the Council, by an outside body. *An indemnity is an agreement between an outside body and the Council in which the Council is required to make good a loss sustained by the outside body by means of a monetary payment.*

12. **INVENTORIES**

- 12.1 Budget Holders shall keep an inventory of assets within their control. This shall include adequate descriptions of furniture, fittings, equipment, plant and machinery. Items that are not material in value may be ignored unless collectively they make up a substantial asset. The Chief Finance Officer will provide guidance or advice on request with regard to materiality levels for inventories.
- 12.2 Budget Holders shall be responsible for ensuring that a physical check of items against their inventories is carried out at least annually. This shall be evidenced on the inventory by date and signature of the officer undertaking the check. Any deletions from or amendments to inventories shall be approved by Authorised Finance Officers.

- 12.3 The Council's property shall not be removed except in the ordinary course of the Council's business, or used for non-Council purposes unless the Authorised Finance Officer concerned has issued written specific authorisation. All such removals shall be recorded.

13. **SECURITY**

- 13.1 Officers shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash etc under their control.
- 13.2 Cash kept in a safe shall not, except in exceptional circumstances, exceed the value of the limit as recommended by the Chief Finance Officer. *Guidance on limits for safes will be included in the insurance guide.*
- 13.3 Keys to safes etc shall always be carried by the person responsible and not left on premises overnight. Lost keys shall immediately be reported to the appropriate Authorised Finance Officer who shall take appropriate action to ensure the continuing security of the cash etc held. Duplicate keys shall be kept to a minimum. Safes and cupboards etc used for holding cash shall be kept locked unless the key holder(s) is present.

14. **SALARIES, WAGES AND PENSIONS**

- 14.1 All salaries, wages, and other associated payments to employees or former employees of the Council shall be made in accordance with arrangements approved by the Chief Finance Officer.
- 14.2 All timesheet records or other pay documents shall be in a form approved by the Chief Finance Officer and must be certified by the appropriate line manager as determined in the Council's establishment structure. The Chief Finance Officer may specify that additional authorisation is required for certain items including some employee benefits.
- 14.3 The Chief Finance Officer shall approve the form of authorisation required for data that is input to the computerised payroll/HR system.
- 14.4 Budget Holders shall ensure that all appointments are made in accordance with HR Recruitment Policies, approved establishments, grades and scale of pay and that adequate budget provision is available.
- 14.5 Budget Holders shall notify the Chief Finance Officer of all matters affecting such payroll payments as soon as possible, or by agreed deadlines and in the required manner. In particular:
- appointments, resignations, dismissals, suspensions affecting pay, secondments and transfers;
 - absences for sickness or other reason, apart from approved leave with pay;
 - changes in pay rates, other than national pay awards and other general agreements;
 - information necessary to maintain records of service for superannuation, income tax, national insurance and other deductions;
 - information necessary to ensure an officer's salary and other payroll related costs are charged to the correct budget code;
 - approved changes to the establishment.
- 14.6 Budget Holders shall ensure that effective systems and procedures are operated so that:
- payments are only to authorised bonafide employees
 - payments are only made where there is a valid entitlement

- conditions and contracts of employment are correctly applied
- employees names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

- 14.7 Budget Holders should ensure that pay transactions are only processed through the payroll. Careful consideration should be given to the employment status of individuals employed on a self-employed or sub-contract basis. HMRC applies a tight definition for employee status and in cases of doubt, advice should be sought from the Chief Finance Officer.
- 14.8 Budget Holders should notify the Chief Finance Officer of any benefits in kind, to enable full and complete reporting within the income tax self-assessment system. *e.g. long service awards below 20 years.*
- 14.9 If a local authority maintained school decides to use a different payroll/HR system supplied in accordance with the Stockport Scheme for Financing Schools, such information will need to be provided to the appropriate service provider or maintained by the school if returns to HMRC and other Government departments are required.

15. TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES

- 15.1 All claims by Officers for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be duly authorised by the appropriate line manager as specified in the Council's approved establishment.
- 15.2 The certifying officer must be satisfied that the journeys, expenses and/or overtime were pre-approved, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 15.3 Councillors who are entitled to claim travel or other expenses, including co-opted members of committees, shall make their claims promptly and regularly in the manner specified by the Chief Finance Officer. Payment shall be made by the Chief Finance Officer when authorised forms have been received.
- 15.4 Allowances and expenses shall be paid at approved rates and in accordance with appropriate National or Local Conditions of Service.
- 15.5 All claims for financial year ending 31st March shall be submitted before the 7th of April.
- 15.6 Claims submitted more than six months after the expenses were incurred shall not be paid unless there are exceptional circumstances.

16. TAXATION

- 16.1 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 be aware of their role.
- 16.2 The Chief Finance Officer shall make arrangements for the completion of all returns regarding PAYE and the Construction Industry Scheme and monthly returns of VAT inputs and outputs to HM Revenue and Customs.
- 16.3 The Chief Finance Officer shall make arrangements for the provision of up-to-date guidance on employer responsibilities relating to the taxation of employees.
- 16.4 Budget Holders shall ensure that:

- all account keeping / record keeping obligations are complied with;
- all taxable transactions are identified, properly carried out and accounted for within stipulated timescales
- records are maintained in accordance with transactions
- returns are made to the appropriate authorities within the stipulated timescales

- 16.5 Budget Holders shall 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.
- 16.6 Budget Holders shall ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- 16.7 Budget Holders shall ensure that all persons employed by the Council are added to the Council's payroll and tax deducted where appropriate from any payments, except where the individuals are bonafide self-employed or are employed by a recognised staffing agency.
- 16.8 Authorised Finance Officers shall ensure that guidance on taxation issued by the Chief Finance Officer is followed.

17. VOLUNTARY AND UNOFFICIAL FUNDS

- 17.1 *The term "voluntary" or "unofficial" fund refers to any fund, other than an official fund of the Council, which is controlled wholly or partly by an officer or teacher employed by the Council, or by the managers or governors of a school funded by the Council and is related to the activities operated by such teacher or officer and is a consequence of the employment by the Council.*
- 17.2 Officers operating any voluntary or unofficial fund shall notify their Authorised Finance Officer of the details of the fund.
- 17.3 All such unofficial or voluntary funds shall be held and operated according to accounting requirements set by the Chief Finance Officer. There shall be at least two signatories to any bank/building society account or investment.
- 17.4 The accounts of voluntary and unofficial funds shall be completed each year and an annual statement of income and expenditure or receipts and payment account produced. This statement shall be published on the notice board of the building or school and included in a report to the managers or governors where considered appropriate by the appropriate Authorised Finance Officer and the Chief Finance Officer. Wherever possible these statements should be supplied in any annual report to parents.
- 17.5 Authorised Finance Officers shall ensure that arrangements for auditing these funds have been made.

18. INTERNAL AUDIT

- 18.1 The objective of the Internal Audit Service is to provide an independent appraisal function that provides an independent and objective opinion to the Council on the control environment, by evaluating its effectiveness in achieving its objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

- 18.2 It is the responsibility of Chief Officers to implement and maintain adequate and effective controls and to ensure the efficient and effective use of Council resources.
- 18.3 The role of Internal Audit is to carry out independent reviews to provide assurance that the control framework is operating effectively.
- 18.4 The Council has delegated to the Chief Finance Officer the responsibility for maintaining an effective system of Internal Audit so as to comply with Regulation 5 of the Accounts and Audit Regulations 2015. The Internal Audit Service will also assist the Chief Finance Officer in ensuring that his responsibilities under Section 151 of the Local Government Act 1972 are met in that there is in place a proper administration of the Authority's financial affairs.
- 18.5 The Chief Internal Auditor shall determine the priorities of the Internal Audit Service. Chief Officers shall ensure that the Internal Audit Service is given unrestricted access to all parts of the Council's operations as required.
- 18.6 The Chief Internal Auditor shall have direct access to the member of the **Cabinet** whose portfolio includes Internal Audit activities, Chief Officers and Governing Bodies, on matters determined by the Chief Internal Auditor.
- 18.7 The Chief Internal Auditor, in the proper pursuit of their duties,
- shall have access on request, to all Council premises or land
 - shall have access on request, to all records, documents and correspondence relating to any Internal Audit enquiry
 - shall be given on request, any explanations, by any employee, officer or member, concerning any matter being examined
 - shall have produced to them on request, by an employee, cash, stores or any other Council property
- 18.8 Authorised Finance Officers shall notify the Chief Finance Officer and, in consultation, decide what action to take whenever there is any suspected irregularity involving financial records, cash, stores, other Council property or the functioning of the Council. Any officer may also follow the Council's whistleblowing policy as set out in section CP4 of the Constitution.
- 18.9 When initial evidence suggests that a criminal offence has been committed, the Chief Internal Auditor shall consult the appropriate Authorised Finance Officer, the Council's Monitoring Officer, and the Head of People and Organisational Development before involving the Police unless to do so would be likely to impede the prevention or detection of crime. The Chief Internal Auditor shall be the final determinant on what is referred to the Police and shall inform the Authorised Finance Officer and the Chief Finance Officer of the reasons for the decision in accordance with the Council's Anti-Fraud, Bribery and Corruption Policy.
- 18.10 At the completion of each audit, the Internal Audit Service will issue a draft report outlining any issues where improvements in controls or procedures are required to address risks. After receipt of comments and any timescales for improvements, a final report will be sent to the Authorised Finance Officer. Authorised Finance Officers shall respond to Internal Audit Service reports within the timescales laid down.

19. **RETENTION OF FINANCIAL RECORDS**

Budget Holders shall ensure that financial records, i.e. documents supporting a payment or an item of income received, are retained for six years or the periods specified by statute if longer.

Draft

PR6 - CONTRACT PROCEDURE RULES

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1. Introduction

- 1.1 Stockport Council, Trafford Council and Rochdale Council have agreed, through an Inter Authority Agreement (“IAA”) to facilitate the joint delivery of Procurement Functions with a view to the attainment of a more economical, efficient and effective discharge of its Procurement Functions via a shared procurement service to be identified as “STAR”. Each of the STAR members have agreed to establish and participate in a joint committee (the “Joint Committee”) and have agreed to delegate their Executive and Non-Executive functions relating to the operation of STAR to the Joint Committee. Other authorities may, from time to time, join the IAA.
- 1.2 These Rules are standing orders made pursuant to Section 135 of the Local Government Act 1972. Compliance with the Rules and observance of European and domestic law from which they emanate (in particular the principles relating to non-discrimination, equal treatment and transparency) is mandatory for all Officers and Members. The Rules ensure that procurement activity is undertaken in a legally compliant, transparent, fair and competitive manner.
- 1.3 Decisions relating to procurement are among the most important decisions that can be made by the Council its Members and Officers because the money involved is public money and the Council is concerned to ensure that high quality Goods, Services and the execution of Works are procured. Efficient use of resources in order to achieve Best Value is therefore an imperative.
- 1.4 These Rules shall apply to all procurement activity where the Council is to procure any Goods, Services or the execution of Works, or enters into a Concessions Contract as either a contracting authority or commissioner of such, regardless of the origin of funding (such as external grants, partnership funding, pooled or joint budgets for example).
- 1.5 For the avoidance of doubt, these Rules shall apply to Framework Agreements, DPS and to any arrangement made by, or on behalf of the Council for the carrying out of Works or for the support of Goods or Services.
- 1.6 Where relevant, the Council shall have regard to the Public Services (Social Value) Act 2012 (“the Act”). This requires commissioners and procurers at the pre-procurement stage to consider how what is to be procured may improve social, environmental and economic well-being of the Council’s relevant area, how it might secure any such improvement and to consider the need to consult. The Council and Officers should refer to the Procurement Handbook for further guidance.
- 1.7 The Joint Committee shall monitor compliance with the Rules and undertake an annual review of the Rules. The Joint Committee may present recommendations for amendments to the Rules to the Council from time to time and any such amendments shall be subject to the Council’s own ratification procedures. Any failure to comply with any of the provisions of these Rules must be reported immediately to the SRO for Legal. Failure by any Officer or Member to comply with the provisions of these Rules may lead to disciplinary action being taken against them.
- 1.8 These Rules must be read in conjunction with the Council’s Constitution and in particular the Financial Procedure Rules/Regulations, the Procurement Handbook, any relevant guidance documents endorsed by the Council and the Council’s local Rules as identified in section 1.9 below.
- 1.9 A number of local Rules can be found in the attached Schedule 1 and which form part of these Rules.

Further Information

Further advice can be sought from STAR:

General Enquiries	-	email: procurement@STAR-procurement.gov.uk tel: 0161 9121616
Legal Enquiries	-	email: STARlegal@trafford.gov.uk tel: 0161 9124229

2. Interpretations and Definitions

- 2.1 In the event of any conflict between EU law, English law and these Rules and Council Policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over these Rules and Council Policy.
- 2.2 Any reference to legislation, primary or secondary, shall include any amendments/replacements made from time to time.
- 2.3 All figures specified in these Rules are exclusive of VAT.
- 2.4 In the event of any doubt as to the interpretation of these Rules, or as to proper procedure to be followed, advice should be sought from STAR in the first instance.
- 2.5 In these Rules the words and phrases below have the following meanings:

“APO”	means Authorised Procurement Officer and is the relevant STAR Officer who is responsible for the Goods, Services, execution of Works or Concessions Contract for which the Specification relates.
“ASO”	means Authorised Service Officer and is any Officer, within a directorate of the Council, who has delegated authority to undertake Procurement Functions.
“Best Value”	has the same meaning as that defined in the Local Government Act 1999 as amended from time to time.
“Bidder”	means any Economic Operator that submits a Quote.
“Call-off”	means an order made/call-off Contract entered into under a Framework Agreement or DPS and are subject to the application of Rule 5.1.
“CM”	means the Category Manager or similar role with equivalent experience and seniority within STAR.
“Concessions”	means the granting of a right (exclusive or otherwise) to an economic operator to exploit works or services provided for their own gain with or without payment. Further guidance on Concession Contracts can be found in the Procurement Handbook.

“Contract”	means a legally binding agreement between the Council and the Contractor for the procurement by the Council of all Goods, Services, the execution of Works and Concessions Contracts and which incorporates the terms and conditions under which the Goods, Services, execution of Works and Concessions will be provided.
“Contractor”	shall mean the Bidder or Tenderer who the Council enters into a Contract with following the submission of a Quote or Tender and who is appointed by the Council to provide the Goods, Services, execution of Works or Concessions Contract. They may also be referred to as ‘suppliers’, ‘providers’ or ‘service providers’ within certain Council departments.
“Contracts Finder”	means the web-based portal provided for the purposes of Part 4 of the Regulations by or on behalf of the Cabinet Office.
“DPS”	means Dynamic Purchasing System which is an electronic system procured using the restricted procedure for the purchase of commonly used goods services or works which are generally available on the market and objectively defined to which all bidders who meet the requirements of the selection criteria must be admitted during the entire period of the validity of the system
“Economic Operator”	means any natural or legal person or public entity or group of such persons and/or entities, including any temporary association of undertakings, which offers the execution of Works and/or a work, the supply of Goods or the provision of Services on the market.
“EIR”	means the Environmental Information Regulations 2004.
“Electronic Purchasing System”	means purchases made online or via a telephone system.
“EU Procurement Directives”	means the Public Contracts Directive 2014/24/EU, the Concessions Directive 2014/23/EU and other relevant Directives in force from time to time.
“Exemption”	means the release of the obligation to comply with these Rules.
“Financial Procedure Rules/Regulations”	means the written code of procedures forming part of the Council's constitution which provide a framework for proper financial management and which set out the rules on accounting, audit, administrative procedures and budgeting systems.
“FOIA”	means the Freedom of Information Act 2000.
“Framework Agreement”	means an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing Call-off Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

“Goods”	means an inherently useful tangible item required by the Council, from time to time.
“Invitation to Tender”	means an invitation issued by the Council to Tenderers to submit a Tender or a quote for the provision of Goods, Services, the execution of Works or a Concessions Contract in accordance with the Specification or request for those Goods, Services, execution of Works or Concessions Contract.
“Key Decision”	has the same meaning as set out in the Council’s constitution.
“Modification”	means any variation to a Contract, DPS or Framework Agreement including an extension.
“Modification Form”	means the form supplied by STAR for the purpose of recording the authorisation of a Modification.
“Officer”	means any employee of the Council which shall include any person engaged by the Council to act as an agent or consultant on its behalf.
“OJEU”	means the Official Journal of the European Union.
“PID”	means a Procurement Initiation Document providing details of the procurement activity and the authority to commence it as required in accordance with Rule 5.1.
“Post Tender Report”	means a summary of the outcomes delivered by the procurement activity.
“PQQ”	means “pre-procurement questionnaire” and is the document used by the Council to screen potential Tenderers in accordance with the Regulations.
“Procurement Functions”	means the Delegated Functions as defined by the IAA.
“Procurement Handbook”	means the document which STAR Procurement may issue after having obtained the consent of the SRO Legal of each authority from time to time to set out the procedure to achieve the Council’s procurement objectives
“Purchasing Cards”	means charge cards which work in a similar way to credit cards and can be used by and ASO to purchase Goods and/or Services.
“Quote”	means a formal offer submitted by a Bidder to supply Goods, Services, execute Works or operate a Concessions Contract at a defined price.
“Regulations”	means the Public Contracts Regulations 2006 SI2006/5, as amended or replaced from time to time, which implement the EU public procurement directives.
“Regulations	means the financial threshold identified by the EU Procurement

Threshold"	Directives, as amended from time to time, and where applicable, requires the procurement activity to be subject to the Regulations.
"Rules"	means these Contract Procedure Rules.
"Scheme of Delegation"	means the scheme identified within the Council's constitution which delegates powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation necessary for the discharge of the Council's functions.
"SCM"	means the Senior Category Manager or similar role with equivalent experience and seniority within STAR.
"Services"	means the time, effort and expertise required by the Council, from time to time, and supplied by a Contractor.
"Specification"	means the outputs, outcomes and the scope and nature of Goods, Services, execution of Works or Concessions Contract required by the Council from a procurement activity.
"SRO"	means "Senior Responsible Officer" and is the Officer delegated in the Council's Scheme of Delegation for the relevant service with the responsibility for the award of the Contract.
"SRO for Legal"	means the "Senior Responsible Officer for Legal" and is the most senior Officer delegated in the Council's Scheme of Delegation for Legal Services or in default of such delegation, the Council's Monitoring Officer.
"SRO for Finance"	means the "Senior Responsible Officer for Finance" and is the most senior Officer delegated in the Council's Scheme of Delegation for the Finance Services or in default of such delegation, the Officer appointed by the Council pursuant to s151 of the Local Government Act 1972.
"STAR Legal Officer"	means a member of the legal team jointly funded by all participating Council's in accordance with the IAA, whose role is to provide legal support to STAR.
"STAR"	means the shared procurement service hosted by Trafford Borough Council on behalf of Trafford Borough Council, Rochdale Metropolitan Borough Council and Stockport Metropolitan Borough Council and other public authorities as determined from time to time whose function and remit is described in these Rules, the IAA and the Councils' constitutions.
"STAR Councils"	means those local authorities who have resolved to delegated their Procurement Functions to the STAR Joint Committee.
"Tender"	means a formal offer submitted by a Tenderer to the Council at a stated price in response to a Specification to supply Goods, Services, execute Works or operate a Concessions Contract.

“Tenderer”	means any Economic Operator that submits a Tender.
“The Chest”	means the Council’s eProcurement system.
“TUPE”	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended from time to time together with any EU Directives including but not limited to the Acquired Rights Directive 2001/23/EC, as amended from time to time.
“Value for Money”	means the optimum combination of whole-life costs, price, quality and benefits to meet the Council’s requirement. Such a term equates to the EU procurement requirement of most economically advantageous offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
“Works”	means the provision of physical activity which is directed toward the production or accomplishment of something by the Contractor, from time to time.
“Writing”	the requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted by electronic means, in legible form, and capable of being used for subsequent reference.

3. Basic Principles and Responsibilities

3.1 Basic Principles

3.1.1 All procurement activity must comply with all of the following principles of European Union (EU) Law:

- a. free movement of Goods and Services;
- b. non-discrimination;
- c. openness/transparency;
- d. equal treatment for all; and
- e. proportionality

3.1.2 All procurement activity must be compliant with the latest EU laws, national legislation, the Council Constitution and the local policies in Schedule 1, and have regard to:

- a. **The need to achieve accountability** through effective mechanisms which enable Officers and Members of the Council to maintain the highest standards of integrity and honesty and to enable them to discharge their responsibility on issues of procurement risk and expenditure of public money;
- b. **The need to provide consistent procurement policy to suppliers and achieve competitive supply;**
- c. **The need to meet commercial, regulatory and Corporate Priorities of the Council;**
- d. **The need to achieve efficiencies** by administering procurement processes which are cost effective;
- e. **The need to ensure Value for Money**

- f. **The need to ensure fair-dealing** by ensuring that suppliers are treated fairly and without unfair discrimination, including protection of commercial confidentiality where compatible with the Council's obligations under FOIA and EIR;
- g. **The need to maintain integrity** by excluding corruption or collusion with suppliers or others from procurement processes;
- h. **The need to ensure informed decision-making** based on accurate information;
- i. **The need to ensure legality** in the administration of procurement processes and award of contracts;
- j. **The need to promote responsiveness** by endeavouring to meet the aspirations, expectations and needs of the community served by the procurement processes;
- k. **The need to provide transparency** by ensuring that there is openness and clarity on the Council's procurement policy and its delivery.
- l. **The need to create and retain an audit trail in relation to each procurement activity**

3.2 The Responsibilities of Officers and Members

- 3.2.1 Officers and Members involved in procurement activity must comply with these Rules, the Council's Financial Procedure Rules/Regulations, the Council's Employees Code of Conduct/Members Code of Conduct. They must also have due regard to any guidance provided by STAR.
- 3.2.2 Officers must ensure that any agents, consultants and contractual partners acting on their behalf, also comply with these Rules.

4. Contracts to which these Rules do not apply

- 4.1 Where there is any doubt regarding the application of these rules, Officers must seek guidance from STAR.
- 4.2 These Rules **do not** apply to the following:
 - a. employment contracts for Officers engaged on a PAYE basis;
 - b. Contracts relating solely to the disposal or acquisition of securities;
 - c. Contracts for the acquisition of an interest in land and property;
 - d. Contracts for the appointment of Counsel or the appointment of experts for the purpose of legal, or potential legal proceedings by the SRO for Legal Services;
 - e. Qualifying Contacts between entities within the public sector.

5. Pre-Procurement Process

5.1 Authority to carry out procurement activity

- 5.1.1 The ASO must ensure that all necessary decisions have been made and that the correct authorisation to procure has been properly obtained prior to the initiation of any procurement activity. Any procurement activity carried out on behalf of the Council must be carried out by an ASO with the appropriate delegated authority as set out in the Scheme of Delegation. The ASO may be required to provide evidence of any decisions made, any reports concerning and all authorisations granted in respect of the relevant procurement activity. The ASO must submit a PID to STAR prior to starting the relevant procurement activity. By submitting the PID the ASO confirms that they have the authority to carry out the procurement activity.

5.2 Appraisal of the procurement activity

- 5.2.1 The ASO, together with the APO, must conduct an options appraisal of the route to market and consider the following:
- Value for Money;
 - The need for the expenditure and its priority;
 - The objectives of the purchase;
 - Whether it is a Key Decision
 - Any risks associated with the purchase and how to manage them;
 - The market;
 - TUPE and pensions;
 - Which procurement method is most likely to achieve the purchasing objectives;
 - Existing and compliant Framework Agreements, DPS or other arrangements; and
 - The economic, social and environmental wellbeing of the borough and the benefit which the procurement process can bring to the community and have regard to the duty to secure continuous improvement in accordance with Best Value.
- 5.2.2 Where award for a Contract for services may result in employees of the Council or its Contractor transferring to a new employer, the advice of the SRO for Human Resources and the SRO for Legal must be obtained before the commencement of the procurement activity to ensure compliance with TUPE, and other related legislation, and to assess the implications in respect of pension arrangements.
- 5.2.3 The APO must ensure that an appropriate Specification or request for a Quote commensurate to the scope of the Goods, Services, execution of Works or Concessions Contract required is written prior to the commencement of any procurement activity. Advice from STAR must be sought where it is proposed that a Specification or request for a Quote is not used.
- 5.2.4 For procurement under the Regulations Thresholds, the use of PQQs is no longer permitted by the Regulations. However, the Regulations do permit the use of suitability assessment questions where they are relevant to the subject matter of the procurement and are proportionate. Further guidance on suitability assessment questions may be sought from STAR but in any event, advice must be sought from STAR where it is proposed that such questions are to be used.

5.3 Framework Agreements and DPS

- 5.3.1 Where, following an options appraisal as required by Rule 5.2, a suitable Framework Agreement or DPS is identified, the requirements of Rule 6 (Quotes) and Rule 7 (Tenders) will not be applicable and the ASO must ensure that:
- Any Call-off Contract is entered into in accordance with the terms of the relevant Framework Agreement or DPS; and
 - Where applicable, a mini-competition (the tender process required by the Framework Agreement) is held in accordance with rules of the Framework Agreement or DPS.
- 5.3.2 For the avoidance of doubt, a Framework Agreement or DPS is considered suitable where it has either been entered into by:
- the Council in compliance with these Rules; or
 - another local authority, a local authority purchasing consortium or central government where the Framework Agreement or DPS has been tendered and awarded in accordance with EU public procurement legislation, and the Council is identified as a contracting authority.

5.3.3 Where a Framework Agreement or DPS has been set up following an EU Tender, there must be full compliance with EU rules when awarding Call-off Contracts under it.

5.4 **Pre-Procurement Market Research and Consultation**

5.4.1 The ASO and APO responsible for the procurement activity:

- a. may consult potential Bidders or Tenderers in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, prior to a request for a Quote or an Invitation to Tender provided this does not prejudice any potential Bidders or Tenderers; and
- b. must not seek or accept technical advice on the preparation of a request for a Quote or an Invitation to Tender from anyone who may have a commercial interest in the tender, as this may prejudice the equal treatment of all potential Bidders and Tenderers or distort competition.

Advice must be sought from STAR in all instances.

5.5 **Estimating the Total Value of a Contract, Framework Agreement or DPS**

5.5.1 Officers must calculate the total value of the Contract, DPS or Framework Agreement in order to determine which procurement activities should be commenced in accordance with these Rules. The procurement activity that must be followed is prescribed in Table 1 below.

5.5.2 The Council must not split Contracts, DPS or Framework Agreements in order to avoid public procurement rules or calculate the value of Contracts, DPS or Framework Agreements in such a way as to deliberately avoid exceeding the Regulation Thresholds or any threshold identified in these Rules. Therefore unless otherwise agreed by the SRO Legal all Contracts, DPS or Framework Agreements should be dealt with according to their total value and all Officers must calculate the total value (excluding VAT) of any Contract. The value of a Contract, DPS or Framework Agreement should be calculated as follows and applies to the aggregate value of the Contract, DPS or Framework Agreement:

Yearly contract value X Contract Period in years (including any option to extend) = Total value.

5.5.3 The value of a Framework Agreement and DPS means the maximum estimated amount payable by the users of the Framework Agreement or DPS for the Goods, Services or execution of Works (excluding VAT) under Call-off Contracts entered into over the entire possible duration of the Framework Agreement or DPS.

5.5.4 Framework Agreements must not be for more than four years (including options to extend) unless otherwise authorised by the SRO for Legal.

5.5.5 The value of the Contract, DPS or Framework Agreement will determine which procurement activity to follow in accordance with Table 1 below subject to Rules 5.5.6 and 5.5.7:

Table 1: Procurement ActivitiesGoods, Services and Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for advertising the opportunity
A	£0 - £4,999.99	Minimum one Quote in accordance with Rule 6 - Quotes	N/A*
B	£5,000 - £49,999.99	Minimum three Quotes in accordance with Rule 6 - Quotes	N/A*
		In accordance with Rule 7 – Tenders	The Chest (and Contracts Finder over £25k)
C	£50,000 and up to the Regulation Thresholds	In accordance with Rule 7 - Tenders	The Chest and Contracts Finder
D	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	OJEU Notice and Contracts Finder

Works and Public Works Concessions

Value Band	Value	Procurement Activity	Minimum Requirement for advertising the opportunity
A	£0 - £4,999.99	Minimum one Quote in accordance with Rule 6 - Quotes	N/A*
B	£5,000 - £74,999.99	Minimum three Quotes in accordance with Rule 6 - Quotes	N/A*
C	£75,000 - £249,999.99	Minimum six Quotes in accordance with Rule 6 – Quotes	N/A*
		In accordance with Rule 7 – Tenders	The Chest and Contracts Finder
D	£250,000 up to the Regulation Thresholds	In accordance with Rule 7 - Tenders	The Chest and Contracts Finder
E	Above the Regulation Thresholds	Most appropriate procedure permitted by the Regulations	OJEU notice and Contracts Finder

***WHERE ANY OPPORTUNITY OVER £25K IS OPENLY ADVERTISED, IT MUST BE PLACED ON CONTRACTS FINDER**

- 5.5.6 Where the Contract value falls within Value B or D for Goods, Services and Concession Contracts or Value Band C or E D for Works and Public Works Concession Contracts, the ASO shall determine which procurement activities should be undertaken by reference to the Procurement Handbook.
- 5.5.7 Where the value of the Contract is above the Regulation Thresholds, the ASO and the APO will determine which procurement activity to follow in accordance with the Regulations.
- 5.5.8 Irrespective of the value in Rule 5.5.5 Contracts and Framework Agreements that are subject to European Union grant funding requirements shall be advertised in accordance with published guidance, ERDF National Procurement Requirements (ERDF-GN-1-004) as amended from time to time.
- 5.5.9 The ASO and APO shall ensure that, where proposed Contracts or Framework Agreements, irrespective of their value, might be of interest to potential Economic Operators located in other member states of the European Union, a sufficiently accessible advertisement is published.

5.6 Standards and Award Criteria

- 5.6.1 Before inviting Quotes or Tenders, the ASO, with support from the APO, must ascertain any relevant British, European or international standards which apply to the subject matter of the Contract. The ASO must include those standards or equivalent where they are necessary to describe the required quality. In any instances of uncertainty, STAR can be consulted if it is proposed to use standards other than European standards.
- 5.6.2 The ASO must define award criteria that is appropriate to the procurement activity and designed to secure an outcome giving Value for Money for the Council. The basic award criteria shall include one of the following:
 - a. Most economically advantageous tender ("MEAT") - where considerations other than price also apply;
 - b. Lowest price - where payment is to be made by the Council;
 - c. Highest price - if payment is to be received.

If MEAT is the chosen award criteria, advice must be obtained from STAR to ensure that it is compatible with the EU Directives and the Regulations.

- 5.6.3 The ASO must seek advice from STAR to ensure any award criteria are compliant with relevant legislation and best practice.

6. Quotes

6.1 Requests for Quotes

- 6.1.1 All Quotes, including those in mini-competitions under Framework Agreements, must be confirmed in writing before a decision to award can be made and all Quotes must be stored on The Chest.
- 6.1.2 When requesting a Quote, an appropriate description of the Goods, Services, execution of Works or Concessions (commensurate with the value of the Contract) setting out the Council's requirements in sufficient detail must be provided to prospective Bidders to enable the submission of competitive Quotes.

- 6.1.3 The request for a Quote shall also make reference to or include the following as a minimum:
- a. the terms and conditions of Contract that will apply; and
 - b. notification that Quotes are submitted to the Council on the basis that they are compiled at the Bidder's expense; and
 - c. a description of the award criteria as appropriate and in accordance with Rule 5.6; and
 - d. the date and time by which a Quote is to be submitted by; and
 - e. that the Council is not bound to accept any Quotes submitted.
- 6.1.4 The proposed form of Contract must comply with Rule 8 and where possible the Council's standard terms and conditions of Contract must be used. Advice must be sought from a STAR Legal Officer and approval given by the SRO for Legal where alternative terms and conditions are used.
- 6.1.5 Where requests for a Quote are sought from more than one prospective Bidder, where possible, the request must be sent to each Bidder at the same time and contain the same conditions. Any supplementary information must be given on the same basis.
- 6.2 Submission and Receipt of Quotes**
- 6.2.1 Bidders must be given a reasonable period in which to prepare and submit a proper Quote, consistent with the complexity of the Contract requirement.
- 6.2.2 In the event that an abnormally low Quote is received, the ASO must take advice from STAR on how to proceed.
- 6.2.3 Any Quote (including all associated documents) submitted after the specified date and time for submission of Quotes shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.
- 6.2.4 If fewer than the minimum number of Quotes is received as stipulated in Table 1 in Rule 5.5, then advice must be sought from the Director of Procurement (STAR) as to whether to proceed. Any decision must be recorded in writing and stored on The Chest.
- 6.3 Amendments to Quotes**
- 6.3.1 The Council may accept amendments to Quotes, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions. In such circumstances, any alterations must be made by resubmitting a new Quote and clearly highlighting which Quote (and associated documents) is correct and which should be considered as part of the procurement activity.
- 6.3.2 A Quote may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR).
- 6.4 Evaluation of Quotes**
- 6.4.1 All compliant Quotes, including those in mini-competitions under Framework Agreements, must be checked by the ASO to ensure they are arithmetically correct. The ASO may seek advice from STAR if there is any doubt. If arithmetical errors are found they should be notified to the Bidder, who should be requested to confirm or withdraw their Quote. Alternatively, if the rates in the Quote prevail over the overall price, an amended Quote may be requested to accord with the rates given by the Tenderer.

6.4.2 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on The Chest. The ASO must then confirm to STAR that the Contract can be awarded in accordance with Rule 6.5 by updating the PID.

6.4.3 Officers must ensure transparency and fairness during the evaluation process.

6.5 Contract Award – through a Quotation Process

6.5.1 The Contract will be awarded in accordance with the award criteria used.

6.5.2 Where the Quote is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Quote ensuring compliance with the Financial Procedure Rules/Regulations.

6.5.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.

6.5.4 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.

6.5.5 Once the decision has been made and the approval given to award the Contract, the ASO must send a Contract award letter to the winning Bidder(s).

6.5.6 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.5 applies.

6.5.7 STAR will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.

7. Tenders

7.1 Invitations to Tender

7.1.1 All Tender opportunities must be placed on The Chest and, where appropriate, Contracts Finder in accordance with Table 1 at Rule 5.5.

7.1.2 The Invitation to Tender, shall include the following where appropriate:

- a. A form upon which the Tenderer can provide details of its bid ("Form of Tender");
- b. A reference to the Council's ability to award in whole, in part or not at all;
- c. A Specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers;
- d. the terms and conditions of Contract that will apply;
- e. A requirement for Tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose);
- f. A requirement for Tenderers to fully complete and sign all Tender documents including the Form of Tender and certificates relating to canvassing and non-collusion;
- g. Notification that Tenders are submitted to the Council on the basis that they are compiled at the Tenderer's expense;

- h. A description of the award procedure and the evaluation criteria to be used to assess Tenders including any weightings as considered appropriate and in accordance with Rule 5.6. The evaluation criteria must be clear, concise and unambiguous and must be approved by the APO in consultation with the ASO. The evaluation criteria cannot be amended once published in the Invitation to Tender;
- i. The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with and in particular, whether the overall price prevails over the rates in the Tender or vice versa;
- j. Whether the Council is of the view that TUPE will be applicable in relation to the procurement activities;
- k. Whether additional arrangements will be required in relation to pension provision;
- l. Provisions relating to the Council's termination rights in the event that corruption is discovered;
- m. The relevance and application of any parent company guarantees and/or bonds;
- n. That the Council is not bound to accept Tenders; and
- o. Any matters required by local polices in Schedule 1.

7.1.3 The proposed form of Contract must comply with Rule 8 and where possible the Council's standard terms and conditions of Contract must be used. Advice must be sought from the STAR Legal Officer and approval given by the SRO for Legal where alternative terms and conditions are used.

7.1.4 All Tenderers invited to Tender must be issued with the same information at the same time and contain the same conditions. Any supplementary information must be given on the same basis.

7.1.5 All communications relating to Tenders must be recorded on The Chest.

7.2 Pre and Post Tender Clarification Procedures

7.2.1 Providing pre-Tender clarification to potential or actual Tenderers, or seeking clarification of a Tender, is permitted subject to Rule 7.2.3.

7.2.2 Post-tender clarification may be undertaken with Tenderers only where it is essential in order to be completely clear about any fundamental aspect of the Tender submission before the completion of the Tender evaluation process and subject to Rule 7.2.3.

7.2.3 All pre- and post- tender communication must be conducted either in writing or in a meeting recorded by the ASO or APO. All correspondence or meetings must be documented and retained on The Chest. Where a meeting is required, there must always be more than one Officer present.

7.2.4 At all times during the clarification process, the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

7.2.5 Unless otherwise permitted by the Regulations, in no circumstances are post-award negotiations permitted.

7.3 Submission and Receipt of Tenders

7.3.1 Tenderers must be given a reasonable period in which to prepare and submit a proper Tender, consistent with the complexity of the Contract requirement and in accordance with the Regulations.

- 7.3.2 Any Tender (including all associated documents) submitted after the specified date and time for submission of Tenders shall only be accepted or considered by the Council in exceptional circumstances and only with agreement from the SRO for Legal Services.
- 7.3.3 All Tenders received, including those in mini-competitions under Framework Agreements, must remain unopened until the specified closing date and time has passed.
- 7.3.4 If less than the minimum number of Tenders is received as stipulated in Table 1 in Rule 5.5, then advice must be sought from the Director of Procurement (STAR) on how to proceed. Any decision must be recorded in writing and stored on The Chest.

7.4 Verifying and Opening Tenders

- 7.4.1 Tenders are to be verified by an APO who is independent of the procurement activity to which the Tender relates.
- 7.4.2 Once verified, Tenders are to be opened in accordance with the following Table 2:

Table 2

Value of Contract	Officers required to be present:	Expected Duration
£0 - £49,999.99	APO	Within 2 working days of the deadline for submission
£50,000 and above	CM or SCM	Within 2 working days of the deadline for submission

7.5 Amendments to Tenders

- 7.5.1 The Council may accept amendments to Tender submissions, including those in mini-competitions under Framework Agreements, providing they are received prior to the closing date for submissions.
- 7.5.2 A Tender may be amended after the closing date for submission if the amendment is made only in order to correct an arithmetical error. Such amendments may only be made with the prior approval of the Director of Procurement (STAR).

7.6 Evaluation of Tenders

- 7.6.1 If a PQQ or an expression of interest prior to PQQ was used, all those Tenderers must be given feedback at the relevant stage.
- 7.6.2 In the event that an abnormally low Tender is received, the ASO must take advice from STAR on how to proceed.
- 7.6.3 All compliant Tenders, including those in mini-competitions under Framework Agreements, must be checked by the ASO and the APO to ensure they are arithmetically correct. If arithmetical errors are found they should be notified to the Tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender prevail over the overall price, an amended Tender price may be requested to accord with the rates given by the Tenderer.

- 7.6.4 Where MEAT is used as the award criteria, all evaluations including an explanation of the reasons for the scores should be recorded on The Chest. The ASO must then confirm to STAR that the Contract can be awarded by updating the PID.
- 7.6.5 Officers must ensure transparency and fairness during the evaluation process.
- 7.7 Contract Award – through a Tender process**
- 7.7.1 The winning Tender shall be awarded the Contract in accordance with the award criteria used.
- 7.7.2 Where the Tender is not within the relevant approved budget but additional budgetary provision is available, the relevant ASO, with the approval of the SRO for Finance, may accept the Tender ensuring compliance with the Financial Procedure Rules/Regulations.
- 7.7.3 The approval to award the Contract must be given in accordance with the Council's Scheme of Delegation.
- 7.7.4 All award decisions must be recorded in the PID, signed and dated by the ASO, the APO and the SRO for the relevant service.
- 7.7.5 A Contract which has a contract value above the Regulation Thresholds, can only be awarded after a notice of the proposed award has been given to all unsuccessful Tenderers and the 10 day standstill period has elapsed from the date the notice was given. If the 10 days expire on a non-working day, then the notice period will be deemed to have lapsed on the next working day.
- 7.7.6 Once the decision to award a Contract is made, each Tenderer must be notified by either the ASO or the APO in writing of the outcome. All Tenderers must be notified simultaneously and as soon as possible of the intention to award the Contract to the successful Tenderer(s) and this should be done via The Chest. The letters must include a description of the relative advantages of the successful Tenderer.
- 7.7.7 Prior to commencement of the Contract, the Contract must be completed in accordance with Rule 8.2 unless Rule 8.2.5 applies.
- 7.7.8 A STAR Legal Officer will, where necessary, advise on the formalities for completion of the contract by parties other than the Council and how to ensure that the Contract is legally binding.
- 7.7.9 The APO must publish a contract award notice in the OJEU and on the Council's website no later than 48 days after the date of award of the Contract where a Contract value exceeds the Regulation Threshold and has been tendered pursuant to the Regulations or is subject to the relevant provision of the Regulations relating to Contract award.
- 7.7.10 Contract award letters, feedback to Tenderers and the contract Terms and Conditions, including any incidental documentation must be approved by the APO prior to sending where the value of the Contract is over the Regulation Thresholds.
- 7.8 Enquiries about the Tender process**
- 7.8.1 The confidentiality of Tenders and the identity of Tenderers must be preserved at all times insofar as this is compatible with the Councils' obligations under FOIA and EIR.

- 7.8.2 If the Council receives a request for information under the FOIA as a result of the debriefing process, the request must be referred to both the Director of Procurement (STaR) and the relevant Officer of the Council who deals with such requests. The Council will be responsible for responding to the request.
- 7.8.3 Any challenges, complaints or requests for feedback, clarification or further information must be referred to the Director of Procurement (STAR) who will advise on how to respond and notify the SRO for Legal.

8. Contract Provisions and Contract Formalities

8.1 Contract Provisions

- 8.1.1 All Contracts must be in writing and must set out the parties' obligations, rights and risk allocations. Advice must be sought from STAR as to the appropriate form of Contract to be used and where possible, be on the Council's standard terms and conditions.
- 8.1.2 All Contracts, irrespective of value, shall, where appropriate, clearly specify as a minimum:
- a. What is to be supplied (i.e. the Works, materials, services, matters or things to be furnished, had or done)
 - b. The provisions for payment (i.e. the price to be paid and when)
 - c. The time, or times, within which the contract is to be performed
 - d. The provisions for the Council to terminate the Contract and break clauses.
 - e. The provision for collateral warranties from sub-contractors.
- 8.1.3 STAR can provide advice on Contract specific terms and conditions.

8.2 Contract Formalities

- 8.2.1 Once a decision to award has been made in accordance with Rule 6.5.3 or 7.7.3, the Contract must be either signed by the Officer authorised to award the Contract under the Council's Scheme of Delegation or by Seal and in accordance with **Rule 9.3.2**.
- 8.2.2 Where the Contract is to be in writing, the ASO or APO must arrange for the Contract including all schedules and appendices to be signed by all parties. This can be done in two ways:
- a) Sending bound hard copies of the Contract to the winning Bidder(s) or Tenderer(s) for signing; or
 - b) Sending electronic copies of the Contract to the winning Bidder(s) or Tenderer(s) for printing, binding and signing.
- 8.2.3 Before arranging for the Contract to be signed or sealed on behalf of the Council, the ASO must check that the returned signed Contract has not been amended or altered by the winning Bidder(s) or Tenderer(s) without prior written agreement by the Council.
- 8.2.4 Rules 8.2.1 to 8.2.3 do not apply to purchases made through an Electronic Purchasing System (EPS).
- 8.2.5 All Contracts which are to be formally completed in writing must be completed before the Goods are supplied, or the Service, execution of Works or Concessions Contract begins, except in exceptional circumstances, and then only with the prior approval from the SRO for Legal.

- 8.2.6 A purchase order must be raised in the appropriate eProcurement system for all goods, services and works requirements to be acquired through an EPS and for all Contracts. The purchase order must attach the terms and conditions of Contract between the Council and the Contractor.
- 8.2.7 The ASO must ensure that the person signing on behalf of the Contractor has requisite legal authority to bind the Contractor. Where there is any doubt, the ASO must seek advice from the STAR Legal Officer.

8.3 **Contracts under Seal**

- 8.3.1 A Contract must be sealed where:
- The Council wishes to extend the liability period under the Contract and enforce its terms for up to 12 years; or
 - The price to be paid or received under the Contract is a nominal price and does not reflect the value of the goods or services; or
 - There is any doubt about the authority of the person signing for the other contracting party; or
 - The Contract value is £250,000 or above.
- 8.3.2 The seal must be affixed in accordance with the provisions of the Council's Constitution.

8.4 **Transfer of Contracts**

- 8.4.1 No Contract should be transferred from one Contractor to another without first consulting STAR. Contracts can only be transferred if approved in accordance with the table below:

Value of Contract/Quote	Decision Maker
All values	SRO for Finance and SRO for Legal or their nominees in accordance with the Council's Scheme of Delegation and consultation in with the Director of Procurement (STAR)

9. **Exemptions and Modifications**

9.1 **Exemptions**

- 9.1.1 In limited circumstances, it may be necessary to seek an Exemption from the Rules and guidance from STaR must be sought before any procurement activity commences.
- 9.1.2 An Exemption cannot be given where this would contravene the Regulations.
- 9.1.3 Exemptions will only be considered in exceptional circumstances. Examples of circumstances which may be considered exceptional could include the following:
- The arrangement is a permitted exemption from the requirement for competition contained in European or domestic legislation;
 - To comply with legal requirements;
 - The Contract is for Goods, Services or the execution of Works which are required in circumstances of extreme urgency or unforeseeable emergency involving risks to persons, property or serious disruption to Council services;;

- d. Repairs or parts — if the only option is to repair or buy new parts for existing equipment or buildings, and there is only one supplier;
- e. Where a Service review includes the intention to co-terminate relevant Contracts;
- f. Proprietary or patented goods or services are proposed to be purchased which, in the opinion of the ASO, are only obtainable from one person, and it can be demonstrated that no reasonably satisfactory alternative to those proprietary or patented goods is available; or
- g. The ASO can demonstrate that no genuine competition can be obtained in respect of the purchase of particular Goods, Services or execution of Works; or
- h. The ASO is satisfied that the Services or execution of Works are of such a specialist nature that they can only be carried out by one person (e.g. statutory undertakers); or
- i. Goods are proposed to be purchased by or on behalf of the Council at a public auction; or
- j. Goods or Services are proposed to be purchased which are of a specialist or unique nature (such as antiquities for museums or a particular performance artist); or
- k. Any other exceptional circumstances.

9.2 Procedure for Exemptions

- 9.2.1 To apply for an Exemption the ASO must fill in the Exemption Form and submit it to the STAR for consideration and recommendation. This Exemption Form must then be signed (electronically or by hand) in accordance with the table below (unless Rule 9.2.2 applies).

Value of Contract/Quote	Decision Maker
All values	SRO for Finance and SRO for Legal or their nominees in accordance with the Council's Scheme of Delegation and in consultation with the Director of Procurement (STAR)

- 9.2.2 If an Exemption requires a Key Decision, then that Key Decision must be made in accordance with the Council's Constitution. Guidance from STAR must be sought if there is any doubt as to whether a decision is a Key Decision.
- 9.2.3 The ASO must ensure that the Exemption Form provides full details of the request and any supplementary documentation to support the request.
- 9.2.4 No commitment should be made to a potential Contractor prior to authorisation.
- 9.2.5 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Exemptions. A record of the decision approving an Exemption and the reasons for it must be stored electronically on The Chest.
- 9.2.6 In circumstances of extreme urgency, the relevant decision maker in 9.2.1 above may authorise an Exemption in writing without the need to complete an Exemption Form. The written authorisation provided in accordance with this Rule 9.2.6 must be submitted to STAR to be stored electronically on The Chest.
- 9.2.7 The ASO, in conjunction with STAR and a STAR Legal Officer, shall ensure that the Contract terms and conditions are appropriate taking into account all relevant factors (such as benefit and risk to the Council) and ensure that the Contract complies with Rule 8.

9.3 Modifications to a Contract or Framework Agreement

9.3.1 Contracts and Framework Agreements may be modified during their term without a new procurement procedure in accordance with this Rule 9.3 in any of the following cases:

- (a) where the Modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses
 - (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
 - (ii) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework agreement;
- (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:
 - (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
 - (ii) would cause significant inconvenience or substantial duplication of costs for the Council,

provided that any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement;

- (c) where all of the following conditions are fulfilled:
 - (i) the need for Modification has been brought about by circumstances which a diligent Council could not have foreseen;
 - (ii) the modification does not alter the overall nature of the Contract or Framework Agreement;
 - (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.
- (d) where a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement as a consequence of:
 - (i) an unequivocal review clause or option in conformity with sub-paragraph (a), or
 - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of the Regulations;
 - (e) where the Modifications, irrespective of their value, are not substantial within the meaning of Rule 9.3.5; or
 - (f) where Rule 9.3.3 applies.

9.3.2 Where several successive Modifications are made:—

- (a) the limitations imposed by the proviso at the end of Rule 9.3.1 (b) and by Rule 9.3.1 (c)(iii) shall apply to the value of each Modification; and

(b) such successive Modifications shall not be aimed at circumventing the Regulations.

9.3.3 This Rule 9.3.3 applies where the value of the Modification is below both of the following values:

- (a) the relevant OJEU Threshold and
- (b) 10% of the initial Contract or Framework Agreement value for service and supply Contract or Framework Agreement and 15% of the initial Contract or Framework Agreement value for works contracts,

provided that the Modification does not alter the overall nature of the Contract or Framework Agreement.

9.3.4 For the purposes of Rule 9.3.3 where several successive Modifications are made, the value shall be the net cumulative value of the successive modifications.

9.3.5 A Modification of a Contract or a Framework agreement during its term shall be considered substantial for the purposes of Rule 9.3.1(e) where one or more of the following conditions is met:

- (a) the Modification renders the Contract or Framework Agreement materially different in character from the one initially concluded;
- (b) the Modification introduces conditions which, had they been part of the initial procurement procedure, would have:
 - (i) allowed for the admission of other Tenderer than those initially selected,
 - (ii) allowed for the acceptance of a Tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
- (c) the Modification changes the economic balance of the Contract or Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement; or
- (d) the Modification extends the scope of the Contract or Framework Agreement considerably;
- (e) a new Contractor replaces the one to which the Council had initially awarded the Contract or Framework Agreement in cases other than those provided for in paragraph Rule 9.3.1(d).

9.3.6 For the avoidance of any doubt, an extension of the term of a Contract or Framework Agreement should be treated as a Modification where the original Contract or Framework Agreement make provisions for such an extension of term;

- (a) a Contract or Framework Agreement term should not be automatically extended where the Contract or Framework Agreement contains provisions to extend the term, Further guidance on extensions of terms should be sought by reference to the Procurement Handbook and STAR.

9.4 Procedure for Modifications

9.4.1 To apply for a Modification the ASO must fill in the Modification Form and submit it to the STAR for consideration and recommendation. This Modification Form must then be signed (electronically or by hand) in accordance with the table below.

Value of Contract/Quote	Decision Maker
All values	SRO for Finance and SRO for Legal or their nominees in accordance with the Council's

	Scheme of Delegation and in consultation with the Director of Procurement (STAR)
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- 9.4.2 The ASO must ensure that the Modification Form provides full details of the request and any supplementary documentation to support the request.
- 9.4.3 No commitment should be made to a potential Contractor prior to authorisation.
- 9.4.4 The Director of Procurement (STAR) is responsible for ensuring a complete record of all Modifications is kept and a record of the decision approving a Modification and the reasons for it must be submitted to STAR to be stored electronically on The Chest.

10. Declarations of Interest and Anti-Bribery and Corruption

- 10.1 The Council's reputation with regards to procurement activity is important and should be safeguarded from any imputation of dishonesty or corruption. All elected Members of the Council and Officers are reminded of their responsibilities in relation to gifts, hospitality and any conflicts of interest and should ensure they comply with the obligations set out in the Council's Members' Code of Conduct and the Officers' Code of Conduct respectively and any other relevant policies, guidance or strategies relating to bribery, fraud and corruption issued or endorsed by the Council from time to time
- 10.2 Any Officer or Member must declare any interest which could influence their judgement in relation to procurement activity in accordance with the Council's Codes of Conduct.
- 10.3 No gifts or hospitality should be accepted from any Bidders or Tenderers involved in procurement activity except in accordance with the Council's Codes of Conduct.

11. Contract Management

- 11.1 All Contracts must have a Council Contract Manager ("Contract Manager") for the entirety of the Contract. In the event that there is no named Contract Manager the ASO will fulfil the role of Contract Manager.
- 11.2 The Contract Manager will be responsible for reviewing monitoring and evaluating the contract to ensure that its provisions and the services within it are being followed and performed as they should be.
- 11.3 During the life of the Contract, the Contract Manager should monitor the Contract in respect to the following:
 - a. Performance (against agreed KPIs where relevant);
 - b. Compliance with specification and contract;
 - c. Cost;
 - d. Any Best Value duties;
 - e. Continuous Improvement;
 - f. User satisfaction; and
 - g. Risk management.
- 11.4 Where the Contract is to be re-let, this information should be available early enough to inform the approach to re-letting the next contract.
- 11.5 STAR can provide advice and support on good practice in performance management of Contracts.

- 11.6 All Contracts must be included and published on the Contracts Register maintained by STAR in line with the Local Government Transparency Code 2014. This is a mandatory requirement and it is the responsibility of the SRO for each Service to ensure that they have informed STAR of the Contracts they are responsible for and provided them with the information necessary to update the Contracts Register accordingly.

12. Retaining Relevant Documents

- 12.1 All records in relation to the award of Contracts and the associated procurement process, including supporting documentation, shall be stored by STAR in an electronic filing system to be available for inspection by the Council's internal and external auditors, or Officer, immediately upon request. Records will be retained in accordance with relevant regulations applicable to electronic record retention.

- 12.2 Hard copies of all written contracts shall be retained as follows:

Contracts with a value between £5,000 and £249,999.99	for six years after the end of the Contract
all sealed Contracts and Contracts with a value of £250,000 and above	for twelve years after the end of the Contract
Contracts that are grant funded regardless of value	Must comply with retention period above or the terms and conditions of the grant, whichever is the longer

- 12.3 If legislation related to any individual Contract stipulates a longer retention period than this, then the legislation requirements takes precedence over the Council's minimum periods.
- 12.4 Once executed, the Council shall retain one original of the complete Contract documents in line with the timescales in the table above and one copy of the complete Contract documents shall be provided to the Contractor.

SCHEDULE 1

Local arrangements for Stockport Council

The following are incorporated into the Contract Procedure Rules.

1. Basic Principles and Responsibilities

- a. Denial of a job for discriminatory reasons such as trade union membership was made unlawful, and blacklisting was statutorily prohibited under the Employment Relations Act 1999 (Blacklists) Regulations 2010.
- b. On 11 September 2014 the Council resolved to ensure that in the future the Council will not enter into contracts with any companies, whether as contractors or subcontractors, which are implicated in blacklisting unless they can demonstrate that they have “self-cleansed” and taken adequate measures to remedy past damage done and prevent any future occurrence.
- c. The Council should not invite tenders from, or award construction contracts to, companies that have breached the Blacklists Regulations.
- d. The Council considers that the blacklisting of individuals amounts to grave misconduct in the course of a business or profession unless the organisation has taken adequate measures to remedy past damage done and prevent future occurrence.
- e. Bidders for Council contracts will be required to certify that they have never blacklisted and if they have must produce to the Council’s satisfaction evidence that they have self-cleansed, to include details of the steps taken to remedy past damage done and prevent future occurrence.

PR7 - ACCESS TO INFORMATION PROCEDURE RULES

References;

S.100A-H and Schedule 12A Local Government Act 1972

S.22 Local Government Act 2000

Chapter 7 DETR Guidance

Local Authorities (Executive Arrangements (Meeting and Access to Information) (England) Regulations 2012

Openness of Local Government Bodies Regulation 2014

1. SCOPE

Rules 1-11 apply to all Council Meetings, meetings of Scrutiny Committees, the Standards Committee, Area and Ward Committees, Ordinary Committees, the Health & Wellbeing Board and to public meetings of the **Cabinet** or **Cabinet** Committees. Rules 1-23 apply to the making of Executive decisions.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings except as provided in these rules.

4. NOTICES OF MEETINGS

At least 5 clear days' notice of any meeting will be given by the posting of a notice at the Town Hall, unless the meeting is convened at shorter notice for reasons of urgency, in which case notice of the meeting will be given as soon as it is convened.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

Copies of the agenda and reports open to the public will be available for inspection at the Town Hall at least 5 clear days before the meeting, unless the meeting is convened at shorter notice, in which case the agenda and reports will be available as soon as it is convened. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, **Democratic Services** will make copies of the report available as soon as it has been finalised and sent to Councillors) will be open for inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

Copies of the following documents will be supplied to any person on payment of a charge for postage and any other costs:

- (i) the agenda and reports which are open to public inspection;
- (ii) any further statements or particulars which are necessary to indicate the nature of the items on the agenda;
- (iii) if **Democratic Services** thinks fit, copies of any other documents supplied to Councillors in connection with an agenda item.

Where copies of documents where the Council is copyright holder are supplied to members of the public, they may reproduce or provide commentary on any of these documents in any publically available medium.

7. ACCESS TO MINUTES ETC. AFTER THE MEETING

A copy of the following documents will be open to inspection by the public for a period of 6 years from the date of the meeting:

- the agenda for the meeting;
- any report relevant to items when the meeting was open to the public;
- the minutes of the meeting and, in respect of meetings of the **Cabinet**, an **Cabinet** Committee, or an Area Committee which has taken an executive decision, the record of decisions taken (See Rule 18), excluding any part of the minutes or record of proceedings when the meeting was not open to the public or which discloses confidential or exempt information;
- a summary of any proceedings not open to the public, where the minutes open to inspection would not produce a reasonably fair and coherent record.

8. BACKGROUND PAPERS

- (a) **Democratic Services, on behalf of the Chief Executive** will set out in every report a list of background papers and will keep a copy of the list and a copy of the background papers available for inspection by the public for 4 years from the date of the meeting. Copies of background papers for meetings where decisions are being made or where decisions are taken by an Individual **Cabinet Member** or an officer will also be made available on the Council's website.
- (b) Background papers are those which disclose facts or matters on which, in the opinion of the **Chief Executive**, a report or an important part is based, and have been relied on to a material extent in preparing the report or making a decision, but do not include published works or documents which contain confidential or exempt information or, in the case of **Cabinet** reports, the advice of a political adviser.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be available for inspection at the Town Hall.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential Information

The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential Information means information given to the Council by a Government Department on terms that forbid its public disclosure, or information which cannot be publicly disclosed by Court order.

10.2 Exempt Information

The public **may** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. For meetings of the **Cabinet** or Area Committees where executive decisions are being taken at least 28 clear days' notice will be given of the intention to exclude the public from the meeting where exempt information may be disclosed (see Rule 20 below). Where the meeting will determine any person's civil rights or obligations or adversely affect his or her possessions Article 6 of the European Convention of Human Rights 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. Exempt Information means information falling within the following categories (subject to any condition). IN ALL CASES, BEFORE THE PUBLIC IS EXCLUDED THE MEETING MUST BE SATISFIED THAT, IN ALL THE CIRCUMSTANCES OF THE CASE, THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION.

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. Contemplated, as well as past and current activities are included.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under the authority.	"Labour relations matter" are as specified in paragraph (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

The **Chief Executive** may exclude access to the public to reports that in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

12.1 Rules 12-23 apply to the making of Executive decisions by the **Cabinet**, **Cabinet Committees**, individual members of the **Cabinet**, Area Committees and, in respect of executive or key decisions made by them, to officers. If the **Cabinet** or an **Cabinet Committee** meets to take a key decision or to discuss, in the presence of an officer, who is not a political adviser, a key decision that is likely to be taken at a meeting within 28 days then that meeting must be held in public, and it must also comply with Rules 1-11. A key decision is as defined in **Article 15.03 (b)** of this Constitution. This requirement does not include meetings the sole purpose of which is for officers to brief Councillors.

12.2 **Cabinet** meetings may only take place in the presence of the **Monitoring Officer** or his/her nominee with responsibility for recording and publicising the decisions.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question; and
- (b) where the decision is to be taken at a meeting, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period Covered

Forward Plans will be prepared by the **Cabinet** Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the third month covered in the preceding plan.

14.2 Contents of Forward Plan

In respect of each matter which the **Cabinet** Leader has reason to believe will be subject of a key decision during the period covered by the plan, the Forward Plan will contain the following particulars in so far as they are available or might reasonably be obtained:

- the matter in respect of which a decision is to be taken;
- the date, or the period within which, the decision is to be taken;

- where the decision maker is an individual, his/her name and title; where the decision maker is a body, its title and a list of its members;
- the identity of the principal groups or organisations the decision maker proposes to consult before taking the decision;
- the means by which consultation is proposed to be undertaken;
- the steps any person might take who wishes to make representations to the **Cabinet** or the decision maker about a matter, and the date by which those steps must be taken;
- a list of the documents submitted to the decision maker for consideration in relation to the matter, and details of how the public can access these documents or request details of the documents as they become available (subject to any restrictions); and
- whether the reports to be considered by the decision-maker will include confidential or exempt information and require the meeting to be private to consider the item, either in full or in part, and the relevant exemption category.

The Forward Plan must not contain any confidential information and there is no requirement for it to contain exempt information or particulars of the advice of a political adviser

14.3 **Publication of the Forward Plan**

The Forward Plan will be published at two months before the start of the period covered.

The Forward Plan will be published on or around the first of every month on the Council's website and a copy will be available at the Town Hall for inspection at reasonable hours, free of charge.

14.4 **Items not included in the Forward Plan**

Where an item has not been included within the Forward Plan but needs to be published before the next Forward Plan is due to be published, a supplementary Forward Plan will be published to include these items where the proposed date of decision is at least 28 days after the date of publication. Where 28 days notice cannot be achieved, General Exception provisions will apply (see Rule 15)

15. **GENERAL EXCEPTION**

If a matter which would be a key decision cannot be included in the Forward Plan or 28 days notices cannot be given then, subject to Rule 16 (Special Urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision to ensure that notice has been published (in the Forward Plan or any supplement to it) within 28 clear days of the proposed meeting; and
- (b) **Democratic Services** has informed each member of the relevant Scrutiny Committee by notice in writing, of the matter in relation to which a decision is to be made, including reasons why compliance with the requirement to provide at least 28 clear days' notice was not practical in that case; and

- (c) **Democratic Services** has made copies of that notice available to the public at the Town Hall and on the Council website; and
- (d) at least 5 clear days have elapsed since 9b) and (c) **were complied with.**

16. SPECIAL URGENCY

If compliance with Rule 15 (general exception) is impracticable by virtue of the date by which a decision must be taken, then the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of a relevant Scrutiny Committee that the taking of the decision is urgent and cannot reasonably be deferred.

If there is no Chair of a relevant Scrutiny Committee, or if the Chair of each relevant Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his absence the Deputy Mayor will suffice.

As soon as practicable after agreement has been obtained, a notice must be published, to all members of the relevant Scrutiny Committee and available to the public at the Town Hall and on the Council website, setting out the reasons for urgency and why the decision cannot reasonably be deferred.

17. REPORTS TO THE COUNCIL MEETING

Where a Scrutiny Committee is of the opinion that a key decision has been taken which was not:

- included in the Forward Plan; or
- the subject of the general exception procedure (Rule 15); or
- the subject of an agreement with a relevant Scrutiny Committee Chair, or the Mayor or Deputy Mayor under Rule 16

the Scrutiny Committee may require the **Cabinet** to submit a report to the Council Meeting.

The **Cabinet** will prepare a report for submission to the next available Council Meeting. However, if the next Council Meeting is within 7 clear days of the resolution of the Scrutiny Committee, then the report may be submitted to the next following Council Meeting. The **Cabinet** report to the Council Meeting will set out particulars of the decision, the individual or body making the decision and, if the **Cabinet** is of the opinion that it was not a key decision, the reasons for that opinion.

In any event, the **Cabinet** Leader will submit at least annually a report to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the period since the last report was submitted, including the particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF EXECUTIVE DECISIONS TAKEN AT MEETINGS

After any meeting of the **Cabinet**, or an **Cabinet** Committee, or an Area Committee which has taken an executive decision, **a representative of Democratic Services**

or, in the event that a **representative of Democratic Services** was not present, the Chair will, as soon as practicable, produce a written statement which must include:

- the name of the decision-making body and a date of the decision
- a record of every decision taken and the reasons for those decisions;
- details of any alternative options considered and rejected;
- a record of any conflict of interest or Disclosable Pecuniary Interest declared by any member of the decision making body;
- in respect of any declared conflict of interest or Disclosable Pecuniary Interest, a note of any dispensation granted by the Standards Committee.

19. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET OR KEY DECISIONS BY OFFICERS

- 19.1 Subject to Rule 16 (Special Urgency), where an officer receives a report which he/she intends to take into account in making a key decision, then he/she will not take the decision until the report has been available for public inspection for at least 5 clear days.
- 19.2 The officer making the decision referred to in 19.1 must ensure that **Democratic Services** makes the report publicly available as soon as reasonably practicable after the member or officer receives it. **Democratic Services** must also ensure that the report contains a list of background papers and that they are also publicly available. The person who submitted the report must, as soon as reasonably practicable, supply a copy to the Chair of any relevant Scrutiny Committee, or if there is no such person to every member of the relevant Scrutiny Committee.
- 19.3 As soon as reasonably practicable after an executive decision has been taken by an **individual member** of the **Cabinet** or an officer making a Key Decision, he/she will prepare, or instruct **Democratic Services** to prepare, a written statement which must include:
- (a) the title of the individual member and a date of the decision
 - (b) a record of the decision and the reasons for it;
 - (c) details of any alternative options considered and rejected;
 - (d) a record of any conflict of interest declared by any executive member who was consulted by the member/officer who made the decision and any dispensations granted to the member being consulted;
 - (e) in respect of any declared conflict of interest or Disclosable Pecuniary Interest of the decision maker if a member, a note of any dispensation granted by the Standards Committee.

20. DECISIONS BY OFFICERS

- 20.1 Where an officer is making a decision and it falls within the following categories, as soon as reasonably practicable after the decision has been made, the officer must produce a written statement of that decision:-
- (a) under a specific express authorisation from a Committee
 - (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or

- (iii) award a contract or incur expenditure which, in either case, materially affects the Council's financial position*

* No such decision should be taken without an agreement in principal from the **Cabinet** or Individual **Cabinet Member** or where provision has been made within the agreed budget.

20.2 The written statement produced following the decision must include:

- (a) the title of the officer and the date of the decision
- (b) a record of the decision and the reasons for it;
- (c) details of any alternative options considered and rejected;
- (d) a record of any conflict of interest declared by any executive member who was consulted by the officer who made the decision and any dispensations granted to the member being consulted;;
- (e) in respect of any declared conflict of interest, a note of any dispensation granted.

and send a copy of that written statement to **Democratic Services** together with any report or background papers.

21 PUBLICATION OF DECISIONS

- 21.1 The written statement prepared in accordance with Rules 19 and 20, together with any report and background papers, must be made available for public inspection and on the Council website by **Democratic Services** as soon as is reasonably practicable.
- 21.2 **Confidential information** must not be disclosed under these procedures, and there is no requirement for the disclosure of **exempt information**, or particulars of the advice of a political adviser.

22. NOTICE OF PRIVATE CABINET MEETINGS

- 22.1 Where the **Cabinet**, **Cabinet** Committees or an Area Committee is likely to consider an item that contains exempt or confidential information and will require the public to be excluded from the meeting to prevent the disclosure of this information, it must publish a notice 28 clear days in advance of the meeting that includes a statement of the reasons for the meeting being held in private for that item (either for the whole item or for part). The notice should also include details of how representations can be made.
- 22.2 At least 5 clear days before the meeting a further notice will be published setting out the reasons for holding ay part of the meeting in private, details of any representations received about why the meeting should be held in public and a response to these representations. The Meeting will then consider the representations and response and decide whether to pass a resolution excluding the public from all or part of the consideration of the item containing exempt information or agree that the public remain for the public debate and that the exempt information is not discussed in order to prevent its disclosure.

Where the report contains confidential information as defined by 10.1 above, the public must be excluded from the meeting.

- 22.3 If the date of the meeting and the urgency of the decision makes compliance with this requirement impractical, the meeting may only be held in private with the agreement

of chair of the relevant scrutiny committee, or if there is no such person the Mayor or Deputy Mayor. As soon as reasonably practical after this permission is obtained a notice will be published setting out the reasons why the matter is urgent and cannot reasonably be obtained.

23. MEMBERS OF SCRUTINY COMMITTEES TO HAVE ACCESS TO DOCUMENTS

23.1 Subject to 21.2, a member of a Scrutiny Committee shall be entitled to copies of any document which is in the possession or control of the **Cabinet** and which contains material relating to:

- (a) any business that has been transacted at a public or private meeting of the **Cabinet** or an **Cabinet** Committee;
- (b) any decision taken by an individual member of the **Cabinet**;
- (c) any key decision that has been taken by an officer

The documents must be provided as soon as practicable, usually within three working days but no later than five working days after the request is received.

23.2 A member of a Scrutiny Committee shall not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he or she is reviewing or scrutinising or which is relevant to any review to be undertaken in accordance with the Scrutiny Work Programme;
- (b) any part of a document that contains the advice of a political adviser.

23.3 Where the **Cabinet** determines that a member of Scrutiny Committee is not entitled to a copy of a document or part of a document that has been requested for the reasons set out in 21.2 above, the **Cabinet** must provide the relevant Scrutiny Committee with a written statement as soon as practicable, setting out its reasons for that decision.

Any member of that Scrutiny Committee can require the Monitoring Officer to attend the next meeting of the relevant Scrutiny Committee to explain their reasons for refusing to supply a copy of the information requested

24. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

In addition to any other right he/she may have:

- (a) All Councillors are entitled to inspect;
 - (i) any document which is in the possession or under the control of the **Cabinet** and contains material relating to any business which is to be transacted at a public meeting of the **Cabinet**.
 - (ii) any document which is in the possession or under the control of the **Cabinet** and contains material relating to any business which has been transacted at a private meeting of the **Cabinet**, or any decision taken by an individual member of the **Cabinet** or any key decision taken by an officer, immediately after the meeting concludes or the decision is taken, as the case may be.
- (b) The provisions of paragraph a) above do not apply to any document which appears to the **Chief Executive** to contain:

- (i) exempt information falling within part 1 of Schedule 12A of the Local Government Act 1972 other than
- information that relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract
 - information which reveals that the authority proposes to give a notice imposing requirements on a person or make an order or direction under any enactment;
- (ii) the advice of a political adviser.

PR 8 - OFFICER EMPLOYMENT PROCEDURE RULES

References:

Chapter 8 and 9 DETR Guidance

The Local Authorities (Standing Orders)(England) Regulations 2001

1. Recruitment and Appointment

1.1 Declarations

Candidates for appointment as officers will be required to state in writing whether they are the parent, 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.

No candidate so related to a Councillor or an officer will be appointed without the authority of the Corporate Director of the employing department or an officer nominated by him/her.

1.2 Canvassing for appointment

Direct or indirect canvassing of any Councillor for any appointment with the Council will disqualify the candidate. The content of this paragraph will be included in any recruitment information.

No Councillor will solicit for any person any appointment with the Council; but this will not preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of the Paid Service and Corporate Director and Deputy Chief Officers

2.1 Where the Council proposes to appoint a Corporate Director or Deputy Chief Officer (including an appointment at Service Director level) the Council will draw up a statement specifying:

- the duties of the post concerned; and
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- any qualifications or qualities to be sought in the person to be appointed;

2.2 Where is not proposed that the appointment be made from among their existing officers, the Council will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

3. Appointment and dismissal of the Head of the Paid Service and other Corporate Director and Deputy Chief Officers, and appointment and disciplinary action against other Officers.

The appointment and dismissal of the Head of the Paid Service and other Corporate Director and Deputy Chief Officers and the appointment, and disciplinary action against Officers below Deputy Chief Officer level shall be governed by the following provisions which shall have effect as the mandatory standing orders required by the Local Authorities (Standing Orders)(England) Regulations 2001.

Part 1 - Provisions Relating To Staff

1. In this Part -

"the 1989 Act" means the Local Government and Housing Act 1989

"the 2000 Act" means the Local Government Act 2000

"disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

"executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;

"member of staff" means a person appointed to or holding a paid office or employment under the authority; and

"proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service (currently the Chief Executive) or by an officer nominated by him/her.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against -

- (a) the officer designated as the head of the authority's paid service; (*currently the Chief Executive*)
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act;
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
- (e) a person appointed in pursuance of section 9 of the 1989 Act (*assistants for political groups*);
- (f) the Monitoring Officer.

4. - (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer (Section 151 Officer), or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

5. - (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until -

(a) the appointor has notified the **Chief Executive** of the name of the person to whom the appointor wishes to make the offer and any other particulars which the

appointor considers are relevant to the appointment;

(b) the **Chief Executive** has notified every member of the executive of the authority of -

- (i) the name of the person to whom the appointor wishes to make the offer;
- (ii) any other particulars relevant to the appointment which the appointor has notified to the **Chief Executive**; and
- (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the **Chief Executive**; and

(c) either -

- (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he/she nor any other member of the executive has any objection to the making of the offer;
- (ii) the **Chief Executive** has notified the appointor that no objection was received by him/her within that period from the executive leader; or
- (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

6. - (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until -

(a) the dismissor has notified the **Chief Executive** of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the **Chief Executive** has notified every member of the executive of the authority of -

- (i) the name of the person who the dismissor wishes to dismiss;
- (ii) any other particulars relevant to the dismissal which the dismissor has notified to the **Chief Executive**; and
- (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the **Chief Executive**; and

(c) either -

- (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

- (ii) the **Chief Executive** has notified the dismissor that no objection was received by him/her within that period from the executive leader; or
- (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by -

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Political Assistants. The appointment of Political Assistants will be made in accordance with the wishes of the relevant political groups, in accordance with the following provisions which will have effect as Standing Orders of the Council:-

- (1) Where the Council Meeting resolves to exercise its powers under Section 9 of the Local Government and Housing Act 1989 to make appointments to posts the duties of which are to provide assistance to members of a political group in the discharge of their functions as Councillors:-
 - (i) No such appointment shall be made until the Council Meeting has allocated such a post to each political group which qualifies for such a post under that section;
 - (ii) No such appointment shall be made in respect of any political group which does not qualify for such a post under that section;
 - (iii) Not more than one such post shall be allocated to any political group;
 - (iv) Unless the political group to which the post is allocated indicate that they are content that the terms and conditions of any such post shall be less favourable than they would otherwise be, the terms and conditions of appointment to all such posts (including the terms required to be included by sub-sections (3) and (4) of that section, and the hours to be worked and the scale of remuneration to be paid) shall be the same for all such posts;
 - (v) Whenever any such post has been established and is vacant, the Chief Executive shall, in accordance with the wishes of the political group to which it is allocated:
 - (a) cause one or more advertisements giving details of the post to be placed in such newspaper or periodicals as shall be designated by that group:

provided that not more than three such advertisements shall be placed without the consent of the Council Meeting;
 - (b) make arrangements for meetings of such members of that group as that group may decide for the purpose of choosing a shortlist from, and interviewing, the candidates; and

- (c) appoint such person as that group shall indicate on the terms and conditions approved by the Council Meeting.

5. Disciplinary Action against Statutory Officers

The taking of disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Financial Officer will be governed by the following provisions which shall take effect as the mandatory standing orders required by the Local Authority (Standing Orders)(England) Regulations 2001.

Part 2 – Provisions Relating to Disciplinary Action

1. In the following paragraphs —

- (a) “*the 2011 Act*” means the Localism Act 2011(b);
- (b) “*chief finance officer*”, “*disciplinary action*”, “*head of the authority's paid service*” and “*monitoring officer*” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “*independent person*” means a person appointed under section 28(7) of the 2011 Act;
- (d) “*local government elector*” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
- (e) “*the Panel*” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
- (f) “*relevant meeting*” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
- (g) “*relevant officer*” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “*relevant independent person*” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

- (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the authority;
- (c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

- 7.** The authority must appoint any Panel at least 20 working days before the relevant meeting.
- 8.** Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 9.** Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.

PR9 - ADOPTION OF BUDGET, PLANS AND STRATEGIES PROCEDURE RULES

These rules are required by the Local Authorities (Standing Orders) (England) Regulations 2001/3384

Definitions:

These Rules apply to the following Plans and Strategies:

Annual Library Plan	Section 1(2) of the Public Libraries and Museums Act 1964 (c.75).
Children and Young People's Plan	Children and Young People's Plan (England) Regulations 2005.
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
Development plan documents	Section 15 of the Planning and Compulsory Purchase 2004 Act.
Licensing Authority Policy Statement	Section 349 of the Gambling Act 2005 Act.
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998
Any plan or strategy for the control of the Council's borrowing or capital expenditure	

These Rules also apply to the following functions in relation to plans and strategies in the circumstances set out below:

Function	Circumstances
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy of a description referred to in regulation 4(1)(b) or Schedule 3 of the Local Authorities (Functions and Responsibilities) Order 200/2853	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which—	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made—
(a) is the responsibility of the executive; and	
(b) is concerned with the authority's budget, or their borrowing or capital expenditure.	(a) is minded to determine the matter contrary to, or not wholly in accordance with— (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.

Function	Circumstances
3. * The determination of any matter in the discharge of a function—	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.
(a) which is the responsibility of the executive; and	
(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	

Unless (a) the circumstances which render necessary the making of the determination may reasonably be regarded as urgent;

and

(b) the individual or body by whom the determination is to be made has obtained from the chairman of a relevant overview and scrutiny committee or, if there is no such person, or if the chairman of every relevant overview and scrutiny committee is unable to act, from the chairman of the authority or, in his absence, from the vice-chairman, a statement in writing that the determination needs to be made as a matter of urgency.

1. In this Part—

“executive” and *“executive leader”* have the same meaning as in [Part 1A of the Local Government Act 2000] ¹;

The Council's cabinet falls within the definition of *“executive”*

“plan or strategy” and *“working day”* have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the Cabinet has submitted a draft plan or strategy to the Council meeting for its consideration and, following consideration of that draft plan or strategy, the Council meeting has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the Council meeting—

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

it must inform the Cabinet Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the Council meeting gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on

which the Cabinet Leader receives the instructions on behalf of the Cabinet within which the Cabinet Leader may—

- (a) submit a revision of the draft plan or strategy as amended by the executive (the “revised draft plan or strategy”), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council meeting for the Council meeting's consideration; or
- (b) inform the Council meeting of any disagreement that the Cabinet has with any of the Council meeting's objections and the Cabinet's reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the Council meeting must, when—

6.

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,
- (d) take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council meeting's objections and the Cabinet's reasons for that disagreement, which the Cabinet Leader submitted to the Council meeting, or informed the Council meeting of, within the period specified.

7. Subject to paragraph 10, where, before 8th February in any financial year, the Cabinet submits to the Council meeting for its consideration in relation to the following financial year—

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of [sections 31A, 31B , 34 to 36A , 42A, 42B , 45 to 49 , 52ZF , 52ZJ , of the Local Government Finance Act 1992] 1;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council meeting has any objections to them, it must take the action set out in paragraph 7.

8. Before the Council meeting makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Cabinet Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council meeting's requirements.

9. Where the Council meeting gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Cabinet Leader receives the instructions on behalf of the Cabinet within which the Cabinet Leader may—

- (a) submit a revision of the estimates or amounts as amended by the Cabinet (“revised estimates or amounts”), which have been reconsidered in accordance with the Council meeting's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council meeting for the Council meeting's consideration; or

(b) inform the authority of any disagreement that the executive has with any of the authority's objections and the executive's reasons for any such disagreement.

10. When the period specified by the Council meeting, referred to in paragraph 8, has expired, the Council Meeting must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account—

(a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(b) the Cabinet's reasons for those amendments;

(c) any disagreement that the Cabinet has with any of the Council meeting's objections; and

(d) the Cabinet's reasons for that disagreement,

which the Cabinet Leader submitted to the Council meeting, or informed the Council meeting of, within the period specified.

PART 5 - CODES AND PROTOCOLS

CP1 - CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

2. General Principles of Conduct for Members and Co-opted Members

The Code and the Guidance are based on the following General Principles.

2.1 General Principles

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

2.2 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.3 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.4 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.5 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

2.6 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.7 Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

2.8 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

2.9 Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

2.10 Stewardship

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

2.11 Leadership

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3. Training

- 3.1 Each Member should attend annual training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific Committees, for example Development Control or Licensing Committees.

THE CODE OF CONDUCT

Part 1 General provisions

1. Introduction and interpretation

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years. In this Code - “meeting” means any meeting of:
 - (a) the Council;
 - (b) any of the Council’s committees or sub-committees, joint committees or joint sub-committees;
 - (c) the **Cabinet** or any committee of the **Cabinet**.
- 1.3 “Member” includes a co-opted member and an appointed member.

2. Scope

- 2.1 Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and, references to your official capacity are construed accordingly.
- 2.2 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.3 Where you act as a representative of the Council—
 - (a) on another relevant authority, including the Greater Manchester Combined Authority, the Greater Manchester Fire & Rescue Authority and the Greater Manchester Waste Disposal Authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- 3.1 You must not:
 - (a) do anything which may knowingly cause the Council to breach the Equality Act 2010;
 - (b) bully or be abusive to any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,

- (ii) a witness, or
- iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

4. You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

6. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by

- (a) The Council's chief finance officer; or
- (b) The Council's monitoring officer,

where that officer is acting pursuant to his or her personal statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 - Disclosable pecuniary interests

8. Notification of disclosable pecuniary interests

- 8.1 Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.
- 8.2 A 'disclosable pecuniary interest' is an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.
- 8.3 "Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 month period prior to notification of the interest in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation Act) 1992 (a).
Contracts	Any contract which is made between you or your partner (or a body in which you or your partner has a beneficial interest) and the Council - (a) under which goods or services are to be provided or works are to be executed: and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of Stockport Metropolitan Borough Council.

Subject	Description
Licences	Any licence (alone or jointly with others) to occupy land in the area of Stockport Metropolitan Borough Council for a month or longer.
Corporate Tenancies	Any tenancy where (to your knowledge) - (a) the landlord is the Council: and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities	Any beneficial interest in securities of a body where - (a) that body (to your knowledge) has a place of business or land in the area of Stockport Metropolitan Borough Council; and (b) either - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

8.3 For the purposes of the above

- (a) "a body in which you or your partner has a beneficial interest" means a firm in which you or your partner is a partner or a body corporate of which you or your partner is a director, or in the securities of which you or your partner has a beneficial interest.
- (b) "director" includes a member of the committee of management of an industrial and provident society.
- (c) "land" excludes an easement, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly) to occupy the land or receive income, and
- (d) "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

9. Non participation in case of disclosable pecuniary interest

- 9.1 If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, or the **Cabinet** or committee of the **Cabinet** and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,
- 1. You must not participate in any discussion of the matter at the meeting.
 - 2. You must not participate in any vote taken on the matter at the meeting.

3. If the interest is not registered, you must disclose the interest to the meeting.
 4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- 9.2 Where an **Cabinet** member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the **Cabinet** member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

10 Offences

10.1 It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an **Cabinet** member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest
- As an **Cabinet** member discharging a function acting alone, and having a disclosable pecuniary interest in a matter, taking any steps in relation to such a matter.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

10.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Part 3 - Other interests

11. Notification of personal interests

- 11.1 In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -
- (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the categories set out in paragraph 11(2) below for inclusion in the register of interests.

- 11.2 You have a personal interest in any business of your authority where it relates to or is likely to affect –
- (a) any body of which you are in a position of general control or management and to which you are appointed or nominated by your authority;
 - (b) any body -
 - (i) exercising functions of a public nature;
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are in a position of general control or management;
 - (c) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25, or

12 Disclosure of interests

- 12.1 Subject to paragraphs 12.4 to 12.7, where you have a personal interest described in paragraph 11.2 above or in paragraph 12.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 12.2 You also have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral ward, affected by the decision;
- 12.3 In paragraph 12.2, a *relevant person* is -
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph 11.2(a) or (b).
- 12.4 Where you have a personal interest in any business of the Council which relates to or is likely to affect a body described in paragraph 11.2(a) or 11.2(b)(i), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 12.5 Where you have a personal interest in any business of the Council of the type mentioned in paragraph 11.2(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 12.6 Where you have a personal interest but, by virtue of paragraph 16, (sensitive interests) relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

- 12.7 Where you have a personal interest in any business of your authority 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.

11 Non participation in case of prejudicial interest

- 13.1 Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –

- (a) affects your financial position or the financial position of a person or body described in paragraph 12.3 ;or
- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 12.3.

- 13.2 Subject to paragraphs 13.3 and 13.4, where you have a prejudicial interest in any business of your authority—

- a) You must not participate in any discussion of the matter at the meeting.
- b) You must not participate in any vote taken on the matter at the meeting.
- c) If the interest is not registered, you must disclose the interest to the meeting.
- d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

- 13.3 Where you have a prejudicial interest in any business of the Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 13.4 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of—

- (a) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (b) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay; and
- (c) any ceremonial honour given to members.
- (d) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease
- (e) an allowance, payment or indemnity given to members.
- (f) setting Council tax or a precept under the Local Government Finance Act 1992

- 13.5 Where, as an **Cabinet** member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take

any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

14 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the Council (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the **Cabinet** or another of the authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the **Cabinet**, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may attend the meeting of the overview and scrutiny committee for the purpose of explaining the reasons for the decision, or answering questions or giving evidence relating to the business, but you cannot participate otherwise in the discussion or in any vote on the matter.

Part 4 - General Matters relating to Parts 2 and 3

15 Register of interests

Subject to paragraph 16 any disclosable pecuniary interests or personal interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

16 Sensitive interests

This paragraph applies where you consider that disclosure of the details of a disclosable pecuniary interest or a personal interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees. In these circumstances, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

17 Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

CP2 – Officers Code of Conduct

1. Introduction

Stockport Council is committed to maintaining high standards of conduct in all areas of its activities. It relies on employees to observe these standards when carrying out their duties and in doing so promote and maintain public confidence and trust in the work of the council.

The Code has been set out to:

- promote fairness and consistency in the treatment of individuals;
- establish clear standards to help employees maintain and improve the services they provide. Further information can be found in section five of this document;
- help maintain satisfactory relationships with members of the public, colleagues and Elected Members; and
- help to protect employees from bias, misunderstanding or unjustified criticism.

Employees are required to comply with the Code of Conduct as it will help them to understand and comply with the high standards of conduct the council expects, failure to do so may result in disciplinary action, which could include dismissal.

Staff working in a school environment are governed by context-specific Codes of Conduct which must be adopted locally by the School's Governing Body.

Some services and professionals have to also comply with supplementary codes of conduct and Codes of Practice linked to professional registration for example, social workers and occupational therapists.

2. Scope

This Code of Conduct applies to all council employees. A separate Code of Conduct for Members is also available within the Council's Constitution. Individuals contracted to provide services for the council, such as agency workers, should comply with the principles of the code, although they are not designated as employees.

Although the code is comprehensive in the range of issues included it is not possible to cover every circumstance. Management reserve the right to take appropriate action should any issue arise not otherwise covered in the code.

3. General principles behind the Code of Conduct

The public is entitled to expect the highest standards of conduct from all local government employees. In performing their duties, employees must act with integrity, honesty, impartiality and objectivity.

Employees are trusted to use their own judgement in the performance of their duties but if employees are unsure of the correct course of action, they must speak to their manager at the earliest opportunity.

4. Responsibilities

(a) Council responsibilities

The council has a responsibility to help ensure that managers and employees:

- are clear about what is expected of them;

- have a safe and healthy working environment;
- have a work environment that is free from discrimination, harassment or bullying as covered by the Dignity at Work procedure;
- are offered relevant development opportunities;
- have the opportunity to choose to be accompanied by a trade union representative or colleague, in appropriate circumstances, as determined by council policy; and
- are treated fairly, with respect and dignity.

(b) Managerial responsibilities

Managers must ensure that they understand the main requirements of the code. They are also responsible for:

- ensuring that their employees are aware of the code and how it may affect them in their work;
- maintaining an environment of respect, recognition and support and to induct all new employees to their role;
- making appointments only on the basis of merit and capability to carry out the role;
- exercising a duty of care to employees and customers, ensuring health and safety requirements are met; and
- ensuring that paper copies of this code are made available to employees who do not have access to the council's intranet.

(c) Employee responsibilities

As part of the code employees are expected to:

- familiarise themselves with the contents of the code and act in line with the principles set out in it;
- understand and apply the council's rules, policies and procedures;
- act honestly and with dignity and treat others with respect;
- ensure their conduct does not discriminate against others;
- attend work and be able to carry out their duties safely and effectively;
- follow reasonable management instructions, procedures and regulations; and
- be committed to delivering quality services competently and with due care.

5. Workplace Behaviour and Personal Conduct

(a) Dignity at work

Everyone has a right to be treated with fairness, dignity, integrity and respect regardless of their age, disability, marriage and civil partnership; pregnancy and maternity; race; religion or belief; gender; sexual orientation or gender reassignment

Employees should take care that through their actions they do not undermine the dignity and respect of other people, or encourage others to be disrespectful, to any individual or group. They must ensure that:

- their conduct does not discriminate, victimise, harass or be perceived as bullying towards others;
- they are familiar with and follow the council's policies on equality and diversity and dignity at work; and
- they develop and maintain appropriate skills in valuing diversity

Further information can be found in the Dignity at Work procedure.

(b) Workplace problems

From time to time, employees may have a problem or concern at work. While most problems can be resolved during the normal working day, some may need addressing in a formal manner in order for them to be resolved satisfactorily.

If employees have a concern or problem about an aspect of their employment they can use the relevant procedure or the Employee Relations procedure.

(c) Reporting absences

If an employee is unable to attend work for any reason, they must advise their manager as soon as possible. In cases of absence due to sickness they must report their absence in accordance with the council's sickness absence management procedure.

(d) Learning and development

To ensure the council delivers an efficient and effective service, it continuously invests in its employees and helps ensure they have the skills to do their job. This means they will be required to undertake relevant learning and development opportunities to give them the skills and knowledge necessary to do their job.

(e) Use of authority, status or official position

Employees should not use their job as a Council employee, their status, powers or authority to seek to improperly influence any decision or action, for example when dealing with the selection of contractors or developers or in employment matters.

If employees provide advice and guidance they are expected to do this in an honest and impartial manner. All advice and guidance should be in accordance with council policies, procedures and guidelines.

If employees find there is a conflict between their work role and their personal situation, they will need to speak to their manager to try to resolve the conflict.

Employees may have dealings with the council on a personal level as a service user. They must never seek or accept preferential treatment for themselves or others in these dealings because of their position as a council employee. They must also avoid being in a situation that could lead the public to think that they are receiving preferential treatment.

(f) Conduct during working hours

All employees are expected to behave in an appropriate manner, and to meet required standards, in the workplace.

Failure to meet expected standards will result in action being taken under the Employee Relations procedure.

(g) Conduct outside working hours

In general terms, what employees do outside of work is their own concern but they should avoid doing anything which may result in the council's reputation being damaged. Serious misconduct or criminal offences committed during, or outside working hours, which bring employees or the council into disrepute, can lead to disciplinary action and may result in dismissal.

There are also some professions where 'bringing the profession into disrepute' could result in a person being struck off their professional register and no longer being allowed to practise. Employees should refer to the code of practice for any professions that they may belong to.

Employees provided with a uniform who choose to wear it outside working hours should be aware that they will continue to be identifiable as a Council employee.

(h) Use of Council property, facilities and equipment

Employees must only use council property, facilities, substances and equipment for the council's business unless they have their manager's permission to do otherwise. Employees may make phone calls within reason and within their own time, but may be required to reimburse the council for the cost.

Employees may also access the council's internet connection for personal use, in their own time within restricted hours in line with the notes in section 11b of this document.

Any Council vehicle must be used for authorised purposes only and if employees use such a vehicle for any unauthorised purpose they will not be covered by the Council's insurance policy and may be personally liable in the event of an accident, in addition to any criminal offence that may be brought.

When employees leave the council's employment, they must return any property belonging to the council. This may include, but is not limited to, security and identity cards, security tokens, vehicle and fuel keys, car park pass, laptop, mobile phones or items of uniform.

(i) Political neutrality

Employees serve the council as a whole and not just the political group in power. They must ensure that the individual rights of all elected members are respected. They should not let their own personal or political opinions interfere with their work.

If they are required to advise political groups they must remain unbiased to maintain their political neutrality. This does not apply to Political Assistants appointed in pursuance of Section 9 of the Local Government and Housing Act 1989.

Employees will have been notified separately if their Post is 'politically restricted' and will be given details of the restrictions which apply. These restrictions form part of their contract of employment which they are obliged to observe. A list of politically restricted posts is held by Legal and Governance, Corporate and Support Services Directorate.

If you are involved in politics in your private life you should ensure that your public duties and private activities are seen to be distinct.

6. Customer care

As part of its overall objectives the council aims to deliver quality services, fairly, courteously and responsively by well-informed employees who take pride in what they do, linked to the council's values and priorities.

Employees must follow any customer care and complaint handling procedures or standards issued to them and remember that colleagues are our internal customers and should be given the same level of customer service.

(a) Standards of dress

Standards of dress must be clean and appropriate to the workplace, the nature of their duties, and the specific requirements of health and safety where it is applicable. Where a uniform is supplied this must be worn when carrying out Council duties.

Some employees may dress in accordance with their own religious or cultural backgrounds and other employees will need to be sensitive towards this. All of the above considerations apply.

(b) Security and identification badges (ID)

Employees must ensure their official ID is visibly displayed at all times whilst on Council premises and when visiting customers, service users or external premises. It must only be used for official purposes and it must not be given to anyone else.

Employees are encouraged to question anyone in council premises who isn't displaying either an ID or a visitor's badge. If an employee loses their ID they must report it to their manager and they will need to pay for a replacement. Employees who leave the employment of the council are required to return their ID and any other security devices they may have, as well as other items as detailed in section 5h.

(c) Visiting domestic and other external premises

Employees, who need to visit any domestic or business premises, must behave in an appropriate manner. They will act in accordance with council policies and any specific directorate guidance when making such visits.

If an incident occurs during a visit, they must report it to their manager. Further information on reporting incidents is available on the Council's intranet.

(d) Corporate document style

If employees are responsible for preparing documents which are to be used for external communications, they must ensure they are in accordance with the corporate document standards. The council has adopted a corporate approach to image and communications and guidance can be found in the Communications Strategy, alternatively you should contact a member of the Information and Communications function for advice and guidance.

7. Working relationships

(a) Personal relationships

The council respects the privacy of its employees, and recognises that close personal relationships between colleagues can happen. Family members may also be recruited to or required to work within the same section or team of the council. In the majority of cases it is unlikely that a relationship between colleagues will have any impact on the work of the council. However, if employees find themselves in a position in which their personal relationship with a work colleague could lead to a potential conflict of interest with the council's business, or the perception of preferential or detrimental treatment they will need to tell their manager as soon as possible. On rare occasions it may be necessary to move one or both employees to another job within the Council.

If an employee is unsure whether they need to declare a relationship or not, they should speak to their manager for advice.

(b) Working with Elected Members

It is important that both elected members and employees treat each other with dignity and respect. The council recognises that employees may be related to an elected member. If this is the case, employees must inform their manager and withdraw from work that may cause a conflict of interest.

The council has an agreed member employee protocol to ensure sound and effective working relationships. If the employee has contact with elected members in the course of their job, they should ensure they are aware of and understand the Member/Officer protocol.

Employees must not use their contact with members for personal reasons.

(c) Working with contractors

If employees are involved in a tendering process and deal with contractors, they must be clear on the separation of client and contractor roles, and the need for accountability and openness. See also section 8a of this document.

If they have connections or an affiliation with an external business or contractor who is, or may be, contracted to work with the council, they need to declare this in writing to the Corporate Director with responsibility for the contract as soon as they become aware of the issue.

Employees must ensure that the tendering process is a fair and transparent procurement process and is in line with the Contract Procedure Rules. They must not give any special favour in this process to businesses operated or controlled by friends, relatives or partners. No members of the local community should be discriminated against or shown preferential treatment.

8. Personal interests

(a) Interests in Contracts

Employees have a statutory obligation under Section 117 of the Local Government Act 1972, to declare any pecuniary interests in contracts. The obligation arises when the employee knows that s/he has a pecuniary interest in a contract that is proposed or that has been entered by the Council. The employee does not have to be a party to the contract for the obligation to arise. An employee should check the Members Code of Conduct and regard themselves as having a pecuniary interest in a contract if an elected Member would have been regarded as having a pecuniary or prejudicial interest in the contract. Failure to declare such interests in writing to the Corporate Director with responsibility for the contract that may lead to a fine against the employee if convicted may be viewed by the Council as gross misconduct justifying dismissal. In particular, employees should note:

(b) Additional employment

All employees who wish to take up paid employment outside the Council that may potentially conflict with their work for the Council, and all employees above scale 6 must obtain written permission by completing a form for consent to engage in business or additional employment. Employees should be mindful of the requirements of the Working Time Directive in order to ensure they take reasonable care of their health, safety and well-being.

Conflict of Interest

If a conflict occurs, or may occur between an employee's private interests and their duties for the Council they must inform their manager. This also extends to cover any immediate family member whose interest could conflict with those of the council. This may include circumstances such as:

- financial or non-financial interests that could be considered to be in conflict with the council's interests or cause the employee's conduct to be questioned;
- membership to an organisation which isn't open to the public and has commitment of allegiance and secrecy about rules, membership or conduct; and
- processing of any query or application in which they, their family, their friends or any organisation of which they are a member has a personal interest. This will also apply if the employee is closely associated with an organisation.

Examples of personal interests that will be recorded include:

- working for an organisation that may quote or carry out work for the Council;
- an external business interest where the employee is engaged by another company as an employee, partner, director, substantial equity or shareholder or consultant; and
- businesses that employ their direct family where they have the ability to influence a Council decision to use that company's services.

Employees with a personal conflict of interest and

Employees who have a relative or close personal friend who has an interest that could conflict with the Council's interests must:

- If applicable, comply with the obligation to declare the interest in a contract (see above)
- Notify their line manager in writing of the conflict and the reason for it
- Not influence or seek to influence the Council in relation to the matter

Payment, gifts and hospitality

Council employees must act with the highest standards of integrity. Accepting gifts and hospitality may raise public concern and open the Council up to criticism.

The over-riding principle is that employees, or members of their immediate family, must not accept any payment, gift or hospitality that would call into question their honesty, integrity or commitment to the Council's interest. Employees must declare all gifts or hospitality received or offered. These must be declared in writing to the employee's line manager.

Payments and gifts

Where any work, including lecturing is undertaken for personal reward or advantage the preparation and participation in the activity must not be undertaken in the Council's time, nor must equipment or material belonging to the Council be used. Preparation and participation is allowed in situations where benefit is accrued to the Council.

For the avoidance of doubt, employees are recommended to discuss any issues which may arise with their line manager.

If a refusal of a gift would offend the donor, or adversely affect working relationships; the employee must declare this gift in writing to their manager. The manager will then make a

decision as to whether to allow the employee to keep the gift, based on the guidelines highlighted below, or decide that the gift should be donated to charity.

- all gifts (except those detailed below) must be declared to a Service Manager. The Service Manager will then decide if the gift can be accepted, refused or donated to charity. This will protect employees from allegations of bribery or breaking the code of conduct. Whichever charity the gifts are donated to, this should be clearly identified to employees;
- small office items, such as promotional pens, calendars or mouse mats, may be accepted and used for work purposes, without the need to declare them; and
- the value of an individual, accepted, gift must not exceed £10.00. This amount will be subject to review each time the Code of Conduct is reviewed. If a number of people 'club together' to buy a gift or voucher, such as a group of service users for an employee who is retiring, this will be taken into account, with a limit of £10.00 on individual donations.

In appropriate areas, a standard letter could be sent to contractors or to service users or their carers, on an annual basis, highlighting the relevant section of the Code of Conduct for Employees.

If an employee becomes aware they have been included as the beneficiary in the will of a service user, for whom the Council offers, or used to offer, a service where there is a connection with their work, they must tactfully refuse it and report the matter to their manager so that it can be recorded. If the employee is a relative of a service user who makes a bequest, they are entitled to accept the gift. They do not need to report this.

Celebratory gifts, such as for birthdays or weddings, bought by colleagues do not need to be declared.

Hospitality

As a general rule, offers of hospitality should be tactfully but firmly refused. However, in some cases it may be accepted, see below. Before they accept any hospitality, employees must obtain their line manager's written approval in advance and record it appropriately, on the register of gifts and hospitality to ensure any council decisions are not compromised. Examples of offers of hospitality that may be acceptable include:

- attendance at relevant conferences, seminars and courses where it is clear the hospitality is corporate rather than personal, which may include, for example, breakfast or lunch;
- attendance at relevant charity, fundraising or social events where they are part of the life of the community or where the council should be seen to be represented;
- invitations to trade fairs or similar events where there is a general invitation to customers; and
- a working lunch of a modest standard provided to allow the parties to continue to discuss business.

(c) Sponsorship

Where the council sponsors an event or service the employee or members of their immediate family or close friends must not benefit from the sponsorship. Similarly, if an external organisation wishes to sponsor a council activity, the rules relating to hospitality and gifts also apply. This is particularly relevant when such sponsorship is being offered by contractors or potential contractors.

If employees are involved and there is a conflict of interest they should immediately notify their line manager of this in writing.

(d) Declaration of personal interest at meetings

If an employee attends a council meeting, such as a committee or cabinet meeting, in an official capacity, and a matter is about to be considered in which they have a personal interest they will declare this interest before any discussions start. The employee will leave the room and ensure they cannot hear the debate.

9. Recruitment and other employment matters

(a) Recruitment

If employees are involved in recruitment, they must follow the Council's guidance given in the recruitment and retention procedure.

They should not be involved in an appointment where they are related to an applicant or have a close personal relationship with the candidate outside of work. If employees find they are in this position, they must inform their manager.

(b) Other employment matters

Employees must not be involved in decisions relating to the discipline, promotion or pay and conditions of an employee they are related to or have a close personal relationship with. If employees find they are in this position, they must inform their manager.

This also applies to issues arising under policies and procedures related to dignity at work, workplace problems, performance or sickness.

(c) Criminal charges and convictions

When applying for a job with the council, candidates must give details of any unspent convictions including date of convictions and sentence imposed. For certain positions in the council, appropriate safeguarding and criminal record checks will be carried out. The suitability for employment of a person with a criminal record will vary dependent on the nature of the job, and the details and circumstances of the conviction. Employees have a responsibility to inform their manager of any criminal convictions that occur during their employment with Stockport Council. An employee who commits a criminal offence whilst in employment with the council will be given an opportunity to explain the circumstances. A decision will then be made as to what, if any, disciplinary action will be taken.

10. Financial integrity, fraud, bribery and corruption

(a) General information

The council places a high priority on maintaining its reputation and will not tolerate fraud, bribery or corruption.

Employees must not deliberately evade debts owed to the Council such as fines or rent. Similarly, they must not obtain money from the council or any other public body that they are not legally entitled to, for example, by fraudulently claiming benefits.

Employees found to have committed fraud against the Council, any other local authority or national agency may be subject to disciplinary action. Serious cases of fraud or corruption represents gross misconduct and could lead to dismissal.

Employees must also be aware that in proven cases of financial loss, the council will seek to recover all such losses. This may be deducted from any money owed by the council or if necessary from any accrued pension benefits. If money is deducted from salary payments, the council will ensure that the repayment does not result in the employee receiving less than the national minimum wage.

Employees play a key role in maintaining the council's high standards and to support this there are a number of policies and procedures in place which they are required to comply with. These can be found on the Council's intranet.

(b) Dealing with the Council's money

If an employee's role involves dealing with money belonging to the council or other public funds they must ensure they act in a responsible and lawful manner and follow the council's guidance, procedure rules and regulations. This includes spending the Council's money in the delivery of services or taking any form of payment from customers for services provided.

Guidance is available to Officers on the Finance intranet site.

© Over and under payments of salary

Every attempt is made to ensure that employees are paid correctly and on time. However, sometimes, information cannot be processed in time to meet payroll deadlines. Employees have a responsibility to ensure that they are not over or underpaid by:

- checking the accuracy of their payslips for any payment they are not entitled to;
- seeking clarification if they are unsure of any amounts on their payslip;
- immediately reporting any discrepancy to their manager or the HR Central Services team within People and OD Services. Employees may want to highlight the discrepancy, either in writing or by e-mail; and
- repaying any amounts overpaid to them.

11. Data Protection and information technology

(a) General information

The processing of personal and sensitive personal data is regulated by the Data Protection Act 1998. The Council's Managing Personal Information Policy sets out the Council's approach for processing personal data to ensure compliance with the requirements of the Data Protection Act. All employees and other parties who process data on behalf of the Council are expected to follow this policy.

Further information and advice on how to handle, store, protect and share information can be found on the information management pages of the intranet.

All breaches of the Managing Personal Information policy and the Data Protection Act will be investigated in line with the procedure set out in the Council's Serious Information Governance Incident procedure.

After an investigation has taken place, employees found breaching the Data Protection Act 1998 or failing to comply with the approach set out in the Managing Personal Information Policy may be subject to criminal proceedings and disciplinary action, resulting in dismissal. Further information can be found in the Council's Data Protection policies, procedures and guidance notes.

When an employee leaves the employment of the council, they must continue to observe their duty of confidentiality. They must not use any information that they have had access to as part of their employment for private, commercial or political gain. Information must not be passed on to others or used to bring the council into disrepute. Where this is identified, the Council will pursue appropriate criminal proceedings.

The Council also operates a number of related policies and procedures to ensure data integrity and security. Guidance and advice is available from the ICT pages of the intranet site.

These policies and procedures apply to mobile and homeworking employees as well as those working in council premises.

(b) Personal use of the internet by employees

If employees access the internet for personal use, they must only do this outside their working hours. They must also consider the appropriateness of the sites they visit. The council operates a system to filter and monitor internet usage.

If employees choose to use social media sites they must understand that their online activities could have legal implications. Information that an employee obtains during the course of their work and which is not in the public domain, cannot be disclosed.

The employee must also understand that they can be individually liable for any defamatory or untrue statement that they make on social networking sites and such comments may also leave the council open to legal action.

If an employee chooses to use social media sites they must behave in an appropriate manner and consistent with the council values and principles. They must do this whether or not they choose to identify themselves as a council employee.

Before using the internet for personal use, employees should read the guidance in the acceptable use policy.

(c) Freedom of Information (FOI)

If employees receive any requests for information under the terms of the FOI regulations they must ensure these are dealt with in accordance with the council's procedure. Guidance and advice is available on the information management intranet site.

12. Health, Safety and Wellbeing

(a) Health and Safety

Stockport Council places a high priority on the health, safety and welfare of all employees, visitors and citizens of Stockport. Employees have a key role to play in ensuring a safe and healthy work environment is developed and maintained. Therefore, all employees are expected to co-operate and contribute to this fundamental principle through compliance with the policies, practices, procedures and individual codes of practice, supported through participation in appropriate training and development events.

Guidance and advice on health and safety responsibilities can be found in the Council's Health, Safety and Wellbeing information on the intranet. Failure to comply with council health and safety policy or procedures may result in disciplinary action against the employee.

(b) Smoke-free Council

Smoking on duty is not allowed and employees must not smoke in any building, entrances, associated car parks and perimeter grounds. In addition an employee must not smoke in any vehicle which the council owns, rents or leases.

Smoking includes e- cigarettes and tobacco related products.

Further information can be found in the Council's smoking policy.

(c) Alcohol and substance misuse

The Council has guidance for managers on how to manage alcohol and drug related incidents, it is aimed at ensuring employees report fit for work and able to perform their duties.

The Council also encourages employees to tell their manager if they have an alcohol or substance dependency problem. This will be treated sensitively and in confidence with support offers where appropriate. If management consider that the impact on the council is too great, or support and assistance is rejected, disciplinary action may be taken.

The Council will take all reasonable steps to prevent employees carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance misuse.

The Council expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Council premises or in Council vehicles they will be regarded as serious, will be investigated by the Council, and may lead to disciplinary action and possible reporting to the police.

Prescribed or over-the-counter medication

If an employee is taking legally prescribed or over-the-counter drugs, they must ensure that their use does not adversely affect their work performance or cause any safety concerns. Employees must inform their manager if they have concerns.

Further information can be found in the Alcohol and Drug Misuse procedure.

(d) Mobile phones

The Council's policy is that no communication device shall be used when a driver is in charge of a vehicle. Legislation also makes it a criminal offence to use a handheld phone or similar device when driving. Further information can be found in the mobile phone policy.

13. Media and communications

The Council uses a variety of methods to communicate messages to the public, its partners and its employees. To ensure such communications are consistent and re-enforce the council's single identity employees must follow the guidance and advice for dealing with face to face communication, answering the telephone and responding to letters or emails contained in the latest copy of the Communications Strategy.

(a) Working with the press and media

Unless an employee has been authorised to act as an official spokesperson they must not deal direct with the press or the media, or make any other public statement.

All press or media statements and requests for information on the council must be forwarded to the Information and Communications Function. Any article, publication or interview given about council policy or activity must be reviewed by this function.

This does not apply to Political Assistants appointed in pursuance of Section 9 of the Local Government and Housing Act 1989 who have been authorised to make statements on behalf of their political party.

14. Other general matters

(a) Intellectual property

The council owns and will retain its rights to ownership of all intellectual property. This will include literature, artwork, computer systems or programmes that any employee may have created or worked on during working time.

The reproduction of this intellectual property outside the council is unlawful, unless an employee's contract states otherwise or written permission has been given. If an employee leaves the council, this rule still applies.

(b) Trade Union representatives

If an employee is a representative of a Trade Union and makes public comments, they must make it clear whether they have been made on behalf of the union or association that they represent or are their own views, and not those of the council.

(c) Professional Body

If an employee is a member of a professional body, they are expected to uphold its standards, but if they believe there is a conflict between their official role and the standards of their profession, they must raise this with their manager.

15. Reporting breaches of the Employee Code of Conduct and Whistleblowing policy

If an employee is concerned about any practice they see in the Council which they believe conflicts with the employee code of conduct or any other Council policy they should raise it with their manager, their Corporate Director, trade union representative or any of the following senior managers:

- Deputy Chief Executive;
- Monitoring Officer

Concerns may be raised verbally, but it may be helpful if they are put in writing.

The council's confidential reporting procedure and other legislation provide safeguards for employees who disclose unlawful and improper conduct.

16. Further information

Further advice and support is available from People and OD Services. They can be contacted on 0161 474 4777.

CP3 - PROTOCOL ON COUNCILLOR/OFFICER RELATIONS**A PROTOCOL FOR RELATIONSHIPS BETWEEN OFFICERS AND MEMBERS OF STOCKPORT COUNCIL**

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Preamble

1. Mutual trust and respect between members and officers is at the heart of a Council's good governance. They are essential if the partnership necessary for the effective running of a local authority is to succeed.
2. This may seem obvious. But what happens when relationships go wrong? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
3. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers – a protocol. Given the variety and complexity of such relationships, this protocol does not seek to be comprehensive or prescriptive. It seeks simply to offer guidance on some of the issues that most commonly arise and, in so doing, to give an indication of the approach to be adopted in situations not envisaged in the protocol. Its aim is:
 - to promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - to clarify responsibilities (i.e. who does what),
 - to avoid conflict, and
 - to prevent duplication or omission;
 - to secure compliance with the law, codes of conduct and the Council's own practices; and
 - to lay down procedures for dealing with concerns by members or officers.

Definitions

4. Unless the context indicates otherwise, references to the term Council include the **Cabinet**, Scrutiny Committees, and other Committees and Sub-Committees.
5. Unless the context indicates otherwise, the terms member and members include non-elected (i.e. co-opted) members as well as elected councillors.
6. Officers and staff mean all persons employed by the Council.
7. Senior officer refers to the Chief Executive, a Corporate Director, Service Director or designated Head of Service.
8. The Chief Executive includes a designated Deputy.
9. Monitoring Officer includes a designated Deputy.
10. Chief Finance Officer refers to the Borough Treasurer.

Principles

11. Members and officers must at all times observe this protocol.
12. The protocol has been approved by the Council's Standards Committee, which will monitor its operation.
13. The protocol seeks to maintain and enhance the integrity (real and perceived) of local government which demands the highest standards of personal conduct.
14. Members and officers must always respect the roles and duties of each other. They 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.
15. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate and serve only as long as their term of office lasts. Officers are accountable to the Council as a whole. Their job is to give advice to members (individually and collectively) and to carry out the Council's work under the direction of the Council.
16. The Council has adopted codes of conduct for both members and officers. Both represent best practice. The Code of Conduct for Councillors and Co-opted Members follows the national code which in turn is based on the general principles governing members' conduct enshrined in law i.e.
 - Selflessness – serving only the public interest.
 - Honesty and integrity – not allowing these to be questioned; not behaving improperly.
 - Objectivity – taking decisions on merit.
 - Accountability – to the public; being open to scrutiny.
 - Openness – giving reasons for decisions.
 - Personal judgement – reaching one's own conclusions and acting accordingly.
 - Respect for others – promoting equality; avoiding discrimination; respecting others (member/member, as well as member/officer).
 - Duty to uphold the law – not acting unlawfully.
 - Stewardship – ensuring the prudent use of a council's resources.
 - Leadership – acting in a way which has public confidence.

These principles underpin this protocol.

17. Officers are bound by the Council's Code of Conduct for staff and, in some cases, by the codes of their professional associations.
18. Breaches of this protocol by a member may result in a complaint to the Monitoring Officer if it appears the Code of Conduct for Councillors and Co-opted Members has also been breached. Breaches by an officer may lead to disciplinary action.

The role of members

19. Members 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, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

20. Collectively, members are the ultimate policy-makers, approving the authority's policy framework, strategic plans and budget.
21. Members represent the community, act as community leaders and promote the social, economic and environmental well being of the community often in partnership with other agencies.
22. Every elected member represents the interests of, and is an advocate for, his/her ward and individual constituents. He/she represents the Council in the ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
23. Some members have roles relating to their position as members of the **Cabinet**, scrutiny committees or other committees and sub-committees of the Council.
24. Members of the **Cabinet** have collective responsibility and can also have individual delegated powers. They may determine matters within their portfolios but implementation of their decisions is the responsibility of officers.
25. Members serving on Scrutiny Committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues. They also monitor local health service provision.
26. Members who serve on other committees and sub-committees collectively have delegated responsibilities, e.g. deciding quasi-judicial matters that by law are excluded from the remit of the **Cabinet**.
27. Some members may be appointed to represent the Council on local, regional or national bodies.
28. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.
29. Members are not authorised to instruct officers other than:
 - through the formal decision-making process;
 - to request the provision of equipment and consumable resources provided by the Council for members' use;
 - where staff have been specifically allocated to give support to a member or group of members; and
 - in the case of political assistants.
30. Members are not authorised to initiate or certify financial transactions, or to enter into contracts on behalf of the Council.
31. Members must avoid taking actions that are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their code of conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer. They should also, as a matter of course, have regard to the advice of the Chief Executive.
32. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that an officer change his/her professional advice.
33. Members have a duty under their code of conduct:

- to promote equality by not discriminating unlawfully against any person, and
 - to treat others with respect.
34. Under the code, a member must not when acting as a member or in any other capacity:
- bring the Council or his/her position as a member into disrepute, or
 - use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

The role of officers

35. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors.
36. Under the direction and control of the Council (including, as appropriate, the **Cabinet**, committees and sub-committees), officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
37. Officers have a duty to implement decisions of the Council, the **Cabinet**, committees and sub-committees which are lawful, and which have been properly approved in accordance with the requirements of the law and the Council's constitution, and duly recorded.
38. 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 beliefs.
39. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
40. Officers must be alert to issues that are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.
41. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

The relationship between members and officers: general

42. The conduct of members and officers should be such as to instil mutual confidence and trust.
43. The key elements are a recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
44. Informal and collaborative two-way contact between members and officers is encouraged. But excessive personal familiarity and friendship can damage the relationship, as might a family or business connection. It is clearly important that there should be a close working relationship between the **Cabinet** portfolio holder or Committee Chair and the senior officers of the service(s) which relate to the particular portfolio/ report to that Committee. However, such relationships should

never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other Councillors and other party groups.

45. Members and officers should inform the Monitoring Officer of any relationship that might be seen as unduly influencing their work in their respective roles.
46. It is not enough to avoid actual impropriety. Members 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 could be perceived. Specifically, a member should not sit on a body or participate in any decision that directly affects the officer on a personal basis.
47. Officers serve the Council as a whole. They have a duty to implement the properly authorised decisions of the Council. In practice most officers are required to be proactive in relation to the **Cabinet** and ordinary Committees of the Council, and reactive in relation to Scrutiny Committees.
48. Whilst the **Cabinet** Councillor or Committee Chair will routinely be consulted as part of the process of drawing up the **Cabinet** or Committee agenda, it must be recognised that in some circumstances a Corporate Director will be under a duty to submit a report on a particular matter (e.g. formal reports of the Monitoring Officer or Chief Financial Officer, findings of maladministration by the Ombudsman, matters where a formal resolution is required by law). Similarly a Corporate Director will always be fully responsible for the contents of any report in his/her name. Any issues arising between an **Cabinet** Councillor/Chair and a Corporate Director in this area should be referred to the Chief Executive or the Monitoring Officer for resolution
49. With the exception of political assistants, officers work to the instructions of their senior officers, not individual members. It follows that, whilst officers will always seek to assist a member, 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, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
50. Officers will do their best to give timely responses to members' enquiries. However, officers should not have unreasonable requests placed on them. Their work priorities are set and managed by senior managers. Members should avoid disrupting officers' work by seeking to impose their own priorities.
51. Members will endeavour to give timely responses to enquiries from officers.
52. Members and officers should respect each other's free (i.e. non-Council) time.

The Council as employer

53. Officers are employed by the Council as a whole.
54. Members' roles in employment matters are limited to:
 - the appointment of specified senior posts,
 - determining human resources policies and conditions of employment,
 - the appointment of political assistants, and
 - hearing and determining appeals.

55. If participating in the appointment of officers, members should:
- remember that the sole criterion is merit (other than in the case of political assistants where political considerations may apply),
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.
56. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

Mayoralty and officers

57. Officers will respect the position of Mayor and Deputy Mayor and provide appropriate support.

Cabinet members and officers

58. **Cabinet** members will take decisions in accordance with the Constitution and will not otherwise direct staff. Senior officers will be responsible for instructing staff to implement the **Cabinet**'s decisions.
59. In addition to individual members of the **Cabinet**, senior officers have the right to submit papers to the **Cabinet** as a whole or to individual **Cabinet** members for consideration.
60. Senior officers and **Cabinet** members shall agree mutually convenient methods of regular contact. Before taking any formal decisions, the **Cabinet** will seek appropriate professional advice, and will not direct officers in the framing of recommendations.
61. Before the **Cabinet** takes any formal decisions with a financial implication, the Chief Financial Officer and the senior officer(s) for the service(s) concerned must be consulted. This is to ensure that those officers who are budget holders:
- are aware of the proposed decision,
 - have the opportunity to offer advice, and
 - are subsequently able properly to authorise the financial transactions needed to implement decisions.
62. An individual **Cabinet** member who is minded to write or commission a report or to make a decision about a matter within his/her portfolio must ensure that those other members and officers who need to know of the matter are so informed. There is a particular requirement to involve other **Cabinet** members on crosscutting issues.
63. **Cabinet** members when making decisions (whether collectively or individually) must state the reasons for those decisions. The written record of the decisions must include the reasons.
64. Officers taking decisions under their delegated powers must consider the advisability of informing the relevant **Cabinet** member(s) of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

Scrutiny members and officers

65. This part of the protocol should be read in conjunction with the Scrutiny Procedure Rules set out in the Constitution.
66. Scrutiny Chairs will maintain regular contact with the officer(s) providing the principal support to the function. In consultation with chairs, it shall be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.
67. A Scrutiny Committee or its chair acting on its behalf may require officers to attend scrutiny meetings. Members should not normally expect junior officers to give evidence. All requests should be made to senior officers in the first instance.
68. When making requests for officer attendance, scrutiny members shall have regard to the commitments and workload of officers.
69. It is recognised that officers required to appear before a Scrutiny Committee may often be those who have advised the **Cabinet** or another part of the Council on the matter under investigation. In these circumstances, an officer may have a conflict of duty. Both members and officers need to consider the severity of the conflict. If deemed appropriate, research and advice may be sought elsewhere, including externally. Officers attending Scrutiny Committees should avoid being drawn into discussion about the merits of alternative policies, where this is politically contentious. In relation to policies or decisions taken by the **Cabinet**, questioning of officers can cover the objectives of the policy and to what extent these objectives have been met. Officers can also be asked to explain and justify advice they have given as part of the decision making process, and to explain and justify decisions they have taken under delegated powers. Any comment by officers on policies and action taken should always be consistent with the requirement for officers to be politically impartial and Scrutiny Committees should avoid any interrogation of officers that could compromise that impartiality.
70. Officers should respect members in the way they respond to members' questions.
71. Members should not question officers in a way that could reasonably be interpreted as harassment. Neither should they ask about matters of a disciplinary nature.
72. Scrutiny proceedings must not be used to question the capability or competence of officers. Scrutiny members need to make a distinction between reviewing the policies and performance of the Council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.
73. In exercising the right to call-in a decision of the **Cabinet**, scrutiny members must seek the advice of the Monitoring Officer if they consider the decision is contrary to the Council's approved plans, policies or frameworks, or is unlawful.

Members of other committees or sub-committees and officers

74. The appropriate senior officers will offer to arrange regular informal meetings and briefings with chairs and vice-chairs. They will also, on request, provide separate briefings for the spokesperson of the second largest political group represented on the committee or sub-committee.
75. Senior officers have the right to present reports and give advice to committees and sub-committees.

76. 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.
77. 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 chair. In these circumstances it is the officer, not the chair who takes the action and is responsible for it. A chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she apply inappropriate pressure on the officer.

Party groups and officers (excluding political assistants)

78. Senior officers may properly be asked to give advice and support to councillors and party groups when they are giving preliminary consideration to matters of Council business in advance of the formal decision making process.
79. Officers have the right to refuse such requests, and in particular to decline to attend a meeting of a party group where some of those attending are not members of the Council.
80. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
81. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
82. 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.
83. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
84. 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 members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
85. In their dealings with party groups, officers must treat each group in a fair and even-handed manner.
86. Members must not do anything that compromises or is likely to compromise officers' impartiality.
87. 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 he/she feels it is no longer appropriate to be there.

88. An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
89. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.
90. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.
91. No member will refer in public or at meetings of the Council to advice or information given by officers to a party group meeting.
92. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
93. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive or the Monitoring Officer and the relevant party group leader.

Political assistants

94. These officers have been appointed by the Council exclusively to provide support to each of the party groups. Their function is to assist the interests and work of the group to which they have been assigned. This is in contrast to all other staff whose duty is to serve the Council as a whole.
95. Political assistants will be treated in accordance with and expected to observe all codes, policies and practices relating to the Council's staff. This includes the courtesy and consideration that the Council expects its officers to show to one another.
96. Except for any immediate secretarial and clerical support, political assistants will have no line management responsibility or power of direction over other staff.
97. Political assistants are not authorised to comment publicly on behalf of the Council as a whole, or to speak to the public on terms that are likely to create the impression that they are speaking as authorised representatives of their political group.
98. Political Assistants are to be given the same level of access to Council documents as that afforded to members. Group Leaders are permitted to share other Council documents with Political Assistants.

Local members and officers

99. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role.
100. This requirement is particularly important:
 - during the formative stages of policy development, where practicable,
 - in relation to significant or sensitive operational matters,

- whenever any form of public consultation exercise is undertaken, and
 - during a scrutiny review.
101. Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.
 102. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
 103. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer(s). Provided the meeting has not been arranged on a party political basis an officer may attend but is not obliged to do so. Provided the holding of the meeting has been approved by the **Cabinet**, an **Cabinet** member, or a Committee of the Council, the meeting may be held, where practicable, at the Council's expense on Council premises.
 104. No such meetings should be arranged or held in the immediate run-up to Parliamentary, European or Council elections.
 105. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
 - the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
 106. Officers must never be asked to attend ward or constituency political party meetings.
 107. It is acknowledged that some Council staff (e.g. those providing dedicated support to **Cabinet** members) may receive and handle messages for members 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.
 108. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to documents and information

109. This part of the protocol should be read in conjunction with the Access to Information Rules in the Council's Constitution, and is without prejudice to rights members have to access information under the Freedom of Information Act 2000
110. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if it would be made available to that third party, on request, under the Freedom of Information Act 2000.

111. The Councillors Enquiry Service is a convenient method of seeking information. Councillors are asked to keep requests within the bounds of reasonableness. Obviously it will not be practicable for officers to comply with requests from individual members that would involve significant amounts of research, or expenditure, or a large commitment of time, without disrupting established work programmes and distorting the priorities which have been set for that Service by the **Cabinet** or the Council as a whole. Any areas of difficulty in this area should be referred by the councillor or senior officer to the Chief Executive or Monitoring Officer for advice and resolution.
112. As regards the legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a *prima facie* right to inspect Council documents *so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council*. This principle is commonly referred to as the "need to know" principle and could only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
113. The exercise of this common law right depends therefore on the member's ability to demonstrate that he/she has the necessary "need to know". A member has no right to "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the "need to know" must initially be determined by the Corporate Director of the Service that holds the document in question (with advice from the Monitoring Officer). In the event of a dispute, the question falls to be determined by the **Cabinet** or by Committee in connection with whose functions the document is held - or ultimately by the Courts.
114. In some circumstances (e.g. a Committee member seeking access to a document relating to the functions of that Committee, or where the information being sought is not sensitive or confidential) a Councillor's need to know will generally be presumed. This presumption can be rebutted if there are reasonable grounds to suspect that the Councillor is seeking to access the information for purposes unrelated to his/her public duties as a Councillor (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g. a member who is not a member of the relevant Committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a Councillor will normally be expected to justify the request in specific terms.
115. Councillors have a statutory right to inspect any document in the Council's possession or control *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Councillor is a member of the Committee or Sub-Committee concerned and extends, not only to reports that are to be submitted to the meeting, but also to any relevant background papers as listed in the report. This right does not however apply to documents relating to certain confidential items, although the Council's practice is to allow all Councillors, on request, to be supplied with any Council and Committee agenda papers for information.
116. In relation to documents that are in the possession or under the control of the **Cabinet**, all Councillors are entitled to inspect any such documents that contain material relating to any business to be transacted at a meeting of the **Cabinet** which will be held in public. Documents containing material relating to any decision taken by an individual **Cabinet** Member, or a key decision taken by an officer, are required to be open to inspection by all Councillors immediately upon the conclusion of the meeting or after the decision is taken, as the case may be. Again this right does not

apply to documents relating to certain confidential items, unless the Councillor is seeking access to a document that contains information which is relevant to an action or decision he or she is reviewing as a member of a relevant Scrutiny Committee, or is relevant to any review being undertaken by such a Scrutiny Committee in accordance with the Scrutiny Work Programme.

117. The **Cabinet** has agreed that members of the relevant Scrutiny Committee and party Group Leaders may, on request, be given access to confidential **Cabinet** reports and background papers. All such requests should be made through Democratic Services.
118. None of the above provisions entitle Councillors to access to any document that contains the advice of a political adviser.
119. Any information given to a Councillor in confidence under the above provisions must not be disclosed without the consent of the person authorised to give such consent, unless the Councillor is required by law to do so. This point is emphasised in the Councillors' Code of Conduct, and the unauthorised disclosure of confidential information could lead to sanctions being recommended by the Standards Committee. Examples of the sort of confidential information Councillors may acquire include information relating to property transactions, details of the Council's position in litigation, personal information about employees of the Council, and personal information about recipients of Council services. Advice on this matter can be obtained from the Monitoring Officer.
120. As set out at Article 2.05 of this Constitution, in order properly to perform their duties, Councillors are deemed to have the need to remain present during public meetings of the **Cabinet** and meetings of Committees of the Council, other than meetings of the Licensing, Environment and Safety Committee, Appointments Committee and Appeals Committees, notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information as defined in the Access to Information Rules.
121. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information:
 - where to do so is likely to be in breach of the Data Protection Act, or
 - where the subject matter is one in which he/she has a Disclosable Pecuniary Interest, personal or prejudicial interest as defined in the Code of Conduct for Councillors and Co-opted Members.
122. It is an accepted convention that a member of one party group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another party group.
123. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
124. Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and the responses thereto confidential.
125. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

126. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
127. Press releases or statements made by officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group. **Cabinet** members and Chairs of Ordinary and Scrutiny Committees can ask for press releases to be issued, and can be quoted in them, as long as they are clearly acting in accordance with their **Cabinet** portfolio responsibilities or on behalf of their Committee.
128. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
129. Before responding to enquiries from the media, officers must ensure they are authorised to do so. Likewise, officers will inform the Council's press office of issues likely to be of media interest, since that unit is often the media's first point of contact.
130. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - indicate in what capacity he/she is speaking (e.g. as ward member, in a personal capacity, as an **Cabinet** member, on behalf of the Council, or on behalf of a party group);
 - be sure of what he/she wants to say or not to say;
 - if necessary, and always when he/she would like a press release to be issued, seek assistance from the Council's press office and/or relevant senior officer, except in relation to a statement which is party political in nature;
 - consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
 - never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - consider whether to consult other relevant members; and
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

Correspondence

131. Subject to any requirement to disclose information under the Freedom of Information Act 2000, correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind" copies.
132. Official letters written on behalf of the Council should normally be in the name of the relevant officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister, response to a statutory health service consultation) for letters to appear in the name of an **Cabinet** member or the Chair of Scrutiny Committee but this should be the exception not the norm.
133. The Mayor may initiate correspondence in his/her own name.

134. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member.
135. When writing in an individual capacity as a ward member, a member must avoid giving the impression that he/she is writing on behalf of the Council.

Access to premises

136. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
137. Members have a right of access to Council land and premises to fulfil their duties.
138. When making visits as individual members, members should:
 - whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council resources

139. Any support services provided to members is paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct for Councillors and Co-opted Members
140. Accommodation, equipment, and other forms of support are provided for each party group and for individual members in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided, to reflect changing needs and developments in available equipment.
141. The normal committee and meeting room accommodation in the Town Hall is available free of charge for party group meetings. Advance booking is advisable.
142. Any mail sent on a Councillor's behalf will normally be dispatched by second class post.
143. Members should ensure they understand and comply with the Council's own rules about the use of such resources, particularly:
 - where facilities are provided in members' homes at the Council's expense;
 - regarding ICT security.
144. Members should not put pressure on staff to provide resources or support which officers are not permitted to give. Examples are:
 - business which is solely to do with a political party;
 - work in connection with a ward or constituency party political meeting;
 - electioneering;

- work associated with an event attended by a member in a capacity other than as a member of the Council;
- private personal correspondence;
- work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
- support to a member in his/her capacity as a councillor of another local authority (other than as a representative of the Council e.g. on a joint authority).

Complaints and allegations of breaches

145. This part of the protocol should be read in conjunction with the Council's "whistle-blowing" policy.
146. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Monitoring Officer.
147. A member who is unhappy about the actions taken by, or conduct of, an officer should:
 - avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - take up the concern with the officer privately or with his or her line manager
 - avoid public criticism of officers other than senior officers
148. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.
149. A serious breach of this protocol by an officer may lead to an investigation under the Council's disciplinary procedure.
150. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Monitoring Officer. He will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than mentioning the matter to the individual member, or informally referring the matter to the leader of the relevant party group. More serious complaints may involve alleged breaches of the members' Code of Conduct, and may be referred to the Standards Committee.

CP4 - Confidential Reporting policy (also known as whistleblowing)

1. Introduction

- 1.1 Stockport Council is committed to creating a work environment with the highest possible standards of openness, probity and accountability. In view of this commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisal.
- 1.2 This Confidential Reporting Policy is intended to encourage and enable employees and others to raise serious concerns **within** the Council rather than overlooking a problem or 'blowing the whistle' outside.

2. Scope of the Policy

- 2.1 The policy applies to all employees, Councillors and contractors on Council business either working for the Council on Council premises, for example, agency staff, builders and drivers. The policy also covers suppliers and those providing services under a contract with the Council in their own premises for example, care homes. There are also separate but complementary confidential reporting arrangements in place for school based staff.
- 2.2 This policy is written in accordance with include details of any relevant legislation and is in addition to the Council's complaints procedures and other statutory reporting procedures applying to some services for example child protection reporting arrangements.
- 2.3 This policy is written in accordance with the Employment Rights Act 1996; Equality Act 2010; Health and Safety at Work Act 1974; Protection from Harassment Act 1997; Management of Health and Safety at Work Regulations 1999 (SI 199/3243) and Public Interest Disclosure Act 1998

3. Policy statement

- 3.1 Stockport Council acknowledges that employees and contractors are often the first to realise that there may be something seriously wrong within the Council. They may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 3.2 Whistleblowing is where an individual has concerns about a danger or illegality that has a public interest to it, usually because it threatens others or impacts on public funds. By contrast, a grievance or private complaint is a dispute about the individuals own position and has no public interest.
- 3.3 This policy aims to:
 - Encourage employees to feel confident about raising serious concerns and to question and act upon their concerns;
 - provide avenues for employees to raise those concerns and receive feedback on any action taken;
 - allow employees to take the matter further if they are dissatisfied with the Council's response; and
 - reassure employees that they will be protected from possible reprisals or victimisation if they have a reasonable belief that they have made any disclosure in the public interest.
- 3.4 There are existing procedures in place for dealing with grievances, Health and Safety, harassment, stress, violence at work, dignity at work and smoking. If concerns cover any of these aspects employees should first consult the relevant policy or procedure on the

People and Organisational Development intranet site. The Confidential Reporting Policy is intended to cover those major concerns made in the public interest that fall outside the scope of these procedures. These include:

- conduct which is an offence or breach of law;
- disclosures related to miscarriage of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the use of public funds;
- possible fraud and corruption;
- sexual or physical abuse of clients;
- other unethical conduct; and
- the deliberate covering up of information relating to any of the above bullet points.

3.5 Any serious concerns that employees have about service provision or the conduct of officers (including temporary, supply or casual workers), Councillors or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. Reporting this concern must be made in the public interest. This may be about something that:

- makes people feel uncomfortable in terms their experience or the standards they believe the Council subscribes to;
- is against the Council's procedures and protocols as set out in the Constitution e.g. the Contract Procedure Rule;
- falls below established standards of practice;
- amounts to improper conduct; or
- is an abuse of power for personal gain.

3.6 This policy has the support of the relevant trade unions and professional organisations.

4. **Roles and Responsibilities**

This section outlines the roles and responsibilities for the main parties involved in creating a safe environment where individuals with a concern about Council practises come forward to report them in the public interest.

These lists are not exhaustive.

4.1 **The Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

4.2 **Senior Managers (Heads of Service and above)**

Senior managers play a lead role in creating an open and transparent environment where Council standards are embedded, monitored and followed

They are responsible for ensuring that:

- all staff are aware of this policy and associated procedures;
- they set a good example by their behaviour;
- all reports of malpractice reported to them are taken seriously and investigated;
- employees who make an allegation in the public interest are not victimised; and
- confidentiality is preserved at all times unless agreed otherwise.

4.3 Managers, supervisors and team leaders

In order to achieve the consistent application of this policy and its associated procedure the main responsibilities of managers, supervisors and team leaders is to:

- set a good example by their behaviour;
- ensure good practise is followed in the work areas that they manage;
- respond to and support employees who report concerns under this policy;
- treat all concerns seriously and sensitively;
- ensure that the correct policy is used to pursue concerns if the Confidential Reporting policy is not applicable;
- encourage employees to raise their concerns in writing;
- provide full and clear advice to employees on the procedures to be followed; and
- ensure that employees are not victimised at any stage, either before and after a matter is resolved.

If managers, supervisors and team leaders do not carry out their responsibilities under this policy then they make be subjected to disciplinary action and claims from the employee that they also contravene the policy.

4.4 Employees

Employees are responsible for:

- reporting any public interest concerns they have as early as possible;
- raising the concerns in writing (if possible);
- putting their name to any allegations rather than making them anonymously (where possible)
- reporting if they are victimised after raising a concern under this policy; and
- acting in the public interest at all times.

4.5 People and OD Services

People and OD Services play an important role in supporting the organisation to act in an environment with the highest possible standards of openness, probity and accountability.

Their role is to:

- support managers and employees on the interpretation and application of this policy;
- provide skills and knowledge-based training to enable managers to fulfil their responsibilities under this policy; and
- be aware of changes in legislation

Confidential Reporting procedure

5. Safeguards

5.1 Harassment or Victimisation

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect employees when they raise a concern in the public interest.

In addition, the Public Interest Disclosure Act 1998 protects employees from reprisals as long as they meet the rules set out in the Act. The council may be fined for not protecting anybody making a disclosure in the public interest.

Any investigation into allegations of potential wrongdoing including malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect them.

5.2 Confidentiality

All concerns will be treated in confidence and every effort will be made to protect the employee's identity if they wish to remain anonymous. However, at the appropriate time, employees may need to come forward as a witness.

5.3 Anonymous Allegations

This procedure encourages people to put their names to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will still be considered at the discretion of the Council.

When exercising this discretion the factors the factors to be taken into account would include:

- the seriousness of the issue raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

5.4 Untrue Allegations

If an employee makes an allegation, but it is not confirmed by the investigation, no action will be taken against them. However, if an employee makes malicious or vexatious allegations without good reason; to cause trouble; for personal gain, or to discredit the council or any member or officer, an investigation will take place to determine whether disciplinary action should be taken.

6. How to raise a concern

6.1 The earlier an employee expresses a concern the easier it is to take action.

6.2 Concerns should normally be raised with an employee's immediate line manager or their superior. However, this depends on the seriousness and sensitivity of the issue involved and who is suspected of the wrongdoing including malpractice. For example, if an employee believes that management is involved, they should approach the Deputy Chief Executive; Monitoring Officer; Chief Internal Auditor or Corporate Director of Corporate Support Services. Their contact details can be found below.

6.3 Employees can raise a concern in writing either by letter or e-mail; by telephone or in person. Employees should advise the person they approach that they **wish to make a complaint under the Confidential Reporting Procedure**. Employees who choose to raise their concern in writing should use a Confidential Disclosure form. Information required includes background and history of the concern; dates and places where possible and reason why concerned about the situation. All correspondence should be sent to the Deputy Chief Executive in the first instance. A copy of the Confidential Disclosure form can be found on appendix A.

6.4 Although employees are not expected to prove beyond doubt the truth of an allegation, they should have reasonable grounds for their concern or be acting in the public interest.

6.5 Guidance and advice on how to pursue matters of concern can be sought from:

Mrs Laureen Donnan	Deputy Chief Executive	0161 474 3180	e-mail: Laureen.donnan@stockport.gov.uk
Mr Michael Cullen	Borough Treasurer	0161 474 4631	e-mail: Michael.cullen@stockport.gov.uk
Ms Celia Tierney	Monitoring Officer	0161 474 3230	e-mail: celia.tierney@stockport.gov.uk
Mr John Pearsall	Chief Internal Auditor	0161 474 4033	e-mail: john.pearsall@stockport.gov.uk

6.6 Employees may wish to discuss their concerns with a colleague or trade union representative first to see if any other employees have had the same experience or concerns.

6.7 Employees may invite a trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns they have raised. Meetings can be arranged off site if needed.

6.8 A summary of the reporting procedure can be found on appendix B

7. How the Council will respond

7.1 The Council will respond to all concerns.

7.2 The action taken by the Council will depend on the nature of the concern. The council could decide that the matters raised may:

- Be investigated internally by management, internal audit, or another process ;
- Be referred to the police;
- Be referred to the external auditor;
- Form the subject of an independent inquiry; or
- Be referred to another appropriate policy or procedure.

7.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and what form it should take. The overriding principle which the Council will have in mind is the public interest. Any concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those separate procedures.

7.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

7.5 Within 10 working days of a concern being raised, the appropriate officer will write to the employee:

- acknowledging that the concern has been received;
- indicating how they propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling employees whether any initial enquiries have been made; and
- telling employees whether further investigations will take place and if not, why not.

- 7.6 The amount of contact between the officers considering the issues and the employee will depend on the nature of the concerns raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 7.7 In appropriate cases, where an independent inquiry is to be held the Council will consult with the relevant Trade Unions about the scope and constitution of that inquiry.
- 7.8 Where any meeting is arranged, (off-site if preferred), employees can be accompanied by a union or professional association representative or a friend.
- 7.9 The Council will take steps to minimise any difficulties which employees may experience as a result of raising a concern. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings, the Council will arrange for them to receive advice about the procedure.
- 7.10 The Council accepts that employees need to be assured that the matter has been properly addressed. So, subject to statutory constraints, the Council will inform the employee when the matter has been concluded telling them the outcome.
- 7.11 A summary of the Disclosure Investigation process is enclosed on appendix C.

8. How the matter can be taken further if you are not satisfied

- 8.1 This procedure is intended to provide employees with an avenue within the Council to raise concerns. If employees are unable to raise the matter within the Council or they are dissatisfied with the action taken, the following are possible contact points:
- a Stockport councillor (if you live in Stockport)
 - the external auditor (Grant Thornton)
 - their solicitor
 - their trade union
 - their local Citizens Advice Bureau
 - relevant professional bodies or regulatory organisations
 - the police
 - the independent charity Public Concern at Work¹
- 8.2 If an employee does take the matter outside the Council, they should ensure that they do not disclose confidential information.

9. Feedback and Review

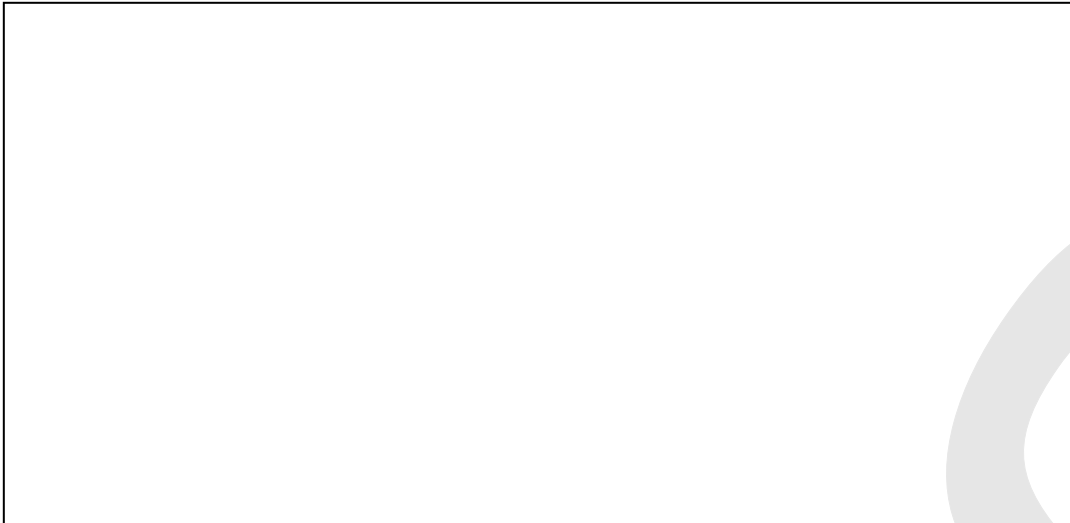
Employees are invited to comment on this policy and procedure and suggest ways in which it could be improved. All written feedback should be sent to the Deputy Chief Executive.

¹ Public Concern at Work (disclosure hotline 020 7404 6609 or www.pcaw.org.uk for useful advice) is an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice and employers who wish to create a culture where it is safe and accepted for staff to blow the whistle.

Appendix A

Confidential Reporting – Disclosure Form

Description of the Concern: Please put as much detail as you can to assist in any investigation which might be required, - include date(s), time(s), person(s) involved, witnesses, location, why you are concerned and length of time you have been concerned (please use extra sheet if necessary).



Have you discussed your concerns with anyone?
- include details of with whom, when and what the results of the discussion were.



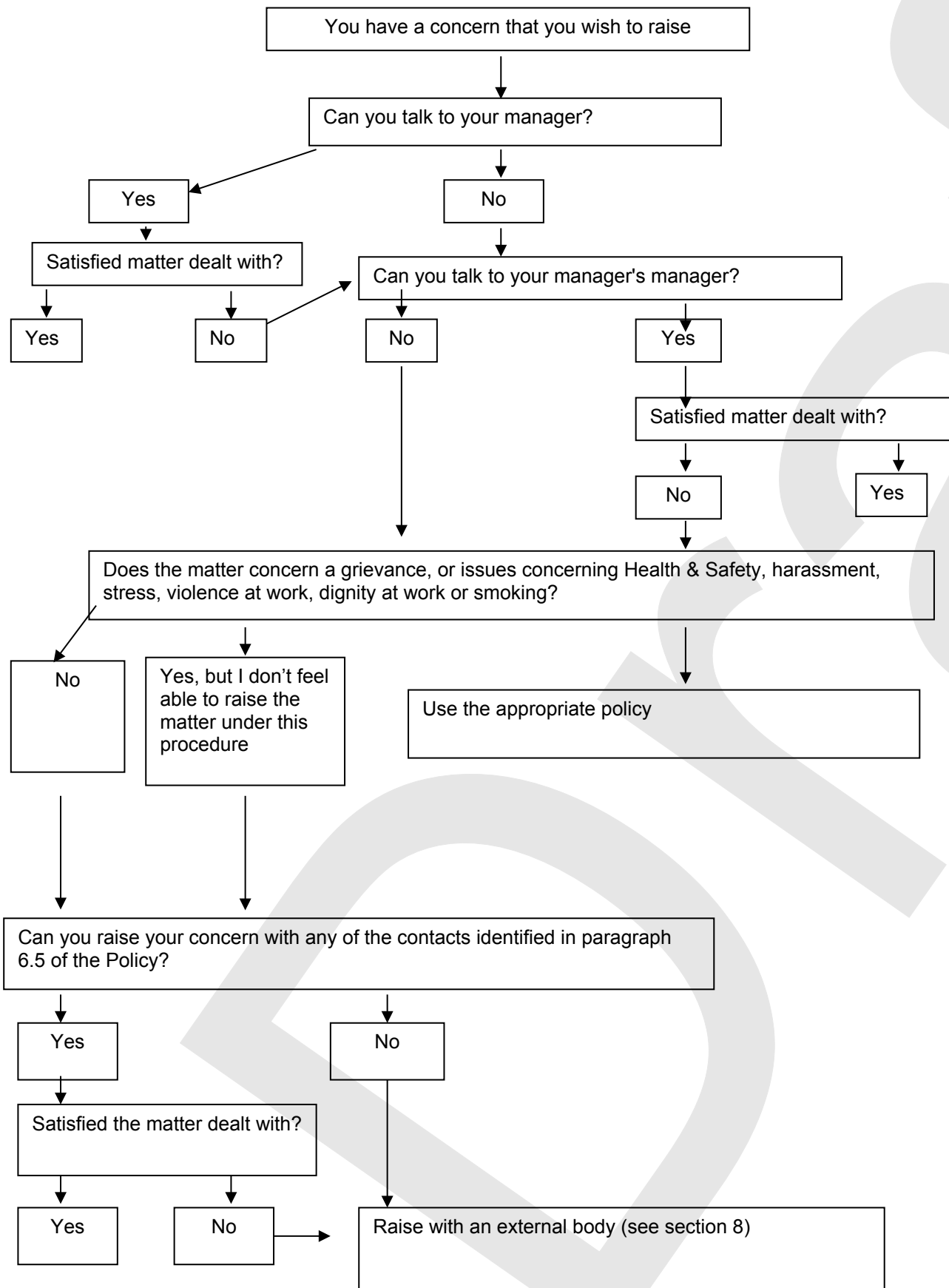
You are encouraged to put your name to this report. Concerns expressed anonymously are much harder to investigate

Name Service

Contact details

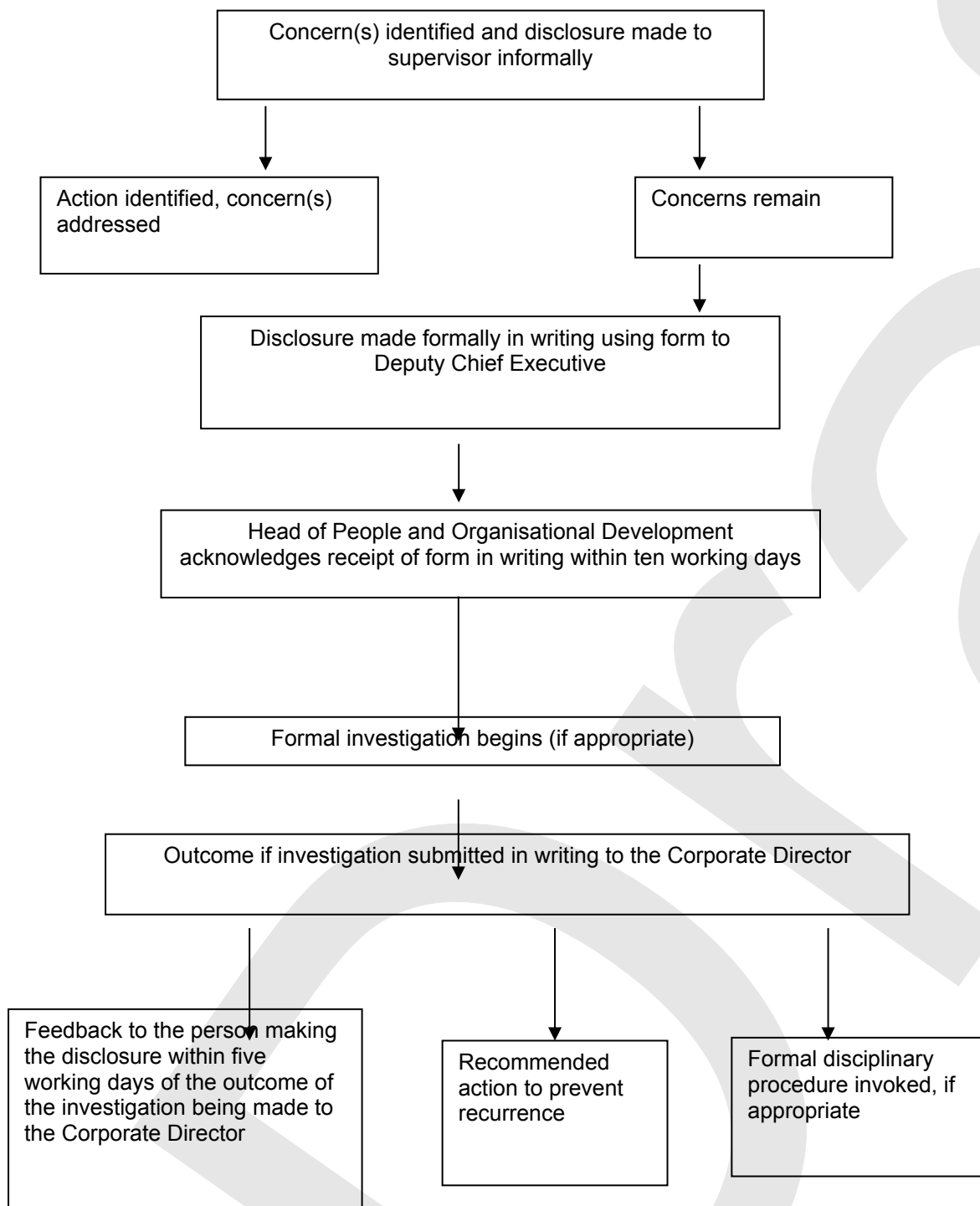
Signed Date

On completion the form should be returned to the Deputy Chief Executive in a sealed envelope marked 'Private and Confidential'.

Summary of Confidential Reporting procedure

Appendix C

Summary of Disclosure Investigation Process



CP5 - PROCEDURE FOR QUESTION TIME AT CABINET AND COMMITTEE MEETINGS

Code of Practice

This Code of Practice sets out the procedural rules governing the asking of questions at meetings of the **Cabinet**, **Cabinet** Committees, Ordinary and Area Committees and Ward Committees by members of the public. It should be noted that written questions submitted may constitute a request for recorded information in accordance with the Freedom of Information Act 2000 and should be dealt with accordingly.

1. An item "Public Question Time" will be included on the agenda for all meetings of the **Cabinet**, **Cabinet** Committees, Ordinary Committees and Area Committees, permitting members of the public to ask questions.
2. The overall period for asking and answering questions and the order in which they are taken shall be determined by the Chair.
3. Questions shall be restricted to matters within the powers and duties of the **Cabinet** or the particular Committee or Area Committee and related to the activities of the Council.
4. Questions shall not be permitted if the Chair deems that the question
 - relates to quasi-judicial matters e.g. (current or potential legal proceedings, licensing applications, planning applications and appeals, Traffic Regulation Orders where public consultation has been authorised or undertaken);
 - relates to confidential or exempt matters or where the disclosure of this information would be required;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a question which has been put at to the **Cabinet**, Committee or Area Committee in the past six months; or
 - is directly about party political matters.
5. The Chair will have absolute discretion as to whether to allow any particular question to be asked at the meeting.
6. Questions should be written on the card provided at the meeting and submitted at least 30 minutes prior to the commencement of the meeting to the Committee Manager who can offer assistance. This provision does not apply to Area and Ward Committees where questions may be submitted up to the start of the meeting.
7. Questions shall be put to the Chair, who will decide which questions should be taken first. Questions may be answered by the Chair or, at the Chair's discretion, by any other member or officer present.
8. One supplementary question will be allowed.
9. Where a question cannot be answered at the meeting or requires a detailed or complex answer, the Chair should respond in writing (within 7 days) and a copy of the response should be sent to all members of the Committee.
10. Public speaking, other than by questions, i.e. submission of petitions, representations and general comments, shall not be allowed under this procedure.
11. For the purposes of this Code, a Councillor who is not a member of the **Cabinet** or, as the case may be, the relevant Committee, shall be treated as a member of the public.

PUBLIC QUESTION TIME

Your name

Address

Question

Date

Signed

CP6 - OPEN FORUM PROCEDURE

AREA COMMITTEE AND WARD COMMITTEE - OPEN FORUMS

CODE OF PRACTICE

1. Area Committees and Ward Committees are authorised to hold Open Forums, as part of ordinary business of the Committee, to enable discussion with representatives of non-party political voluntary organisations active in the area of the Committee, and with members of the public participating, any matters affecting the area and relating to the activities of the Council.
2. An Open Forum will be arranged:-
 - (a) at the request of the Area Committee or Ward Committee on any issue it considers appropriate; and
 - (b) where notice in writing has been given by the organisation to the Democratic Services Manager not less than seven clear days prior to the meeting.
3. This Code of Practice sets out the procedure for holding Open Forums for those Area Committees or Ward Committees that have agreed to do so.
 - (i) The Democratic Services Manager will include an item "Open Forum" on the agenda, where so required in accordance with paragraph 2 above.
 - (ii) The item will be programmed to last for up to one hour (unless extended at the Committee's discretion).
 - (iii) Any qualifying organisation (see 1 above) wishing to participate in the Open Forum must give notice in writing to the Democratic Services Manager, clearly identifying the item to be discussed, not less than seven clear days (excluding weekends and bank holidays) prior to the meeting.
 - (iv) The Democratic Services Manager will list organisations and the items to be discussed on the agenda in the order in which the requests have been received. Should a request from two or more organisations be received the Democratic Services Manager will consult the Chair with a view to prioritising the matter to be discussed and any excluded organisations being invited to the next Open Forum. The same organisation will not be permitted to address the area committee or ward committee more than once in any twelve month period except by invitation from the area committee or ward committee.
 - (v) Discussion relating to quasi judicial matters, e.g. (a) specific legal proceedings, licensing applications, planning applications, appeals and (b) confidential business will not be permitted.
 - (vi) The conduct of the open forum and admissibility of matters raised by organisations will be at the absolute discretion of the Chair.
 - (vii) Subject to (vi) above, any person present at the meeting may participate in the discussion at the Open Forum.
 - (viii) The matter raised by the organisation and any resolution adopted will be minuted.

CP7 - AREA COMMITTEES & WARD COMMITTEES - PROTOCOL FOR RELATIONSHIPS WITH CABINET MEMBERS, SCRUTINY COMMITTEES, OFFICERS AND OTHERS

1. General

- 1.1 The successful development of the role of Area Committees and Ward Committees depends in part on constructive relationships with **Cabinet Members** and Scrutiny Committees, officers and other parts of the public sector, partnerships and community organisations. This protocol is designed to provide a context for those relationships and to assist the Democratic Services Manager in ensuring the proper co-ordination of business.

2. References from Area Committees and Ward Committees to other member bodies

- 2.1 Area Committees and Ward Committees have the right to refer relevant matters to an individual **Cabinet Member** or Scrutiny Committee Chair.
- 2.2 Any member of the **Cabinet** has the right to have an item included on the agenda for the next meeting of the **Cabinet**.
- 2.3 Any member of a Scrutiny Committee or Sub-Committee has the right to have an item relevant to the function of that committee/sub-committee included on the agenda for the next meeting of the Scrutiny Committee or Sub-Committee.
- 2.4 In addition, any three Councillors who are not members of the Scrutiny Committee/Sub-Committee have the right to have an item included on the agenda of a relevant Scrutiny Committee/Sub-Committee.

3. Attendance by Cabinet Members and Scrutiny Committee Chairs

- 3.1 An Area Committee or Ward Committee may request the attendance of an **Cabinet Member**/Scrutiny Committee Chair in relation to matters within their remit. The member concerned may agree to attend at his/her discretion.
- 3.2 The Democratic Services Manager will inform the member in writing, giving at least three working days' notice of the meeting at which he/she is requested to attend. The notice will state the nature of the item which he/she is requested to attend, stating the nature of the item.
- 3.3 Similarly, an **Cabinet Member** or Scrutiny Committee Chair may, with the consent of the Area/ Ward Committee Chair, attend a particular Area / Ward Committee. The member will sit at the table when attending the Area/ Ward Committee during the discussion of the particular item.
- 3.4 An item specifying the matter to be discussed will appear on the agenda, except in the case of an urgent item.
- 3.5 When attending an Area/ Ward Committee meeting, the **Cabinet Member**/Scrutiny Committee Chair may agree or decline to answer a question, or may agree to provide a written response which will be copied to all members of the Area Committee by the Democratic Services Manager

4. **Attendance by Officers at Area Committees and Ward Committees**

- 4.1 An Area Committee or Ward Committee may request the attendance of the Head of the Paid Service, and/or any Corporate Director/ Service Director in relation to matters within their remit. The Democratic Services Manager will inform the Corporate Director/ Service Director (or their nominee) in writing, giving at least three working days' notice of the meeting at which he/she is required to attend.
- 4.2 The notice will state the nature of the item for which he/she is requested to attend. (Every reasonable effort should be made by Corporate Director/ Service Director (or their nominee) to attend the Area/ Ward Committee on the date specified or arrange for a suitable alternative officer to attend in their place.)
- 4.3 Where, in exceptional circumstances, the Corporate Director/ Service Director (or their nominee) is unable to attend on the required date, or it is more appropriate to refer the matter to a different Corporate Director, this should be raised with the Chair of the Area / Ward Committee well in advance, normally through the Democratic Services Manager.
- 4.4 An item specifying the matter to be discussed will appear on the agenda, except in the case of an urgent item.
- 4.5 Officers attending Area Committees and Ward Committees should avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. In relation to policies or decisions taken by the **Cabinet**, questioning of officers should be confined to matters of fact and explanation. Officers may explain what the policies are and the justification and objectives of those policies as perceived by the **Cabinet**, and to what extent those objectives have been met. Officers can be asked to explain and justify advice that has been given prior to decisions being taken, and can also be asked to explain and justify decisions taken by officers under delegated powers. Any comment by an officer on policies and actions taken should always be consistent with the requirement for officers to be politically impartial and Area Committees and Ward Committees should avoid any interrogation of officers which could compromise that impartiality.

5. **Attendance by others**

- 5.1 It is to be expected that Area Committees and Ward Committees will wish to hear from other parts of the public sector, or partnership or community organisation/service within their areas, e.g. health, transport, education. Therefore, Area Committees and Ward Committees may invite other people to address them, discuss issues of local concern and/or answer questions. Area Committees and Ward Committees should seek to avoid duplicating any consultation which has been undertaken by or on behalf of the **Cabinet** or a Scrutiny Committee.

CP8 – PLANNING PROTOCOL

1. Introduction

- 1.1 This Planning code of conduct applies to all Councillors and officers who have an involvement in planning policy formulation, development promotion, pre-application advice and the consideration of planning applications.

1.2 Why we have a protocol for planning

This Planning code of conduct governs the conduct of officers and Councillors and applies the Code of Conduct for Councillors and Co-opted Members (Part 6 CP1) and the Code of Conduct for Officers (Part 6 CP2) to planning. The aim of this additional Code of Conduct is to ensure the integrity of the planning system is preserved, and that it is, and is seen to be, open and fair to all parties. While this Code is advisory it is important that it is followed as it will be taken into account in any investigation under the Council's complaints procedure and in any investigation by the Local Government Ombudsman.

- 1.3 In dealing with planning and development matters the reputation of the Council depends upon how Councillors, the public, and developers are dealt with and their perception of the way in which applications are determined and decisions made

- 1.4 **Determining a planning application is a formal administrative process involving rules of procedure, rights of appeal, and an expectation that the Council will act reasonably and fairly. Those involved should always be alert to the possibility that perceived failures in the planning process may result in the following risks to the Council:**

- a) **Judicial review of the way the decision was arrived at;**
- b) **Complaint to the Ombudsman on grounds of maladministration; and/or**
- c) **Complaint to the Monitoring Officer that a Councillor has breached the Code of Conduct.**

- 1.5 The Code of Conduct applies at all Council, **Cabinet**, and Committee meetings, to all decisions by Councillors and officers, and all business when planning and **policy** decisions are made, as well as to occasions when informal advice and guidance is provided.

- 1.6 The successful operation of the planning system relies on mutual trust and an understanding of the roles and responsibilities of those involved in the process. Compliance with the Code should ensure that Councillors and officers act in a way that is not only fair and impartial but is clearly seen to be so.

2. Officer Roles

- 2.1 **The function of officers is to advise and assist Councillors in matters of planning policy and in their determination of planning applications and enforcement issues by:**

- a) **providing impartial and professional advice**
- b) **making sure that the information relevant to the decision to be made is set out in a report for Councillors**
- c) **providing analysis of the issues**

- d) giving a clear recommendation in any report to Councillors
- e) carrying out the decisions of the Council made in Committees
- f) disclosing to the Council their direct or indirect pecuniary interests under section 117 of the Local Government Act 1972
- g) acting in accordance with the Code of Conduct for Officers at Part 6 CP2
- h) Complying with the Code of Professional Conduct maintained by the Royal Town Planning Institute and any other applicable professional code of conduct.

3. Councillors' Role

- 3.1 All Councillors are expected to comply in all respects with:-
- The Code of Conduct for Councillors and Co-opted Members at Part 6 CP1
 - The Council's Constitution and the procedure rules, codes and protocols that it contains.
 - This Planning Code of Conduct
- 3.2 **Training on planning is mandatory for all Councillors wishing to exercise planning decisions. Only Councillors who have received appropriate training will be permitted to sit on the Planning & Highways Regulation Committee or to take part in the determination of planning matters at Area Committees. The Corporate Director for Place Management and Regeneration is responsible for determining the frequency and content of any such training.**
- 3.3 **Councillors set the Council's planning policy and (except where such responsibility is delegated to officers) determine planning applications and enforcement issues within the context of that policy. Councillors must not use their position as a Councillor improperly to confer on or secure for themselves or any other person an advantage or disadvantage.**
- 3.4 **When Councillors come to make a decision on a planning matter, they must:**
- a) **Act fairly and openly**
 - b) **Approach each case with an open mind**
 - c) **Refer to the Development Plan and material considerations in decision making**
 - d) **Carefully weigh up relevant issues**
 - e) **Determine each case on its own merits**
 - f) **Ensure that there are clear and substantial reasons for their decisions, and that those reasons are clearly stated**
- 3.5 Whilst Councillors represent those who live in the wards for which they have been elected, including those who did not vote for them, their overriding duty is to the whole community.
- 3.6 Councillors alone have the responsibility to decide what view to take; they should vote in the interests of the whole community and not favour of any individuals or groups nor put themselves in a position where they appear to do so.
- 3.7 Whilst Area Committees have particular responsibilities for part of the Borough, they should exercise their powers and duties in the interests of the whole community, they should consider all planning policies and material considerations which apply to the particular application and disregard all matters that are not relevant planning considerations in coming to a reasoned judgement.

4. The Conduct of Councillors

- 4.1 Councillors have a variety of legitimate and important roles to play in the planning and development process. However, it is necessary that they understand the extent to which it is appropriate for them to be involved in any situation so as to avoid conflicts of interest, or the appearance of impropriety. For example it will be inappropriate for a Councillor to promote a development, and take part in the determination of a related planning application. Issues that are likely to arise are addressed below:-

Policy Formulation

- 4.2 All Councillors have a legitimate role to play in the consultation stages of policy formulation. This entitles Councillors to make representations (individually or as members of committees) and these will be considered in the policy making process. As the **Development Plan** is part of the Council's Policy Framework all Councillors are involved in **the adoption of planning policy**. **Cabinet Members** have particular responsibilities for formulating planning policies. A conflict of interest will not subsequently arise when Councillors have regard to those policies in determining planning applications.
- 4.3 However, Councillors may need to consider their position when a planning application falls for consideration at a time when a site or area specific policy is being formulated or reviewed with the intention of addressing the particular type of development which is the subject of the application. Greater care will be needed when the policy formulation or review is instigated after the planning application was made and will depend upon the Councillor's involvement in promoting the policy as it could be construed that the Councillor has predetermined the planning application. In such a situation, **Councillors should consider whether it would be appropriate to declare an interest in the particular application and not take part in its determination.**

Development Promotion and the determination of planning applications

- 4.4 **Cabinet Members** have a legitimate role to play in the promotion of development, and this will arise through its regeneration activities. Development promotion may take the form of providing grant aid, developing its own land, use of CPO powers, involvement in partnership arrangements, and by the production of planning and development briefs. Care must be exercised in subsequently determining planning applications so as to avoid any suggestion of pre-determination of the application.
- 4.5 It is important to recognise that this role may give the impression that the particular development has both the approval of the Council and the Councillor involved. **Cabinet Members** should therefore take care to exercise any promotional activity in a manner consistent with planning policies and that where they have been involved with promotional activity of a particular scheme they should not take part in the determination of a planning application for the development. The main points on each aspect of promotion are:-

(i) Grant Aid

If grant aid is awarded for a particular development that requires planning permission, **Any Councillor** who has participated in the decision to award the grant should declare an interest in the subsequent application and not take part in its determination. No interest arises on an application for grant aid to

carry out a development in accordance with a previously determined planning application even if the member concerned took part in its determination.

(ii) Developing Council Land

It is a statutory requirement that the officer or committee responsible for managing land cannot determine a planning application concerning that land. This mainly affects officer delegations and to a very limited extent area committees (in respect of highways for which the relevant area committee is responsible). The Planning and Highways Regulation Committee has no responsibility for managing land. A **Cabinet Member** responsible for managing the land should declare an interest and not take part in the planning decision. Where the Corporate Director for Place Management and Regeneration manages the land, that fact must be stated in the committee report, the officer making any recommendation must be identified and it must be made clear that the recommendation is the personal recommendation of that officer.

(iii) CPO

There is no need for a Councillor to declare an interest in a decision to make a Compulsory Purchase Order to enable development in accordance with planning permission. A **Cabinet Member** having taken part in the decision to make a CPO for a particular development should not take part in the determination of a subsequent planning application for that development as he/she could be construed as having pre-determined the planning application.

(iv) Partnership Arrangements

A **Cabinet Member** who has been involved in approving a partnership arrangement for the carrying out of a particular development should not take part in the determination of the subsequent planning application but an interest need not be declared on considering a partnership arrangement to carry out a development in accordance with a previously granted planning permission.

(v) Planning and Development Briefs

Cabinet Members are involved in approving planning and development briefs and the relevant area committee may be consulted upon the brief. This would not normally prevent any Councillor taking part in the determination of a subsequent planning application, unless the Councillor concerned made comments specifically about the type of development the subject of the application and those comments could be construed as pre-determining the planning application.

- 4.6 Once a planning application has been determined, this conflict would no longer exist and promotional activity would be acceptable.

Compulsory Purchase

- 4.7 The compulsory acquisition of land and buildings may be undertaken to secure the proper planning of an area. This process may provide Councillors with particular information (sometimes confidential) which could be used to personal advantage. For

example advance warning of potential CPO action could lead an interested party to sell or acquire property due to the future implications for its value. Councillors dealing with such matters should therefore ensure that at all times, they maintain strictest confidentiality until it is in the public arena. If a Councillor is **owns land which is affected** by a proposal, that Councillor has a **disclosable pecuniary** interest and must not be involved in any way with the CPO, must declare the interest at any meeting attended, leave the room whilst the matter is considered, and must not attempt to influence the decision in any way.

Planning Applications

- 4.8 Planning applications should be determined in accordance with the **development plan**, unless there are very good reasons, which should be stated in the decision. Such reasons must be defensible and reasonable. It is important that all Councillors involved in determining planning applications do so impartially and without any appearance of impropriety. Applications which do not accord with the development plan may only be granted by Planning and Highways Regulation Committee.
- 4.9 Councillors may give their views to officers on planning applications in the same way as consultees, and any representations will be dealt with in the same way as other representations. If the Councillor has formed a view in advance of the Committee the **the representation is likely to be construed as prejudging the planning application**. The Councillor should consider whether to declare the interest and if declared, leave the room when the matter is considered by the Committee. The Councillor may make representations in accordance with rights given to members of the public attending the same committee.
- 4.10 Instructions may only be given to officers by a decision of the Planning and Highways Regulation Committee or an Area Committee within the scope of the powers delegated to them. Councillors must not attempt in any way to instruct officers or influence the content of the officer's report or any recommendations. Councillors are free to express any views they hold about an application through the open and accountable channels within the planning process (see section 11 on lobbying) and should not do so until all the evidence has been reported at the committee meeting, if they intend to take part in the decision.

Delegation of decisions

- 4.11 Decisions on planning applications cannot in law be delegated to individual Councillors, but may be delegated to officers, either unconditionally or after consultation with the Chair of the Committee, or particular Councillors identified in the Committee decision. In these circumstances, the decision is made by the officer concerned, but if there is a difference of opinion between any of the Councillors consulted and the officer, the officer will refer the matter to the next meeting of the committee concerned.

5. Gifts and hospitality

- 5.1 **The Code of Conduct at Part 6 CP1 obliges all Councillors to register with the Monitoring Officer gifts or hospitality within the previous twelve months with an estimated value of at least £25.00 (individually or in total) by written or email notification. However, Councillors dealing with planning matters (this would include planning proposals, potential development, compulsory purchase orders or from someone who is actively promoting a policy change) should be particularly alert to**

the possibility that they may be called upon to determine, or make representations on, a planning application submitted by someone who has offered them a gift or hospitality, even if an application has not yet been submitted. If a gift or hospitality is received from an actual or potential planning applicant, even if its receipt is registered or its value does not exceed £25.00, the recipient should still consider what the public perception might be. All gifts of whatever value should be refused if there is any reason to suspect that the person offering them is an actual or potential planning applicant.

- 5.2 If a gift is accepted from an actual or potential planning applicant, whatever its value, Councillors are advised to notify the Monitoring Officer. If acceptance of a degree of hospitality by Councillors and/or officers is unavoidable, it should be ensured that this is at a minimum and that its receipt is notified. Councillors and officers should also consider whether it would be appropriate in a particular case to notify instances where gifts or hospitality have been offered, but refused. If it is, written notification should be sent to the Monitoring Officer.

6. Prejudicial Interests in Planning Matters

- 6.1 Councillors who have substantial property interests, or other interests that would prevent them, on a frequent basis from voting, should avoid serving on the Planning and Highways Regulation Committee and are likely to find that their ability to participate on planning matters at Area Committees is significantly restricted.
- 6.2 If a Councillor has a prejudicial interest, he/she must declare it and leave the meeting whilst that application is being considered but will be allowed to be present in order to make representations, answer questions, or give evidence on the application under the Council's procedures for public speaking at area committees. Such a Councillor may also make written representations on the application as a member of the public, but must not attempt to improperly influence the decision. The guiding rule is that Councillors must not use their position to further a private, or personal interest, rather than the general public interest, or give grounds for such suspicion. The test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the member's judgement of the public interest.
- 6.3 Advice is available on individual circumstances from the Council's Monitoring Officer or Deputy Monitoring Officer, although ultimate responsibility remains with the Councillor.

7. Canvassing opinion

- 7.1 It is perfectly proper for Councillors to consult the public in order to ascertain their views on any matter and such action need not be declared at the Committee meeting when the matter is considered. However, Councillors should be careful not to conduct the consultation in a way that promotes a particular outcome; if they do, they should declare their interest and not take part in the decision.

8. Preliminary Enquiries and Community Engagement

- 8.1 Pre-application discussion of development proposals is considered to be good practice and is likely to increase in frequency. In some cases, these discussions may need to be held in confidence with officers, for example when a developer has an

option on acquiring land, or is in competition to acquire it and disclosure of proposals could prejudice a negotiating position. The role of the officer in these discussions is without prejudice to any decision of the Council, to explain and interpret the relevant policies which will apply to a proposal.

- 8.2 In many cases, developers will be able to share their proposals with the public and the Council before making an application. This allows developers to inform the public at the earliest opportunity and undertake meaningful community engagement to inform and shape the development to meet community aspirations and address the policy requirements.
- 8.3 Early discussions with officers and in appropriate circumstances with relevant Councillors about significant future development proposals are therefore encouraged, provided that they do not become or are seen to be part of the lobbying process. In order to avoid such problems the following requirements will apply to pre-application discussions about development proposals (but not general enquiries):-
- 8.4 It should always be made clear at the outset that the discussions will not bind the Council to make a particular decision and that any views expressed are provisional and not those of the Council. It is unlikely that all relevant information will be available, and formal consultations with interested parties may not have taken place. Officers and Councillors involved with pre-application meetings should clearly explain their position and roles in the process.
- 8.5 Any advice by officers must be impartial, should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies by planning officers.
- 8.6 A written note should be made of a significant meeting where specific proposals are discussed in detail, which should be retained on the pre-application file. Two or more officers should attend potentially contentious meetings. The officer should send a follow up note to the (potential) applicant, recording the matters discussed and any documentary material which has been left with the Council. A note should be taken and retained on file of similarly potentially contentious and significant telephone discussions. Where the developer prepares a note, this should be checked for accuracy and retained on file and the developer should be informed of any material inaccuracies.
- 8.7 Care will be taken to ensure that advice is **impartial** so as to avoid the appearance that any subsequent committee report is advocating **biased** advice. No indication should be given at the pre-application stage as to what recommendation will be made when the application is submitted.
- 8.8 Where Councillors are involved in meetings with developers the following additional requirements will apply:-
 - (a) **The Corporate Director, or their nominated representative** should be present at the meeting to advise Councillors whenever possible;
 - (b) Councillors involved with such discussions should notify the planning officer in writing so that their involvement can be recorded on the relevant file.
- 8.9 Community engagement about a specific development proposal is often best undertaken by the prospective developer at the pre-application stage. This will generally be considered when a developer is certain of making an application and

wishes to inform the community and canvass opinions about the proposals, so that they can be taken into account. It is not normally the role of the Council or Councillor to organise this engagement. However, if the Councillor did decide to organise a meeting, the developer should be invited as well as the public and the purpose should be clear, that it is to obtain information and views from all sides.

- 8.10 It is important that Councillors should be able to fulfil their role as a community representative during the community engagement stage of a planning application. If a Councillor wishes to participate in the determination of the planning application, care should be taken to ensure that the Councillor facilitates an exchange of views between the developer and the community without taking steps that could be seen as pre-judging the outcome of the application. If the Councillor articulates views held by the community, it should be made clear that they are not necessarily the views of the Councillor and that they will only make a decision when the application is presented to the committee for consideration along with the accompanying officer advice and information.**
- 8.11 This would allow Councillors to play an important and constructive role within the pre- application process, which respects their position as community representatives, whilst preserving their essential impartiality when deciding upon a planning application.
- 8.12 When Councillors take an active part in preliminary discussions/community engagement exercises, it is recommended that they provide a note setting out their involvement for the Head of Development & Control to retain on the file.
- 8.13 Where a councillor decides to participate in a community engagement exercise and the circumstances are such that a reasonable and fair minded member of the public with knowledge of what the councillor has said would be likely to conclude that the councillor has a closed mind on the application, the councillor must declare the circumstances and leave the room whilst the application is determined unless making representations in accordance with rights given to any member of the public attending the same meeting.**
- 8.14 Telecommunication companies have a code of good practice for mast proposals, which includes consultation with local Councillors at the site identification stage. Care needs to be exercised by Councillors in responding to these consultations, so that they are not seen to have pre-judged an application. Responses should therefore be suitably qualified and expressed in terms that set out relative preferences, rather than absolute or categorical opinions, unless it is intended to declare an interest and not take part in any decision on the proposal. For example, a particular proposal should not be considered either acceptable or unacceptable, but comments, suitably qualified as being without prejudice to a future decision, might express a view on the relative merits and possibility of alternative sites.

9. The Conduct of Officers

Impartiality

- 9.1 Officers dealing with planning and development matters must always act impartially and comply with the **Code of Conduct for Officers at Part 6 CP1**. Officers whose posts are politically restricted under the Local Government and Housing Act 1989 may not be a Councillor on Stockport Council or another council.
- 9.2 Officers dealing with planning matters generally have specific roles, which reflect the split of functions between the executive and non-executive functions. The principles

of the code which apply to Councillors, also apply to officers so that an officer who is involved with the promotion of a development should not also provide advice to the officer or committee that may influence the decision

Compliance with RTPI Code, Standing Orders and Conventions

- 9.3 Officers providing planning advice (whether Chartered Town Planners or not) shall comply with the Royal Town Planning Institute's Code of Professional Conduct **and** with the Council's Constitution governing the conduct of the Council's business.

Officers' Declaration of interest

- 9.5 Officers dealing with planning and development matters, should declare an interest in any application in which the officer has an interest **which would be regarded as disclosable pecuniary interest**, a personal or prejudicial interest, or in respect of which the officer has objected, expressed views, or been consulted in any capacity other than as an officer of the Council. Where an officer has an interest in an application, he/she should have no involvement with its processing and must notify the Council's Monitoring Officer who will register the interest. The interest should also be declared at any committee meeting at which the application is considered. All interests declared will be recorded in the minutes of the committee meeting.

10. Council Development and Applications by Councillors and Officers.

Duty not to act as agent for an applicant

- 10.1 Councillors and officers should never act as agent for applicants to the Council for planning permission, except in respect of the Council's own planning applications. Officers involved in processing planning applications should not act for the Council in its capacity as applicant, or in promoting the development. Applications and objections to applications by Councillors and officers are to be registered with the Monitoring Officer.
- 10.2 Councillors and those officers who deal with planning matters must, when submitting their own planning applications notify the Council's Monitoring Officer, who keeps a register of such applications. They should also notify the Head of Development and Control who will ensure that the applicant takes no part in the processing, consideration or determination of the application.
- 10.3 Applications by Councillors, chief officers, and service directors, and applications by officers who deal with planning matters, will not be dealt with under powers delegated to officers but will be determined by the Planning and Highways Regulation Committee or the appropriate Area Committee.

The Council's planning applications

- 10.4 Planning applications submitted by or on behalf of the Council and applications affecting land in which the Council has an interest, should be treated in the same way as those submitted by private developers, in accordance with **national practice and planning guidance**. Such applications will be determined having regard only to material planning considerations and all other matters will be disregarded.

11. Lobbying of and by Councillors regarding planning applications Councillors' response to lobbyists

- 11.1 Lobbying by both applicants and objectors is a normal and perfectly proper part of the political process but can lead to the impartiality and integrity of a Councillor being called into question. When being lobbied, Councillors, and Councillors of the committee which would determine the application in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have considered all the evidence and arguments. They should restrict themselves to giving procedural advice, and suggest to those who are lobbying, that they should speak or write to the relevant officer so that their opinions can be included in the officer's committee report and advise them that there is an opportunity for public speaking at the Area Committee. If Councillors do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all relevant evidence and arguments at committee.
- 11.2 Planning applications must be processed and determined in a transparently open and fair manner, taking account of all material evidence presented, before arriving at a decision. **Councillors who commit themselves before hearing all the arguments and evidence are at risk of being perceived to be biased.** Whilst Councillors may begin to form a judgement about an application early in the planning process, they should not openly declare which way they intend to vote in advance of hearing the evidence and arguments at the committee meeting.

Group meetings

- 11.3 Whilst it can be expected that discussions about particular applications will take place at political group meetings, Councillors are required to exercise their own judgement on the basis of the information before them when the vote is taken. Political group meetings should not be used to decide how Councillors should vote. The use of political whips is contrary to the Code of Conduct and constitutes maladministration.

Lobbying and requirements relating to public meetings

- 11.4 Unless Councillors have decided to declare an interest in an application and not take part in the decision, they should avoid organising support for or opposition to a planning application and avoid lobbying other Councillors.

Declarations of intentions and campaigning

- 11.5 **As a general principle, and taking account of the need to make decisions impartially, Councillors involved in decision making on planning should not organise support or opposition to a proposal, lobby other Councillors, act as an advocate, or put pressure on officers for a particular recommendation.** It is recognised that a Councillor whose ward is affected by a controversial application that is the subject of much lobbying is in a difficult position. He or she needs to find the right balance between the duty to be an active ward representative and the duty, as a Councillor, to the whole community. If a committee Councillor responds to lobbying by publicly declaring support for a particular outcome, or campaigns for it, although not amounting to a prejudicial interest, the Councillor should make an open declaration at the committee meeting and not be present during consideration of the application. Before adopting such a high profile, or actively lobbying for a particular outcome, Councillors should consider carefully the severe restrictions that such action would place on the Councillor's

duties to represent the views of the electorate as a whole and to take part in making the decision.

Lesser forms of support for a particular outcome

- 11.6 Councillors may of course empathise with a particular body of opinion short of the circumstances outlined in paragraph 11.8, whilst waiting until the determining committee and hearing all the evidence before making a decision. The striking of the balance is entirely the responsibility of the Councillor concerned, and whilst a Councillor may be strongly influenced by the views of others and of his/her party in particular. It is the Councillor's responsibility alone to decide what view to take on any question which Councillors have to decide. A Councillor should never do anything as a Councillor which he/she could not justify to the public.
- 11.7 **Section 25(2) of the Localism Act 2011 provides that, when a court is considering the validity of the Council's decision as a result of allegations of bias or predetermination, a decision maker is not to be taken to have had a closed mind just because they have previously done anything that directly or indirectly indicated what view they took, or would or might take, in relation to a matter that was relevant to the decision. However, the expression of a settled prior view in circumstances where a reasonable and fair minded member of the public with knowledge of what the councillor has said and done would be likely to conclude that the councillor has a closed mind on the application, combined with voting in accordance with that settled view should be avoided.**
- 11.8 Councillors who are unsure whether an interest should be declared should seek the advice of the Monitoring officer, Deputy Monitoring officer or committee managers, although the decision rests with the individual Councillor.
- 11.9 Public meetings concerning planning applications are sometimes organised by objectors or community groups. Officers will not normally attend public meetings of this type, except on the instruction of the Planning and Highways Regulation Committee, but may meet a small representative group if requested. Councillors who attend public meetings of this type should comply with the Code of Conduct and treat the attendance as being lobbied. This is different from pre-application community engagement meetings, about which advice is given above in section 8.

12. Officer Reports and Records of Decisions

Committee Reports on Planning Applications

- 12.1 Written reports will be provided on all applications considered by committees. Committee reports on planning applications should be accurate and include a clear and succinct exposition of the appropriate matters listed below:
- ☐
 - Description of the proposed development.
 - Description of the application site and surrounding area.
 - Relevant Development Plan policies. Applications not in accordance with the Development Plan should be identified.
 - Relevant planning history of the site and lawful use where appropriate.
 - The substance of objections and a summary of the views of those who have been consulted.
 - The main planning issues/considerations and a professional appraisal.
 - A written recommendation based on the appraisal of the issues wherever possible. If the recommendation is contrary to the provisions of the development plan, the material considerations that justify overriding the policy should be clearly stated.

- Where a section 106 agreement is proposed, the matters to be controlled.
- Reasons for refusal or significant conditions as appropriate.
- Committee comments and recommendations will be added to the reports on those applications that are submitted to the Planning and Highways Regulation Committee for determination.

- 12.2 If the Area Committee or the Planning and Highways Regulation Committee decide that a team of Councillors should visit the site (see Section 14) a succinct report of the recommendations of the visiting team will be submitted to the following meeting of the Planning and Highways Regulation Committee by the next meeting of that Committee
- 12.3 Oral reports will not normally be submitted except to summarise or update a written report. Significant oral reports by officers will be minuted.

Planning conditions and reasons

- 12.4 Conditions will, where appropriate, be in the Council's standard form. Significant non-standard conditions should be drafted by the planning officer and referred to in the committee report. Where the committee decides to add or amend conditions, it should provide the reasons for so doing. The officer will draft the conditions in accordance with the committee's instructions. All decisions, including reasons for refusal and conditions imposed on planning permissions granted will be posted on the Council web site.

Reasons for deferral

- 12.5 Where a committee decides to defer the consideration of an application, the reasons should be given and minuted.

Written record of decisions by officers

- 12.6 Decisions on planning applications determined by officers will appear on the Council web site. A written note must be placed on the application file of the planning considerations, the decision, and the reasons for it.

13. Decisions contrary to officer recommendations and/or the development plan

- 13.1 Section 54A of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning decisions be taken in accordance with the development plan unless material considerations indicate otherwise.
- 13.2 If the committee makes a decision contrary to the officer's recommendation (whether grant or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file. The reasons should be clear and convincing. The officer should also be given the opportunity to explain the implications of the contrary decision.
- 13.3 The personal circumstances of an applicant will rarely provide sufficient grounds for not following policy unless planning policy allows this, e.g. a dwelling in the green belt needed for the accommodation of an agricultural worker.

- 13.4 An experienced legal officer should attend committee meetings where sensitive or complex applications are under consideration or where legal issues may arise to ensure that procedures are properly followed and that the committee receives appropriate professional advice.

14. Visiting Team Inspections

Area Committees and Planning & Highways Regulation Committee

- 14.1 Site visits are useful in cases of uncertainty in enabling members to acquire the fullest appreciation of the nature of the site and the impact of the proposed development upon it and adjoining properties. They are also valuable in helping to clarify thought where an application is of a controversial nature. They may however prolong the decision making process and should therefore be agreed to only for the most substantial of reasons.
- 14.2 Area Committees may recommend site visits having regard to the following criteria;
- (i) Applications which require the judgement of members based on site characteristics or visual interpretation – e.g. impact of amenity, effect on highway safety and traffic flows, effect on the character of an area, effect on the character or setting of a listed building or conservation area, effect on townscape, landscape, vegetation or other aspect of environment etc;
 - (ii) Proposals which relate to new or novel forms of development and which may require a visit to an existing establishment as well as to the site of the proposal in order to appreciate the potential planning implications; and
 - (iii) Developments which have been commenced or completed, which if refused permission would normally require enforcement action to remedy the breach of planning control and a site inspection would assist in determining the expediency of such action, and should state the reasons for the recommendation.
- 14.3 The Planning and Highways Regulation Committee may also decide that a site visit should take place having regard to the above criteria.
- 14.4 Site visits are held after the area committee and prior to the meeting of the Planning and Highways Regulation Committee at which the application will be considered and should state the reasons for the recommendation.
- 14.5 In consultation with the Chair of the Planning and Highways Regulation Committee the Corporate Director for Place Management and Regeneration, will:-
- (i) Set the dates and times of site visits at the conclusion of the meeting of the Committee. The date of the visit will be between the next meetings of the Area Committee and the Planning and Highways Regulation Committee;
 - (ii) Determine sites to be visited by teams at the conclusion of each area committee cycle of meetings in the light of the reasons specified by the Area Committee and the criteria set out in paragraph 1 above.

- 14.6 Applicants or their site agents will be notified by letter of the date, approximate time and purpose of the site visit and informed that representations in support of the application will not be heard at the visit.**
- 14.7 Members of the visiting team will meet at the Town Hall and with the planning officer and administration assistant to be transported to each site to be inspected by minibus. On arrival at each site the planning officer will introduce himself and the visiting team to the applicant and, if present, the agent. Members are asked to bring with them to the site visit their copy of the written report where this has been circulated to members of the Planning and Highways Regulation Committee.**
- 14.8 At each site the planning officer will describe the application, identify the material considerations, report any objections and the comments of the Area Committee and may make recommendations as to how the application should be determined.**
- 14.9. Site visits are not formal committee meetings and generally take place on private land. Members of the public are therefore not entitled to be present and the visiting team may enter the land only with the owner's consent.**
- 14.10 The purpose of site visits is to enable members of the visiting team to see at first hand the nature and physical characteristics of the site and adjoining premises, to assess the impact of the development and to make recommendations to the Planning and Highways Regulation Committee as to how the application should be determined. Site visits are not an opportunity for objectors to present their views in person to members of the visiting team or for the applicant to promote the development.**
- 14.11 Councillors should be mindful of the need to remain with the visiting team group to avoid any appearance of impropriety of being lobbied.**
- 14.1. As a visiting team will generally have to enter private land it is not possible to prevent the applicant from being present but the applicant or agent should be discouraged from making representations to members of the visiting team. The applicant may answer questions on the proposed development but will not be allowed to address members of the visiting team on the merits or benefits of the application.**
- 14.13 Objectors will not be notified of the date and time of the proposed visit but this information will be released in response to enquiries, in which case they will also be informed of the restrictions on their attendance. Should any objectors be present at the site visit they will not be allowed to address the members, their presence will be pointed out to the applicant and it will be entirely at the applicant's discretion whether or not they will be allowed to enter the property.**
- 14.14 Council members who are not members of the visiting team may attend the site visit in the same capacity as an objector but may not, without the consent of the visiting team, speak and may not be present when the visiting team formulate their recommendations.**
- 14.15 Democratic Services will prepare a report of the observations of the visiting team which will be submitted to the following meeting of the Planning and Highways Regulation Committee. This report will be dispatched with the next Committee agenda papers but if, due to the timing of the visit, this cannot be done it will be made available to all members of the Planning and Highways Regulation Committee as soon as possible.**
- 14.16. The visiting team's report will be released to any enquirers following the team's visit.**

15. Scrutiny of Decisions (The Review of Outcomes Tour)

- 15.1 The Planning and Highways Regulation Committee will annually inspect sites in each of the area committee areas of the Borough where developments have been carried out following the grant of planning permission in order to assess the quality of the decision.
- 15.2 The Corporate Director for Place Management and Regeneration will, after consulting Area Committees, submit to the Planning & Highways Regulation Committee each municipal year a list of sites recommended for visit. The list will include examples from a range of developments, to reflect the nature of activity within the borough. The Director will circulate briefing notes on the sites to be visited.
- 15.3 Following the annual visit the Corporate Director for Place Management and Regeneration will submit a report to the next meeting of the Planning and Highways Regulation Committee (and then to Area Committees) on issues raised at the annual visit to assist the Committee in deciding whether policies or practices need to be reviewed.
- 15.4 In addition, the visiting team shall whenever practical, inspect one completed development each cycle and report to the Planning and Highways Regulation Committee on the quality of the decision and any matters which should be addressed.

16. Arrangements for Public Speaking at Area Committees

Procedure for considering applications

- 16.1. Ordinarily the Chair of an Area Committee considering a planning application should follow the procedure set out below unless there are compelling reasons for altering the procedure:
- 16.2 The Committee will consider first those applications upon which members of the public wish to speak.
- 16.3 The Committee has a report on each application that sets out all material considerations and the officer's recommendation.
- 16.4 The planning officer will report any matters that have arisen since the publication of the report, e.g. the receipt of further letters.
- 16.5 Councillors of the Committee may ask questions of the planning officer.
- 16.6 The Chair of the Committee will invite anyone opposing the application to speak
- 16.7 Normally only one person is allowed to speak for the objectors, but the Chair may allow others to speak if they have additional points not covered by the first speaker.
- 16.8 Members of the Committee may ask questions of the objector to clarify any points that have been made.
- 16.9 The applicant or the applicant's representative will be invited to speak in support of the application and on issues raised by objectors. In the absence of the applicant any

other person wishing to speak in support of the application may do so.

- 16.10** Members of the Committee may ask the applicant/applicant's representative questions to clarify the proposals or their response to objections.
- 16.11** Each speaker is allowed three minutes.
- 16.12** The planning officer will be invited to comment on issues raised by speakers.
- 16.13** The Committee will debate the issues and make a decision on the application
- 16.14** Objections/applicants can only speak on the first application and not at any subsequent meeting when it is considered unless the application has been materially altered.
- 16.15** Members of the public are not allowed to take part in the debate, and may not question officers, members, or applicants whilst the Committee is considering the application.
- 16.16** Anyone arriving after an application has been dealt with will not be allowed to speak on that application.

17. Complaints and Record Keeping

- 17.1** Compliance with this Code should reduce the likelihood of complaints arising. However, anyone wishing to make a formal complaint about an officer or the processing of a planning application should write to the Head of Development Management, Place Directorate, Fred Perry House, Edward Street, Stockport SK1 3XE (emma.curle@stockport.gov.uk). Any complaint that a Councillor has not complied with the Code of conduct for Local Authority Members should be sent to the Council's Monitoring Officer celia.tierney@stockport.gov.uk. A copy of the Council's complaints procedure may be obtained from the Council web site (www.stockport.gov.uk) or from any Council offices or Information and Advice Centres, or by telephoning 474 3617
- 18.2** The Corporate Director for Place Management and Regeneration will so far as possible ensure that every planning file (including enforcement and development plan files) contains an accurate account of events and an easily understood explanation of the decision and how and why it was reached. This applies equally to decisions taken by Committees and officers and to enforcement and development plan matters.

CP9 - LOCAL HONOURS

The Council recognises two categories of local honours as follows:-

1. The grant of the Freedom of the Borough pursuant to S.249 Local Government Act 1972.
2. The holding of a celebratory event (e.g. a reception hosted by the Mayor).

There are no detailed criteria for the award of either honour other than those specified in the legislation relating to the award of the Freedom ("persons of distinction" and "persons who have in the opinion of the Council rendered eminent service to the borough"). All nominations for the Freedom are to be considered by the Group Leaders, before the nominees or the media are made aware. Nominations then go forward to a Council Meeting only if they have the support of Group Leaders whose groups together make up two-thirds of the Council membership.

CP10 – NOMINATIONS OF MAYOR AND DEPUTY MAYOR

- The Chief Executive will seek to establish each Group's aspirations before Christmas each year.
- Prospective candidates will normally have served as a member of the Council for at least four years (breaks in service allowed) by the start of the civic year in question.
- Where practicable prospective candidates will not include Councillors due to stand for election before the start of the period of office.
- Proposals, after consideration by the **Cabinet**, will be placed before the Council Meeting as early as possible in the New Year, inviting the contender for each position likely to command the support of the majority of the Council to allow his/her name to go forward to the Annual Council Meeting.

CP11 - MONITORING OFFICER PROTOCOL

1. Introduction

This Protocol describes the manner in which Stockport Council and Stockport Council's Standards Committee expects the Monitoring Officer to discharge his/ her functions as set out in the Scheme of Delegation.

2. Facilities

For the purpose of carrying out his/her functions, the Monitoring Officer will be provided with the following facilities:

- (a) the right of access to all documents and information held by or on behalf of the authority, including documents and information held by any Member or officer of the Council. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party represented on the Council;
- (b) the right of access to any meetings of Members or officers (or both) of the authority, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party represented on the Council;
- (c) the right to require any Member or officer of the Council, or any contractor of the Council, to provide an explanation of any matter under investigation;
- (d) a right to report to the Council Meeting, the Standards Committee, to the **Cabinet** and the Corporate Leadership Team, including a right to present a written report and to attend and advise orally;
- (e) the right to require the assistance of any officer of the authority in carrying out an investigation;
- (f) a power to agree the local resolution to any complaint of maladministration or of breach of the authority's Code, including power to agree a compensation payment of up to £5,000 in any one case, and subject to subsequent report to the Standards Committee;
- (g) the right of access to the Chief Executive and to the Borough Treasurer.
- (h) the right, after consultation with the Chief Executive and, in relation to financial matters, the Borough Treasurer, to notify the Police, the authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- (i) the right to obtain, at the authority's expense, legal advice, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

3. Discharge of Functions

- 3.1 The Monitoring Officer's ability to discharge his/her duties and responsibilities will depend to a large extent of Members and officers:

- i) complying with the law and any relevant codes of conduct;
 - ii) complying with any guidance issued from time to time by the Standards Committee or the Monitoring Officer;
 - iii) making lawful and proportionate decisions in accordance with the Council's Constitution;
 - iv) not taking action that would bring the Council or their office into disrepute.
- 3.2 The Monitoring Officer undertakes to discharge his/her responsibilities with determination and in a manner that will enhance the reputation of the Authority. It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, Members and Officers of the Council should routinely inform and consult the Monitoring Officer in respect of new policy proposals, and on the discharge of the Council's statutory or discretionary responsibilities, where issues of legality or propriety may arise.
- 3.3 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and Members of the Council may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or Member subsequently took any action to progress that proposal, despite being advised to the contrary by the Monitoring Officer;
- 3.4 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she will in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such import that a statutory report is the only appropriate response.
- 3.5 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.
- 3.6 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his written advice to the report of any other officer of the Council.
- 3.7 Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Borough Treasurer, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.
- 4. Conflicts in relation to reportable events**
- 4.1 Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the Authority, he/she shall consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer for investigation and report back to the Chief Executive, or request a neighbouring authority to make its Monitoring Officer available

to the Authority to investigate the matter and report to the Chief Executive, the **Cabinet** and/or the Council Meeting as appropriate.

5. Investigation and Determination of Complaints

- 5.1 The Monitoring Officer, in consultation with the Chair of the Standards Committee, will be responsible for ensuring that the Standards Committee complies with its agreed procedures for the investigation of, hearing and determination of complaints.
- 5.2 The Standards Committee expects the Monitoring Officer to act as its principal adviser on the hearing and determination of complaints, and accepts that there will be occasions where the Monitoring Officer has a conflict of interest in relation to matters that come before the Committee. In those circumstances the Monitoring Officer, in consultation with the Chair of the Committee, will resolve the conflict of interest by arranging for the Deputy Monitoring Officer and/or a Monitoring Officer from another Authority to undertake relevant functions in relation to the investigation and determination of the complaint.
- 5.3 A complaint must be made in writing to the Monitoring Officer, who will acknowledge receipt of the complaint within five working days. At the same time, the Monitoring Officer will write to the Member being complained about (hereafter referred to as the Subject Member) with details of the allegations **and a provide contact details of the Independent Member who may be consulted by the Subject Member**. The Subject Member may, within five working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

Initial Assessment of Complaint

- 5.4 The Monitoring Officer will review the complaint and, following consultation with the Independent Person, take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The Complaint will be rejected if;

- The complaint is not against one or more named Members or co-opted Members of the Council; or
 - The subject Member was not in office at the time of the alleged conduct; or
 - The complaint, if proven, would not be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.
- 5.5 If the complaint has not been rejected on the grounds, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected;
- Whether a substantially similar allegation has previously been made by the complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;

- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
 - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
 - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the Authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

The Monitoring Officer will consult with the Independent Person and then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a Sub Committee of the Standards Committee.

Additional Information

- 5.6 The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the subject member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the subject Member or the Authority (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 5.7 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code.

Confidentiality

- 5.8 If a complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

- 5.9 As a matter of fairness and natural justice the subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if there are reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.
- 5.10 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the subject Member.

Investigation

- 5.11 The Monitoring Officer will appoint an investigating officer where a complaint merits formal investigation. The investigating officer may be a Council officer, an officer from another Council, or an external investigator.
- 5.12 The investigating officer will follow guidance provided by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of Council resources and shall be interpreted in line with these principles.
- 5.13 The investigating officer will ensure that the subject Member receives a copy of the complaint – subject to the Monitoring Officer decision on confidentiality.
- 5.14 At the end of their investigation, the investigating officer will produce a draft report and will send copies of that draft report to the complainant and to the subject Member, for comments. The Independent Person will be invited to make a written representation, in response to the Investigating Officer's draft report. The Investigating Officer will take such comments into account before issuing their final report to the Monitoring Officer.

Investigating Officer finding of no failure to comply with the Code of Conduct

- 5.15 Where the Investigating Officer's report does not find that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person will review the investigating officer's report and, if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.
- 5.16 The Monitoring Officer will write to the complainant and the subject Member with a copy of the decision and the investigating officer's report.
- 5.17 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the investigating officer may be asked to reconsider the report and the conclusions.

Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct.

- 5.18 Where the Investigating Officer's report does find that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the investigating officer's report and will then either seek a local resolution or send the matter for local hearing before the hearing Sub Committee.

Local Resolution

- 5.19 If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the independent person and the complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee for information, but will take no further action. If the complainant or the subject Member refuses local resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a local hearing without further reference to the complainant or the subject Member.

Local Hearing

- 5.20 Where, in the opinion of the Monitoring Officer, local resolution is not appropriate or the complainant and/or subject Member refuses to co-operate, then the Monitoring Officer will report the Investigating Officer's findings to the hearing Sub Committee which will conduct a local hearing before deciding whether the Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Member.
- 5.21 The Monitoring Officer will ensure that members of the sub committee are provided with a briefing on the procedural rules no more than 2 working days before the date set for the hearing.

Constitution of the Hearing Sub Committee

- 5.22 The Hearing Sub Committee is a sub-committee of the Council's Standards Committee. The Council have decided that it will comprise 5 members of the Standards Committee with at least one of the independent Members co-opted to the Standards Committee and three members of the Council drawn from at least two different political parties.
- 5.23 The independent person is invited to attend all meetings of the hearing Sub Committee and their views must be sought and taken into consideration before the hearings Sub Committee takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Actions/ Sanctions

- 5.24 Where a hearings Sub Committee finds that a Subject Member has failed to comply with the code of conduct, the Council has delegated to the hearing Sub Committee such of its powers to take action in respect of Subject Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the hearing Sub Committee may –
- With or without a recommendation that the full Council should censure (criticise) the Subject Member.
 - Recommend to the Members group leader (or in the case of ungrouped members) recommend to the Council Meeting that he/she be removed from any or all committees or sub committees of the Council;
 - Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their portfolio responsibilities;

- Recommend to the Council Meeting that the Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council Meeting;
- Instruct the Monitoring Officer to arrange training for the Member;
- Withdraw facilities provided to the Member by the Council such as a computer, website and/or e-mail and internet access provided that such restrictions do not impede the member from carrying out their duties as a Councillor; or
- Placing such restrictions on Members access to staff which may be reasonable in the circumstances and in accordance with the Member/Officer Protocol provided that such restrictions do not impede the member from carrying out their duties as a Councillor.

Withdrawal of a Complaint

- 5.25 In the event that a complainant withdraws a complaint at any time prior to a decision having been made by a Hearing Sub Committee, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint but shall, in taking such a decision take into account any issues which may arise under Paragraph 3.1(c) of the Code of Conduct.

Procedure to be followed at the Hearing

The approved process for dealing with complaints is silent on the procedure to be followed by the Hearing Sub Committee, save the references in part 3 above. It is proposed that the Standards Sub-Committee Meeting/ Hearing usually follow the procedure set out below:-

Convening the Meeting and Access to Papers

- 5.26 The Hearing Sub Committee shall be convened in accordance with the Council's Access to Information Rules with the agenda and accompanying documents published 5 clear working days in advance of the meeting. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Sub Committee **and to prevent the recording of the proceedings** where it is likely that confidential or exempt information will be disclosed.

Attendance

- 5.27 The Sub Committee will comprise 5 members of the Standards Committee (at least one co-opted member) and at least three other members from at least two political groups other than those involved in any complaint. The quorum for the meeting is three councillors. Once the meeting has begun all members must remain throughout the Hearing and during any deliberations.
- 5.28 The Subject Member will be expected to attend the Hearing. If they fail to attend and where the Sub Committee is not satisfied with any explanation for their absence, they may have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination. If satisfied with the Subject Member's reasons for not attending, the Sub Committee may adjourn the hearing to another date. The Hearing Sub Committee may resolve in exceptional circumstances, that it will proceed with the hearing on the grounds that it is in the public interest to hear the allegations expeditiously.
- 5.29 The Subject Member may choose to be accompanied by a legal representative, or other person (such as a friend or colleague). This person must not be directly involved

in any of the allegations being considered by the Sub Committee. The participation of the Subject Member's representative will be at the discretion of the Chair.

- 5.30 The Independent Person should normally be present throughout the hearing, but not during the deliberations of the Hearing Sub Committee in private.
- 5.31 The Monitoring Officer, Investigating Officer and other legal advisor as nominated by the Monitoring Officer may also be present, as well as a Clerk.
- 5.32 The complainant may also be present.

Conduct of the Hearing

5.33 Subject to paragraph 5.33, the Hearing will consider the following items of business:-

- Election of Chair;
- Declarations of Interest;
- In the absence of the Subject Member, consideration of whether or not to proceed with the Hearing;
- To decide on whether to exclude the public and the application of the public interest test;
- the Complaint;
- Sanctions (if applicable).

Dealing with the Complaint

Investigating Officer

- 5.34 The Investigating Officer will present their report, including any documentary evidence or other material. They may also provide witness statements. No new points shall be introduced unless agreed by the sub-committee. There is a requirement for the "Investigating Officer" to attend the hearing and present their report. Since the report and any witness statements will have been circulated to the Independent Person, Sub Committee and to the member in advance of the hearing, the Investigating Officer's presentation should briefly summarise the report and other material, amend errors, provide updates and clarify the written report.
- 5.35 After the Investigating Officer has presented the report and after any witnesses have given their evidence, the Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer about any matter in the Investigation Officer's report or witness statement.
- 5.36 After the Investigating Officer has presented the report and after any witnesses have given their evidence, members of the Hearing Sub Committee may ask questions of the Investigating Officer and any witnesses whose statements have been provided by the Investigating Officer.

Subject Member

- 5.37 The Subject Member or their representative (the latter only with the agreement of the Chair) may then present their case and call witnesses. They should provide a written summary if their case no less than 5 days in advance of the hearing. No new points should be introduced unless agreed by the Sub Committee.
- 5.38 The Investigating Officer may question the Subject Member and any witnesses called by the Investigating Officer.

- 5.39 Members of the Hearing Sub Committee may ask questions of the Subject Member and any witnesses called by the Subject Member.

Summing Up

- 5.40 The Investigating Officer will sum up the complaint
- 5.41 The Independent Person will be invited to express their views.
- 5.42 The Subject Member or their representative will be given the final word.

Deliberations

- 5.43 The Hearing Sub Committee, when deliberating on the complaint, will adjourn the Hearing to consider the matter in private. They will consider whether or not, on the facts presented to the Sub Committee, the Subject Member has failed to comply with the Code of Conduct and they will also consider a provisional view on appropriate sanctions.
- 5.44 Only the Monitoring Officer (or their nominee) and Clerk will remain with the Sub Committee to offer legal or procedural advice if needed.
- 5.45 The Hearing Sub Committee may reconvene at any time to seek additional information from the Investigating Officer, Subject Member or Witnesses. The Sub Committee will then adjourn to continue their deliberations.
- 5.46 The Sub Committee will reach decisions on the findings of fact based on the balance of probabilities.

Announcing the Decision on the findings of fact

- 5.47 The Hearing Sub Committee will reconvene the hearing in public and the Chair will announce whether or not on the facts found, the Sub Committee considers that there has been a breach of the Code of Conduct and their provisional view on sanctions.
- 5.48 If the Sub Committee has found that there has been a breach, the Independent Person and the Subject Member will be invited to make representations about the sanctions which the Committee is minded to impose.
- 5.49 If representations about the sanctions are made, the Sub Committee will then adjourn to consider the sanctions. Only the Monitoring Officer (or their nominee) and Clerk will remain with the Sub Committee to offer legal or procedural advice if needed. When deciding whether to apply one or more sanctions, the Hearing Sub Committee will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour.
- 5.50 Having taken into account the representations of the Independent Person and the Subject Member on the application of sanctions, the Hearing Sub Committee will reconvene the Hearing in public and the Chair will announce:
- (ii) the sanctions (if any) to be applied or recommended;
 - (iii) the recommendations (if any) to be made to the Council Meeting or Monitoring Officer.

Publication and notification of the Hearing Sub Committee's decision and recommendations

- 5.51 Within 20 working days of the announcement of the Hearing's decision the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, to:

- (a) the Subject Member;
- (b) the Complainant;
- (c) the Chief Executive

and will publish the details of the Hearing Sub Committee's decision, including Subject Member and a summary of the Hearing Sub Committee's decision and recommendations and reasons for the decision and recommendations on the Council's website

- 5.52 The Monitoring Officer will report the Hearing Sub Committee's decision and recommendations to the next meeting of the Standards Committee for information

Variations to the Procedure at the Hearing Sub Committee

- 5.53 The Chair may exercise his/her discretion and amend the order of business, where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

6. Independent Person

- 6.1 The role of the 'independent person' is a statutory position created by the Localism Act 2011.
- 6.2 The independent person has a separate and distinctive (independent) role to that of the Monitoring Officer.
- 6.3 The Independent Person although not a member of the Standards Committee will receive all of the Standards Committee papers and be invited to attend full meetings of the Committee.
- 6.4 When an investigation has been completed the independent person will be asked to give their views on whether the matter should proceed to a hearing. If the complaint proceeds to a full hearing the independent person will be invited to attend the hearing and can ask questions and make submissions to the hearing Sub-Committee. The independent person's views must be sought and taken into consideration by the hearing Sub-Committee. The decision will be made by the hearing Sub Committee.
- 6.6 In addition the independent person will be able to contact or be contacted by the member complained of/ complainant at any stage of the process, but they will not have any investigatory role.

CP12 – COUNCILLOR CALL FOR ACTION - PROTOCOL

References:

The Local Government & Public Involvement in Health Act 2007 – Councillor Call for Action – Guidance Notes for Councillors

What is CCfA?

CCfA is a mechanism by which local councillors can raise issues where local problems have arisen and where other methods of resolution have been attempted and have failed. It provides an opportunity to challenge and review where local outcomes are not being delivered or services are perceived to be failing.

Councillors already fulfil this role addressing local issues on a daily basis. CCfA merely formalises this role and enables service providers to be held to account where necessary.

If service providers do not resolve issues to the satisfaction of the councillor, **as a last resort**, the councillor will be able to ensure the matter is considered by a scrutiny committee.

Best practice guidance on the CCfA can be found at <http://www.cfps.org.uk/>

How will CCfA work in Stockport?

It is important to remember that the focus of CCfA should be on neighbourhood issues and relate to persistent problems that have not been resolved through traditional mechanisms. CCfA should not be seen as a shortcut to avoid following existing agreed procedures nor should it **be used to** pursue individual complaints.

When does something become a CCfA?

An issue becomes a CCfA when all available options for dealing with the issue have been exhausted. Councillors deal with many local issues brought to them by individuals or groups as part of their everyday work. The introduction of CCfA is not meant to be a bureaucratic exercise where every problem must be dealt with in a prescribed format. A councillor should address a problem through the usual channels of working with council officers or service providers and only after the problem is not resolved and persists should consideration be given to the fact that it could be treated as a CCfA.

What should and should not be treated as a CCfA?

When a Councillor begins to consider whether an issue is a potential CCfA and whether they may wish to champion it, they need to consider a number of factors. Certain issues have been excluded from being considered as a CCfA

1. Is the issue an individual complaint? – CCfA cannot be used to address individual complaints. Issues that relate to an individual in respect of which that individual has recourse to a review or appeal cannot be dealt with as a CCfA. Citizens with individual complaints should be directed towards the Council's corporate complaints procedure or other relevant appeal mechanism. However, if the matter is an allegation of systematic failure to provide or deliver a service, of which this is one example, then the matter may be dealt with as a CCfA.
2. Is the issue a planning matter? – Regulations¹ prevent CCfA being used in relation to a planning decision. However, if the matter is an allegation of systematic failure to provide or deliver a service, of which this is one example, then the matter may be dealt with as a CCfA.

¹ Overview and Scrutiny (Reference by Councillors) (Excluded Matters)(England) Order 2012/1022

3. Is the issue a licensing matter? Regulations prevent CCfA being used in relation to a licensing matter. However, if the matter is an allegation of systematic failure to provide or deliver a service, of which this is one example, then the matter may be dealt with as a CCfA.
4. CCfAs are intended to address neighbourhood or locality issues and should recognise genuine local concern. They should also represent persistent problems that have not been resolved through local action and discussion with service providers.
5. Has the issue already been through the CCfA process? – An issue should only be taken through the whole CCfA process (including consideration by a scrutiny committee) once. It will not be permissible for someone to raise the same issue a second time with a different ward councillor.
6. Are there projects, reviews, audits or inspections already underway that are already looking at the issue?
7. Are other ward councillors looking at this or a similar issue? If so this should be done collectively not on an individual basis.
8. Regulations provide that matters that are vexatious, discriminatory or not reasonable are “excluded matter” for the purpose of CCfA.

Deciding whether to Champion a CCfA

A CCfA may be instigated by the councillor themselves or may be taken up following an approach by an individual or group of residents. In these circumstances, taking up the CCfA may require the Councillor to work with those who have raised the problem to seek its resolution. It is a matter for an individual councillor to decide whether to take up a CCfA.

Because a CCfA is intended to address persistent issues that have not been resolved through local action, ~~it is quite~~ the councillor championing a CCfA will be expected to have taken all reasonable steps to have the issue resolved before raising the matter at an area committee or scrutiny committee. Action that a councillor may reasonably expect a complainant to have undertaken includes:

- Raising the issue with the relevant council directorate or partners or other key organisations
- Identifying what the service response has been by making enquiries with relevant officers and/or local service providers
- Seeking a meeting with relevant officers to discuss the issue and ways it may be resolved
- Raising the issue with the relevant **Cabinet Member**
- Using any available complaints process.

In the case of a crime and disorder matter, the issue must be raised with the Community Safety Unit (CSU). The CSU will then direct the complaint to the appropriate individual or group depending on the nature and seriousness of the issue. This may be the police or the Neighbourhood Partnership Team. The CSU will inform the councillor and the citizen of the action taken.

How do I assess if something is a genuine local concern?

Ward councillors will have a good understanding of issues within their locality. The following may help to determine if something is a genuine local concern:-

- The number of residents concerned or affected
- Is there a high volume of public feeling on the issue
- The impact the issue may/may not have on the community/local area now and in the future

- Have all other avenues available been exhausted?
- Were the responses received by the service providers satisfactory?
- Does the issue require a change in policy?

Championing a CCfA

Once a councillor has decided to take up a CCfA they should Inform Democratic Services that they have decided to pursue the issue as a CCfA and complete a pro-forma providing background to the issue.

Referral to Area Committees

When a councillor refers a matter to an area committee:-

- The councillor referring the matter to the area committee will be required to complete a template setting out details of the CCfA, action taken to try and resolve the issue and the responses received so far.
- The democratic services section will arrange for the issue to be placed on the agenda of the next available meeting of the area committee and will arrange for the relevant officers and representatives of partners (if they are willing) to attend to discuss the issue.

At the actual meeting:-

- The ward councillor will present the case for the CCfA
- Relevant officers from service providers/partner organisations attend to enable them to put forward their response
- Area committee members will be allowed to question presenting parties and debate the issue
- Area committee will determine the way forward.

The area committee may decide to:-

- (a) assist with the resolution of the issue if it has the necessary power within its terms of reference and delegated budgets
- (b) Make recommendations to the appropriate **Cabinet Member** or corporate director.
- (c) Establish a working group to look at the issue in more detail i.e. undertake a local scrutiny review of the issue
- (d) Take no further action but give reasons as to why it has decided to take no further action.
- (e) A combination of the above

Referral to Scrutiny

If, after a CCfA has been considered at an area committee meeting, the councillor is not satisfied with the action taken or proposed, the councillor can consider whether the matter should be referred to the relevant scrutiny committee. This should be seen as a last resort where all other avenues have been exhausted

The councillor referring the matter to the scrutiny committee will be required to complete a template setting out details of the CCfA, action taken to try and resolve the issue and responses from key organisations. The following will then happen:-

- Notification via the agreed template should be given to the democratic services section with the required background information

- Democratic services will notify relevant people by email of receipt of CCfA - including ward councillor, relevant scrutiny chair, Deputy Chief Executive, relevant corporate director, and others to be determined.
- The appropriate scrutiny committee will consider the issue at its next available meeting - how the CCfA is to be investigated should be open to discussion but to ensure all relevant evidence is presented to the meeting the following people should be invited to comment:-
 - The ward councillor – presents the case for the CCfA
 - Relevant officers from service providers/partner organisations to enable them to put forward their response
 - Citizen's and public speaking – at the discretion of the chair
 - The scrutiny committee allowed to question presenting parties
 - The scrutiny committee to determine their response.

The following options are available to the scrutiny committee once they have considered all relevant information:-

1. The scrutiny committee can determine not to take any further action if they are happy with the response at the meeting or feel the CCfA is unwarranted
2. The scrutiny committee can identify and make recommendations to the relevant service providers or partnerships
3. The scrutiny committee can opt to carry out more detailed review work over a series of meetings by establishing a sub-group or panel to look at the issue in more detail

Cabinet Member and partners will be expected to engage in the scrutiny process and respond to any recommendations that the scrutiny committee makes in the same way as with any other item of scrutiny business or review.

Scrutiny committees will monitor the implementation of any recommendations.

If similar or related issues are referred to scrutiny by different ward councillors they should where possible be discussed collectively and not individually.

Logging CCfAs

Once a councillor has decided to champion a CCfA it is important that the CCfA is logged so that the existence of the CCfA can be recorded and acknowledged. This should be done by the completion of a template and through democratic services to ensure that it is recorded and dealt with in accordance with agreed procedures.

Councillor Call for Action

Check list of Criteria to be fulfilled to 'qualify' as Councillor Call for Action (CCfA)

Stage One – Case Work Stage

A councillor may decide that an issue has the potential to be a CCfA. This may be an issue within their local area that they are concerned about, or it may be an issue brought to their attention by an individual or a group of residents.

To have the potential to be a CCfA the following criteria need to be met:

- a) The issue does not relate to an individual where the individual has a right of appeal or review by another means*
- b) The issue does not relate to an individual planning matter*
- c) The issue does not relate to an individual licensing matter*
- d) The issue must not be vexatious, discriminatory or not reasonable to be dealt with as a CCfA*
- e) The issue represents a genuine local concern
- f) The issue relates to the quality of public service provision at a local level
- g) The issue does not relate to a matter that has its own statutory appeals process
- h) The issue affects a neighbourhood or group of residents
- i) The issue relates to a serious service failure
- j) The issue is a persistent problem that has not been resolved through local action
- k) The issue may require a change of policy by the Council or it's partners to resolve or avoid repetition
- l) The issue has not previously been through the CCfA process by another councillor

(Note: Issues within the descriptions a) to c) may be considered as a potential CCfA if the matter is one that the authority is considered to be failing on a systemic basis and the issue is one example of such failure.

Before moving to the next stage of the CCfA process, the councillor must take all reasonable steps to resolve the issue themselves. If the matter has been brought to the councillors attention by an individual or group of residents, the councillor will need to satisfy themselves that the individual or group has taken reasonable steps to resolve the issue themselves, or considers that it is not reasonable for them to attempt to resolve the issue themselves. It is a matter for the individual councillor to decide whether to pursue an issue as a CCfA and councillors will be accountable to their community for these decisions.

Action that a councillor should take on agreeing to take up an issue may include:

- Raising the issue with the relevant council directorate or partner
- Identify what the service response has been by making enquiries with relevant officers and/or local service providers
- Seek a meeting with relevant officers to discuss the issue and ways it may be resolved
- Raise the matter with the relevant **Cabinet Member**
- Inform Democratic Services that they have decided to pursue the issue as a CCfA and complete a pro-forma providing background to the issue

If after trying to resolve the issue the councillor is still not satisfied with the response that has been obtained, the councillor may consider what further action is appropriate.

Stage Two – Area Committees

If the councillor considers that the area committee has power to resolve or assist in the resolution of the issue, the councillor may request that the issue be included on the agenda for the next area committee.

The area committee may then consider what action it wishes to take to resolve the issue.

Action that an area committee could take on considering a CCfA may include:

- Requesting the relevant council directorate or partner to attend the area committee to discuss the issue and ways it may be resolved
- Undertake a local scrutiny review to examine the issue in more detail and make recommendations to the relevant **Cabinet Member**

Stage Three – Scrutiny Committee

If, having been considered by the area committee, the councillor considers that the matter has not been resolved to their satisfaction they may request that the matter be included on the agenda for of the relevant scrutiny committee.

The use of scrutiny committees to resolve CCfA issues should be seen as a last resort. Issued should only be raised at scrutiny committees after all other avenues have been exhausted. The purpose of CCfA is to provide resolution where other techniques have failed.

Questions that a scrutiny committee will ask on considering a CCfA may include:

- Is the committee satisfied that reasonable attempts at resolution have been made by the ward councillor or **Cabinet Member**?
- Has the committee considered a similar issue recently?
- Are there projects, reviews, audits or inspections already underway that are already considering the concern?
- In the case of a crime & disorder issue, that the matter has been referred to the Safer Stockport Partnership?
- Have the relevant area committee structures been exhausted?
- Have the relevant council service areas or partners given full consideration and a full response to the issue?
- Is there is a more complex/strategic issue at the heart of it, that could not be resolved at a lower level?
- Does the councillor referring the matter has powers under section 236 of the Local Government and Public Involvement in Health Act 2007 which be exercised to resolve the issue?

Action that a scrutiny committee could take on considering a CCfA may include:

- Requesting the relevant council directorate, **Cabinet Member** or partner to attend the scrutiny committee to discuss the issue and ways it may be resolved
- Undertake a scrutiny review and making recommendations to the Cabinet or the Council Meeting

PART 7 - MEMBERS' ALLOWANCES SCHEME

The Stockport Metropolitan Borough Council ("the Council"), in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003 ("the regulations") as amended hereby makes the following scheme.

1. This scheme may be cited as the Stockport Metropolitan Borough Council Members' Allowances Scheme 2013, and shall have effect from 21 May 2013.

2. In this scheme,

"member" means a member of the Council who is a Councillor or a Co-optee;

"Councillor" means a member of the Council who is a Councillor;

"Co-optee" means a member who is a member of a Committee or Sub-Committee of the Council but is not a Councillor

"year" means the 12 months ending with 31 March.

Basic Allowance

3. For each year a basic allowance shall be paid to each Councillor at a level specified in Schedule 1 of the scheme. The Basic Allowance includes a payment of £750.00 to cover expenses incurred in local travel in the Borough on Council business, telephone call charges relating to Council business and stationery and other office consumables required in the Councillor's home for Council work.

Special Responsibility Allowance

4. (1) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in Schedule 1 to this scheme.
- (2) Subject to paragraph 11, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
- (3) Subject to sub-paragraph (4) the number of Special Responsibility Allowances paid to any one Councillor shall be one only.
- (4) A Councillor who is a member of the Greater Manchester Waste Disposal Authority or the Transport for Greater Manchester Committee may receive two Special Responsibility Allowances under this scheme.

Dependant Carer's Allowance

5. Dependant Carer's Allowance shall be payable at a rate equivalent to the current value of the Living Wage paid by the Council (net of tax) (or the actual cost of providing the care, whichever is the lesser amount) for the care of each dependant who is a child. For the care of other dependants an allowance will be paid equivalent to the rates payable for the time being by the Council's Adult Services. Dependant Carer's Allowance will only be payable while a member is performing an approved duty listed at paragraph 1 to 18 of Schedule 2 and will not be payable in respect of care provided by a member of the claimant's immediate family comprising members of the same household, grandparents, uncles and aunts.

Co-optee's Allowance

6. For each year a Co-optee's allowance will be payable to a Co-optee who is appointed Chair of the Standards Committee; a Co-optee member of the Standards Committee; and other Co-optees at a level specified in Schedule 1 of the scheme

Travel Allowance

7. (1) Expenses necessarily incurred on subsistence in connection with "approved" duties will be reimbursed in accordance with the equivalent scheme applicable to employees of the council save that in exceptional circumstances claims over and above these amounts may be approved at the discretion of the Chief Executive
- (2) Subject to sub-paragraph 3, travel in connection with "approved" duties (Schedule 2) will be reimbursed at the current HMRC rates.
- (3) Payment for expenses incurred by Councillors on travel within the Borough is included in the Basic Allowance (see paragraph 3 above) and is not reimbursable as travel allowance under this paragraph.

ICT Allowance

8. For each year an ICT Allowance at a level specified in Schedule 1 of the scheme shall be payable to all members to cover the cost of their own ICT provision and broadband in lieu of council provided equipment, save that a member may elect to forgo this allowance in favour of the Council's Standard ICT package provided on a four year loan at the commencement of their term of office.

Annual Adjustments of Allowance Levels

9. For the four years commencing 21 May 2013 the amount of an allowance payable under this scheme shall be increased by reference to such percentage increase as is specified by the Borough Treasurer of the Council as the percentage increase in the pay of local government employees as determined by the National Joint Council for Local Government Services.

Renunciation

10. A member may by notice in writing given to the Deputy Chief Executive elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-year Entitlements

11. (1) The provisions of this paragraph shall have effect to regulate the entitlement of a member to allowances where, in the course of a year, this scheme is amended or that member becomes, or ceases to be, a member, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- (2) If an amendment to this scheme changes the amount of an allowance to which a member is entitled, then in relation to each of the periods
- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or

- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (3) Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, the entitlement of that member to an allowance shall be to the payment of such part of the allowance as bears to the whole the same proportion as the number of days during which his or her term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a member does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such member an allowance shall be to the payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his or her term of office as a member subsists bears to the number of days in that period.
- (5) Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that Councillor's entitlement shall be to the payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Pensions

- 12. All Councillors who are under the age of 70 are entitled to a pension in accordance with a scheme made under Section 7 of the Superannuation Act 1972 and both basic allowance and special responsibility allowance may be treated as amounts in respect of which such pensions are payable.

Claims and Payments

- 13. (1) Payments shall be made in respect of basic and special responsibility allowances in installments of one-twelfth of the amount specified in this scheme on the 15th day of each month;

- (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 11, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (3) Co-optee's allowance shall be payable on 15 July in each year or on the fifteenth day of the month following the member becoming a member of the Council.

Withdrawal of Allowances

- 14. (1) Where a member is fully or partially suspended from his or her duties, basic allowance or, as the case may be, co-optee's allowance, payable to him or her in respect of the period for which he or she is suspended or partially suspended, may be withheld by the Council.
- (2) Where a member is fully or partially suspended from his or her duties, special responsibility allowance or travel and subsistence allowance, payable to him or her in respect of the responsibility or duties from which he or she is suspended or partially suspended, may be withheld by the Council

Schedule 1- MEMBERS' ALLOWANCES SCHEME – 16 MAY 2017

	Index	£
Basic Allowance		9,925.84
Special Responsibility Allowances:-		
Cabinet Leader	3x Basic Allowance	29,777.52
Deputy Cabinet Leader	55%	16,377.63
Cabinet Members	50%	14,888.76
Leader of main Opposition Group	30%	8,933.26
Leaders of smaller Opposition Groups	£1,020.10 +£306.03 per group member	
Chair of Planning and Highways Regulation Committee	28%	7,444.38
Chair of Licensing, Environment and Safety Committee	28%	4,466.63
Chair of a Licensing, Environment and Safety Sub-Committee	12%	3,573.30
Chairs of a Scrutiny Committee	20%	5,955.50
Chair of a Scrutiny Review Panel	4%	1,191.10
Chair of an Area Committee	20%	4,466.63
Chair of Audit Committee	20%	3,573.30
Co-optee's Allowance	1%	297.78
Standard Committee Co-optee's Allowance:-		
Independent Chair of Standards Committee	4%	1,191.10
Independent member of the Standards Committee	2%	595.55
Civic Allowances		
Mayor		10,996.74
Deputy Mayor		787.62
Members of the Greater Manchester Waste Disposal Authority:-		
Members' Allowance (Paid to all those not holding another remunerated GMWDA post)		2,189.34
<i>Responsibility Allowances (incorporating GMWDA Members' Allowance):</i>		
Chair of the GMWDA		12,510.51
3 Vice-Chairs of the GMWDA		5,629.73
3 Deputy Chair of the GMWDA		2,710.61
Members of the Transport for Greater Manchester Committee:-		
TfGMC Members' Allowance (Paid to all those not holding another remunerated TfGMC post)		3,987.72
<i>Responsibility Allowances (incorporating TfGMC Members' Allowance):</i>		
Chair of the TfGMC		29,451.82
3 Vice-Chairs of TfGMC/ Chairs of Sub-Committees		14,725.91
3 Deputy Chairs of the Sub-Committees		5,264.84
ICT Allowance		312.77

Schedule 2

APPROVED DUTIES

1. A meeting of the **Cabinet**.
2. A meeting of a Committee of the **Cabinet**.
3. A Council Meeting.
4. A meeting of a Committee or Sub-Committee of the Council.
5. A meeting of any other body to which the Council makes appointments or nominations.
6. A meeting of a Committee or Sub-Committee of any other body to which the Council makes appointments or nominations.
7. A meeting which has both been authorised by the Council, the **Cabinet**, a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more other Councils, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited (if the Council is divided into several political groups) or to which two or more Councillors have been invited (if the Council is not divided into political groups).
8. A meeting of a Local Authority Association of which the Council is a member.
9. Duties undertaken on behalf of the Council in pursuance of any standing order made under Section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened.
10. Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
11. Duties undertaken on behalf of the Council in connection with arrangements made by the Council for the attendance of pupils at a school approved for the purposes of Section 342 of the Education Act 1996.
12. Panels and Working Parties.
13. Joint Briefings.
14. Visiting teams/Committee visits.
15. Any other duty approved by the Council for the purposes of, or in connection with, the discharge of the functions of the Council, or of any of its Committees or Sub-Committees.
16. Any duty for the purpose of, or in connection with, the discharge of the functions of the **Cabinet**.
17. Attendance at any conference/training event approved by the Chief Executive.
18. Attendance at a civic event organised by the Mayor's Office and to which all members have been invited.

PART 8 - MANAGEMENT STRUCTURE

A copy of the Council's Management Structure can be found on the Council's website at www.stockport.gov.uk/managementstructure