

The Constitution of Horsham District Council



- Version 1.1** – minor typographical amendments p24 introductory para and p46, para 3.3.3, points d) and e)
- Version 1.2** – minor amendments: p42 para 3.2.2 point v; p42 para 3.2.5 point a); p54, para 3.5.2 point 7; p80 para 4b.14 new point c) and re-lettering of subsequent existing points
minor typographical amendments: p15 Article 4; p88, para 4c.14, last para
- Version 1.3** – amendment: Part 6 – Scheme of Members' allowances, Appendix 1 (Council decision 26/04/17, minutes no. CO/84)
- Version 1.4** – minor amendment Part 4g p132 para 29 points c) and d)
- Version 1.5** – amendments: Part 3 pp41-42 para 3.2.2 and p57 para 3.6.2 (Council decision 06/09/17, minute no. CO/30)
- Version 1.6** – amendment: Part 3.3 Cabinet Functions – deletion of Housing and Public Protection as a separate portfolio and relevant functions added to the portfolio of the Cabinet Member for Community and Wellbeing pp45-48
amendment: Part 5c Planning Protocol (correcting inadvertent omission of parts of sections 4 and 5 of the protocol and correcting the renumbering of subsequent sections pp162-167
amendments to Members' Allowances Appendices 1 and 2 pp173-174
amended management structure pp179-181
change "Financial Regulations" to "Financial Procedure Rules", various locations
- Version 1.7** – amendments to Article 8.2 Other Committees and Bodies:
a) Employment Committee and b) Policy Development Advisory Group
reinstatement of the Protocol on Member/Officer Relations as Part 5d (Council decision 05/09/18, minute no. CO/15)
- Version 1.8** – various minor amendments
- Version 1.9** – various amendments (Council decision 24/04/19, minute no. CO/60(a))
- Version 1.10** – various minor amendments
- Version 1.11** – various minor amendments, changes made to reflect Council decision 09/12/20, minute no. CO/38
- Version 1.12** – Part 5.b New Members' Code of Conduct added (Council decision 28/04/21, minute no. CO/66(b)).
Amended management structure Part 7.2 pp 177-180
- Version 1.13** – Updated Cabinet Member Portfolios Part 3.3
Amended part 3.4.4 d) (Council decision 23/06/21, minute no. CO/25)
Amended job titles where appropriate
Article 8 updated to include new Cabinet Portfolios
Amended Part 7 to include new management structure
- Version 1.14** – various minor amendments
- Version 1.15** – The majority of references to public representations at meetings have been moved to a new section: 4J Public Speaking at Meetings Procedure Rules
Members' Code of Conduct has been updated
Cabinet Functions have been updated
Various minor amendments
Functions of the Leader of the Council and Cabinet Member for Property and the Local Economy have been updated
- Version 1.16** – Updated Cabinet Member Portfolios (Council decision 22/02/23) pp 40-45
Head of Paid Service: addition of 1a. to enable changes to schedule of polling places (Council Decision 22/02/23) p 50
Amendment to Scheme of Members' Allowances appendix 1 (Council decision 22/02/23 to approve Independent Remuneration Panel recommendation) p 173
- Version 1.17** – Updated Cabinet Member Portfolios p 24 and pp 40-44
- Version 1.18** – Updated delegations to Returning Officer p 50 (Council decision 11/10/23)
Updated delegations to Chief Finance Officer (s151 Officer) p 51 (Council decision 11/10/23)

Updated delegations to Chief Finance Officer (s151 Officer) p 51 (Cabinet decision 28/09/23)

Updated Part 4 Rule 4j Public Speaking at Meetings Procedure Rules (Council decision 11/10/23)

Various minor amendments

Version 1.19

Updated Scheme of Members Allowances

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Part One

Summary

The Council's Constitution

The Constitution of Horsham District Council sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are made efficiently, transparently and with accountability to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The first part of the Constitution is divided into 14 Articles which set out the rules governing the Council's business. Detailed procedures and protocols then form parts two to five.

What is in the Constitution?

Article 1 of the Constitution explains the purpose of the Constitution and commits the Council to exercise all its powers and duties in accordance with the law and this Constitution.

Articles 2–14 explain how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Members of the public and the Council (Article 3)
- The meeting of Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny of decisions (Article 6)
- The Cabinet (Article 7)
- Regulatory and other committees (Article 8)
- Joint arrangements (Article 9)
- Statutory Officers (Article 10)
- Decision making (Article 11)
- Finance, contracts and legal matters (Article 12)
- Review and revision of the Constitution (Article 13)
- Suspension, interpretation and publication of the Constitution (Article 14).

How the Council operates

The Council is composed of 48 Councillors elected every four years. Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community but they have a special duty to the people in their ward, including those who did not vote for them.

All Councillors meet together as the Full Council. Meetings of the Full Council are open to the public. In those meetings they decide the Council's policy framework and set the

budget each year. The Council is also responsible for appointing the Leader of the Council who then appoints a Cabinet where some Councillors, known as Cabinet Members, have responsibilities for a specific area of the Council's activities (a Cabinet portfolio). The Council's chosen form of governance is the Leader and Cabinet model.

Full Council also appoints committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet, for example planning and licensing.

How decisions are made

The Cabinet is made up of the Leader and up to nine other Councillors (Cabinet Members). The Leader has overall responsibility for Cabinet functions. The Leader may delegate such functions to the Cabinet as a whole, and to others within the limits set out by legislation. When key decisions (see Article 11.5) are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. These key decisions are made at meetings of the Cabinet, which are open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the overall budget and policy framework set by Full Council. If the Cabinet wishes to make a decision which is outside the budget or policy framework, the decision must be referred to the Full Council to decide.

Overview and Scrutiny

The Council has an Overview and Scrutiny Committee which may review and scrutinise the decisions of the Cabinet. It may make reports and recommendations to the Cabinet and to the Council as a whole on policies, budget and service delivery. It may involve non-councillors from the wider public sector, voluntary and community groups to help in its work. It can create Sub-Committees.

It monitors decisions of the Cabinet and can "call-in" a decision of the Cabinet which has been made but not yet implemented. It may recommend that the Cabinet reconsiders a decision. It may also be consulted by the Cabinet or the Council on forthcoming decisions or the development of policy.

The Council's Staff

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

Part Two

The Articles

Article 1

The purposes of the constitution

1. Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution. Where there is a conflict between the Constitution and the law then the law prevails.

1.2 Purposes of the Constitution

The purposes of the Constitution are to:

- a) Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
- b) Support the active involvement of people in the process of decision-making.
- c) Help Councillors represent people effectively.
- d) Enable decisions to be taken efficiently and effectively.
- e) Create a powerful and effective means of holding decision-makers to public account.
- f) Ensure that no one will review or scrutinise a decision in which they have been directly involved.
- g) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions.
- h) Provide a means of improving the delivery of services to the community.
- i) Ensure the orderly conduct of District Council business.

1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of this Constitution.

Throughout this Constitution use of words of gender (e.g. “he”) include all other genders (e.g. “she”). Expressions in the singular will include, where appropriate, the plural and vice versa.

Article 2

Members of the Council

2.1 Composition

The Council is composed of 48 Members, otherwise called Councillors. One or more Councillors is elected by the voters of each ward.

2.2 Eligibility

There are regulations set out in the Local Government Act 1972 and the Local Government and Housing Act 1989 qualifying eligibility for people to stand for election as a Councillor.

2.3 Election and Terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2015. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.4 Roles and functions of all Councillors

All Councillors will:

- a) collectively be the ultimate policy-makers and carry out the functions set out in this constitution;
- b) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- c) effectively represent the interest of their ward and of individual constituents;
- d) respond to enquiries and representations, fairly and impartially;
- e) participate in the governance of the Council;
- f) be available to represent the Council on other bodies; and
- g) maintain the highest standards of conduct and ethics.

2.5 Rights and Duties

2.5.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

2.5.2 Before making public any confidential or exempt information without the consent of the Council or divulging information given in confidence to anyone other than a Councillor or officer entitled to know it, Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer.

2.5.3 For these purposes, “confidential” and “exempt” information are defined in the Access to Information Procedure Rules in Part 4G of this Constitution.

2.6 Conduct

Councillors will at all times observe the Members' Code of Conduct set out in Part 5A of this Constitution.

2.7 Allowances

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

Article 3

Members of the public and the Council

Members of the public have certain rights and responsibilities in their dealings with the Council. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints.

3.1 Voting and petitions

Members of the public on the electoral register in the Horsham district have the right to:

- a) Vote.
- b) Sign a petition to request a referendum for a different form of governance in accordance with the timetable as prescribed under legislation, and to vote in any local referendum in respect of an increase in the local authority's precept.
- c) Sign any other petition they wish to support.

3.2 Information

Members of the public have the right to:

- a) Attend meetings of the Council and its Committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private.
- b) Attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed and that part of the meeting is therefore held in private.
- c) Find out from the Forward Plan what key decisions will be taken by the Cabinet and when.
- d) See agendas, reports and background papers, and any records of decisions made by the Council, the Cabinet and Committees, except where confidential or exempt information is likely to be disclosed.
- e) Inspect the Council's accounts and make their views known to the external auditor.
- f) Ask questions at Council and Cabinet meetings in accordance with the Public Speaking at Meetings Procedure Rules in Part 4 Rule 4j of this Constitution.

3.3 Complaints

Members of the public have the right to complain to:

- a) the Council itself under its Complaints Scheme;
- a) the Ombudsman; (subject to having first made a complaint directly to the Council); or
- b) the Standards Committee about a breach of the Councillors' Code of Conduct.

3.4 Responsibilities of Members of the Public

Members of the public must not harass, be violent, abusive or threatening to Councillors or officers and must not damage anything owned by the Council, Councillors or officers.

Article 4

Full Council

4.1 The Council

The Full Council is a formal meeting which all 48 Members are entitled to attend and to speak and vote. It provides a central forum for debate and gives the opportunity for Councillors and members of the public (subject to 3.2 above) to ask questions about the Council or matters affecting the Council.

Such a meeting is limited by law to take specific decisions. It is responsible for determination of the Council's Budget (specified at 4.3 below) and Policy Framework (specified at 4.2 below) and regulatory functions that are not the responsibility of the Cabinet. It will carry out some of its functions directly but others will be delegated to Committees or named officers through the officer scheme of delegation provided in part three of this constitution.

4.2 Policy Framework

The Policy Framework means the following categories of plans and strategies:

Those required by law to be adopted by the Council, namely:

- a) Plans and strategies which together comprise the Development Plan.
- b) Crime and Disorder Reduction Strategy.
- c) Council's Corporate Plan.
- d) Statement of Licensing Policy.

Those which the Council has chosen to adopt as part of the Policy Framework, namely:

- e) The Council's Housing Strategy.
- f) Any plan or strategy required by law to be sent to a Minister of the Crown for approval.

4.3 Budget

Responsibility for the Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, determining the Council tax base, setting the Council tax level, decisions relating to the control of the Council's borrowing requirements, investments, the control of its capital expenditure and the setting of expenditure limits and the setting of limits on the transfer of funds from one part of a budget to another.

4.4 Functions of the Full Council

Only the Full Council can exercise the following functions:

- a) Adopting the Constitution.
- b) Changing the Constitution, other than mandatory changes required by law or immaterial changes, for example changing a job title.
- c) Approving or adopting material changes to the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- d) Subject to the urgency procedure contained in the Access to Information Procedure Rules (as in Part 4 of this Constitution), making decisions about any matter where the Cabinet is proposing to make a decision which would be contrary to the Policy Framework or contrary to/ or not wholly in accordance with the Budget.
- e) Appointing and removing the Leader.
- f) Determining which Committees and Policy Development Advisory Groups will be established as standing committees, the terms of reference of each body, the number of Members (voting and non-voting) that each consists of and making the necessary appointments to the bodies.
- g) Adopting a scheme for Members' allowances.
- h) Changing the name of the Council's area.
- i) Conferring the title of Honorary Alderman or Freeman of the District.
- j) Confirming the appointment of the Head of Paid Service; Chief Finance Officer and designating the Monitoring Officer and the taking of any disciplinary action against these Officers and the designating of "Proper Officers".
- k) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills;
- l) Adopting a Code of Conduct for Members (Councillors).
- m) The making of Procedure Rules (except the Cabinet Procedure Rules) including in relation to Contracts and Finance.
- n) The delegation of non-Cabinet functions to Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required.
- o) All other matters which, by law, must be reserved to the decision of the Council as a whole.
- p) Considering reports on lawfulness and maladministration.
- q) Considering Cabinet decisions referred from the Overview and Scrutiny Committee in respect of Cabinet functions where decisions have not yet been implemented and the Committee considers the decisions may be contrary to the Budget or Policy Framework.
- r) Determining planning applications referred to it by the relevant Planning Committee if the Director of Place is of the opinion that the Committee is minded to make a decision in which there are likely to be significant cost implications.
- s) Receiving reports from the Leader or Cabinet on urgent decisions contrary to the Policy Framework.
- t) Taking all decisions in respect of delegating non-Cabinet functions to another local authority.
- u) Setting the Council Tax base and the Council Tax.
- v) Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of The Local Authorities Functions and Responsibilities (England) Regulations, 2000 as amended.

- w) Applications to the Secretary of State under Section 10 of the Representation of the People Act 2000 for an Order to proceed with pilot election arrangements.

4.4 Council Meetings

There are three types of Council meeting:

- a) The annual meeting.
- b) Ordinary meetings.
- c) Extraordinary meetings.

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

4.5 Responsibility for Functions

The Council will keep under review the responsibility for functions provided in Part 3 of this Constitution which sets out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Article 5

Chairman of the Council

5.1 The Chairman and Vice-Chairman of the Council will be elected by the Council annually. The Chairman or, in his absence the Vice-Chairman, will have the following responsibilities:

- a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b) to preside over meetings of the Council so that its business is carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community;
- d) to promote public involvement in the Council's activities;
- e) to be the conscience of the Council;
- f) to attend or be represented at such civic and ceremonial functions as the Council and the Chairman determines appropriate;
- g) to determine any matter referred to the Chairman under the urgency provisions of the Access to Information Procedure Rules or the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution;
- h) to be consulted on any matter to which consultation with the Chairman of the Council is required under this Constitution; and
- i) to act as an apolitical guardian of the interests of all the Members of the District Council.

Article 6

Overview and Scrutiny

The Council is required to arrange for the discharge of the Overview and Scrutiny function. The Overview and Scrutiny Committee should contribute to the review and development of policies and also hold the Cabinet to account for its decisions. Overview and Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local people. The Overview and Scrutiny Committee should not shy away from the need to challenge and question decisions and should make constructive criticism.

6.1 The Overview and Scrutiny Committee

The Council appoints an Overview and Scrutiny Committee which may appoint Sub-Committees which between them will:-

- a) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council and any of its Committees;
- b) make reports or recommendations to the Cabinet or the Council in connection with the discharge of any functions;
- c) consider any matter which affects the Council's area or its residents; and
- d) exercise the right to 'call in' for reconsideration key and non-key decisions made but not yet implemented by the Cabinet.

6.2 Role and Scope of the Overview and Scrutiny Committee

6.2.1 The role of the Overview and Scrutiny Committee is to:

- a) Assist in the strategic development of policy.
- b) Review issues of local concern.
- c) Review the policy of others within and outside the Council.
- d) Call-in Cabinet decisions.
- e) Scrutinise the Council's decision-making processes.
- f) Monitor the internal and external delivery of services.
- g) Review specific services.
- h) Monitor and scrutinise the activities of outside bodies.

6.2.2 The scope of the Overview and Scrutiny Committee will be to:

- a) Address any function of the Cabinet.
- b) Have regard to any overview and scrutiny matter prescribed by legislation or regulation.

6.3 Overview and Scrutiny Functions

6.3.2 Policy Development and Review

The Overview and Scrutiny Committee and its Sub-Committees may, subject to the procedure rules provided in part 4 of this constitution:

- a) assist the Council and the Cabinet in the development of its budget and policy framework by in depth analysis of policy issues;
- b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- c) question Members of the Cabinet and/or Committees and Chief Officers or their deputies from the Council about their views on issues and proposals affecting the area;
- d) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and
- e) consider the impact of policies to assess if they have made a difference.

6.3.3 Scrutiny

The Overview and Scrutiny Committee and its Sub-Committees may, subject to the procedure rules provided in part 4 of this constitution:

- a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- c) question the Leader of the Council and Members of the Cabinet not less than once in every twelve month period 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 project;
- d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee or its Sub-Committees and local people about their activities and performance;
- f) question and gather evidence from any person (with their consent); and
- g) set up sub-committees to assist them in their work. The membership of which may include any Member of the Council (but not a Member of the Cabinet) and on a non-voting basis any other person who appears to the Overview and Scrutiny Committee to be able to assist them in their work.

6.4 Resources

The Overview and Scrutiny Committee will exercise overall responsibility for any budget allocated to the function.

6.5 Annual Report

The Overview and Scrutiny Committee will report annually to the Full Council on the discharge of the overview and scrutiny function, including proposals for its future work programme.

Article 7

The Cabinet

The Cabinet is appointed by the Leader to carry out those Council's functions which are not the responsibility, by law, of any other part of the Council. Most decisions will be made by the Cabinet, rather than by the full Council.

7.1 Form and Composition of the Cabinet

The Cabinet will consist of:-

- a) the Leader of the Council (the "Leader"); and in addition
- b) at least two but not more than 9 Councillors appointed to the Cabinet by the Leader.

7.2 The Leader

- a) Election

The Leader will be a Councillor elected to that position by Full Council. The Leader will hold office until:

- I. he resigns from the office; or
- II. he is disqualified from being a Councillor; or
- III. where the Council passes a resolution removing him from office; or
- IV. subject to (i) to (iii) above, the first annual meeting following the ordinary election of Councillors.

In the event of any casual vacancy in the position of Leader, the Deputy Leader will act in the Leader's place until the appointment of a new Leader by the Council.

- b) Role of the Leader

The Leader will discharge all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.3 Deputy Leader

- a) Appointment

The Leader will designate one of the Members of the Cabinet as Deputy Leader.

- b) Duties of the Deputy Leader

The Deputy Leader may exercise all the functions of the Leader where the Leader position is vacant or where the Leader is absent or is otherwise unable to act.

- c) Removal from Office

The Leader may remove the Deputy Leader from office at any time.

7.4 Cabinet Members

Other Cabinet Members will be Councillors appointed by the Leader. Each Cabinet Member will hold office until:

- a) they resign from that office; or
- b) they are removed from that office by the Leader by notice, a copy of which will be supplied to the Head of Paid Service; or
- c) they cease to be a Councillor.

The Leader may at any time appoint a new Member to fill any Cabinet vacancy.

7.5 Proceedings of the Cabinet

The proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules in Part 4 of this Constitution.

7.6 Delegation of Functions

The Leader may personally exercise executive functions or otherwise make arrangements to delegate responsibility for their discharge to:

- a) the Cabinet as a whole;
- b) a Committee of the Cabinet (comprising Cabinet Members only);
- c) an individual Cabinet Member;
- d) a joint committee;
- e) another local Council or the executive of another local authority; or
- f) a delegated Officer.

Part three of this constitution explains the scheme of delegation of functions.

7.9 Leader of the Opposition

The Council will receive the nomination of the Leader (if any) of the largest minority group (if any) for the office of Leader of the Opposition. The Leader of the Opposition will hold office until

- I. he resigns from the office; or
- II. he is disqualified from being a Councillor; or
- III. where the Council passes a resolution removing him from office; or
- IV. subject to (i) to (iii) above, the first annual meeting following the ordinary election of Councillors

7.10 Deputy Cabinet Members

Other Councillors, except for the Chairman or Vice-Chairman of the Council, may, from time to time, be designated by the Leader as Deputy Cabinet Members. Such Councillors

will not be Members of the Cabinet but may work closely with a Cabinet Member. A Deputy Cabinet Member who is also a Member of the Overview and Scrutiny Committee or Sub-Committees will need to declare an interest where an item of business arises at the Overview and Scrutiny Committee or Sub-Committee and in which they have had involvement in their role as a Deputy Cabinet Member.

A Deputy Cabinet Member may support the Cabinet Member through the delegation of tasks as agreed for their area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting officers; agreeing press releases/comments and carrying out interviews; and represent the Council on appropriate groups. A Deputy Cabinet Member will not, however, have any delegated functions, nor decision making powers, and will not be entitled to vote at Cabinet Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at the Overview and Scrutiny Committee or its Sub-Committees.

Article 8

Committees and other bodies

The Council appoints committees and other bodies to undertake regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the Full Council. Nominations are made by group leaders in accordance with the Local Government (Committees and Political Groups) Regulations 1990. Subsequent (in-year) changes to membership where a Member resigns from a Committee or other body or ceases to be a Member of the Council will be delegated to group leaders in accordance with those regulations, subject to a report confirming the changes being made to the next ordinary Council meeting.

8.1 Standing Committees

The following Standing Committees are formed annually to discharge the functions set out in Part three of this constitution. Political balance will be applied unless a different provision is made by arrangements approved by the authority without any Member of the authority voting against them.

- a) Audit Committee (7 Members)
- b) Planning Committee (North) (all ward Members for the area of the committee unless they have indicated that they wish to opt-out of membership of the committee for that year), together with the Cabinet Member with responsibility for Development Management, and the Chairman of the Planning Committee (South)
- c) Planning Committee (South) (all ward Members for the area of the committee unless they have indicated that they wish to opt-out of membership of the committee for that year), together with the Cabinet Member with responsibility for Development Management, and the Chairman of the Planning Committee (North)
- d) Licensing Committee (15 Members)
- e) Standards Committee (7 Members) (to include the Chairman of the Council, one Member of the Cabinet (but no more than one), two persons independent of the Council co-opted to assist the Committee in an advisory capacity only on standards matters (Independent Persons), two parish councillors co-opted to assist the committee in an advisory capacity only on parish matters (Parish Representatives). Advisory members will not be entitled to vote at meetings)
- f) Governance Committee (9 Members) (to include the Chairman of the Council, the Chairman of the Overview and Scrutiny Committee and one Member of the Cabinet (but no more than one)).

8.2 Other Committees and Bodies

The Council appoints such other committees or bodies as it considers appropriate to exercise functions. Any committee appointed by the Council may at any time appoint additional sub-committees. Their terms of reference and delegation of powers to them will be explicit and within the appointing committee's terms of reference.

The Council, in the case of Standing Committees or the parent committee in the case of sub-committees will, appoint the Members to serve on the committee, sub-committee or other body subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments.

To discharge the functions set out in part three of this constitution *or* in the case of policy development advisory groups, part four, the Council will form:

- a) Employment Committee (the Leader of the Council, the Chairman of the Council and the Leader of the Opposition Group, plus a pool of 6 non-voting co-optees). If the Chairman of the Council is not from the Majority Group, additional voting Members will be added for that Municipal Year as required (to include the Deputy Leader) to ensure political balance.
- b) The Overview and Scrutiny Committee (15 non-Cabinet Members and not including the Chairman of the Council) and in accordance with the provision set out in Part 4B.5
- c) One Policy Development Advisory Group for each of the following portfolios: Climate Action and Nature Recovery; Environmental Health, Recycling and Waste; Finance and Resources; Housing, Communities and Wellbeing; Leisure, Culture and Green Spaces; Local Economy and Place; and Planning and Infrastructure (11 Members each including the Cabinet Member) (A variance in size (not exceeding 11) will be permitted by notification of group leaders and the subsequent assent of Council)
- d) Henfield Commons Joint Committee (the Councillors for the Henfield Ward, one Councillor for the Bramber, Upper Beeding and Woodmancote Ward and three parish councillors from Henfield Parish Council).

Article 9

Joint arrangements

There are circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another council.

9.1 Joint Arrangements

- a) The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- c) The Cabinet may appoint non-Cabinet Members to a Joint Committee where that Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of the local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a Member for a ward contained within the area. Political balance requirements do not apply to such appointments.

9.2 Access to Information

The Access to Information Procedure Rules apply to joint arrangements. If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information rules will be the same as that applied to the Cabinet. If the Joint Committee contains Members who are not on the Cabinet of any participating Council, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

9.3 Delegation to and from other local authorities

The Council can delegate non-cabinet functions to another local authority or, where those functions are the responsibility of the Cabinet of another local authority, to that Cabinet. The Cabinet can delegate executive functions to another local authority or the executive of another local council as permitted by law. The decision whether or not to accept such a delegation from another local authority is reserved to the Full Council.

9.4 Contracting Out

The Council (in respect of non-executive functions) and the Cabinet (in respect of

executive functions) may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994; or under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 10

Statutory Officers

10.1 Statutory Officers

The Council will appoint persons for posts required by statute. The Head of Paid Service will have responsibility to amend the functions and areas of responsibility of the Chief Officers as he considers necessary to deliver the Council's functions, vision and priorities. Such changes will be carried out in accordance with any relevant HR policies. The responsibilities of statutory officers are described in part three of this constitution.

10.2 Head of Paid Service, Chief Finance Officer and Monitoring Officer

The Council will designate the following posts as shown in the departmental structure shown in part 7 of this constitution:

- a) Head of Paid Service
- b) Chief Finance Officer
- c) Monitoring Officer

10.3 Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

10.4 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

Article 11

Decision making

11.1 Responsibility for Decision Making

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

11.2 Principles of Decision Making

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

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes;
- f) consideration of any alternative options; and
- g) the giving of reasons for the decision and the proper recording of those reasons.

11.4 Decisions reserved to Full Council

Only decisions relating to the functions listed in Article 4, and Part 3 (functions and responsibilities of the Full Council) will be made by the Full Council and will not be delegated. Subject to Article 4, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

11.5 Key decisions

A “key decision” means a Cabinet decision which is likely:

- a) To involve expenditure or savings of £250,000 or more as well as otherwise being significant having regard to the Council’s budget for the service or function to which the decision relates; or
- b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards in the district.

In accordance with section 38 of the Local Government Act 2000, in determining the meaning of “significant” regard will be given to any guidance for the time being issued by the Secretary of State.

The Cabinet may only make a key decision in accordance with the requirements of the Access to Information Procedure Rules and the Cabinet Procedure Rules set out in Part 4 of this Constitution. Subject to Article 7, the Cabinet meeting will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

11.6 Considerations of the Overview and Scrutiny Committee

Overview and Scrutiny committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

11.7 Decision Making by Committees and bodies established by the Council

Subject to Article 8, Council committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

Article 12

Finance, contracts and legal matters

12.1 Financial Management

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

12.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

12.3 Legal Proceedings

The Monitoring Officer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

The Monitoring Officer may authorise officers to appear in court on the Council's behalf.

12.4 Authentication of Documents

Where any document is applicable to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him, unless any enactment or otherwise authorises or requires, or the Council has given requisite proper authority to some other person.

Any contract with a value exceeding £50,000 entered into on behalf of the Council will be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two officers of the Council or made under common seal of the Council attested by at least one officer if they exceed £50,000 in value.

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts will be:

- a) The Head of Paid Service;
- b) The Monitoring Officer;
- c) The Chief Finance Officer
- d) Any Chief Officer of the Council concerned with the matter to which the document relates; or,
- e) Any deputy chief officer authorised in writing by such Chief Officers or by the Monitoring Officer.

12.5 Common Seal of the Council

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

12.6 Sealing and Execution of Documents

The common seal of the Council will be affixed to a document only on the authority of:-

- a) A resolution of the Council.
- b) A resolution of the Cabinet, a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal.
- c) A decision by the Council, or by a Committee, Sub-Committee or officer exercising functions delegated by this constitution, to do anything where a document under the common seal is necessary or desirable as part of the action.

The affixing of the common seal will be attested by the Head of Paid Service, Chief Finance Officer, Monitoring Officer, or such deputy chief officers duly nominated by them.

12.7 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed will be made by the Head of Paid Service, Chief Finance Officer, Monitoring Officer, their nominated deputies, or a chief officer of the Council. A record will be kept of the sealing of any document.

Article 13

Review and revision of the constitution

13.1 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Chief Finance Officer will be responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution. The making of necessary amendments and revisions as are required from time to time will be recommended to the committee of the Council identified in part three of this constitution. That committee will recommend any amendments to the Full Council.

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

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

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

13.3 Changes to the Constitution

a) Approval

Subject to b) and c) below, changes to the Constitution will only be approved by the Full Council upon the recommendation of the committee that discharges that function.

b) Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

1. a minor variation; or
2. required to be made to remove any inconsistency or ambiguity; or
3. required to be made so as to put into effect any decision of the Council or its committees or the Leader and the Cabinet, or
4. where Part 7, Management Structure needs to be updated, the Monitoring Officer may make the necessary changes upon receipt of notification from the Chief Executive that he/she has made changes to that structure.

the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer will come into force with immediate effect.

c) Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments will take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes will be reported to the next committee meeting for noting.

Article 14

Suspension, interpretation and publication of the Constitution

14.1 Suspension of the Constitution

a) Limit to Suspension

The Articles of this Constitution may not be suspended. The Council Procedure Rules in Part 4 of this Constitution may be suspended by the Full Council to the extent permitted within those Rules and the law.

b) Procedure to Suspend

A motion to suspend any 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 account of the purposes of the Constitution set out in Article 1.

14.2 Interpretation

The ruling of the Chairman of the Council (or other person presiding) as to the construction or application of this Constitution or as to any proceedings of the Council will not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

14.3 Publication

Upon Members first being elected to the Council, the Monitoring Officer will make available to each elected Councillor a copy of this Constitution.

The Monitoring Officer will ensure that copies of the Constitution are available for inspection at the Council's offices, and on the Council's website.

The Monitoring Officer will ensure that the Constitution is made widely available within the area and is updated as necessary.

Part Three

Responsibility for and delegation of functions

This scheme of delegation provides the necessary authority for those Council bodies to discharge the functions as set out in the scheme. The functions in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) will be discharged by this scheme of delegation.

a) Council functions

Council functions are those functions which, by law, are not the responsibility of the Cabinet. In some cases, such as adopting the Council's Budget or the Policy Framework, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee (formed by Article 8) or to an officer pursuant to this scheme of delegation.

b) Cabinet functions

All other functions are Cabinet functions. Decisions on these functions will be taken by the Cabinet as a whole, or the Leader, a specific Cabinet Member, or an Officer. Key Decisions are reserved to the Cabinet meeting together in public, Operational and Administrative decisions will be made by officers pursuant to this scheme of delegation, and Non-key, non-operational and administrative decisions will be made by Cabinet Members individually. Non-key decisions are those decisions that are neither Key decisions nor operational and administrative decisions reserved to officers within the finance procedure rules set out in part 4 of this constitution.

c) Officer delegations

All operational and administrative functions that are not specifically reserved in this constitution to Council, the Cabinet, Cabinet Members individually or a Committee are delegated to Officers in accordance with the Officer Scheme of Delegation at section 3.4. Decisions that are operational and administrative are any decisions that are not Key or Non-Key within the financial and contractual procedure rules set out in part 4 of this Constitution.

3.1 Responsibility for Council functions

In addition to any functions set out elsewhere in this Constitution, including but not limited to the Articles of the Council and Council procedure rules, the Full Council will:

1. Exercise the Council's functions in relating to parishes and parish councils under Part II of the Local Government & Rating Act 1997.
2. Exercise of functions on the following electoral matters:-
 - a. Division of parliamentary constituencies and local government wards or electoral divisions into polling districts.
 - b. Approval of pilot schemes for local elections.
 - c. Making recommendations to the Local Government Boundary Commission in ward boundary reviews, electoral division reviews and parliamentary constituency reviews.
3. Appoint the Electoral Registration Officer and Returning Officer for Local Government Elections.
4. Delegate responsibility for other matters relating to elections set out in Part D of Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) (Regulations) 2000 to the Returning Officer.
5. Make and amend the Constitution of the Council, Standing Orders, Standing Orders Relating to Contracts and Financial Procedure Rules.
6. Appoint the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer upon the recommendation of the Employment Committee.
7. Designate the roles of Monitoring Officer and the Section 151 Officer.
8. Delegate the appointment of other chief officers to the Employment Committee.
9. Delegate all other staffing matters, including the appointment of "proper officers" to the Head of Paid Service.
10. Approve the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer following the recommendation of such a dismissal by the Employment Committee of the Council appointed for that purpose.
11. Determine the scheme of Members' allowances.
12. Appoint the Committees and other bodies of the Council set out in Article 8.
13. Set out the functions of the committees of the Council in this scheme of delegation.
14. Agree the Budget, and the policies that form the policy framework described in Article 4.

3.2 Scheme of delegation of responsibilities to Committees of the Council

Article 8 establishes the Committees of the Council, this scheme allocates responsibilities to those Committees.

3.2.1 Functions of the Audit Committee

- a) Oversee the implementation of the Public Sector Internal Audit Standards 2013 and Accounts and Audit Regulations 2003/533 (as amended or replaced).
- b) Review the effectiveness of the Council's system of internal control and consider quarterly internal audit reports and the main issues arising, seeking assurance that appropriate action has been taken as necessary.
- c) Review the effectiveness of the Council's system of internal audit.
- d) Consider the Council's statement of accounts and to approve the same.
- e) Consider the reports of the Council's external auditors.
- f) Monitor the effectiveness of the Council's financial procedure rules.
- g) Monitor the effectiveness of the Council's risk management arrangements and approve the Risk Management Policy Statement and Strategy.
- h) Approve the Annual Governance Statement, ensuring that this properly reflects the control environment, and to review actions required for improvement.
- i) Consider the annual borrowing and lending parameters requested by the Director of Corporate Resources annually and to agree the Council's Treasury Management Strategy.
- j) Consider such other matters referred to the Committee by the Chief Finance Officer or the Monitoring Officer.

3.2.2 Functions of the Planning Committees

- a) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part I paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- b) Those matters referred to in an agreement between South Downs National Park and Horsham District Council, having effect from 1 April 2011, shall be discharged by the Planning Committee (South) only.
- c) Determination of applications as follows:
 - 1. Where the Head of Development considers the application should be presented to the Planning Committee for a decision.
 - 2. Any planning application that is defined as a departure application under the Town & Country Planning (Development Management Procedure)(England) Order 2015, where the recommendation of the Head of Development would represent an initial departure from the development plan with the exception of where the initial departure has already been agreed by virtue of a previous grant of planning permission (extant and not extant) and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site which would not alter the previous material planning considerations.

3. Planning Applications, Outline Planning Applications and Applications for Approval of Reserved Matters or Listed Building Consent made by or on behalf of the Council or on land owned by the Council or in which the Council has a legal interest with the exception of: a) Applications to vary or remove a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.
4. An application that has been made by a Council Member or an officer or a member of their immediate family with the exception of: a) Applications to remove or vary a condition; b) Applications seeking advertisement consent; and c) clauses i to viii below.
5. Where a Local Ward Member requests it. Such request to be in writing (to include e-mail) and received by the Head of Development within 35 days of the date of validation for all applications with the exception of clauses i to iv and viii below.
6. Where eight or more persons in different households (living within the district or close to the neighbouring authority boundary) or bodies make a written representation (to include email), which discloses a material planning consideration within the consultation period and is inconsistent with the Head of Development's recommendation with the exception of clauses i to viii below.
7. Where the Parish or Neighbourhood Council makes a written representation (to include email) which discloses a material planning consideration and is inconsistent with the Head of Development's recommendation, within the consultation period, and wishes to address the Planning Committee with the exception of clauses i to viii below.

Exception clauses applying to 3-7 above:

- i. Applications for a Certificate of Lawfulness (proposed or existing)
- ii. Applications for Prior Approval (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iii. Applications for Prior Notification (submitted pursuant to the General permitted Development Order 2015 (as amended))
- iv. Applications for the submission of details of conditions pursuant to planning permission
- v. Applications for works to trees in a Conservation Area
- vi. Applications for works to trees covered by a Tree Preservation Order
- vii. Applications to modify or discharge an obligation contained within a Unilateral Undertaking or a S106 Agreement
- viii. Applications for a non-material amendment

3.2.3 Functions of the Employment Committee

- a) Make recommendations to the Council on the appointment of the Chief Executive and Head of Paid Service, the Monitoring Officer and the Chief Finance (Section 151) Officer.
- b) Appoint chief officers (Directors).
- c) Determine any matters relating to the discipline and grievances of the Chief Executive and Head of Paid Service, the Monitoring Officer, Chief Finance Officer (Section 151) and Directors having regard to the Council's discipline and grievance procedures, any statutory procedures and the views of the Standards Committee.

3.2.4 Functions of the Governance Committee

- a) Receive reports of the Monitoring Officer to amend the Constitution of the Council and make any consequent recommendation to the Council.
- b) Consider reports of the Monitoring Officer about governance, the Council's structure and procedures consequent to Article 13, clause 13.2 of this constitution.
- c) Community Governance Reviews.
- d) Electoral Reviews.

3.2.5 Functions of the Licensing Committee

- a) Discharge the functions of the Council as a Licensing Authority under the Licensing Act 2003, the Gambling Act 2005 (with the exception of any functions which are reserved to Council), and public safety, animal welfare and other miscellaneous matters as set out in the Functions Regulations. The Licensing Committee will discharge the functions of the Scrap Metal Dealers Act 2013 (Relevant Sub-Committee to be convened when appropriate to deal with contested applications and hearings).

3.2.6 Functions of the Standards Committee

- a) Discharge the functions, save for matters reserved to the Monitoring Officer, set out in the Localism Act 2011 Chapter 7 and any regulations made under the Act.

3.2.7 Functions of the Henfield Commons Joint Committee

- a) The management of Henfield Common, Broadmere Common, Oreham Common and Tanyard Field open space.

3.3 Delegation of Cabinet Functions by the Leader of the Council

3.3.1 Cabinet Members are responsible for the functions set out below and may make **non-key** decisions within their portfolio of responsibilities. Individual Cabinet Members may not make decisions reserved elsewhere by this Constitution, including, but not limited to Key Decisions (which are reserved to Cabinet collectively) and Operational and Administrative Decisions (which will be made by Officers pursuant to this scheme of delegation, unless such officers seek a non-key decision pursuant to provision 3.4.20 below).

3.3.2 Functions of the Leader of the Council

- a) Co-ordination of strategy and policy on behalf of the Cabinet and overall responsibility for performance.
- b) Overall responsibility for the development, implementation and review of the Council's Corporate Plan.
- c) Monitoring the implementation of and compliance with the Council's Corporate Plan.
- d) Overall responsibility for the standards and methods of delivery to the public of the Council's services and their improvement.
- e) Overall responsibility for the development and proper functioning of partnerships with the public, private and voluntary sectors.
- f) Overall responsibility for community leadership.
- g) Overall responsibility for organisational development and business transformation.
- h) Overall responsibility for corporate health and safety.
- i) Appointing representatives to joint authorities, joint committees and other outside bodies unless the appointment is a Cabinet function or has been delegated by the Council.
- j) Provision of support and training to Members of the Council.
- k) Any other executive functions not specifically delegated or foreseen under this scheme.

3.3.3 Functions of the Cabinet Member for Climate Action and Nature Recovery

- a) Overall responsibility for championing the development, implementation and review of policies for ecology, wildlife and landscape in the district.
- b) Overall responsibility for the development, implementation and review of the Council's climate change, environment and sustainability policies and procedures.

- c) Overall responsibility for Wilder Horsham District.

3.3.4 Functions of the Cabinet Member for Local Economy and Place

- a) Overall responsibility for strategic economic development.
- b) Overall responsibility for liaising with local businesses for the development of a strong local economy including sustaining and improving the retail experience across the District.
- c) Overall responsibility for liaising with outside bodies regarding the development, implementation and review of policies to develop and improve the economic dynamism of the District.
- d) Overall responsibility for liaising with outside bodies regarding the development and implementation of initiatives to improve skills and life long learning.
- e) Overall responsibility for retaining/expanding existing employment and to secure new jobs and investment: Making Horsham District more attractive for job creation and attracting new companies to come here.
- f) Overall responsibility for the development, implementation and review of the Council's strategy for tourism.
- g) Overall responsibility for the proper management of the Council's property assets including authorisation, subject to the key decision framework, of the acquisition, disposal and dealing with any property assets and the development, implementation and review of the Council's Asset Management Plan.
- h) Overall responsibility for the provision of facilities management to the Council's offices.
- i) Overall responsibility for work with the Horsham Town BID.
- j) Overall responsibility for the Growth Board/District Deal covering major projects in the town.
- k) Overall responsibility for local transport facilities including walking, cycling, bus, rail and road providers.
- l) Overall responsibility for the development and review of areas and policies defined in the Horsham Town Vision.

3.3.5 Functions of the Cabinet Member for Finance and Resources

- a) Overall responsibility for the production of the draft budget and jointly with the Cabinet, its proposal to the Council.
- b) General supervision and control of the finances of the Council and the auditing of the Council's accounts.
- c) Overall responsibility for risk management throughout the Council.
- d) Overall responsibility for the administration of benefits.

- e) Overall responsibility for the Council's insurances.
- f) Overall responsibility for the development, implementation and review of policies for the procurement of services, supplies and works to the Council.
- g) Overall responsibility for the development, implementation and review of the Council's Information and Communication Technology Strategy.
- h) Overall responsibility for information management including data protection, data security, documents and records retention, environmental information, freedom of information, reuse of public sector information.
- i) Overall responsibility for the Council's Communication, Consultations and Complaints Strategies and their development, implementation and review.
- j) Overall responsibility for the development, implementation and review of the Council's strategy for on and off-street parking including the provision and management of the Council's car parks.
- k) The determination of applications for discretionary rate relief.
- l) The determination of requests for transfer of funds within budgets (virements) exceeding £100,000 but not exceeding £250,000.
- m) The writing off of debts in excess of £100,000.
- n) Responsibility for emergency planning and business continuity.

3.3.6 Functions of the Cabinet Member for Housing, Communities and Wellbeing

- a) Overall responsibility for the discharge of the Council's functions relating to the allocation of housing and homeless services.
- b) Overall responsibility for the provision, management and maintenance of the Council's housing stock.
- c) Overall responsibility for working with voluntary sector organisations to promote and deliver the Council's priorities for the District's Communities.
- d) Overall responsibility for community safety issues including police liaison, local wardens and joint safety groups.
- e) Overall responsibility for the development, implementation and review of the Council's Crime and Disorder Reduction Strategy.
- f) Responsibility for liaison with the Parish and Neighbourhood Councils within the defined area.
- g) Overall responsibility for the development and championing, implementation and review of policies for social wellbeing, including those relating to people, local community needs, community transport and community development.

- h) Responsibility for securing the improvement of the health of those who live or work in the District.
- i) Responsibility of liaison with the Council's Affordable Housing Companies.
- j) The determination of applications for financial and other assistance, including voluntary sector funding and arrangements, excluding applications for discretionary rate relief.
- k) Overall responsibility for ensuring equality and diversity are included in all the Council's policies and services.

3.3.7 Functions of the Cabinet Member for Leisure, Culture and Green Spaces

- a) Overall responsibility for the development, implementation and review of policies for the provision and promotion of leisure and recreational facilities and services.
- b) Overall responsibility for the development, implementation and review of policies for the provision and promotion of the arts, heritage and culture in the District.
- c) Overall responsibility for the development, implementation and review of policies for the provision and promotion of the Council's ground maintenance responsibilities.
- d) Overall responsibility for the development, management and maintenance of the Council's green spaces.
- e) Overall responsibility for the development, implementation and review of policies for community facilities in the District.
- f) Overall responsibility for the development, implementation and review of policies for the burial grounds and crematoria.
- g) Overall responsibility for HDC organised public events delivered to promote the District.
- h) The determination of applications for financial and other assistance within the portfolio's services.

3.3.8 Functions of the Cabinet Member for Environmental Health, Recycling and Waste

- a) Overall responsibility for the development and review of the Council's priorities for environmental health.
- b) Overall responsibility for securing the development, implementation and review of the Council's policies and procedures for cleansing throughout the District.
- c) Overall responsibility for the development, implementation and review of the Council's policies and procedures for waste management, collection,

recycling and disposal and associated education and enforcement.

3.3.9 Functions of the Cabinet Member for Planning and Infrastructure

- a) Overall responsibility for the development and review of policies for and included in the Local Plan and the preparation, review and alteration of the Local Plan.
- b) Overall responsibility for the development, implementation and review of the Council's strategic housing policies, including for affordable housing.
- c) Overall responsibility for the Local Development Scheme (LDS) (Local Plan preparation timetable).
- d) Overall responsibility for managing the relationship with the utilities and infrastructure providers through the Infrastructure Delivery Plan.
- e) Overall responsibility to continue to maintain an up to date Statement of Community Involvement (SCI) and Authority Monitoring Report (AMR).
- f) Overall responsibility for development management not being the responsibility of the Planning Committees.
- g) Overall responsibility for the planning aspects of major developments not being the responsibility of the Planning Committees.
- h) Overall responsibility for the setting, review, collection and distribution of the Community Infrastructure Levy (CIL).
- i) Overall responsibility for Building Control.

3.4 Scheme of delegation to officers

- 3.4.1 The authority for delegating functions to the Cabinet, Committees, and Officers is contained in Section 101 of the Local Government Act 1972 and section 14 of the Local Government Act 2000. The authority for the delegation of functions by the Licensing Committee is contained in Sub Section 10 (1) of the Licensing Act 2003. The delegations set out in this Constitution provide officers with the necessary authority to proceed from the date of delegation by this Constitution.
- 3.4.2 In the case of absence of an appropriate Cabinet Member, any requirement for an Officer to consult before carrying out any action or function will be replaced by a requirement to consult with the Leader of the Council. In the case of absence by the Leader of the Council, any requirement for an Officer to consult before carrying out any action or function will be replaced by a requirement to consult with the Deputy Leader of the Council.
- 3.4.3 Regarding the functions of the 'Proper Officer' and unless otherwise referred to in part 8, the Head of Paid Service or in their absence, the Monitoring Officer will be appointed as the Proper Officer for the purposes of Section 270(3) of the Local Government Act 1972 and in relation to any other statute or matters indicated herein.
- 3.4.4 This scheme does not delegate to officers:
- a) any matter reserved to Full Council;
 - b) any matter which by law may not be delegated to an officer;
 - c) any matter expressly reserved to a committee by the Council's Standing Orders or Financial Regulations, or withdrawn from delegation by this scheme or by a committee;
 - d) any power to change fees, charges or concession policies with the exception of pricing in The Capitol, museum or seasonal offers for paid for waste services which will be delegated to the Cabinet Member as appropriate;
 - e) any power to make an order for the compulsory acquisition of land;
 - f) any power to acquire land in advance of requirements; or
 - g) any power to confirm any order, or to issue or grant any permission, consent, licence or other determination, which is the subject of a statutory right of objection that has been duly exercised.

How delegations work

- 3.4.5
- a) Functions reserved by law to the Full Council may only be discharged by the Full Council.
 - b) Functions reserved to the Cabinet by law may not be discharged by the Full Council.
 - c) Key decisions may only be discharged by the Cabinet collectively.
 - d) Officers discharge operational and administrative functions according to the procedure rules of this constitution.
 - e) Individual Cabinet Members may make non-key decisions consequent to the discharge of their responsibilities where no other limitation is provided by this constitution.

- 3.4.6 In respect of any matter falling within the parameters of this scheme, the Head of Paid Service may in writing make such detailed delegations to officers concerning functions and activities within a given area of responsibility as he considers appropriate. The Head of Paid Service may, in writing, delegate any function of the Council (or local choice function pursuant to the Functions and Responsibilities Regulations 2000) not the responsibility of the Cabinet) which has been delegated to the Head of Paid Service, and which is not otherwise delegated under this scheme, and he may vary in writing any delegation made under this scheme.
- 3.4.7 This scheme delegates powers and duties within broad functional descriptions. It includes powers and duties under all legislation, present and future, within those descriptions, and all powers and duties incidental to that legislation, as well as authorising the affixing of the Common Seal.

General Limitations

- 3.4.8 An officer, in exercising delegated powers, will consult other appropriate officers and will have regard to any advice received.
- 3.4.9 Any exercise of delegated powers will be subject to any policy framework approved by the Council from time to time, including the Council's employment policies and disciplinary procedures, equal opportunities policies, and any service delivery policies; and will be guided by relevant codes of conduct or protocols produced or adopted from time to time by the Council (including any Code or protocol which has been included within the Council's constitution) and the Corporate Plan.
- 3.4.10 Any exercise of delegated powers will be subject to:
- a) Any statutory restrictions.
 - b) The Council's Constitution including financial procedure rules and contract procedure rules.
- 3.4.11 In exercising delegated powers, officers will not go beyond the provision made in the revenue or capital budgets for their service, except to the extent permitted by the Financial Procedure Rules or the Contract Procedure Rules.

Successor posts

- 3.4.12 In the event that a post ceases to exist or where responsibilities are transferred to another post holder, temporarily or permanently, then the powers given by this Scheme of Delegation will be exercisable by the officer in whose area of responsibility the power falls to be exercised.

Delegations to officers

- 3.4.13 This scheme delegates operational and administrative Cabinet and Council functions pursuant to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (SI 2000 No. 2853). Operational and Administrative functions are limited to such matters not provided for elsewhere by this constitution. The functions or activities described in this scheme and varied from time to time are hereby delegated to the officers in the posts named in Part 7.
- 3.4.14 Limitation of delegations - The powers delegated to officers under this scheme do not include any power to take a decision which is properly a matter for the Council, the Cabinet, a Cabinet Member or a committee or sub-committee and does not include the power to take a key decision. Officers are, in the context of this scheme, responsible for the management of their services, the provision of advice to the Council, Cabinet and Members, and the implementation of policies and decisions. A decision which an officer takes, under a delegation made by or under this scheme, must:
- a) implement a policy previously approved or decision previously taken, by the Council, the Cabinet, a Cabinet Member or a committee or sub-committee; or
 - b) facilitate, or be conducive or incidental to, the implementation of a policy or decision previously approved, or;
 - c) relate to the management of the human, material or financial resources made available for the functions for which the Council or Cabinet is responsible.

Further Provisions

- 3.4.15 An officer to whom a delegation has been made by, or in accordance with, this scheme may further delegate in writing all or any of their delegated functions to another officer (described by name and post), either fully or under the general supervision and control of the delegating officer. Delegations made under this sub-paragraph may be made across service boundaries.
- 3.4.16 This scheme of delegations will be kept by the Monitoring Officer in accordance with section 100G of the Local Government Act 1972.
- 3.4.17 A delegation to an officer which existed at the date of the introduction of this scheme will, to any extent that it remains unaltered by (and is not inconsistent with) any delegation (or variation to a delegation) made by or under this scheme, will continue to have effect.
- 3.4.18 Where in respect of a given function or activity, no delegation is in effect, and an officer has a management responsibility in relation to the exercise of that function or activity, the exercise of any delegated authority necessary to carry out the function or activity effectively will be deemed to have been delegated to that post holder.
- 3.4.19 All action taken under the terms of these delegations (and not falling within the description of an internal delegation in paragraph 1d above, or an individual delegation in paragraph 5.4a above) will be properly documented in accordance with arrangements approved by the Monitoring Officer.

- 3.4.20 It will always be open to a chief officer or head of service to consult the appropriate Cabinet Member, or Chairman of a Committee, on the exercise of a delegated function; or, not to exercise a delegated function but to refer the matter back to the Cabinet Member, Committee or the Council according to the function.
- 3.4.21 In this scheme, “officer” means the holder of any post to which a function or activity, or powers and duties in relation to such a function or activity, may be delegated.
- 3.4.22 Where a function or activity has been specifically delegated by or under this scheme to an officer, that function or activity will not be exercised by another officer without the consent of the former, other than in circumstances of the death or incapacity of that officer or, in an emergency, where the officer to whom the delegation was made is absent or otherwise unavailable.
- 3.4.23 An authority delegated to officers includes management of the human and material resources made available for the service/portfolio areas and any function concerned; to the extent of that authority within the limitations of this scheme, and subject to any specific delegations made by or in accordance with this scheme to another officer.
- 3.4.24 In each case, a delegated authority excludes any determination of policy, any exception to policy, or of any budget by the officer concerned.

3.5 Statutory chief officers

Local Government Act 1972 and Local Government and Housing Act 1989

3.5.1 Head of Paid Service

1. Will be the Electoral Registration Officer and Returning Officer for District Council Elections.
 - a. Will, in consultation with relevant Ward Members, re-designate new Polling Places, where such becomes unavailable or unsuitable before an election.
 - b. As the Returning Officer, has been delegated authority to make temporary appointments to parish councils under section 91 of the Local Government Act 1972.
2. Within the overall resources allocated by the Council and in direct support of the Council's objectives, act on behalf of the Council on all matters including those which have been delegated to any other Officer provided that:
 - a. The Head of Paid Service may not exercise a power which is reserved by statute to another Officer.
 - b. Before exercising the power of another Officer, the Chief Executive will consult with that Officer if available.
 - c. The Chief Executive when exercising any powers may authorise the incurring of expenditure in an emergency even if there is no specific provision in the budget of the Council.
3. In consultation with the Leader or if absent the Deputy Leader, act in a case of emergency in respect of any matter affecting the Council/Cabinet respectively, subject to a report on the circumstances being made to the next Council/Cabinet meeting.
4. Be responsible for the overall organisational structure of the Council, including making any adjustments necessary to facilitate the delivery of the corporate plan.
5. Ensure the provision of professional advice to all parties in the decision-making process.
6. Together with the Monitoring Officer to be responsible for a system of record-keeping for all local authority decisions.
7. Manage the administration of complaints to the Council including issues of maladministration.
8. Represent the Council on partnerships and other bodies
9. Be responsible for the health and safety of all employees of the District Council
10. Sign any document on behalf of the Council and to witness affixation of the Council's Common Seal to any document.
11. Be the Proper Officer of the Council, except where legislation or arrangements names another Officer.

3.5.2 Chief Finance Officer (Section 151 Officer)

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives to act on behalf of the Council on all operational and

administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this Constitution.

2. Exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
3. Be the Proper Officer under section 115 of the Local Government Act 1972.
4. Have responsibility for the overall management of the internal audit function in accordance with the Public Sector Internal Audit Standards 2013 and the Accounts and Audit Regulations 2003 (or any amending or substituted legislation, or legislation with a similar purpose or made for similar purposes).
5. Have responsibility for borrowing and lending within limits approved by the Council.
6. Make determinations on an annual basis relating to capital expenditure.
7. The services of policy and performance, procurement, programme and project management, human resources, organisational development, health and safety, parking, payroll, legal and democratic services and elections.
8. Be responsible for the delivery of ICT services, information management, Freedom of Information requests and street naming and numbering and have overall responsibility for the Council's Information Management Systems.
9. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to the Cabinet in relation to an Executive function, and to the Council's external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. When the report is completed the Chief Finance Officer will send a copy to: (a) the current auditor of the Council's accounts; and, (b) each Member of the Council.
10. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for new projects or new service areas for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.
11. With the Leader of the Council, to approve the receipt and consequent expenditure and/or allocation (as the case may be) of grant monies for existing projects or existing service areas for which there is no provision in the Council's budget up to a threshold of £249,999 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee.
12. With the Leader of the Council, to be authorised to make decisions relating to any other income or expenditure for which there is no provision in the Council's budget up to a threshold of £100,000 in consultation with the Cabinet Member for Finance and Resources and the Chairman of the Overview and Scrutiny Committee, such income or expenditure being the gross amount.
13. As the Director of Resources, to agree and implement concessions in line with the Council's Parking Services Discount Policy in consultation with the Cabinet Member for Finance and Resources.

3.5.3 Monitoring Officer

1. Within the overall resources allocated by the Council and in direct support of the Council's objectives, act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution.
2. In consultation with the Head of Paid Service/relevant Director, authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings, civil or criminal (except in relation to prosecutions where the authorisation of prosecutions is expressly delegated to another Head of Service).
3. Authorise Officers of the Council to appear before Magistrates' Courts or County Courts and to settle on appropriate terms any litigation or claim taken by or against the Council.
4. Issue or serve statutory notices on behalf of the Council in relation to any of its functions.
5. Is the Proper Officer of the Council, except where legislation, or a delegation made by this constitution or under this scheme, names another officer; and to authorise the making and issue of any formal documents.
6. After consulting with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet (according to the material function concerned), if he considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
7. Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee
8. Notwithstanding the duty of confidentiality, the Monitoring Officer will be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Standards Committee, for the purposes of investigation or determination of a complaint against a Member.
9. The Monitoring Officer will conduct investigations into matters and carry out any other actions as directed by the Standards Committee and make reports or recommendations in respect of them to the Standards Committee.
10. Together with the Head of Paid Service, ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.
11. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

3.6 Non-statutory chief officers and deputies

Local Government and Housing Act 1989

3.6.1 Director of Community Services

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions of the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution:

Waste, Housing, Sports and leisure centres, sports and active lifestyles/ Health and Well-being, Environmental Health, Animal Welfare and Pest Control, CCTV, Community Safety, Community Development, and Licensing, including issuing and ensuring compliance with licenses on whatsoever nature other than those licenses falling within the responsibility of another officer in accordance with this Scheme of Delegation to Officers.

3.6.2 Director of Place

Within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of the Council's functions relating to the following service delivery functions, unless that function has been specifically delegated to another Officer or elsewhere within this constitution: Planning Policy, Development Management, Building Control, Housing Strategy and Economic Development and specifically:

- a) Administer, subject to the Key Decision framework, the acquisition, re-use, appropriation and disposal of the Council's land and buildings, together with the granting or taking assignment or surrender of leases, tenancies, licences, easements, wayleaves and variations of rent of the Council's land and buildings and all consequent operational and administrative matters.
- b) To discharge those functions falling within The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, regulations 2 and 3 and Schedule 1 Part A paragraphs 5-31, Part 1 paragraphs 46-47A and Schedule 2 paragraphs 16-18 and as may be amended.
- c) Exercise all the functions of the Council relating to town and country planning matters, including development management, **except for** those matters reserved to a committee in part three of this constitution.
- d) Refer to Full Council if he is of the opinion that the relevant Planning Committee is minded to make a decision in which there are likely to be significant cost implications.

3.6.3 Deputy Chief Officers

The Deputy Chief Officers identified in Part 7 of this constitution will, within the overall resources allocated by the Council and in direct support of the Council's objectives act on behalf of the Council on all operational and administrative matters relating to the discharge of Council and Cabinet functions regarding the functions for which they are responsible,

unless that function has been specifically delegated to another Officer or elsewhere within this constitution.

Part four

Rules of procedure

4a Council procedure rules

4a.1 Annual Meeting of the Council

Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- a) Elect a person to preside if both the outgoing Chairman and the Vice Chairman of the Council are not present.
- b) Elect the Chairman of the Council.
- c) Elect the Vice-Chairman of the Council.
- d) Receive any announcements from the Chairman and/or the Chief Executive.
- e) At the first annual meeting following the ordinary election of Councillors without debate elect the Leader.
- f) Without debate, appoint the Overview and Scrutiny Committee, the Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution).
- g) Approve a programme of ordinary meetings of the Council for the year.

4a.1.1 Selection of Councillors on Committees

At the Annual Meeting, the Council will decide:

- a) Which committees to establish for the municipal year.
- b) The size and terms of reference for those committees.
- c) The allocation of seats to political groups in accordance with political balance rules; **unless** a different provision is proposed and approved by the Council without any Member of the Council voting against it.

4a.2 Ordinary meetings

Ordinary meetings of the Council will take place in accordance with the notice of meetings decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- a) Elect a person to preside if the Chairman nor Vice-Chairman are not present.
- b) Approve the minutes of the last meeting.
- c) Receive any declarations of interest from Members.
- d) Receive any announcements from the Chairman, Leader, Members of the Cabinet or the Chief Executive.
- e) Receive a report from the Leader or Cabinet Member and receive questions and answers on the report.
- f) Receive questions from, and provide answers to, the public in relation to matters

which in the opinion of the Chairman the Council has responsibility for and/or which specifically affect the District.

- g) Receive any petitions from the public in relation to matters which in the opinion of the Chairman are relevant to the Council's functions.
- h) Consider recommendations from the Council's Committees (if any), for which the minutes of the relevant meeting of that committee will be included with the summons.
- i) Receive reports about and receive questions and answers on the business of joint arrangements and external organisations.
- j) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committee.
- k) Consider motions.
- l) Receive questions from Members in accordance with Rule 4a.8.

4a.3 Extraordinary meetings

The Chief Executive may call extraordinary Council meetings in addition to ordinary meetings and the persons listed below may request the Chief Executive to call such additional Council meetings:

- a) The Council by resolution.
- b) The Chairman of the Council.
- c) Any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he has refused to call a meeting or, within seven days of the presentation of the requisition, has failed to call a meeting.

The business to be conducted at an extraordinary meeting will be restricted to the item of business contained in the request for the extraordinary meeting only and there will be no consideration of previous minutes or reports from committees.

4a.4 Time and Place of Meetings

The time and place of meetings will be determined by the Head of Paid Service and notified in the summons.

4a.5 Duration of Meetings

At an ordinary meeting of the Council, when 3 hours have elapsed after the commencement of the meeting, the Chairman will, at the conclusion of the debate on the item of business then under consideration, put the matter to the vote.

If there are other motions or recommendations on the agenda that remain to be dealt with, a motion may be moved to adjourn the meeting and reconvene it on a date and at a time specified to deal with the remaining business. The vote will be taken on this motion without debate.

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

4a.6 Notice of and summons to meetings

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Head of Paid Service will send a summons to every Member of the Council. 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.

4a.6 Chairman of meeting

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee and sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

4a.7 Quorum

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chairman counts the number of Members present and declares 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 Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

4a.8 Questions by Members

a) On reports of the Cabinet or committees

At a meeting of the Council, other than the Annual meeting, a Member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Cabinet or a committee when that item is being received or under consideration by the Council.

b) Questions on notice at Full Council

Subject to Rule 4a.9, a Member of the Council may ask:

- I. the Chairman;
- II. the Leader;
- III. a Member of the Cabinet; or
- IV. the Chairman of any Committee or Sub-Committee,

a question on any matter in relation to which the Council has powers or duties or which affects the District.

4a.9 Notice of questions

A Member may ask a question under Rule 4a.8 if either:

- a) they have given notice of the question in writing or by electronic mail no later than noon two working days before the day of the meeting to the Monitoring Officer; or

- b) the question relates to urgent matters, they have the consent of the Chairman or Member to whom the question is to be put and the content of the question is given to the Head of Paid Service by 9.00am on the day of the meeting.

4a.10 Order and form

- a) Questions of which notice has been given under Rule 4a.8 will be dealt with in the order determined by the Chairman of the Council.
- b) Questions under Rule 4a.8 must, in the opinion of the Chairman:
 - I. contain no expressions of opinion;
 - II. relate to matters on which the Council has or may determine a policy;
 - III. not relate to questions of fact.

Response

- c) An answer may take the form of:
 - I. a direct oral answer at the meeting;
 - II. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - III. where the reply cannot conveniently be given orally, a written answer circulated within 10 working days to the questioner.

4a.11 Supplementary question and statement in response by questioner

- a) A Member asking a question under Rule 4a.8 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
- b) A Member asking a question or questions may make one statement in response to the answer or answers received and, unless the Chairman specifies otherwise, the time available to the questioner will be limited to five minutes.

4a.12 Length of Speeches

A Member asking a question under Rule 4a.8 and a Member answering such a question may speak for no longer than 2 minutes unless the Chairman consents to a longer period.

4a.13 Time Allowed for Questions at Council Meetings

- a) The time allowed for consideration of questions submitted under Rule 4a.8 will not, without the consent of the Council, exceed 30 minutes.
- b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes from the time when the first questioner started to speak (or such longer period to which the Council has consented), the Chairman will conclude the item.

Note: Any remaining questions will be responded to in writing before the next ordinary meeting of the Council.

4a.14 Motions on Notice

a) Notice

Except for motions which can be moved without notice under Rule 4a.15, written notice of every motion, must be delivered to the Chief Executive not later than 5.00pm on the seventh working day before the Council meeting at which it is to be considered.

b) Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Chairman.

c) Scope

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

d) One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Chairman.

e) Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule will not, without the consent of the Council, exceed 30 minutes. At the conclusion of the speech being delivered when 30 minutes from the commencement of the Council's consideration of the first such motion has elapsed (or such longer period to which the Council has consented), the Chairman will put to the vote, without further discussion, all the questions necessary to dispose of the motion currently under debate provided that:

- I. the Chairman will allow the motion to be formally seconded (without comment) if the speech to be concluded is a speech proposing a motion;
- II. if the speech to be concluded is a speech moving an amendment, the Chairman will allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- III. otherwise, the Chairman will allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule will be deferred to the next ordinary meeting of the Council and will be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

4a.15 Motions without Notice

The following motions may be moved without notice:

- a) to appoint a Chairman 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 in the agenda;
- d) to refer something to an appropriate body or individual, without further debate;
- e) to appoint a committee or Member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion, subject to the provisions of the Budget and Policy Framework Procedure Rules in relation to amendment of the Cabinet's proposals for the Council's Budget and Policy Framework;
- 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) to suspend a particular Council Procedure Rule;
- n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o) to not hear further a Member named under Rule 4a.22(c) or to exclude them from the meeting under Rule 4a.22(d); and
- p) to give the consent of the Council where its consent is required by this Constitution.

4a.16 Rules of Debate

a) 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.

b) Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him or her before it is discussed.

c) Secunder's speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

d) Content and length of speeches

- I. Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- II. A speech by the mover of a motion may not exceed five minutes without the consent of the Chairman.

- III. Subject to paragraph IV below, speeches by other Members may not exceed five minutes without the consent of the Chairman.
- IV. When the Council's annual budget is under discussion, the leader of each political group on the Council may speak for up to ten minutes or such longer period as the Chairman may allow.

e) When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- I. to speak once on an amendment moved by another Member;
- II. to move a further amendment if the motion has been amended since he last spoke;
- III. if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- IV. in exercise of a right of reply;
- V. on a point of order; and
- VI. by way of personal explanation.

f) Amendments to motions

An amendment to a motion must be relevant to the motion and will either be:

- I. to refer the matter to an appropriate body or individual for consideration or reconsideration, without further debate;
- II. to leave out words;
- III. to leave out words and insert or add others; or
- IV. to insert or add words,

as long as the effect of (I)-(IV) above is not to negate the motion.

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.

If an amendment is not carried, other amendments to the original motion may be moved.

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.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

g) Alteration of motion

- I. A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- II. A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- III. Only alterations which could be made as an amendment may be made.

h) Withdrawal of motion

A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

i) Right of reply

- I. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- II. 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.
- III. The mover of the amendment has no right of reply to the debate on his amendment.

j) Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- I. to withdraw a motion;
- II. to amend a motion;
- III. to proceed to the next business;
- IV. that the question be now put;
- V. to adjourn a debate;
- VI. to adjourn a meeting;
- VII. to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- VIII. to not hear further a Member named under Rule 4a.22(c) or to exclude them from the meeting under Rule 4a.22(d).

k) Closure motions

A Member may move, without comment, the following motions at the end of a speech of another Member;

- I. to proceed to the next business;
- II. that the question be now put;
- III. to adjourn a debate; or
- IV. to adjourn a meeting.

Notes:

- i. If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- ii. If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- iii. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

l) Point of order

A point of order is a request from a Member to the Chairman to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.

m) Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

4a.17 State of the District Debate

a) Calling of debate

The Leader may call a state of the District debate annually on a date and in a form to be agreed with the Chairman.

b) Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the District debate.

c) Chairing of debate

The debate will be chaired by the Chairman.

d) Results of debate

The results of the debate will be:

- I. disseminated as widely as possible within the community and to agencies and organisations in the area; and
- II. considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

4a.18 Previous Decisions and Motions

a) Motion to rescind a previous decision

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

b) Motion similar to one previously rejected

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

4a.19 Voting

a) Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

b) Chairman's casting vote

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

c) Method of Voting

Unless a recorded vote is demanded under Rule d the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

d) Recorded vote

If two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

e) Right to require individual vote to be recorded

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

f) Voting on appointments

If there are more than two people nominated for any position to be filled and there is no 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.

4a.20 Minutes

a) Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable

meeting. The Chairman 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.

b) 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.

c) Form of minutes

Minutes will contain all motions and amendments in the form and order the Chairman put them.

d) Record of Attendance

All Members 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.

4a.21 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 4a.23 (Disturbance by Public).

4a.22 Members' Conduct

a) Speaking at meetings

When Members speak at Full Council they must address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

b) Chairman speaking

When the Chairman speaks during a debate, any Member speaking at the time must stop.

c) Member not to be heard further

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted

on without discussion.

d) Member to leave the meeting

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

e) General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he thinks necessary.

4a.23 Disturbance by Public

a) Removal of member of the public

If any member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

b) Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

4a.24 Suspension and Amendment of Council Procedure Rules

a) Suspension

All of these Council Rules of Procedure except Rules 4a.19(d) and 4a.20(a) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

b) Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

c) Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet, nor Policy Development Advisory Groups. Only Rules 4a.5-4a.7, 4a.14-4a.24 apply to meetings of committees and sub-committees except that insofar as Rule 4a.7 is concerned the quorum of a meeting will be one quarter of the whole number of Members of that meeting or three Members, whichever is the greater. Quorum applies to all bodies formed at the Annual Council meeting.

4b Cabinet procedure rules

4b. 1 Arrangements for the discharge of Cabinet functions

The arrangements for the discharge of Cabinet functions are determined by the Leader. The Leader may provide for Cabinet functions to be discharged by:

- a) the Cabinet as a whole;
- b) a committee of the Cabinet;
- c) an individual Member of the Cabinet;
- d) an officer;
- e) joint arrangements; or
- f) another local authority.

4b. 2 Delegation by the Leader

Following the annual meeting of the Council, the Monitoring Officer, at the direction of the Leader, will prepare a written record of any changes to the Cabinet function delegations made by the Leader for inclusion in the Council's responsibility for functions and scheme of delegation at Part three of this Constitution. This will contain the following information about Cabinet functions:

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

4b. 3 Sub-delegation of executive functions

Clauses (a-c) provide authority

- a) Where the Cabinet, a committee of the Cabinet or an individual Member of the Cabinet is responsible for Cabinet functions, they may delegate further to an officer.
- b) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- c) Where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

4b. 4 The Council's scheme of delegation and Cabinet functions

The Leader may amend the scheme of delegation relating to Cabinet functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person,

body or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader. Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when he has served it on its Chairman.

4b. 5 Conflicts of Interest

Where the Leader or any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

4b. 6 Cabinet meetings

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader.

4b. 7 Public or private meetings of the Cabinet

The Cabinet will hold its meetings in public, except in the circumstances set out in paragraphs (a) to (c) of Regulation 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Briefly, these circumstances cover:

- a) confidential information;
- b) exempt information;
- c) advice of a political adviser or assistant; and
- d) disorderly conduct.

4b. 8 Quorum

The quorum for a meeting of the Cabinet is three including the Leader or Deputy Leader. The quorum for a meeting of a committee of the Cabinet is three, including the Leader.

4b. 9 How are decisions to be taken by the Cabinet?

Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4g of the Constitution. Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them will be the same as those applying to those taken by the Cabinet as a whole.

4b. 10 Meetings of the Cabinet

The Leader will preside at any meeting of the Cabinet or its committees at which he is present. In his absence, the Deputy Leader will preside. In their absence, then a person appointed to do so by those present will preside.

4b. 11 Business

At each meeting of the Cabinet the following business will be conducted:

- a) Consideration of the minutes of the last meeting.
- b) Declarations of interest, if any.
- c) Matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4d of this Constitution.
- d) To receive questions from and provide answers to the public in accordance with the Public Speaking at Meetings Procedure Rules contained in Part 4 Rule 4j of this Constitution.
- e) Consideration of reports of the Leader and Cabinet Members.
- f) Consideration of reports from the Overview and Scrutiny Committee.
- g) Matters set out in the agenda for the meeting, and which will indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4g of this Constitution.
- h) Review of the Forward Plan.

4b. 12 Consultation

- a) All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.
- b) Reports on Key and Cabinet Member non-key decisions will detail the views of the Policy Development Advisory Group that considered the matter and will set out the details and outcome of any consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

4b. 13 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for meetings of the Cabinet. He may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or officer in respect of that matter.

- a) Any Member of the Cabinet may request the Monitoring Officer to put an item on the agenda of the next available meeting of the Cabinet for consideration.

- b) The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.
- c) In other circumstances, where any two of the Head of Paid Service, Chief Finance 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 a Cabinet meeting. If there is no scheduled meeting 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 called to consider the matter.

4b. 14 Policy Development Advisory Groups

- a) The purpose of each Policy Development Advisory Group is to advise the relevant Cabinet Member on those functions (including all forthcoming key and non-key decisions) described in part 3 of this constitution.
- b) A timetable of six Policy Development Advisory Group meetings per Group per year will be agreed and published at Annual Council.
- c) Policy Development Advisory Group meetings will be chaired by the relevant Cabinet Member. In the absence of the relevant Cabinet Member the Policy Development Advisory Group will be chaired by the Leader of the Council, or otherwise in accordance with Article 7.3b.
- d) Meetings of the group will be subject to a quorum of three (including the Cabinet Member).
- e) The Proper Officer will publish an agenda and notes for each meeting of Policy Development Advisory Groups on the Council's website.
- f) Visiting Members may attend Policy Development Advisory Groups and may speak, both at the discretion of the Chairman.
- g) A record of the views of Policy Development Advisory Groups will be created, subject to Part 4b 12b of this constitution.

Sub-groups of policy development advisory groups

- h) Sub-groups of a Policy Development Advisory Group may be created from the membership of the Policy Development Advisory Group and with the assent of the group, duly noted by the Proper Officer
- i) Any sub-group created under provision g) will have a quorum of three
- j) Sub-groups will report to each meeting of the Policy Development Advisory Group.

4c Overview and scrutiny procedure rules

The Council will have an Overview and Scrutiny Committee which may appoint such Sub-Committees as it considers appropriate from time to time. The Committee may appoint smaller groups to carry out detailed examination of particular topics for report back to it. Such groups may be appointed for a fixed period on the expiry of which they will cease to exist. These will be called 'task and finish groups'.

4c. 1 Who may sit on Overview and Scrutiny Committees?

All Councillors, except Members of the Cabinet and the Chairman of the Council, will be eligible for appointment as Members of the Overview and Scrutiny Committee or its Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

4c. 2 Co-optees

The Overview and Scrutiny Committee and its Sub-Committees will be entitled to appoint a maximum of six people as non-voting co-optees either as standing members of the Committee or on a time limited basis. The selection and nomination of co-opted members will be in accordance with any protocol agreed by the Overview and Scrutiny Committee.

4c. 3 Meetings of the Overview and Scrutiny Committee and its Sub-Committees

The Council may determine a cycle of meetings for the Overview and Scrutiny Committee. The Chairman, or if absent, the Vice-Chairman, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the committee's work programme. A meeting of the Overview and Scrutiny Committee and any of its Sub-Committees may be called by its Chairman (or if absent the Vice-Chairman) or by the Monitoring Officer, if either of them consider it necessary or appropriate.

4c. 4 Quorum

The quorum for the Overview and Scrutiny Committee or its sub-committees will be one quarter of the membership or three Members, whichever is the greater.

4c. 5 Chairman of the Overview and Scrutiny Committee

There will be a Chairman and a Vice-Chairman of the Overview and Scrutiny Committee appointed annually at the first ordinary meeting of the Committee. Any Sub-Committee will appoint a Chairman and a Vice-Chairman annually at the first ordinary meeting of that Sub-Committee.

The Overview and Scrutiny Chairman will be elected from those members who are not of the majority group unless they are not available or otherwise unwilling to be nominated as Chairman. The Vice-chairman will be from the majority group.

In the absence of the Chairman the Vice-Chairman will exercise the powers of the Chairman.

The Chairman and the Vice-Chairman of the Overview and Scrutiny Committee are entitled to attend each Sub-Committee as ex-officio members.

4c. 6 Work programme

The Overview and Scrutiny Committee and each of its Sub-Committees will, following consultation with the Chairman and Vice-Chairman of the Overview and Scrutiny Committee, set their own work programme and in doing so the wishes of Members on that Committee who are not members of the largest political group on the Council will be taken into account.

4c. 7 Agenda items

- a) Any Member of the Overview and Scrutiny Committee or Sub-Committee who wants an item relevant to the functions of that Committee to be included on the agenda for the next available meeting is entitled to give notice of it to the Monitoring Officer. The Monitoring Officer will be given seven days' notice of the item together with sufficient information to enable an officer to advise about the nature and purpose of the item.
- b) On receipt of such a request, so long as it is an appropriate matter to be considered, the Monitoring Officer will ensure that it is included on the next available agenda.
- c) The Overview and Scrutiny Committee and the Scrutiny Sub-Committees will also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee will report its findings and any recommendations back to the Cabinet and/or Council. The Cabinet or the Council will consider the report of the Overview and Scrutiny Committee or Sub-Committees within two months of receiving it.

4c. 8 Policy review and development

- a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for policy development in so far as they relate to matters within its terms of reference.
- c) The Overview and Scrutiny Committee and the Sub-Committees will be afforded sufficient resources to hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may

pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

4c. 9 Reports from the Overview and Scrutiny Committee and Sub-Committees

- a) All formal reports from Sub-Committees will be reported to the Overview and Scrutiny Committee, before submission to the Cabinet or the Council, except where the agreement of the Chairman and Vice-Chairman of the Overview and Scrutiny Committee has been given not to do so.
- b) Once it has formed recommendations, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- c) The Cabinet will consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the Proper Officer.

4c. 10 Making sure that Overview and Scrutiny reports are considered by the Cabinet

- a) The agenda for Cabinet meetings will include an item entitled 'consideration of reports from the Overview and Scrutiny Committee'. The reports of the Overview and Scrutiny Committee referred to the Cabinet will be included at this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chairman of the Overview and Scrutiny Committee as soon as practicable.
- b) The Overview and Scrutiny Committee and the Sub-Committees will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, it will be able to respond in the course of the Cabinet's consultation process in relation to any key decision.
- c) Where the Cabinet has delegated decision-making power to an individual Member of the Cabinet, the Overview and Scrutiny Committee will submit a copy of its report to that Cabinet Member for consideration. The Overview and Scrutiny Committee will also give a copy at the same time to the Monitoring Officer. The Cabinet Member with delegated decision-making power must consider the report and respond in writing to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of this written response will be sent to the Monitoring Officer and the Leader. The Cabinet Member will also attend a future meeting of the Overview and Scrutiny Committee to present the response.

4c. 11 Rights of the Overview and Scrutiny Committee and Scrutiny Sub-Committees Members to documents

- a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee and its sub-Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4g of this Constitution.
- b) Nothing in 4c. 11 prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and its sub-committees as appropriate depending on the particular matter under consideration.

4c. 12 Members and Officers giving account

The Overview and Scrutiny Committee and its sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, save for excluded matters. As well as reviewing documentation, in fulfilling the Overview and Scrutiny role, it may require any chief officer or deputy chief officer to attend before it under provisions a) to c) below. The Overview and Scrutiny Committee will require the Leader and each Member of the Cabinet individually to attend before it no less than once in every twelve month period to explain the following matters within their portfolio:

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

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

Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer will discuss this with the Overview and Scrutiny Chairman or Vice Chairman with a view to achieving consensus.

Where any Member or officer is required to attend the Overview and Scrutiny Committee or any of the Scrutiny Sub-Committees under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer will inform the Member or officer, if necessary in writing, giving at least 7 working days' notice of the meeting at which they are required to attend (unless agreed otherwise). Any notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee.

Where the account to be given to the Overview and Scrutiny Committee or Scrutiny Sub-Committees will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Sub-Committees will in consultation with the Member or officer arrange an alternative date for attendance.

4c. 13 Attendance by others

The Overview and Scrutiny Committee or Scrutiny Sub-Committees may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and will invite such people to attend.

4c. 14 Call-in

The Overview and Scrutiny Committee may hear the 'call in' of decisions made by the Cabinet (which term will also include a Joint Committee), or an individual Member of the Cabinet, but not yet implemented. The purpose is to consider whether to recommend that a decision be reconsidered by the Cabinet. This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions. Key Decisions and Cabinet Member Non-Key decisions will be subject to this rule.

- a) When a decision is made by the Cabinet, or an individual Member of the Cabinet with delegated responsibility to make a non-key decision, or under joint arrangements, notice of the decision will be published, including by electronic means, and will be available at the main offices of the Council normally within 2 working days of being made. All Overview and Scrutiny Members will be sent copies of the records of all such decisions, electronically, within the same timescale, by the person responsible for publishing the decision.
- b) 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 the decision is called in under the provisions set out below.

Within that period:

- I. the Chairman or, if absent, the Vice-Chairman, of the Overview and Scrutiny Committee; or
- II. any five non-Cabinet Members of the Council

may give notice (in respect of II. an email from each Member individually will suffice) requesting that the decision be called in and submit the notice to the Monitoring Officer. The notice should give reasons for the request for call-in in accordance with paragraph 4c. 15, having regard to the principles of decision making set out in Article 11 of this Constitution.

4c. 15 A notice invoking the call-in procedure must cite at least one of the following grounds in support of the request for call-in of a decision:

- a) inadequate consultation with stakeholders prior to decision;
- b) the absence of adequate evidence on which to base a decision;
- c) the decision would require a departure from or a change to, the agreed budget and policy framework;
- d) the action decided upon would not be proportionate to the desired outcome;

- e) the decision would be open to a human rights challenge;
- f) insufficient consideration of legal and financial advice; or
- g) the decision is not within the Cabinet's powers or terms of reference or within the portfolio of the Cabinet Member with delegated responsibility who took it.

4c. 16 On receipt of the notice the Monitoring Officer will, as soon as possible, seek the views of the Chairman, or if absent the Vice-Chairman, of the Overview and Scrutiny Committee.

4c. 17 The Chairman or Vice-Chairman to whom the request is referred will consider whether the request is reasonable according to 4c. 15 above. They will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and Chief Finance Officer on this point.

4c. 18 If it is considered that the request for call-in is reasonable, the Monitoring Officer will convene a meeting of the Overview and Scrutiny Committee within 7 working days, after consulting the Chairman of the Committee about the date. The Committee will then proceed as in paragraph 4c. 20, below.

4c. 19 If the Chairman or Vice-Chairman to whom the request is referred consider that the request is unreasonable the decision will not be called in. The Monitoring Officer will submit a report to the next available meeting of the Overview and Scrutiny Committee giving details of the request and Chairman's/Vice-Chairman's reasons for refusing it.

4c. 20 Where the Overview and Scrutiny Committee considers a call-in request, the format of the meeting will be as follows:-

- a) After the Chairman opens the meeting the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed.
- b) On matters of particular relevance to a particular ward, ward Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Monitoring Officer by 12 noon on the day prior to the relevant meeting of the committee.
- c) The relevant Cabinet Member (or Members if more than one is relevant) will then be invited to make any comments.
- d) The relevant Chief Officer or his representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities.
- e) Committee Members will ask questions of Members and officers in attendance.
- f) The Cabinet Member(s) will be invited to make any final comments on the

matter.

4c. 21 The Overview and Scrutiny Committee, after considering the evidence presented to the meeting, will make one of the following resolutions:

- a) to take no further action, in which case the decision will take effect immediately;
- b) to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Committee's concerns; the decision-maker must then reconsider the matter with a further 10 working days, taking into account the concerns of the Overview and Scrutiny Committee, before making a final decision; or
- c) to refer the matter to Full Council, in which case paragraph 23 below will apply.

4c. 22 If, following a request for call-in, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to Full Council, the decision will take effect on the date of the relevant Committee meeting, or the expiry of that further 7 working day period, whichever is the earlier.

4c. 23 If the matter is referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. If Full Council does object, the Council has no power to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Therefore, unless those provisions apply, the Council will refer any decision to which it objects back to the decision maker, together with its views on the decision. The decision maker will then choose whether to amend the decision before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a Cabinet meeting will be convened to reconsider it within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

4c. 24 If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

4c. 25 Exceptions

In order to ensure that call-in is not abused, nor gives rise to unreasonable delay, certain limitations are placed on its use. These are:

- a) that the Overview and Scrutiny Committee may only call-in a maximum of five decisions per year;
- b) that call-in can be invoked in respect of a decision only once;
- c) that call-in will not apply to day-to-day management and operational decisions taken by Officers and decisions made by officers as defined in the officer scheme of delegation .
- d) Only key and non-key decisions made by the Cabinet and Cabinet Members

may be called in, subject to the limitations placed by urgency provisions

4c. 26 Call-in and Urgency

- a) The call-in procedure set out above will not apply where the decision being taken by the Cabinet is urgent.
- b) A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council or the public interest.
- c) The record of the decision and notice by which it is made public will state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in.
- d) The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Overview and Scrutiny Committee, the consent of the Chairman of the Council or the consent of the Vice-Chairman of the Council will be required. In the absence of both the Chairman and Vice-Chairman of the Council, the Head of Paid Service or his nominee's consent will be required.
- e) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- f) The operation of the provisions relating to call-in and urgency will be monitored annually, and a report submitted to Council with proposals for review if necessary.

4c. 27 Procedure at Overview and Scrutiny Committee and Scrutiny Sub-Committee meetings

The Overview and Scrutiny Committee and Scrutiny Sub-Committees will consider the following business:

- a) Minutes of the last meeting.
- b) Declarations of interest.
- c) Consideration of any matter referred to the Committee or Sub-Committee for a resolution in relation to call-in of a decision.
- d) Responses of the Cabinet to reports of the Overview and Scrutiny Committee.
- e) The business otherwise set out on the agenda for the meeting.
- f) In respect of the Overview and Scrutiny Committee, the work programme summary of all the bodies that form the overview and scrutiny function.

4c. 28 The Overview and Scrutiny Committee or any of its sub-committees may ask persons to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

- a) That the business be conducted fairly and all Members of the Committee or a Sub-Committee be given the opportunity to ask questions of attendees, and to

- contribute and speak.
- b) That those assisting by giving evidence be treated with respect and courtesy.
- c) That the business be conducted as efficiently as possible.

Following any investigation or review, the Committee or Sub-Committees will prepare a report, for submission to the Cabinet and/or Council as appropriate and will make its report and findings public.

4c. 29 Matters within the remit of more than one Overview and Scrutiny body

Where a matter for consideration by the Overview and Scrutiny Committee or one of the Overview and Scrutiny Sub-Committees also falls within the remit of one or more other committees, the decision as to which committee will consider it will be resolved by the respective Chairmen or, if they fail to agree, the Chairman of the Overview and Scrutiny Committee.

4c.30 Scrutiny of Crime and Disorder Matters

The Overview and Scrutiny Committee is designated as the Council's Crime and Disorder Committee (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters. The Overview and Scrutiny Committee will delegate its function relating to scrutiny of crime and disorder matters to a Crime and Disorder Overview and Scrutiny Sub-Committee.

Any Member of the Council may give notice to the Monitoring Officer that they want an item which they consider to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of that Sub-Committee.

On receipt of the request, the Monitoring Officer will ensure that the item is included on the next available agenda for consideration by that Sub-Committee.

If the Crime and Disorder Overview and Scrutiny Sub-Committee decides not to make a report or recommendation in relation to the matter, it must notify the Member who referred the matter of its decision and the reasons for it.

Where the Committee makes a report or recommendations it must, as it resolves appropriate:

- a) provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
- b) provide a copy of the report or recommendations to:
 - the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
 - the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998).

4c.31 Where the Crime and Disorder Sub-Committee makes a report or recommendations

or provides a copy of a report or recommendations, the Committee must provide a copy of the report or recommendations to that body or person. That body or person will:

- a) Consider the report or recommendations.
- b) Respond to the Committee indicating what (if any) action it proposes to take.
- c) Have regard to the report or recommendations in exercising its functions.

4c.32 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Sub-Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, at least twice in every 12 month period.

4c.33 Where the Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Sub-Committee will review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

4d Budget and policy framework procedure rules

The framework for Cabinet decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

4d. 1 Process for developing the policy framework

References in these Rules to the Policy Framework are to the plans and strategy required by law to be adopted by the Council and set out in Article 4. The Cabinet is responsible for adopting all other significant policies.

- a) The Cabinet will publicise a Forward Plan timetable for making proposals to the Council for the adoption of any plan or strategy that forms part of the Policy Framework, and its arrangements for consultation after publication of initial proposals. The Chairman of the Overview and Scrutiny Committee will also be notified.
- b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation.
- c) In its report to Council, the Cabinet will take into account any response from the Overview and Scrutiny Committee and any comments made by consultees.
- d) Once the Cabinet has approved a firm proposal, it will refer it in a timely manner to the Council.
- e) If the Council has any objections or wishes to make amendments to a draft plan or strategy submitted to it by Cabinet then it must:
 - I. Inform the Leader of any objections and must give to instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy.
 - II. Where the Council gives such instructions, it must specify the period (of at least five working days beginning on the day after the date on which the Leader receives the instructions) within which the Leader may:
 - III. Submit to the Council for consideration a revision of the draft plan or strategy with the Cabinet's reasons for any amendments made; or
 - IV. Inform the Council of any disagreement that the Cabinet has with any of the Council's objections giving reasons for any such disagreement.
- f) When the period specified by the Council has expired, the Council must take into account any amendments made to the draft plan or strategy that are included in any revised submission; the Cabinet's reasons for those amendments; any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement.

4d. 2 Process for developing the budget

The Cabinet must follow the Financial Procedure Rules set out in Part 4 of the Constitution. In addition the following process will apply to the development of the budget:

- a) Before 8 February in any financial year, the Cabinet will submit to the Council for its consideration, in relation to the forthcoming financial year:
 - I. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - II. estimates of other amounts to be used for the purposes of such a calculation;
 - III. estimates of such a calculation; or
 - IV. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.
- b) The Cabinet will publicise a Forward Plan timetable for making proposals to the Council for the adoption of the Budget and its arrangements for consultation after publication of initial proposals. The Chairman of the Overview and Scrutiny Committee will also be notified.
- c) At the end of the consultation period, the Cabinet will draw up firm proposals having taken into account responses to the consultation and any response from the Overview and Scrutiny Committee.
- d) Once the Cabinet has approved the firm proposals, it will refer them in a timely manner to the Council.
- e) If the Council in its consideration of the estimates and calculations that are required to approve a Budget has any objections it must:
 - I. Inform the Leader of such objections which it has to the Cabinet's submission and must give instructions requiring the Cabinet to reconsider, in the light of those objections, the budget and any supplementary information submitted to it.
 - II. Where the Council gives such instructions it must specify the period (of at least five working days beginning on the day after the date on which the Leader receives the instructions) within which the Leader may:
 - i. Submit a revision of the estimates or amounts with the Cabinet's reasons for any amendments made for the Council to consider.
or
 - ii. Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the reasons for any such disagreement.
- f) When the period specified by the Council has expired, the Council must take into account, when making its deliberations and calculations (whether originally or by way of substitute) or when issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, any amendments from

the Cabinet that are included in any revised proposals; the reasons for those amendments; any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement.

- g) Paragraph e) above will not apply in relation to calculations or substitute calculations which the Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
- h) In approving the Budget and Policy Framework, the Council will also specify the extent of the virement (the transfer of funds from one part of a budget to another) and degree of in-year changes to the policy framework which may be undertaken by the Cabinet in accordance with paragraphs 4d. 5 and 4d. 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

4d. 3 Decisions outside the budget or policy framework

The Cabinet, committees of the Cabinet, individual Members of the Cabinet or any officers or joint arrangements discharging executive functions may only take decisions which in the opinion of the Monitoring Officer and/or the Chief Finance Officer are in line with the Budget and Policy Framework, with the exception of the delegations to the Chief Finance Officer and the Leader of the Council contained in Section 3.5.2 of Part 3 of this Constitution.

Subject to the above, 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 approved by Full Council, then that decision may only be taken by Full Council, unless the decision is a matter of urgency, in which case the provisions in paragraph 4d. 4 will apply.

4d. 4 Urgent decisions outside the budget or policy framework

If a decision is a matter of urgency, the Cabinet may take a decision which is contrary to the Council's Policy Framework or not in accordance with the Budget approved by Full Council. However, the decision may only be taken if it is not practical to convene a quorate meeting of the Full Council and the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chairman of the Overview and 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 Chairman of the Overview and Scrutiny Committee the consent of the Chairman of the Council will be required.

Following such a decision, the Cabinet must provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4d. 5 Transfer of funds from one part of a budget to another (virement)

Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or Officers or joint arrangements discharging executive functions to implement Council policy, will not exceed those budgets allocated to each budget head. In the event that the transfer of funds across budget heads or budgets becomes necessary or desirable, it will be carried out in accordance with the Financial Procedure Rules in Part 4 of this Constitution.

4d. 6 In-year changes to policy framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- a) which will result in the closure or discontinuance of a service or part of service in order to meet a budgetary constraint;
- b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration; or
- d) for which provision is made within the relevant budget or policy.

4d. 7 Call-in of decisions outside the budget or policy framework

- a) Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it will seek advice from the Monitoring Officer and/or Chief Finance Officer.
- b) If the Monitoring Officer and/or the Chief Finance Officer concludes that such a decision would be a departure from the Policy Framework or Budget their report will be made to the Cabinet with a copy to every Member of the Council regardless of whether the decision is delegated or not, the Cabinet must then meet to decide what action to take in respect of that report and to prepare a report to Council
- c) If the Monitoring Officer or the Chief Finance Officer conclude that such a decision was not a departure from the Policy Framework or Budget their report will be to the Overview and Scrutiny Committee.
- d) If the decision under paragraph 4d.7a has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance 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 Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council will meet within 20 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or

proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- I. endorse a decision or proposal of the executive decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- II. amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors; or
- III. where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

4e Financial procedure rules

- 4e. 1** Section 151 of the Local Government Act 1972 states that “every authority will make arrangements for the proper administration of their financial affairs and will secure that one of their officers has responsibility for the administration of those affairs”.

Financial Procedures provide the framework for managing the Council's financial affairs. Financial Procedures are supported by more detailed Financial Management Regulations, Standards and Policies which set out how the procedures will be implemented. These are available from the Chief Finance Officer or their deputy.

These procedures identify the financial responsibilities of the Full Council, the Cabinet and officers.

To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:

- a) The term, “Chief Finance Officer,” refers to the Section 151 Officer who is currently the Director of Corporate Resources.
- b) The term, “Chief Officers”, refers to the Council’s Chief Executive, the Corporate Directors and the Monitoring Officer.
- c) The term, “Monitoring Officer”, is currently the Head of Legal and Democratic Services.
- d) The term, “Chief Internal Auditor”, refers to the Chief Audit Executive as defined by the Public Sector Internal Audit Standards.
- e) The term, “Service Manager” or “Head of Service” are interchangeable and apply to any manager, who is not a director, but directly reports to one of the directors or the Chief Executive, “deputy chief officer”.

- 4e. 2** To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly.

Financial Procedures should not be seen in isolation but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

Who do Financial Procedures apply to?

- 4e. 3** Financial Procedures apply to every Member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring the use of such resources and assets is legal, is consistent with Council policies and priorities, is authorised and achieves best value.

- 4e. 4** These Financial Procedures apply to any partnership for which the Council is the

accountable body, unless the Council expressly agrees otherwise.

- 4e. 5** Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures (officers) or Code of Conduct (councillors).

Who is responsible for ensuring that they are applied?

- 4e. 6** Chief Officers and Heads of Service and all managers are responsible to the Council for ensuring that Financial Procedures are applied and observed by their staff and contractors providing services on the Council's behalf. They are also responsible for reporting to the Chief Finance Officer any known or suspected breaches of such Financial Procedures.
- 4e. 7** The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Executive Members.
- 4e. 8** The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- 4e. 9** Persons charged with the use or care of the Council's resources and assets should inform themselves of the Council's requirements under these Financial Procedure Rules. If any person is in any doubt about such obligations, they should seek advice.
- 4e. 10** Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, they will raise the issue with the Chief Finance Officer who will, if considered necessary and appropriate, seek formal approval from the Cabinet Member for Finance & Parking for a specific waiver of the procedures, or to Council or an amendment to the procedures themselves.

4e. 11 Financial management – role of Council and the Cabinet

a) The Council is responsible for:

- I. the adoption and revision of these Financial Procedure Rules;
- II. the determination of the Policy Framework and Budget within which the Cabinet works;
- III. providing the Chief Finance Officer with sufficient staff, accommodation and other resources to carry out his or her duties; and
- IV. approving and monitoring compliance with the Council's overall framework of accountability and control.

b) The Cabinet is responsible for:

- I. controlling the Council's financial resources;
- II. proposing the Budget and Policy Framework to Full Council; and
- III. discharging Cabinet functions in accordance with the Budget and Policy Framework.

c) The Audit Committee is responsible for:

- I. monitoring the effectiveness of the Council's financial procedures.

4e. 12 The Role of the Chief Finance Officer

The Chief Finance Officer is accountable to the Chief Executive and the Council and has statutory duties that provide overall responsibility for the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 2011.

The Chief Finance Officer is the Council's professional adviser on financial matters and is responsible for:

- a) The proper administration of the Council's financial affairs.
- b) Maintaining a continuous review of Financial Procedures and submitting any additions or changes as necessary to the Full Council for approval.
- c) Updating and monitoring compliance with financial management standards.
- d) Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- e) Providing training for Members and officers on financial procedures and standards.
- f) Determining accounting policies and ensuring they are applied consistently.
- g) Determining accounting procedures and records of the Council.
- h) Reporting, where appropriate, breaches of the financial procedures to the Council and/or Cabinet.
- i) Preparing and monitoring the revenue budget, capital programme and Medium Term Financial Plan.
- j) Ensuring the provision of effective Internal Audit.
- k) Ensuring the provision of effective Treasury Management.
- l) Advising on risk management.
- m) Ensuring the Council complies with the CIPFA Prudential Code for Capital Finance in Local Authorities.
- n) Ensuring the Council complies with the Public Sector Internal Audit Standards.
- o) Ensuring the Council complies with CIPFA's Treasury Management in the Public Service Code of Practice.

- p) Ensuring that Council spending plans and council tax calculations, identified in the medium term financial plan, are based upon robust estimates.
- q) Ensuring that the level of Council reserves is adequate to meet the known financial risks facing the Council over the medium term.
- r) Ensuring that the annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the UK: A Statement of Recommended Practice (SORP).
- s) Ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- t) Ensuring that proper professional practices, standards and ethics are adhered to.
- u) Acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor, wherever located.
- v) The appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment.

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Full Council and to the External Auditors if the Council or one of its officers:

- I. Has made, or is about to make a decision which involves incurring expenditure which is unlawful.
- II. Has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Council.
- III. Is about to make an unlawful entry in the Council's accounts.

The Chief Finance Officer must nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally.

The Council must provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.

The Chief Finance Officer:

- IV. Is required to approve all financial procedures, records, systems and accounts throughout the Council which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Council will also ensure the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements and notes of detailed advice and guidance on financial systems and procedures necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity.
- V. Will be given access to any information as is necessary to comply with

their statutory duties and with the requirements and instructions of the Council.

- VI. Will be entitled to attend and report on financial matters directly to the Council, the Cabinet, and any committees or working groups the Council may establish.
- VII. Will be sent prior notice of all meetings of the Cabinet and all Council bodies together with full agendas and reports and will have authority to attend all meetings and take part in the discussion if so desired

4e. 13 The Role of Chief Officers

Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with Council policy.

Chief Officers are responsible for:

- a) Ensuring that adequate and effective systems of internal control are operated to ensure the accuracy, legitimacy and proper processing of transactions and the management of activities, having regard to advice and guidance from the Chief Finance Officer.
- b) Ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.
- c) Consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Council's finances materially, before any commitments are incurred.
- d) Consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to Members.
- e) Informing immediately the Chief Finance Officer of failures of financial control resulting in additional expenditure or liability, or loss of income or assets.

Financial Planning

4e. 14 Strategic Planning

- a) The Full Council is responsible for agreeing the Council's Budget and Policy Framework proposed by Cabinet.
- b) The preparation of the medium term financial plan is part of the strategic policy framework of the Council and aims to ensure that the Council's spending plans are prudent, affordable, and sustainable and reflect Council priorities.
- c) The Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Under the Constitution, the Monitoring Officer has a duty to advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- d) Chief Officers are responsible for the preparation and monitoring of service improvement plans within their service areas. Service improvement plans should align with Council values and priorities and be consistent with and based upon the budget allocated by the Council to the service.

4e. 15 Budget Preparation

The Cabinet, in consultation with the Chief Finance Officer is responsible for determining the general budget strategy and issuing guidance to Members and Chief Officers on:

- a) Preparing a detailed revenue budget for the following year
- b) Preparing the medium term financial plan for a period of no less than 3 years.
- c) Preparing the capital programme.
- d) The timetable for preparing and agreeing the Council's revenue and capital budget.

The guidance will take account of:

- e) Council priorities as reflected in the Corporate Plan
- f) Spending pressures
- g) What future funding is available
- h) What level of reserves are available
- i) The affordability, sustainability and prudence of capital investment plans
- j) Legal requirements
- k) Value for money and other relevant government guidelines
- l) Other internal policy documents
- m) Cross-cutting or income growth issues (where relevant).

The Chief Finance Officer is responsible for:

- a) Ensuring budget process considers the Full Council's policy framework.
- b) Ensuring that a detailed revenue budget is prepared on an annual basis and a general revenue plan on a three yearly basis (medium term financial plan) for consideration by Cabinet before submission to Full Council.
- c) Ensuring a capital programme is prepared annually for consideration by Cabinet before submission to the Full Council.
- d) Advising the Full Council on prudent levels of reserves for the Council.

Chief Officers are responsible for ensuring that budget estimates are prepared in accordance with guidance issued by Cabinet and reflect agreed service performance plans.

4e. 16 Budget Approval

- a) The Full Council is responsible for agreeing the Council's Budget (including Prudential Indicators) and Policy Framework. The policy framework comprises of a number of statutory plans and strategies.
- b) The Council's revenue and capital budget will be proposed by the Cabinet, (on the advice of the Chief Finance Officer), and approved by the Full Council.
- c) The Full Council may amend the proposed budget or ask the Cabinet to reconsider it before approving it.

4e. 17 Budget Transfers

- a) During the year the Cabinet and Chief Officers may need to vary budgets to reflect changed service needs or priorities in order to deliver the budget policy framework within the financial limits set by the Council.
- b) The Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget or Policy Framework. Decisions should be referred to the Full Council by the Monitoring Officer.
- c) The Full Council is responsible for setting the level at which the Cabinet may reallocate budget funds.
- d) The Full Council is responsible for agreeing procedures for carrying forward surpluses and deficits on budget headings at each financial

year end.

- e) The following limits have been approved for the authorisation of budget transfers:

I. Chief Officers

- a) Up to £100,000, between any one budget head to another for which they are responsible during the financial year with written approval of the Chief Finance Officer up to a maximum of five such moves in any budget year.

II. Cabinet Member

Up to the key decision threshold, between any one budget head to another for which they are responsible during the financial year with written approval of the Cabinet Member responsible for Finance up to a maximum of five such moves in any budget year.

III. Cabinet

Individual transfers between budget heads in excess of the key decision threshold following a joint report by the Chief Finance Officer and the responsible Chief Officer. The joint report must explain the implications in the current and coming financial year.

4e. 18 The Chief Finance Officer will use delegated authority to authorise the release of funds from contingencies. It is the responsibility of the Chief Officers to:

- a) Notify the Chief Finance Officer of any budget transfer agreed under delegated powers as set out above;
- b) Give prior notice to budget holders of any budget transfer affecting their service area and provide an explanation of the reason for the budget transfer.

4e. 19 Council approval is required for any budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new service or the termination of an existing service.

4e. 20 A capital budget cannot be transferred to a revenue budget head.

4e. 21 Budget Monitoring and the Control of Income and Expenditure

The Chief Finance Officer is responsible for:

- a) Developing an effective framework of budgetary management and control.
- b) Providing appropriate financial information to enable budgets to be monitored effectively.
- c) Reporting to the Cabinet and the Overview and Scrutiny Committee, , on the overall Council budget monitoring position on a quarterly basis.
- d) All payments to employees, Members and creditors.
- e) Maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- f) Advising Chief Officers on all taxation issues that affect the Council.
- g) Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- h) Agreeing arrangements for the collection of income due to the Council.
- i) Agreeing banking, borrowing and other credit requirements e.g. leasing.
- j) Agreeing the write-off of bad debts up to £100,000 in accordance with the Council's Sundry Debt Recovery Policy.

4e. 22

It is the responsibility of Chief Officers to:

- a) Control income and expenditure within their service area.
- b) Monitor performance in conjunction with the budget taking account of financial information provided by the Chief Finance Officer.
- c) Report on spending variances within their own areas.
- d) Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

4e. 23 Reporting Council Spending at Year End

The Chief Finance Officer is responsible for:

- I. Publishing a timetable for the closure of the accounts annually
- II. Ensuring that the Council's annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom, CIPFA/LASAAC, the Accounts and Audit Regulations 2011 and any other relevant guidelines.

It is the responsibility of Chief Officers to ensure that arrangements are put in place each year to deliver the Council's closure timetable.

4e. 24 Use of Council Reserves

- a) The Chief Finance Officer is responsible for advising the Full Council on levels of reserves for the Council. The advice will be based upon an

annual risk assessment of the prudent levels of reserves the Council should maintain.

- b) The Chief Finance Officer will manage the Council reserves in accordance with decisions taken by the Cabinet.

4e. 25 Risk management and control of resources

Risk Management

- a) It is essential that robust, integrated systems are developed and maintained for identifying, evaluating and managing all significant strategic, operational and project risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.
- b) The Audit Committee is responsible for approving the Council's risk management policy statement and strategy, for reviewing the effectiveness of risk management and the corporate risk register.
- c) The Chief Finance Officer is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council.
- d) The Chief Officers are responsible for reviewing corporate risks and reporting progress on the management of corporate risk to the Audit Committee.
- e) It is the responsibility of Chief Officers to ensure there are regular reviews of risk within their areas of responsibility having regard to advice from the S151 Officer and other specialist officers (e.g. crime prevention, fire prevention, Health & Safety).

Internal Control

- f) Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should also ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.
- g) It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets.
- h) The Chief Internal Auditor reviews the effectiveness of the Council's

systems of internal control and recommends improvements to them.

- i) The Council is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2011. The Chief Executive and the Leader of the Council are required to prepare the statement, commenting on the effectiveness of the entire internal control environment within the Council.

4e. 26 Insurance

Insurance provision is a way of transferring risk. The Chief Finance Officer is responsible for:

- I. Putting adequate insurance in place and dealing with all claims in consultation with other Chief Officers where necessary.
- II. Reviewing, at least annually, all insurances in consultation with Chief Officers where necessary.

It is the responsibility of Chief Officers to:

- a) Advise the Chief Finance Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- b) Notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and will provide such information and explanations required by the Chief Finance Officer or the Council's insurers
- c) Consult with the Monitoring Officer on the terms of any indemnity which they are requested to give on behalf of the Council.
- d) Ensure that employees, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

4e. 27 Audit

According to The Accounts and Audit Regulations 2011 a, "relevant body must undertake an adequate and effective internal audit of its accounting records and of its systems of internal control" and must "at least once in each year conduct a review of the effectiveness of its internal audit."

The Chief Finance Officer ensures the Council has appropriate arrangements in place to maintain an adequate and effective internal audit.

The strategy and terms of reference for Internal Audit are detailed in the Council's Internal Audit Charter which is approved and reviewed annually by the Audit Committee.

The basic duties of the external auditor and the rules covering the appointment of an external

auditor are governed by section 15 of the Local Government Finance Act 1982 and the by the Local Audit and Accountability Act 2014. External Auditors are also required to follow the current Audit Code of Practice.

Full Council appoints and removes external auditors for the audit of the annual accounts, decides on how to appoint them, establishes the audit panel to consult and comment on the appointment. The Chief Finance Officer appoints the external auditor for the Housing Benefit Subsidy Claim, or any subsequent claims audits needed, subject to the usual contract award delegation limits. Cabinet appoints the external auditor to the Council's housing companies, and any subsequent companies where their terms of reference reserve the appointment of auditors.

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

The Chief Finance Officer is responsible for reporting to the Audit Committee and the Cabinet, where appropriate, the findings of these inspections and taking relevant action to implement recommendations and action required.

4e. 28 Preventing Fraud and Corruption

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Chief Finance Officer is responsible for the development, maintenance and review of a Counter Fraud Strategy and Framework. The Chief Finance Officer will ensure the full investigation of any suspected frauds and irregularities.

Chief Officers are responsible for promoting the Counter Fraud Strategy and Framework within their Service areas and ensuring all suspected irregularities are reported to the Chief Finance Officer.

Chief Officers are responsible for taking any appropriate action to prevent further loss and to secure records and documentation against removal or alteration during any investigation.

4e. 29 Use of and Disposal of Assets

The Chief Finance Officer is responsible for safeguarding the use and disposal of Council assets.

Chief Officers are responsible for ensuring that adequate and effective arrangements are in place for the care and custody of all assets within their service area and ensuring that assets are disposed of in accordance with procedures approved by the Chief Finance Officer.

4e. 30 Treasury Management and Capital Finance

The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Service Code of Practice and the CIPFA Prudential Code for Capital Finance in

Local Authorities.

The Full Council is responsible for setting treasury management policy statement, the capital strategy, the investment strategy and the treasury management strategy.

The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit Committee and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the organisation's policy statement and treasury management practices and CIPFA's standards.

Audit Committee is responsible for ensuring effective scrutiny of the treasury management strategy and policies and receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its treasury management practices.

The Chief Finance Officer is responsible for establishing suitable treasury, capital and investment management practices and prescribing how the operational management and control of those activities.

4e. 31 Banking

The Chief Finance Officer is responsible for all arrangements concerning banking services, including the opening, closing and operation of the Council's bank accounts .

The Chief Finance Officer is responsible for the reconciliation of the Council's bank accounts with the Council's financial accounts.

Chief Officers are responsible for ensuring that all banking arrangements determined by the Chief Finance Officer are observed and to advise him or her of any changes in their services that may require a change in these arrangements.

4e. 32 Income Collection

The Chief Finance Officer is responsible for approving all methods of income collection, records and systems.

The Council has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007 (as amended). Accordingly, the Cabinet is responsible for approving the Councils Money Laundering Policy.

Responsibility for the implementation and administration of the Council's Money Laundering Policy has been delegated to the Chief Finance Officer who is the Council's nominated Money Laundering Reporting Officer and responsible for implementing and administering the Council's Money Laundering Policy.

The Deputy Chief Finance Officer is the deputy Money Laundering Reporting Officer.

Chief Officers are responsible for:

- a) Ensuring all income is held securely
- b) Ensuring for compliance with income and banking arrangements

- specified by the Chief Finance Officer
- c) In consultation with the Chief Finance Officer reviewing prices, fees and charges, at least annually and reporting any recommended changes to the Chief Finance Officer to include in the annual budget setting report for Council decision.
- d) Reporting any suspected cases of Money Laundering to the Chief Finance Officer.

4e. 33 External Funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts. Chief Officers are responsible for providing all necessary information to enable this to be achieved.

Chief Officers are responsible for ensuring that any bids for external funding are made in consultation with the Chief Finance Officer.

Chief Officers must ensure that any project to be funded by external funding does not begin until the source of external funding is confirmed by the awarding body and approval has been obtained to include the money in the Council's budgets.,

4e. 34 Debt Collection

The Chief Finance Officer is responsible for maintaining records of debts and the preparation and implementation of the Council's debt recovery policies.

Chief Officers are responsible for:

- i. Ensuring effective systems are in place to allow sums due to the Council to be easily identified
- ii. Ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken.
- iii. Assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts on the Council's behalf as requested by the Chief Finance Officer.
- iv. Ensuring that the appropriate approval is obtained to write off debts

4e. 35 Partnerships

The Cabinet may form partnerships with other local, public, private, voluntary and community sector organisations. The Cabinet is responsible for approving any delegations of its powers, to address local needs.

The Head of Paid Service, the appropriate Chief Officer or another officer nominated by a Chief Officer may represent the Council on partnership and external bodies, in accordance with the respective decisions of the Council and the Cabinet.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct in partnerships that apply throughout the Council.

The Chief Finance Officer is responsible for:

- I. ensuring that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
- II. The overall corporate governance arrangements are equivalent to those that apply within the Council.
- III. The risks have been fully appraised before agreements are entered into with external bodies.

Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

4f Contract procedure rules

- 4f. 1** These Contract Procedure Rules establish the legal framework applicable to the purchase of all goods & services or construction works by the Council. These Procedure Rules should be seen as setting minimum requirements and standards and apply to all councillors and officers. Where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The Contract Procedure Rules should be used in conjunction with the Horsham Procurement Code.
- 4f. 2** These Contract Procedure Rules are made pursuant to the Local Government Act 1972. Nothing in these Contract Procedure Rules will prejudice the validity of any actions taken under any previous iteration.
- 4f. 3** Subject to paragraph 4f. 5 every contract made by or on behalf of the Council including its Cabinet and Cabinet Members will comply with:-
- a) these Contract Procedure Rules;
 - b) the Horsham Procurement Code;
 - c) the Council's Financial Procedure Rules;
 - d) all relevant statutory provisions
 - e) European Union treaties and European Council directives;
 - f) the rules on State Aid;
 - g) any direction by the Council, the Cabinet, a Cabinet Member or Committee if they have the delegation do to so laid out in part three of this constitution.
- 4f. 4** These Contract Procedure Rules **will not** apply or may be varied where:
- a) statute or subordinate legislation prescribes otherwise.
 - b) in accordance with the Horsham Procurement Code, the reasons for not complying with Contract Procedure Rules have been recorded in a Procurement Exemption Form and approved in accordance with the sub-clauses below:-
 - i. for contracts below £100,000; by the relevant Head of Service, the Monitoring Officer and the Chief Finance Officer.
 - ii. for contracts of £100,000 and above; by the relevant Head of Service, the Monitoring Officer and the Chief Finance Officer in consultation with the relevant Cabinet Member;
- Upon approval, a copy of the electronic Exemption Form should be emailed to the relevant Head of Service and the Procurement Team who will retain a record of the Form.
- 4f. 5** No exemption or variation to Contract Procedure Rules can be made if the EU Procedure applies.

- 4f. 6** The estimated value of a contract for the purposes of these Contract Procedure

Rules will be as detailed in the Horsham Procurement Code.

- 4f. 7** Contract letting and award should be managed using the Council's normal project management principles.

Authority to enter into contracts

- 4f. 8** Chief Officers and Heads of Service have authority to accept tenders and enter into contracts to a total value of under £100,000.
- 4f. 9** Individual Cabinet Members can authorise the acceptance of tenders and the enter into contracts with a value between £100,000 and the key decision threshold.
- 4f.10** The Cabinet can authorise the acceptance of tenders and the conclusion of contracts with a value at and above the key decision threshold.
- 4f. 11** The authority to accept tenders and enter into contracts will be documented as appropriate. Key and non-key decisions must be recorded on the report template.

4f. 11 Contracts below £20,000

- 4f. 13** Where the estimated value or the amount of a proposed contract is below £20,000 and provision has been made in the Council's annual budget for such expenditure, the Head of Service concerned will have the authority to enter into any such contract provided they are satisfied that the Council is receiving value for money.
- 4f. 14** The Council will evaluate such contracts on the basis of the offer which offers the Council value for money.

Contract value of £20,000 and above and below £50,000 for goods and services or below £100,000 for works

- 4f. 15** For such contracts the relevant Head of Service must seek a minimum of three (3) written quotations in accordance with the provisions detailed in the Horsham Procurement Code.
- 4f. 16** The Council will evaluate contracts on the basis of the offer which offers the Council value for money.

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Contracts value of £50,000 and above for goods and services or £100,000 and above for works

- 4f. 17** The relevant Head of Service must follow a formal tender and contract award procedure in accordance with the provisions in the Horsham Procurement Code and where applicable the Public Contract Regulations 2015. All tenders of this value must be undertaken electronically using the Council's e-tendering portal.
- 4f. 18** The Council will evaluate contracts on the basis of the offer which offers the Council value for money.

Use of framework agreements

- 4f. 19** A Framework Agreement is a contract that has been officially tendered for by another local authority, public sector organisation, Purchasing Consortium, or central Government. The contract is awarded to one or more suppliers, and has provision for other named public sector bodies to use the contract without having to undertake their own tender process so long as these public bodies have been clearly identified in such publicity (advertising) that may be pertinent to a particular procurement exercise which led to the creation of the Framework Agreement.
- 4f. 20** The use of Framework Agreements is permitted for any value of contract but caution must be taken as the rules governing which bodies can use them, and the process for accessing them will vary from one Framework Agreement to another.

Contract formalities

- 4f. 21** All contracts must be concluded before the supply, service or construction work begins, except in exceptional circumstances only with the prior written consent of the Monitoring Officer and the Chief Finance Officer.
- 4f. 22** Every contract will be in a format as approved by the Monitoring Officer and defined in the Horsham Procurement Code.
- 4f. 23** Subject to paragraphs 4f 17 - 19 every contract of £50,000 and above not required or intended to be made under seal will be signed on behalf of the Council by two officers of the Council. These persons being the Monitoring Officer or their designated Deputy and one of the following: any Chief Officer or their designated deputy.
- 4f. 24** Every contract which is a lease, finance or lease purchase agreement will be signed by both the Monitoring Officer and the Chief Finance Officer or their designated deputy.
- 4f. 25** Every contract required or intended to be made under seal will be sealed on behalf of the Council by the Head of Paid Service, any Chief Officer, the Monitoring Officer or their designated deputies.
- 4f. 26** Every contract document will bear its original date and not that ascribed by automatic updating means.

Contract management

- 4f. 27** No contract will commence unless and until the procurement exercise and contract documents have been completed in accordance with these Contract Procedure Rules and the Council's Financial Procedure Rules.
- 4f. 28** All contracts will be managed in accordance with the Council's contract management guidance.

Contracts register

- 4f. 29** Immediately upon completion of every procurement exercise of £5,000 and above, the relevant Head of Service will complete and submit the Contracts Register e-form with the required details of the contract for publication in the Council's Contracts Register.

Community right to challenge

- 4f. 30** Receipt of an expression of interest in accordance with the Community Right to Challenge provisions must be considered by the Chief Finance Officer in accordance with the procedure detailed in the Horsham Procurement Code.
- 4f. 31** Any procurement exercise commencing as a result of a successful expression of interest or contract entered into as a 'Community Right to Challenge' will be undertaken or completed in accordance with the provisions detailed in these Contract Procedure Rules.

4g Access to information procedure rules

4g. 1 Scope

Subject to paragraph 4g. 2 below, these rules apply to all meetings of the Council, the Cabinet, the Overview and Scrutiny Committee and its Sub-Committees, the Standards Committee and Regulatory Committees (including the Audit Committee and Governance Committee) only (together called meetings).

Where the Standards Committee is convened to consider or review, as the case may be, an allegation that a Member has contravened the Council's Code of Conduct for Members, the provisions set out in the Standards Committee's Procedure for Local Assessment of Complaints will apply and the meeting and papers will not be open to the public

4g. 2 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 2018.

4g. 3 Rights to attend meetings

- a) Members of the public may attend all meetings subject only to the exceptions in these Rules.
- b) If a member of the public or press interrupts the proceedings at any meeting the Chairman may warn him. If he continues the interruption and a warning has been given, the Chairman may order his removal from the meeting place.
- c) In the event of a general disturbance in any part of the meeting place open to the public, the Chairman may order that part to be cleared.
- d) If the Chairman considers the orderly dispatch of business impossible, he may without question adjourn the meeting.
- e) The above powers of the Chairman are in addition to any other power vested in him/her.

4g. 4 Notices of meeting

The Council will give at least five clear days' notice of any meeting referred to in 4g. 1 above by posting details of the meeting at its offices and on its website.

4g. 5 Access to Agenda and Reports before the meeting

The Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees will be notified of the agenda and reports presented to the Cabinet including those containing exempt and/or confidential information.

The Council will make copies of the agenda and reports open to the public available for inspection at its designated office and available on the website (if any) at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open

to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer will make each such report available to the public as soon as the report is completed and sent to Councillors.

4g. 6 Supply of Copies

The Council will make available to the public on its website the agenda and reports for the meetings specified in 1 above (save during any part of the meeting to which the public are excluded) the Council will supply to any person on payment of a charge for postage and any other costs, copies of:

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

4g. 7 Access to Minutes etc. after the meeting

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

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

4g. 8 Background Papers

List of background papers

The 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 Rule), and in respect of executive reports, the advice of a political assistant if any.

4g. 9 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

4g.10 Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at the Council's offices and on its website.

Exclusion of Access of the Public to Meetings

4g. 11 Confidential information – requirement to exclude public

The public must be excluded from meetings or parts of 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.

4g. 12 Exempt information – discretion to exclude public

The public may be excluded from meetings or parts of 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. Such a decision to exclude the public is to be made by resolution of the relevant decision making body.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

4g. 13 Meaning of confidential information

Confidential information means information given to the Council by a Government Service or Agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by any enactment or Court Order. And, in either case, the reference to the obligation of confidence is to be construed accordingly.

4g. 14 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any qualification):

Category	Condition
1. Information relating to any individual.	Reports which relate to: <ul style="list-style-type: none"> • employees, a former employee, job applicants • occupiers or former occupiers of council accommodation, • applicants or recipients or former recipients of any service provided by the council • applicants or recipients or former recipients of any financial assistance provided by the council • protected informants in relation to civil matters.
2. Information which is likely to reveal the identity of an individual.	Reports where personal data could be revealed indirectly. Names, addresses or telephone numbers can identify individuals
3. Unless that information is required to be registered under: <p>(a) the Companies Acts (as defined in section 2 of the Companies Act 2006)];</p> <p>(b) the Friendly Societies Act 1974;</p> <p>(c) the Friendly Societies Act 1992;</p> <p>(d) the Industrial & Provident Societies Acts 1965 to 1978;</p> <p>(e) the Building Societies Act 1986; or</p> <p>(f) the Charities Act 2011,</p> <p>information relating to the financial or business affairs of any particular person (including the Council holding that information).</p>	Financial or business affairs are defined to include contemplated as well as past or current business activities <ul style="list-style-type: none"> • This exemption covers the financial or business affairs of the Council itself • It covers the financial or business affairs of individuals and companies, charities etc. registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act) • This covers reports about contracts and negotiations for the acquisition/disposal of property or supply of goods or services, the identity of the Council or any other person offering any particular tender for a contract for the supply of goods or services and the making of grants to external organisations
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.	Labour relations means matters which may be the subject of a trade dispute under the Trade Union and Labour Relations Act 1992, such as pay and terms and conditions of employment. Employee means a person employed under a contract of service Office holder in relation to the Council, means the holder of any paid office appointments which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	This covers legal advice given by a professional legal adviser, i.e Legal Services or external solicitors and barristers. It applies where no litigation is contemplated or pending (e.g. general advice on non-contentious matters), as well as in connection with legal proceedings by or against the Council.
6. Information which reveals that the Council 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.	The wording of this exemption covers reports about proposed action under regulatory legislation such as planning, licensing and environmental health.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The wording of this exemption covers reports about criminal investigations and prosecutions undertaken by the Council, and any actions which might be taken to prevent crime occurring. This would include information about a protected informant in relation to any criminal investigations.

4g. 15 Exclusion of access by the public to reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 11, 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. If the information is exempt information, the category of the exempt information must also be marked on the report.

The relevant body is requested in the agenda to confirm the action set out by resolution. Arrangements will be made to recall the press and public immediately should the motion to exclude not be passed. If the matter is considered in public, any related report will also become available to the public.

4g. 16 Application of Rules to the Cabinet

Rules 4g.1 - 4g.15 apply to the Cabinet and its Committees (if any). If the Cabinet meets to take a key decision then it must also comply with Rules 4g.17 – 4g.20 unless Rule 21 (general exception) or Rule 4g.22 (special urgency) apply. A key decision is as defined in Article 11 of this Constitution.

Procedure before taking Key Decisions

4g. 17 Notice of Key Decision

Subject to Rule 4g. 21 (general exception) and Rule 4g. 22 (special urgency), a key decision may not be taken unless:

- a) a notice (called here a "Forward Plan Notice of Key Decision") has been published in connection with the matter in question;
- b) at least 28 clear days have elapsed since the publication of the "Notice of Key Decision"; and
- c) the decision must be taken at a meeting of the Cabinet, and notice of the meeting has been given in accordance with Rule 4g.4 (notice of meetings).

4g. 18 Contents of Forward Plan Notice of Key Decision

The Forward Plan Notice of Key Decision will state that a key decision is to be taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function. It will describe the following particulars:

- a) the matter in respect of which the decision is to be made;
- b) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its membership;
- c) the date on which, or the period within which, the decision is to be made;
- d) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- f) that other documents relevant to those matters may be submitted to the decision maker; and
- g) the procedure for requesting details of those documents (if any) as they become available.

4g. 19 Publication of the Notice of Key Decision

The Forward Plan Notice of Key Decision must be made available on request for inspection by the public at the offices of the Council and on the Council's website.

4g. 20 The Forward Plan Notice of key decisions

The Forward Plan Notice of Key Decision and a Notice of Private Meeting of Cabinet published by the Council set out not just details of specific key decisions, but also details of

key decisions over a twelve month period including key decisions to be made by Cabinet, and 'non- key' individual Cabinet Member decisions. In this constitution, such notices are together referred to as the "Forward Plan". The Forward Plan does not have to include exempt information and should not include confidential information.

4g. 21 General Exception

If a Notice of Key Decision has not been published, then subject to Rule 22 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- b) the Chief Executive has informed the Chairman of the Overview and Scrutiny Committee, or in his absence the Vice-Chairman, in writing, or if there is no such person, each member of that committee in writing, by notice, of the matter about which the decision is to be made;
- c) the Chief Executive has made copies of that notice available to the public at the offices of the Council on the Council's website; and
- d) at least 5 clear days have elapsed since the Proper Officer complied with Rule 21 b)

As soon as reasonably practicable after the Proper Officer has complied with Rule 4g.21, he must make available at the Council's offices and publish on the Council's website the reasons why compliance with Rule 4g.17 is impractical.

4g. 22 Special Urgency

If by virtue of the date by which a key decision must be taken Rule 21 (general exception) cannot be followed, then the Key Decision can only be taken if the Proper Officer obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If the Chairman of the Overview and Scrutiny Committee is not available then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman of the Council will suffice.

As soon as reasonably practicable after the Proper Officer has obtained agreement he must make available at the Council's offices and publish on the Council's website a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

4g. 23 Report to Council

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- a) the subject of a Notice of Key Decision; or
- b) the subject of the general exception procedure; or
- c) the subject of an agreement with the Chairman of the Overview and Scrutiny

Committee, or the Chairman or Vice Chairman of the Council under Rule 4g.22;

it may require the Cabinet to submit a report to the Council within such reasonable time as the Overview and Scrutiny Committee specifies. The report must include details of the decision and the reasons for the decision, the decision maker, and the reasons, if any, for the Cabinet believing that the decision was a key decision. The power to require a report rests with the Overview and Scrutiny Committee, but is also delegated to the Monitoring Officer, who will require such a report on behalf of the Committee when so requested by the Chairman of the Overview and Scrutiny Committee or any five Members of the Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

4g. 24 Cabinet's report to Council

Following receipt of a requisition under rule 4g. 23, the Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual Member or body making the decision, and Leader of the Council is of the opinion that it was not a key decision the reasons for that opinion.

4g. 25 Quarterly reports on special urgency decisions

In any event the Leader of the Council will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 22 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken

4g. 26 Record of Decisions

After any meeting of the Cabinet or any of its Committees, whether held in public or in private, the Monitoring Officer or, where no Officer was present, the person presiding at the meeting, will produce a written record of every decision taken at that meeting within 2 working days. The record will include:

- a) a record of the decision including the date it was made and the date by which any 'call-in' provision elapse
- b) a record of the reason for the decision;
- c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- e) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.

4g. 27 Meetings of the Cabinet to be held in public

Meetings of the Cabinet and its committees will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used

to exclude a Member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part or parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

4g. 28 Notice of Private Meetings of the Cabinet

Members of the Cabinet or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

- a) At least 28 clear days before a private meeting, the decision-making body must:-
 - I. make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and
 - II. publish that notice on the Council's website.
- b) At least five clear days before a private meeting, the decision-making body must:-
 - I. make available at the offices of the Council a further notice of its intention to hold the meeting in private; and
 - II. publish that notice on the Council's website.
- c) A notice under paragraph 4g. 27 must include:-
 - I. a statement of the reasons for the meeting to be held in private
 - II. details of any representations received by the decision-making body about why the meeting should be open to the public; and
 - III. a statement of its response to any such representations.
- d) Where the date by which a meeting must be held makes compliance with Rule 4g.27(b) impractical, the meeting may only be held in private where the decision-making body has obtained agreement from:-
 - I. the Chairman of the Overview and Scrutiny Committee; or
 - II. if there is no such person, or if the Chairman of the relevant overview and scrutiny committee is unable to act, the Chairman of the Council; or
 - III. where there is no Chairman of either the relevant overview and scrutiny committee or of the Council, the Vice Chairman of the Council,that the meeting is urgent and cannot reasonably be deferred
- e) As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph to hold a private meeting, it must
 - I. make available at the office of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
 - II. publish that notice on the Council's website.

4g. 29 Recording of Decisions and Delegations

- a) Key decisions will be recorded by the Cabinet report and a decision notice will be published on the Council's website in accordance with the Access to Information Procedure Rules.
- b) Non-key decisions will be recorded on the report template and decision notice issued by the Monitoring Officer and will be published on the Council's website in accordance with the Access to Information Procedure Rules.
- c) Any decision made by an Officer which would normally be taken by a Council body, or a Committee or Sub-committee but has been delegated to an Officer under a specific express delegation must be recorded on the report template and decision notice issued by the Monitoring Officer and will be published on the Council's website in accordance with the Access to Information Procedure Rules
- d) A written record must be retained of all operational and administrative decisions made by Officers within each service area, including those made under the general delegations set out in this constitution.
- e) Each service area must keep a record of all delegations that apply to that service area.

4h Officer employment procedure rules

4h. 1 Recruitment and appointment

a) Declarations

The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or senior officer of the Council; or the partner of such persons. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him.

b) Seeking support for appointment

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council.
- (iii) Nothing in paragraphs (i) and (ii) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

4h. 2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

- a) draw up a statement specifying:
 - i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

4h. 3 Appointment of Head of Paid Service and other statutory officers

The Full Council will approve the appointment of the Chief Executive and Head of Paid Service, the Monitoring Officer and the Chief of Finance Officer (Section 151 Officer) following the recommendation of such appointments by the Employment Committee.

4h. 4 Appointment of Directors

The Employment Committee will appoint Directors.

4h. 5 Other appointments

Appointment of officers below Director level is the responsibility of the Head of Paid Service

or his nominee, and may not be made by Councillors.

4h. 6 Disciplinary action

- a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay.
- b) Dismissal. The Head of Paid Service, the Chief Finance Officer or the Monitoring Officer (a 'relevant officer') may not be dismissed by the Council unless the procedure set out in Schedule 3 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, as enabled here, be complied with.
- c) Dismissal of a relevant officer is a function of Full Council following consideration of the advice, views or recommendation of a Panel appointed for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council.
- d) The Panel referred to in c) will be formed of the Employment Committee (Article 8) and two independent persons appointed under section 28 (7) of the Localism Act 2011
- e) The Council must invite to the Panel such relevant Independent Persons in accordance with the following priority order
 - I. a relevant independent person who has been appointed by the Council and who is a local government elector in the Horsham District;
 - II. any other relevant independent person who has been appointed by the Council in the Horsham District;
 - a relevant independent person who has been appointed by another Council
- f) Should any Panel be required to be formed, the Council must form the Panel at least 20 working days before Full Council holds its meeting at which Full Council takes a vote on whether or not to approve dismissal, taking into account, in particular:
 - I. any advice, views or recommendations of the Panel
 - II. the conclusions of any investigation into the proposed dismissal; and
 - III. any representations from the relevant officer
- g) Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration allowances or fees payable to that independent person in respect of that person's role as independent under the 2011 Act.

4h. 7 Dismissal

Councillors will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

SECTION 4i – VIRTUAL MEETING PROCEDURE RULES

To be read in conjunction with Sections 4a to 4h and 4j at Part 4 of the Council’s Constitution

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1. Introduction

- 1.1** New meetings arrangements are in place for the period 4 April to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to allow formal, virtual meetings.

2 Interpretation

- 2.1** These Procedure Rules clarify the Council's temporary legal powers to hold meetings via telephone audio conference, video conference or other electronic means to avoid convening public gathering during the public health emergency. In any instance where these Procedure Rules conflict with other Procedure Rules or other sections of the Constitution, these Procedure Rules prevail until 7 May 2021.

3 Notice of Meetings

- 3.1** The Chief Executive (and Directors if the Chief Executive is not available) may cancel and call meetings of Council and meetings of nonexecutive committees and sub-committees in consultation with the Council Leader, including cancelling meetings where there would be insufficient business for a meeting to take place.

4 Attendance

- 4.1** All references to Members being 'present' at a meeting include participating through virtual methods, including audio conferencing or video conferencing.
- 4.2** All references to Members 'attending' a meeting include participating through virtual methods, including audio conferencing or video conferencing.
- 4.3** To qualify as a formal, virtual meeting, Members must be able to hear and (where practicable) see and be heard and (where practicable) be seen by other Members in attendance at the meeting. All other members of the public must as a minimum be able to hear and (where practicable see) the meeting.
- 4.4** All references to meeting locations include an entirely virtual meeting by audio conference or video conference with no published fixed location.
- 4.5** These rules suspend the six-month rule in relation to Members attending meetings of the Council and the Committees on which they serve, pursuant to Section 85 (1) of the Local Government Act 1972 as approved at Council Meeting on 22nd April 2020.

5 Public Access

- 5.1** All formal meetings will be accessible to the public through live webcasting of the audio or video content, except where exempt or confidential items are being discussed.

6 Communications

- 6.1** All references to 'writing' can include by email, instant message or other electronic methods of communication.

7 Access to documents

- 7.1** All references to the 'supply' of documents or 'inspection' of documents at the 'council offices' will be via electronic methods such as on the Council's website in the first instance, or via email where permissible. Where practicable, hard copies of documents by post may be available on request for those who do not have internet provision.

8 Conduct of meetings

- 8.1** The Chairman of a virtual meeting will manage the meeting with clear instructions and requests to participants. The Chairman or Democratic Services Officer will introduce or ask each participant to identify themselves at the start of the meeting. Members will request to speak via electronic means.
- 8.2** Council Procedure rule 4a.28 will apply to all virtual meetings which confirms that speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes in length without the consent of the Chairman.
- 8.3** If the Chairman speaks, any other Members shall stop speaking and will await instruction from the Chairman.
- 8.4** If a Member is asked to stop speaking and to no longer be heard in accordance with Procedure Rule 4a.34 the Chairman will stop all other speakers until that speaker has agreed to stop speaking or leaves the virtual meeting.
- 8.5** Requests to raise points of order or points of personal explanation as provided for in Procedure Rule 4a.28 must be communicated to the Chairman and must be allowed as soon as practicable.

9 Interests

- 9.1** Members will have regard to the Code of Conduct in any meeting. If a Member has a pecuniary or prejudicial interest in an item, they must leave the virtual meeting for the duration of that item, after which they will be invited to re-join the meeting.

10 Voting

- 10.1** At a virtual meeting, all votes called in accordance with Procedure Rule 4a.31 will

be taken by the officer or a Chairman calling each member in turn to cast their vote verbally, or by electronic methods, and the Chairman will read out the result when it has been collated.

11 Questions by the Public

- 11.1** Procedure Rules 4b11 and 4j.1 will continue to apply. These allow questions to be asked in person but are replaced with any questions submitted being read out by the Chairman or Democratic Services Manager at the relevant point in the meeting. The Chairman has the discretion to allow the member of the public to join the virtual meeting if requested. Questions will need to be sent in to Democratic Services no later than 2 clear days prior to the day of meeting. Responses will continue to be provided to questioners in line with the existing Procedure Rules.
- 11.2** As this provision removes the questioner's right to a supplementary question at the meeting, such a question can be submitted to the Leader or relevant Cabinet Member for written response within 5 working days of the meeting.

12 Public Speaking at Planning Committee

- 12.1** The number and order of speakers confirmed at Public Speaking Rule 4j.19 will continue to apply. However, the provisions to speak in person can be replaced with written statements not exceeding 2 minutes which will then be read out by the Chairman or Democratic Services Officer at the relevant point in the meeting. Or video / audio recorded statements not exceeding 2 minutes to be played at the relevant part of the meeting. Or the member of the public will be provided a link to join the meeting remotely and make their statement, not exceeding 2 minutes, in person at the relevant part of the meeting. All requests to speak will need to be submitted 2 clear days prior to the start of the meeting.
- 12.2** The same applies for Parish and Neighbourhood Councils but statements are limited to 5 minutes.
- 12.3** The Protocol for Council Meetings Held Remotely by Electronic Means can be found [here](#)

4j Public Speaking at Meetings procedure rules

4j 1 Council meetings

4j 1.1 General

- a) Members of the public may ask questions of Members of the Cabinet or Committee Chairmen at ordinary meetings of the Council, **in relation to matters which in the opinion of the Chairman of the Council** the Council has responsibility for and/or which specifically affect the District.
- b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Chairman's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.
- c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 1.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4j 1.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 noon **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 1.4 Number of questions

At any meeting no person may submit more than **one question** and no more than one question may be asked on behalf of an organisation.

4j 1.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months;
- d) requires the disclosure of confidential or exempt information; or
- e) in the opinion of the Head of Paid Service, relates to personal and/or inappropriate matters of the speaker.

4j 1.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4j 1.7 Asking the question at the meeting

The Chairman will invite the questioner (**who must be present**) to put the question, as submitted, to the Councillor named in the notice.

4j 1.8 Response to the question

The Member responding to a question may speak for no longer than two minutes unless the Chairman consents to a longer period.

4j 1.9 Supplementary question

A speaker who has put a question may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The speaker will be limited to one minute in which to ask their question. The Chairman may reject a supplementary question on any of the grounds set out in 4j 1.5 above.

4j 1.10 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.
- b) Any supplementary question which cannot be answered during the public question time, either because of lack of time, or the Member not having the knowledge or access to the information at the time, will be dealt with by a written answer.
- c) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 1.11 Reference of question to the Cabinet or a committee

Any Member may move that a matter raised by a question or supplementary question be referred to the Cabinet or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

4j 1.12 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 1.13 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

4j 2 Extraordinary Council meetings

4j 2.1 General

- a) Members of the public may ask questions of Members of the Cabinet or Committee Chairmen at extraordinary meetings of the Council, **in relation to matters which in the opinion of the Chairman of the Council are relevant to the business of the meeting.**
- b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Chairman's discretion, there will be an overall limit of 20 minutes for public questions, or a total of six questions, whichever is the greater.
- c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 2.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

4j 2.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 noon **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 2.4 Number of questions

At any meeting no person may submit more than **one question** and no more than one question may be asked on behalf of an organisation.

4j 2.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or

- d) requires the disclosure of confidential or exempt information.

4j 2.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

4j 2.7 Asking the question at the meeting

The Chairman will invite the questioner (**who must be present**) to put the question, as submitted, to the Councillor named in the notice.

4j 2.8 Response to the question

The Member responding to a question may speak for no longer than two minutes unless the Chairman consents to a longer period.

4j 2.9 Supplementary question

A speaker who has put a question may not ask a supplementary question at an extraordinary meeting of the Council.

4j 2.10 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.
- b) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 2.11 Reference of question to the Cabinet or a committee

Any Member 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.

4j 2.12 Statements and supplementary questions

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements or ask supplementary questions.

4j 2.13 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

4j 3 Committee meetings

4j 3.1 Public speaking on agenda items

- a) Parish and Neighbourhood Councils, and members of the public may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman. Each speaker will be limited to two minutes in which to make representations. Unless the Chairman specifies otherwise, the total time for such representations by members of the public will not exceed 12 minutes in respect of each item.
- b) Speakers must give notice by not later than noon **two working days before the date of the meeting** of their intention to speak (email: committeeservices@horsham.gov.uk).
- c) Where the item concerns a planning or licensing application, the above rules will be altered to the following: Parish or Neighbourhood Councils will be limited to five minutes each. Objectors will have two minutes each subject to an overall limit of six minutes. Applicants, Agents and supporters will have two minutes each subject to an overall limit of six minutes.

4j 4 Cabinet meetings

4j 4.1 General

- a) Members of the public may ask questions of Members of the Cabinet **in relation to matters which in the opinion of the Leader** the Council has responsibility for and/or which specifically affect the District.
- b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Leader's discretion, there will be an overall limit of 15 minutes for public questions, or a total of six questions, whichever is the greater.
- c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 4.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

4j 4.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 pm **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 4.4 Number of questions

At any meeting **no person may submit more than one question** and no more than one question may be asked on behalf of an organisation.

4j 4.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months;
- d) requires the disclosure of confidential or exempt information; or
- e) in the opinion of the Head of Paid Service, relates to personal and/or inappropriate matters of the speaker.

4j 4.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Cabinet Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be made available to all those attending the meeting.

4j 4.7 Asking the question at the meeting

The Leader will invite the questioner (**who must be present**) to put the question, as submitted, to the Cabinet Member named in the notice.

4j 4.8 Supplementary question

A speaker who has put a question may also put one supplementary question without notice to the Cabinet Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The speaker will be limited to one minute in which to ask their question. The Leader may reject a supplementary question on any of the grounds set out in 4j 4.5 above.

4j 4.9 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.
- b) Any supplementary question which cannot be answered during the public question time either due to lack of time, or the Member not having the knowledge or access to the information at the time, will be dealt with by written answer.
- c) As deemed appropriate, in the absolute discretion of the person responding,

answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 4.10 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 4.11 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

4j 5 Special Cabinet meetings

4j 5.1 General

- a) Members of the public may ask questions of Members of the Cabinet **in relation to matters which in the opinion of the Leader** are relevant to the business of the meeting.
- b) Each speaker will be limited to two minutes in which to ask their question. Subject to the Leader's discretion, there will be an overall limit of 20 minutes for public questions, or a total of six questions, whichever is the greater.
- c) Questions can only be asked by residents of Horsham District who are identified as such from the voters list, or from anyone who satisfies the Monitoring Officer that they work wholly or in substantial part in Horsham District.

4j 5.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Leader may group together similar questions.

4j 5.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than 12.00 pm **three working days before the day of the meeting** (email: committeeservices@horsham.gov.uk). **Each question must give the name and address of the questioner.**

4j 5.4 Number of questions

At any meeting **no person may submit more than one question** and no more than one question may be asked on behalf of an organisation.

4j 5.5 Scope of questions

The Head of Paid Service may reject a question if it:

- a) is not about a matter for which the Council has a responsibility or which affects the District;
- b) is defamatory, frivolous or offensive;
- c) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a meeting or special meeting of the Cabinet in the past six months; or
- d) requires the disclosure of confidential or exempt information.

4j 5.6 Record of questions

The Head of Paid Service will immediately send a copy of the question to the Cabinet Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be made available to all those attending the meeting.

4j 5.7 Asking the question at the meeting

The Leader will invite the questioner (**who must be present**) to put the question, as submitted, to the Cabinet Member named in the notice.

4j 5.8 Supplementary question

A speaker who has put a question may not ask a supplementary question at a special meeting of the Cabinet.

4j 5.9 Written answers

- a) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Cabinet Member to whom it was to be put, will be dealt with by a written answer.
- b) As deemed appropriate, in the absolute discretion of the person responding, answers may be given either orally or else in writing, within three working days of the relevant meeting.

4j 5.10 Statements

Members of the public may ask questions in accordance with the rules contained in this procedure rule and are not entitled to make any statements.

4j 5.11 Conflicting provisions

The provisions contained in this procedure rule shall prevail in the event there is a conflict with other provisions contained in the constitution.

Part five

Protocols and codes

Part 5a - Councillor Code of Conduct

(adopted April 2021, with minor updates December 2021)

Joint statement

The role of Councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as Councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as individual Councillors affects the reputation of all Councillors.

We want the role of Councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Councillors.

As Councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

LGA Guidance on the Councillor Code of Conduct available [via this link](#)

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and Councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local Councils can offer advice and support to Town and Parish Councils.

Definitions

For the purposes of this Code of Conduct, a “Councillor” means a Member or co-opted Member of a Local Authority or a directly elected Mayor. A “co-opted Member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a Member of the authority but who

- a) is a Member of any committee or sub-committee of the authority, or;
- b) is a Member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” covers county councils, district councils, London borough councils, parish councils, town councils, neighbourhood councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, Local Authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of Councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors and Local Authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my Local Authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted Member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a Councillor and/or as a representative of your Council
- you are claiming to act as a Councillor and/or as a representative of your council
- you are giving the impression that you are acting as a Councillor and/or as a representative of your Council
- you refer publicly to your role as a Councillor or use knowledge you could only obtain in your role as a Councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings

- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and Parish Councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat Local Authority employees, employees and representatives of partner organisations and those volunteering for the Local Authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Local Authority,

(you can contact the Monitoring Officer or Standards Team) and/or the relevant social media provider or the police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and Local Authority employees, where concerns should be raised in line with the Local

Authority's Councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equality and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the Local Authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the Local Authority.

Officers work for the Local Authority as a whole and must be politically neutral (unless

they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
 - i. I have received the consent of a person authorised to give it;
 - ii. I am required by law to do so;
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv. the disclosure is:
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the Local Authority; and
 3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Local Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or Local Authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or your Local Authority and may lower the public's confidence in you or your Local Authority's ability to discharge your/ its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Local Authority into disrepute.

You are able to hold the Local Authority and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a Member of the Local Authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Local Authority resources and facilities

As a Councillor:

7.1 I do not misuse Council resources.

7.2 I will, when using the resources of the Local Authority or authorising their use by others:

- a. act in accordance with the Local Authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Local Authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the Local Authority to assist you in carrying out your duties as a Councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Local Authority buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Local Authority's own policies regarding their use.

8. *Complying with the Code of Conduct*

As a Councillor:

8.1 I undertake Code of Conduct training provided by my Local Authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Local Authority or its governance. If you do not understand or are concerned about the Local Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the Local Authority

9. *Interests*

As a Councillor:

9.1 I register and declare my interests.

You need to register your interests so that the public, Local Authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in

doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of value, which could give rise to a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the Local Authority or from persons who may apply to the Local Authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the Local Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Councillor. If you are unsure, do contact your Monitoring Officer for guidance.

5a Appendices to Councillor Code of Conduct

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

5a Councillor Code of Conduct - Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the Local Authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Councillor/Member or co-opted Member, or a person connected with the Member or co-opted Member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where the matter (referred to in paragraph 8 above) affects the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to declare the nature of the interest.

10. [Where you have an Other Registrable Interest or Non-Registrable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the Council.</p> <p>(a) 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>

Corporate tenancies	Any tenancy where (to the Councillor's knowledge)— (a) the landlord is the Council; and the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial (b) interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registerable Interests

You must register as an Other Registerable interest:

A: Any unpaid Directorships	
B: Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
C: Any Body -	(i) exercising functions of a public nature; (ii) directed to charitable purposes; or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

5a Councillor Code of Conduct Appendix C

The Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a

formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a Local Authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A Local Authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a Parish Councillor towards a clerk should be made by the chair or by the Parish Council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to Parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A Local Authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

5b Code of conduct for Council employees

- 5b. 1 The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This Code is produced in the light of the challenges that officers face in the new and more commercially oriented environment, including the use of various approaches to service delivery (commissioning). The Code applies to all Horsham District Council employees, temporary staff, consultants, contractors and partner representatives and anyone working on behalf of the Council (or individual service areas) in either a paid or voluntary basis.
- 5b. 2 Officers are expected to give the highest possible standard of service to the public, and to provide appropriate advice to Councillors and fellow employees with impartiality. Officers will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Officers must report to the appropriate manager any impropriety or breach of procedure. Officers should refer to the Confidential Reporting Code (Whistle-Blowing Policy) for information about reporting breaches of policy & procedure.
- 5b. 3 The Committee on Standards in Public Life promote The Seven Principles of Public Life. The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Disclosure of information / confidentiality

- 5b. 4 It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Council itself may decide to open other types of information. Officers must be aware of which information within the Council is open and which is not, and act accordingly.
- 5b. 5 Officers will, from time to time, be dealing with confidential matters. It is usually evident whether information is confidential or not. They should not use any information obtained in the course of their employment for personal gain or benefit, nor should pass it on to others unless required to do so by law or as directed by the appropriate manager. Any particular information received by an officer from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged by them without the prior approval of that Councillor, except where such disclosure is required or sanctioned by the law.
- 5b. 6 Staffing, employment and organisational change issues relate to the internal operation and management of the Council. These are confidential and there are existing policies and procedures to ensure that staff and their Trade Union representatives are consulted and engaged in dialogue on employment and

organisational change issues. Speaking in public is not part of the procedure – this includes public meetings of the Council or its committees.

- 5b. 7 Similarly, discussion of employment matters outside the Council, for example press, social media, etc, is not part of the agreed procedure and policies.
- 5b. 8 A Media Protocol identifies which officers will speak directly to the press.

Political neutrality

- 5b. 9 Officers serve the Council as a whole. It follows that they must serve all Councillors and not just those of any particular political group and must ensure that the individual rights of all Councillors are respected. Officers must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Relationships

Councillors

- 5b. 10 Officers are responsible to the Council directly through their line manager. For some, their role is to give advice to Councillors and senior managers and all are there to carry out the Council's work. Mutual respect between officers and Councillors is essential to good local government. Close personal familiarity between officers and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

The Local Community and Service Users

- 5b. 11 Officers should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

Contractors

- 5b. 12 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded in accordance with the Council's Constitution, Contract Procedure Rules, and Procurement Code on merit, by fair and genuine competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community will be discriminated against.
- 5b. 13 If officers engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, they will declare that relationship to the appropriate manager.

Inter Staff Relationships

- 5b. 14 Officers should be mindful of how personal relationships with colleagues might be perceived by fellow workers, Members and third parties. Any potential conflicts of interest should be reported to the appropriate manager and officers should take the necessary steps to ensure that the personal relationship does not affect their duties and responsibilities.

Appointment and other employment matters

- 5b. 15 If officers are involved in appointments they should ensure that these are made on the basis of merit. It would be unlawful for an officer to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, officers should not be involved in an appointment where they are related to an applicant, or have a close personal or business relationship outside work with him or her.
- 5b. 16 Similarly, officers should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, or very close friend.

Outside commitments / other employment

- 5b. 17 Officers have conditions of service which require them to obtain written consent to undertake any outside employment. They should be clear about their contractual obligations and will not take outside employment which conflicts with the Council's interests.
- 5b. 18 Any consent would normally take into account the additional time demands on their role with the Council and the potential for disruption or negative impact on their employment with the Council.
- 5b. 19 Officers should follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

Personal interests

- 5b. 20 Officers must declare to the appropriate manager, any nonfinancial interests that could conflict with the Council's interests (see paragraphs. 5b. 41 and 5b. 43).
- 5b. 21 Officers must declare to the appropriate manager any financial interests which could conflict with the Council's interests (see paragraphs. 5b. 41 and 5b. 43).
- 5b. 22 Officers must declare to the appropriate manager any personal interests that could conflict with the Council's interests, (e.g., involvement with an organisation receiving grant aid from the Council, membership of another public body, involvement with an organisation or pressure group which may seek to influence the Council's policies, and membership of any organisation not open to the public without formal membership and commitment of allegiance and which has

secrecy about rules or membership or conduct) (see paragraphs. 5b. 41 and 5b. 43).

Equality issues

- 5b. 23 Officers should ensure that policies relating to equality issues as agreed by the Cabinet are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness.

Separation of roles during tendering (procurement code)

- 5b. 24 If Officers are involved in the tendering process and dealing with contractors they should be clear on the separation of client and contractor roles within the Council, where this applies. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 5b. 25 If officers are in contractor or client units they must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 5b. 26 If officers are privy to confidential information on tenders or costs for either internal bidders or external contractors they should not disclose that information to any unauthorised party or organisation.
- 5b. 27 If officers are contemplating a management buy out (or other internal transfer service arrangements) they should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 5b. 28 Officers should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Corruption

- 5b. 29 Officers must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. If an allegation is made it is for them to demonstrate that any such rewards have not been corruptly obtained.

Use of financial resources

- 5b. 30 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

Hospitality and gifts

- 5b. 31 **Officers** should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. It should be properly authorised by the appropriate manager and recorded in the registers provided (see paragraphs. 5b. 41 and 5b. 43)
- 5b. 32 Acceptance of moderate hospitality (e.g. a working lunch of a modest standard) is likely to be acceptable, but it is important to avoid any suggestion of improper influence. Any officer unclear about this should contact the appropriate manager. When hospitality has to be declined the officer should courteously but firmly informed of the procedures and standards operating within the Council.
- 5b. 33 It is possible that in the course of their duties officers might be offered gifts. The acceptance of such gifts by Council employees can easily lead to accusations of corruption. The general rule is that officers should refuse tactfully all offers of gifts from anyone who might provide work, goods or services to the Council or need some decision from the Council. The only exceptions are small gifts of a promotional nature given to a wide range of people, such as calendars, pens, diaries and minor articles of a similar nature for office use.
- 5b. 34 When receiving authorised hospitality officers should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 5b. 35 Acceptance by officers of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where it is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, They should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

Sponsorship giving and receiving

- 5b. 36 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 5b. 37 Where the Council wishes to sponsor an event or service neither officers nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, officers should ensure that impartial advice is given and that there is no conflict of interest involved.

Failure to comply with the code

- 5b. 38 Breaches of any part of this Code of Conduct will be a disciplinary matter.
- 5b. 39 Some breaches of the Code, e.g. paragraphs 5b. 20 and 5b. 22, could lead to a finding of maladministration against the Council.
- 5b. 40 Certain breaches, e.g. paragraphs 5b. 21 and 5b. 29, could lead to criminal proceedings being brought against an officer.

Appropriate Manager

- 5b.41 In this Code where “appropriate manager” is referred to this will mean the Line Manager, except where the officer concerned is a Line Manager, in which case it will be their Director, and where the officer concerned is a Director, it will be the Chief Executive.

Notes for general guidance

- 5b. 42 Please refer to the Council’s Confidential Reporting Code which can be found at the following link.

Register of personal interests, hospitality and gifts and financial interests

- 5b. 43 The Council will hold a register for the proper recording of personal interests and of gifts and hospitality received as referred to throughout this document. These registers will be confidential but can be inspected, from time to time, by the Council’s Monitoring Officer or Chief Internal Auditor.
- 5b. 44 Officers are required to declare a pecuniary interest in any contract and the Chief Executive will keep a record with particulars of any notice given by an officer of the Council under the Local Government Act 1972 Section 117 of a pecuniary (financial) interest in a contract and the record will be open during office hours for inspection by any Member of the Council.

Planning applications

- 5b. 45 If an officer or anyone to whom they are related, has an interest in any planning application submitted to the Council they are required to disclose the fact in writing to the Head of Paid Service, with a copy to the Proper Officer, and to take no part in the consideration of any such application or in any connected processes.

5c Planning protocol

This Protocol takes into account the updated 'Seven Principles of Public Life' (the 'Nolan Principles'). These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It also takes into account the changes introduced by the Localism Act 2011 regarding codes of conduct & predetermination and the guide on 'Openness and transparency on personal interests' published by the Department for Communities and Local Government in 2013.

Introduction

The purpose of the planning system is to regulate the development and use of land in the public interest. This Protocol explains the correct conduct and procedures to be followed by Members to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. When dealing with planning matters, the role of a Member **is** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. Members are democratically accountable decision-takers who have been elected to provide and pursue policies. As such, they are entitled to be predisposed to make planning decisions in accordance with their political views and policies provided that they have considered all material considerations and have given fair consideration to relevant points raised.

When this Protocol applies

It applies to Members at all times when they are involved in the planning process. This includes when taking part in the decision making meetings of the Council, in exercising any Planning function of the Council or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It equally applies to planning enforcement matters or site specific policy issues as it does to planning applications.

If Members have any doubts about the application of this Protocol to their own circumstances, they should seek advice early from the Monitoring Officer or one of his staff and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

Members should always first comply with the rules in the Members' Code of Conduct. This includes rules on interest and Disclosable Pecuniary Interests (DPIs), other interests identified by the Council and the general rules giving effect to the seven (Nolan) principles of public life.

This Members' Planning Protocol seeks to explain and supplement the Members' Code of Conduct and the law on decision making for the purposes of planning control. Members not abiding by this Members' Planning Protocol may put the Council at risk of proceedings on the legality of the related decision or maladministration and themselves at risk of being named in a report made to the Council. If the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint could also be made to the police to consider criminal proceedings.

2. Development Proposals and Personal Interests.

A Member should:

- a) **Disclose** the existence and nature of any interest as required by the Council's Member's Code of Conduct.
- b) **Take into account** when approaching a decision that the Principle of Integrity is defined in terms that: *"Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**"*.

It is therefore advisable that Members do not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a Councillor. This would include, where they have a disclosable or other personal conflict of interest in a proposal, using their position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.

Members are not prevented from seeking to explain and justify a proposal in which they may have a conflict of interest to an appropriate officer, in person or in writing, but that their role as a Councillor may place additional limitations on them in representing the proposal in which they have a personal interest.

- c) **Notify the Monitoring Officer** where it is clear to them that they have disclosable pecuniary interest or other personal conflict of interest and note that:
 - I. where they can, they should send the notification no later than submission of that application.
 - II. the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers.
 - III. they must not get involved in the processing of the application.

3. Using Discretion in the Planning Process

(natural justice, predisposition and predetermination).

Members should:

- a) Not approach the decision with a closed mind.
- b) Be aware that in their role as elected Councillors they are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the Localism Act 2011.

- c) Keep at the front of their mind that, when they come to make the decision, they:
- I. are entitled to have and to have expressed their own views on the matter, provided they are prepared to reconsider their position in the light of all the evidence and arguments;
 - II. must keep an open mind and hear all of the evidence as well as the arguments from all sides;
 - III. are not required to cast aside views on planning policy they held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
 - IV. are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - V. are to come to a decision after giving what they feel is the right weight to those material considerations.
- d) Be aware that they can be biased where the Council is the landowner, developer or applicant if they have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through their significant personal involvement in preparing or advocating the proposal they will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).
- e) Consider themselves able to take part in the debate on a proposal when acting as part of a consultee body (where they are also a member of the parish council, for example, or both a district and county councillor), provided:
- I. the proposal does not substantially effect the well-being or financial standing of the consultee body;
 - II. they make it clear to the consultee body that:
 - III. their views are expressed on the limited information before them only;
 - IV. they must reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and they hear all of the relevant information; and
 - V. they will not in any way commit themselves as to how they or others may vote when the proposal comes before the Committee.
- f) Explain that they do not intend to speak and vote as a Member of the Committee because they will be perceived as having judged (or they reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- g) Take the opportunity to exercise their separate speaking rights as a Ward/Local Member (*where this is granted by the Council's standing orders or by the consent from the Chairman and Committee*) where they have represented their views or those of local electors and applied their discretion, but do not have a disclosable or other personal conflict of interest.

Where they do they should:

- I. advise the proper officer or Chairman that they wish to speak in this capacity before commencement of the item;
- II. remove themselves from the seating area for Members of the Committee for the duration of that item; and
- III. ensure that their actions are recorded.

4. Contact with Applicants, Developers and Objectors.

Members should:

- a) Refer those who approach them for planning, procedural or technical advice to officers.
- b) Not agree to any meeting with applicants, developers or groups of objectors where they can avoid it. Where they feel that a formal meeting would be useful in clarifying the issues, they should seek to arrange that meeting through a request to the Proper Officer to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- c) Otherwise follow the Council's rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted and;
- d) Report to the Proper Officer any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded on the planning file.

In respect of presentations by applicants/developers:

- e) Not attend a planning presentation without requesting an officer to be present.
- f) Ask relevant questions for the purposes of clarifying their understanding of the proposals.
- g) Remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate Committee of the Council.
- h) Be aware that a presentation is a form of lobbying and, whilst they may express any view on the merits or otherwise of the proposal presented, they should never state how they or other Members would intend to vote at a committee.

5. Lobbying of Councillors.

Members should:

- a)** Explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may subsequently prejudice their impartiality, and therefore their ability to participate in the Committee's decision making, to make any sort of promise to vote one way or another or such a firm point of view that it amounts to the same thing.
- b)** Remember that their overriding duty is to the whole community not just to the people in their ward and, taking account of the need to make decisions impartially, that they should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- c)** Not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible, including its addition to their register of interests where relevant.
- d)** Copy or pass on any lobbying correspondence they receive to the Proper Officer at the earliest opportunity.
- e)** Promptly refer to the Proper Officer any offers made to them of planning gain or constraint of development, through a proposed s106 Planning Obligation or otherwise.
- f)** Inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).

Members should note that, unless they have a disclosable or overriding other personal conflict of interest, they will not have fettered their discretion or breached this Planning Protocol by:

- g)** Listening to or receiving viewpoints from residents or other interested parties.
- h)** Making comments to residents, interested parties, other Members or appropriate officers (provided that they make it clear that they must keep an open mind when it comes to making the decision).
- i)** Seeking information through appropriate channels, or
- j)** Being a vehicle for the expression of opinion of others in their role as a ward Member.

6. Lobbying by Councillors.

Members should:

- a) Not become a member of or lead/represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals unless it is their intention to openly campaign on the matter and will therefore step away from the Committee when it comes to make its decision.
- b) Feel able to join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals (such as the CPRE, Ramblers Association or a local civic society), but they should normally seek to disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal.
- c) Not excessively lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- d) Not decide or discuss how to vote on any application at any political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits/Inspections.

Members should:

- a) Try to attend site visits organised by the Council where possible. Planning Officers will facilitate a site visit to sites where access is restricted.
- b) Not request a site visit unless they feel it is strictly necessary because:
 - I. particular site factors are significant in terms of the weight attached to them relative to other factors or there is difficulty in assessing them in the absence of a site inspection
 - II. there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- c) Ensure that they report back to the Committee any information gained from the site visit that they feel would benefit all Members of the Committee
- d) Ensure that they treat the site visit only as an opportunity to seek information and to observe the site.
- e) Ask officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- f) Not hear representations from any other party at the site visit, with the exception of the ward Members' comments which must focus only on site factors and site issues. Where Members are approached by the applicant or a third party, advise them that they should make representations to the

Council and direct them to or inform the officer present.

- g) Not express opinions or views on the application at the site visit.
- h) Not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - I. they feel it is essential for them to visit the site other than through attending the official site visit,
 - II. they have first spoken to an appropriate Planning Development Officer about their intention to do so and why (which will be recorded on the file) and
 - III. they can ensure they will comply with these good practice rules on site visits.

8. Public Speaking at Meetings.

Members should:

- a) Not allow members of the public to communicate with them during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking or through the Chair, as this may give the appearance of bias.
- b) Ensure that they comply with the Council's procedures in respect of public speaking.

9. Dealing with Officers.

Members should:

- a) Not put pressure on officers to put forward a particular recommendation. This does not however prevent them from asking questions or submitting their views to the appropriate officer which may be incorporated into any committee report.
- b) Recognise that officers are part of a management structure and so outside of any arranged meeting only discuss an application with a Head of Service or those officers who are authorised to deal with the proposal at a Member level.
- c) Recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its members.

10. Decision Making.

Members should:

- a) Ensure that, if they request a proposal to go before the Committee rather than be determined through officer delegation, that their planning reasons are recorded and repeated in the report to the Committee.
- b) Come to meetings with an open mind and demonstrate that they are open-minded.
- c) Comply with section 38 of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Local Development Plan unless material considerations indicate otherwise.
- d) Come to their decision only after due consideration of all of the information reasonably necessary upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, request that further information. If necessary, defer or refuse the application.
- e) Not vote on an application unless they have read and understood the relevant committee report and been present to hear the debate on it.
- f) Have noted the reasons for Committee's decision to defer any application and that this is in accordance with the Council's protocol on deferrals.
- g) Make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or to the Local Development Plan that they clearly identify and understand the material planning considerations leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that in these circumstances the Member may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training.

Members should:

- a) Not participate in decision making at meetings dealing with planning matters if they have not attended any mandatory planning training prescribed by the Council.
- b) Endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist them in carrying out their role properly and effectively.

- c) Participate in any annual review of a sample of planning decisions.

5d Protocol on Member/Officer relations

Introduction

- 5d. 1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another.

Given the variety and complexity of such relations, the Protocol does not seek to be prescriptive and it may not cover all situations. However, it does seek to provide guidance on some of the issues that most commonly arise. The approach to these issues will serve as a guide to dealing with other issues.

The Protocol is a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty. It also seeks to reflect the principles underlying the respective rules of conduct that apply to Members and Officers. Its purpose, therefore, is to enhance and maintain the integrity (real and perceived) of local government by demanding very high standards of personal conduct.

Members and Officers are servants of the public and they depend on each other in carrying out the work of the Authority. Members are responsible to the electorate and serve only so long as their term of office lasts, while Officers are responsible to the Council. Their job is to give advice to the Council, as well as to individual Members, and to carry out the Council's work under the direction and control of the Council and its various bodies.

Mutual respect between Members and Officers is essential to good local government. However, close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

The relationship has to function without compromising the ultimate responsibilities of Officers to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Officers.

Roles of Members

- 5d. 2 Members undertake many different roles. Broadly these are:
- a) Expressing political values and supporting the policies of the party or group to which they belong (if any).
 - b) Representing their ward and being advocates for the citizens who live in the area.
 - c) Involvement in active partnerships with other organisations as community leaders.
 - d) Contributing to the decisions taken in full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
 - e) Helping to develop and review policy and strategy.
 - f) Monitoring and reviewing policy implementation and service quality.

- g) Involvement in quasi-judicial work through their membership of regulatory committees.

Members may not:

- h) Instruct Officers other than through the formal decision-making process. In particular, the management of staff is a matter for senior officers and not for Members.
- i) Initiate or certify financial transactions, or enter into contracts on behalf of the Council.
- j) Bring the Council or their position as Members into disrepute or use their position improperly to gain an advantage or disadvantage for themselves or any other person.

Roles of Officers

5d. 3 Briefly, Officers have the following main roles:

- a) Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- b) Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- c) Initiating policy proposals.
- d) Implementing agreed policy.
- e) Ensuring that the Council always acts in a lawful manner.

Respect and Courtesy

5d. 4 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is important that both Members and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Officers.

Undue Pressure

It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.

In their dealings with Officers (especially junior Officers), Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

Officers serve the Council as a whole. Heads of Service have a duty to implement the properly authorised decisions of the Council and its various bodies. Other Officers work to the instructions of their senior Officers, not individual Members. It follows that, whilst such 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 manager. Members should approach the appropriate Head of Service in the first instance with respect to controversial or corporate issues.

A Member should not apply undue pressure on an Officer either to do anything

that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers. *(The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's Confidential Reporting Code).*

Familiarity

Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

Such familiarity could also cause embarrassment to other Members and/or other Officers and even give rise to suspicions of favouritism. For these reasons close personal familiarity must be avoided.

Breach of Protocol

If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Officer's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the Officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Officer if the circumstances warrant it.

If an Officer considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

Provision of Advice and Information to Members

- 5d. 5 Members are free to approach Officers of the Council to provide Members with information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

Officers should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed (i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 5

working days of the receipt of the enquiry).

The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.

The Access to Information Procedure Rules of the Constitution explain the position with regard to access to papers relating to the business of a Council body.

The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.

The information sought by a Member should only be provided by the respective service as long as it is within the limits of the service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.

It is important for services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that they represent. Local Members should be informed about proposals that affect their ward and should also be invited to attend Council initiated events within their ward.

If a Member asks for specific information relating to the work of a particular service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chairman concerned should be advised about the information provided.

Officers have to advise Members from time to time that a certain course of action cannot be carried out. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Officers are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Head of Legal and Democratic Services and Monitoring Officer will be able to advise on whether any request would fall within the Freedom of Information Act.

Confidentiality

- 5d. 6 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:-
- a) he/she has the consent of a person authorised to give it;
 - b) he/she is required by law to do so;
 - c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - d) the disclosure is –
reasonable and in the public interest; and
made in good faith and in compliance with the reasonable requirements of the authority.

Confidential Council/Cabinet/Committee papers are to be treated as confidential information unless the relevant body resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the body. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

Information and correspondence about an individual's private or business affairs will normally be confidential.

Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.

If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that officer.

Provision of Support Services to Members

- 5d. 7 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

Correspondence

Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Officers provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director, Head of Service or the Head of Customer and Digital Services.

Officers must ensure that all enquiries from the media are directed in the first instance to the Head of Customer and Digital Services.

Officers should keep Members informed of press matters relating to their ward or their specific areas of responsibility. In particular, the Leader, the appropriate Cabinet Member and/or committee Chairman must be advised if the Council has been contacted by the media on a high profile issue.

If a Member contacts or is contacted by the media on an issue, he or she should:

- a) Indicate in what capacity he or she is speaking (e.g. in a personal capacity, as a Local Member, as a Cabinet Member, as a chairman or on behalf of a party political group).
- b) Be sure of the facts of the matter.
- c) Seek assistance from the Head of Customer and Digital Services and/or the appropriate Officer(s), but not in relation to a statement which is party political in nature.
- d) Consider the likely consequences for the Council of his or her statement.
- e) Not speak on behalf of the Council unless authorised to do so.

The Council's Role as Employer

- 5d. 8 In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could use the inappropriate behaviour of a Member in an employment case against the Council.

Political Activity

5d 9 There are a number of constraints that apply to an Officer who occupies a post that is designated as “politically restricted” under the terms of the Local Government and Housing Act 1989.

In summary, such Officers are prevented from:

- being a Member of Parliament, European Parliament or local authority;
- acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to above;
- being an officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch;
- canvassing on behalf of a political party or a candidate for election to any the bodies referred to above;
- speaking to the public with the apparent intent of affecting public support for a political party; and
- publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection – if the work appears to be intended to affect public support for a political party.

It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles e.g. chairperson or spokesperson. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.

Usually the only Officers involved in attending group meetings will be the Chief Executive, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions. Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive (Head of Paid Service) and their respective Directors/ Heads of Service, and not to individual Members of the Council whatever office they might hold.

Both Members and Officers are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Officers. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

Sanctions

- 5d. 10 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer, the Chief Executive or the Head of Legal and Democratic Services.

Conclusion

- 5d. 11 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Officers, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

6. Scheme of Members' Allowances

1. Horsham District Council ("the Council"), in exercise of the powers conferred by Section 100 of the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), hereby makes the following scheme:

Citation and commencement

2. This Scheme may be cited as the Horsham District Council Members' Allowances Scheme, and will have effect from 11 May 2015 and for subsequent years as amended by the insertion of substituted appendices in accordance with paragraph 12.

Definitions

3. In this scheme, "Co-optee" means a non-Councillor Member of the Council's Standards Committee; "Councillor" means a member of the Council who is an elected Councillor; "Member" means a Councillor or a Co-optee; "Regulations" means The Local Authorities (Members' Allowances) (England) Regulations 2003 (as may be amended) and "regulation" will be construed accordingly; "year" means the 12 months ending with 31st March.

4. Basic Allowance

Subject to the provisions of this Scheme, for each year a basic allowance as set out in Appendix 1 to this scheme will be paid to each Councillor.

5. Special Responsibility Allowances

- a) For each year a special responsibility allowance will be paid to those Members who hold the special responsibilities in relation to the Council that are specified in Appendix 1.
- b) Where the members of the Council are divided into different political groups and a majority belongs to one of those groups, a special responsibility allowance will be paid to at least one member who does not belong to the group to which the majority belongs.
- c) Subject to the provisions of this Scheme, the amount of each such allowance will be the amount specified against that special responsibility in Appendix 1.

6. Dependants' Carers' Allowance

A Councillor will be entitled to be paid a dependants' carers' allowance at the rate specified in Appendix 1 to enable him or her to provide for the care of children, disabled or sick relatives whilst the Councillor is engaged on the duties set out in Appendix 3. Such an allowance will not be paid in respect

of carers who are parents, spouses, co-habitees or members of the same household as the Councillor.

7. Travelling and subsistence allowance

- a) A Member will be entitled to be paid travelling and subsistence allowance at the rates specified in Appendix 2 in respect of travelling and subsistence undertaken in connection with or relating to the duties set out in Appendix 3.
- b) The rates for subsistence will be reduced by a corresponding amount in respect of any meal provided free of charge by the Council or by a third party.
- c) The rates for subsistence will be reduced to the actual cost of the meal if less than the allowance.
 - The following limitations apply on reimbursement of subsistence:
 - for breakfast an absence commencing before 0700
 - for lunch an absence commencing before 1100 and finishing after 1500
 - for tea an absence of more than four hours finishing after 1830
 - for evening meal an absence of more than four hours finishing after 2030
 - tea and evening meal allowances cannot be claimed on the same day.
- d) Light refreshments will be provided for Member meetings (as defined in the Council's calendar of meetings) that start at 5.00pm or later and are expected to last longer than 2 hours.

8. Co-optees' allowance

Subject to the provisions of this Scheme for each year a co-optees' allowance as set out in Appendix 1 will be paid to Co-optees.

9. Suspension of a Member

- I. Where a Member is suspended from his or her responsibilities or duties as a Member in accordance with Part III of the Local Government Act 2000 or regulations made thereunder the part of any allowance payable to him or her in respect of the period for which he or she is suspended or partially suspended will be withheld by the Council.
- II. Where an allowance has already been made in respect of any period during which the Member concerned:
 - a) is suspended or partially suspended from their responsibilities as a Member in accordance with Part III of the Local Government Act 2000 or regulations made

- thereunder;
- b) ceases to be a Member; or
- c) is in any other way not entitled to receive an allowance in respect of that period

the Member will repay to the Council such part of the allowance as relates to any such period.

10. **Election to forego allowances**

A Member may by notice in writing given to the Head of Paid Service elect to forego any part of his or her entitlement to an allowance under this scheme.

11. **Part-year entitlements**

- a) The provisions of this paragraph will have effect to regulate the entitlements of a Member to an allowance 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.
- b) If an amendment to this scheme changes the amount to which a Member is entitled then in relation to each of the periods:
 - I. beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - II. 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 will 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.
- c) If an amendment to this Scheme changes the duties specified in this Scheme the entitlement to an allowance will be to the payment of the amount of the allowance under the Scheme as it has effect when the duty is carried out.
- d) 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 allowances will 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 term of office subsists bears to the number of days in that year.
- e) Where this Scheme is amended as mentioned in paragraph (b), and the term of office of a Member does not subsist throughout the period mentioned in paragraph (b)(I), the entitlement of any such Councillor

to an allowance will 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 term of office as a Member subsists bears to the number of days in that period.

12. Claims and payments

- a) Payments of basic, special responsibility and co-optees' allowances will be payable monthly in arrears through the Council's payroll.
- b) Claims by Members in respect of dependants' carers' allowance and travelling and subsistence allowances should be made monthly and will in any event be made by no later than 7 April next following the end of a year.
- c) Payments will be made to each Member monthly in arrears.
- d) 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 Member receiving more than the amount to which, by virtue of paragraph 11, he or she is entitled, the payment will be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- e) Where a Member is also a member of another Council within the meaning of Regulation 3(1) he or she will not be entitled to receive allowances from more than one Council in respect of the same duties.

13. Claims and payments

- a) The levels of the basic allowance, special responsibility allowance, dependants' carers' allowance and co-optees' allowance specified in this scheme will be varied with effect from and in accordance with the same average percentage change in the levels of the Council's staff's remuneration.
- b) The travelling and subsistence allowance will be the same as that for the Council's staff and will alter accordingly.

Scheme of Members' allowances

Appendix 1

This scheme was approved by the Council on 28 April 2021 with effect from 25 May 2022 and for subsequent years, and includes index linked increases that were applied from 1 April 2022, and 24 May 2023.

1. Basic allowance (Paragraph 4)

The basic allowance payable to each Councillor: £6,011.70 per annum*.

2. Special Responsibility Allowances (Paragraph 5)

The amounts of special responsibility allowances and the special responsibilities for which they shall be payable will be per annum:

Allowance*	£ pa
Special Responsibility Allowances	
Leader of the Council (includes Cabinet Member Allowance)	17,129.10
Deputy Leader (includes Cabinet Member Allowance)	9,807.95
Leader of Minority Group	4,238.07
Cabinet Member	8,005.76
Chairman of Council	5,835.34
Vice-Chairman of Council (1/3 of allowance paid to Chairman)	1,956.08
Chairman of Overview and Scrutiny Committee	5,835.34
Vice-Chairman of Overview and Scrutiny Committee	1,950.63
Chairmen of Planning Committees (N & S)	4,395.73
Vice-Chairmen of Planning Committees (N & S)	1,478.06
Chairman of Audit Committee	2,785.78
Chairman of Licensing Committee	2,785.78
Chairman of Governance Committee	2,785.78
Chairman of Standards Committee	2,785.78

* Index linked in accordance with Paragraph 13

3. Dependants' Carers' allowance (Paragraph 6)

From 11 May 2015 the rate by way of reimbursement is equal to the Living Wage rate (£10.42 per hour or part thereof as at 1 April 2023).

4. Co-optees' allowance (paragraph 8)

The rate payable to independent and parish council representatives on the Standards Committee will be £1,504.35 per annum.

4. HDC Councillors representing the Council on outside bodies

An attendance allowance of £55 per meeting to be paid for approved representative attendance on external bodies, excluding Parish Councils and meetings where an allowance is already paid by the host organisation.

Scheme of Members' allowances – Appendix 2

1. Travelling (with effect from 11 May 2015)

- a) Cars - the HMRC rate (45p per mile as at 11 May 2015)
- b) Motorcycles – 24p per mile
- c) Cycles – 20p per mile
- d) Use of public transport will be paid at the second class rail fare and/or bus.

2. Subsistence

Breakfast	£6.45
Lunch	£8.91
Tea	£3.53
Dinner	£11.03

1. Statutory approved duties

(Regulation 8(1)(a) - (f))

- a) Attendance at a meeting of the Council or of any Committee or Sub-Committee of the Council or any other body to which the Council makes appointments or nominations or of any committee or sub-committee of such a body.
- b) Attendance at any other meeting the holding of which is authorised by the Council or a Committee or Sub-Committee of the Council or a Joint Committee of the Council and one or more other Authorities or a Sub-Committee of such a Joint Committee, provided that where the Council is divided into two or more political groups, it is a meeting to which the Members of at least two such groups have been invited.
- c) Attendance at a meeting of any association of authorities of which the Council is a member.
- d) Attendance at meetings of the Cabinet and of any committees appointed by the Cabinet.
- e) Duties in pursuance of any standing order requiring a Member or Members to be present while tender documents are opened.
- f) Duties 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.

2. Other approved duties

(Regulation 8(1)(h))

- a) Any duties by Cabinet Members for the purpose of or in connection with the discharge of the functions of the Cabinet.
- b) Attendance at emergency planning courses at the Home Office Emergency Planning College.
- c) Duties in connection with emergency planning including training and attendance at rest centres
- d) Attendance at approved conferences.
- e) Attendance at approved seminars and training courses.

- f) Attendance at briefing meetings.
- g) Attendance at the offices to receive petitions.
- h) Attendance at meetings of advisory groups, sub- committees appointed by the Cabinet, Cabinet Members and the Overview and Scrutiny Committee.
- i) Attendance at liaison meetings with West Sussex County Council.
- j) Attendance at meetings of West Sussex County Joint Leaders Group.
- k) Consultation with constituents.

Part 7

Management Structure

7.1 Introduction

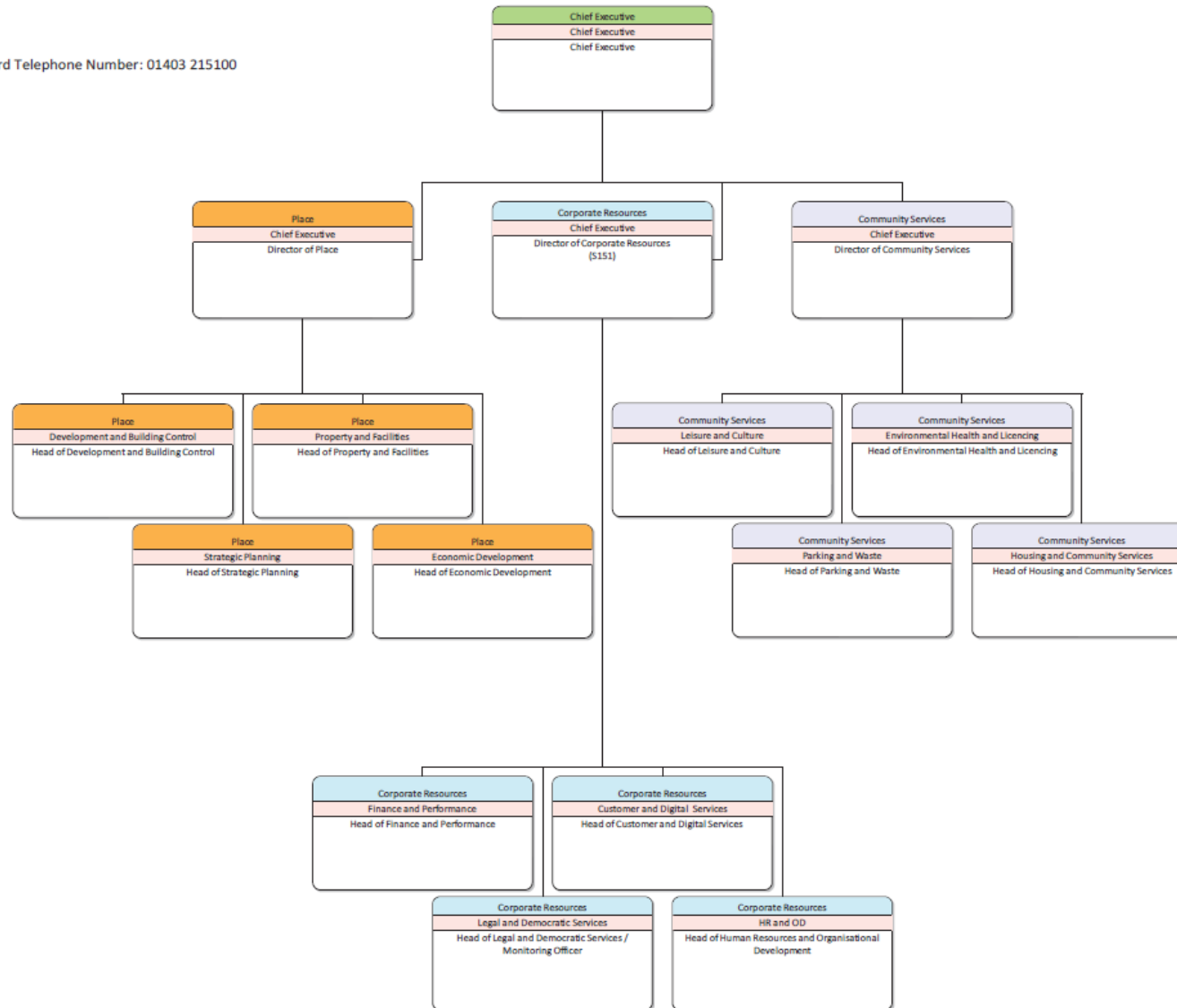
The Council's officer management structure comprises the Chief Executive, three directorates, and a number of service units, as set out in the organisational chart. The Council's Head of Paid Service, is ultimately responsible to the Council for the management of all staff. Each of the directorates is headed by a Director, and each of the service units is managed by a Head of Service. Directors report directly to the Head of Paid Service. Heads of Service report to their Director or the Head of Paid Service.

7.2 Organisational Chart

The following is an organisational chart of the Council's officer management structure:

Management Structure 2021

HDC Switchboard Telephone Number: 01403 215100



Part 8

Glossary of terms and schedule of proper officer designation

Glossary of terms and schedule of proper officer designations

Acts - The principal Acts that this constitution discharges are: Local Government Act, 1972, the Local Government and Housing Act 1989, the Local Government Act, 2000; the Planning and Compulsory Purchase Act 2004 the Local Government and Public Involvement in Health Act, 2007; and the Localism Act 2011.

Budget - means the Budget requirement of the Council (as provided for in the Local Government Finance Act 1992 or any re-enactment thereof), all the components of the Budget, such as Budgetary allocation to different services and projects, proposed taxation levels, council tax base, contingency funds ('reserves' and 'balances'), any plan or strategy for the control of the local authority's borrowing or capital expenditure including Treasury.

Cabinet – means between two and nine elected Council Members appointed by the Leader and who, with the Leader, form the Cabinet. At Horsham District Council, the 'Executive' is the Cabinet.

Call-In – means the consideration by the Overview and Scrutiny Committee of a Cabinet key or Cabinet Member non-key decision made but not yet implemented, which may result in the recommendation that the decision be reconsidered by the person or persons who made that decision or that the decision be reviewed by Full Council in accordance with Section 9F (2)(a) and (4) of the 2000 Act.

Chief Officer - (unless otherwise stated) the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer (also known as the section 151 officer) and any officer for whom the Head of the Paid Service is directly responsible, any officer who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to the Head of the Paid Service, (excluding the Head of Customer and Digital Services and any persons whose duties are secretarial or clerical or are otherwise in the nature of support services), any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to the Council itself, or to any committee or sub-committee of a committee.

Confidential – information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court Order, or by virtue of any enactment, as defined in the Access to Information Procedure Rules.

Deputy Chief Officer - (unless otherwise stated) any officer who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the above statutory or non-statutory Chief Officers, excluding any person whose duties are solely secretarial or clerical or are otherwise in the nature of support service.

Excluded matters – are found in the Overview and Scrutiny (Reference by

Councillors) (Excluded Matters) (England) Order 2012, Statutory Instrument 2012/1022.

‘Key Decision’ – a decision that must be taken by the cabinet collectively as described in article 11. Please note the granting or renewal of a lease is not a key decision as it is neither expenditure nor a saving against the budget.

Local Choice – the Council has a local choice whether to reserve some of functions specified in the 2000 Regulations as Cabinet Functions, or as Non-Cabinet Functions.

Overview and Scrutiny Committee - the committee established in accordance with Section 9F of the 2000 Act

Policy Framework - all plans and strategies either (a) required by the 2000 Regulations to be approved by full Council (rather than by Cabinet) and (b) any Local Choice plans and strategies which the Council has chosen to be approved by full Council (rather than by Cabinet). Further details of the Policy Framework are set out in Article 4.

Political Balance - duty under section 15 of the 1989 Act, where the Members of the Council are divided into different Political Groups, to appoint Members to committees, sub-committees, and other bodies as described in this constitution, proportionally to the number of members of each Political Group.

Political Groups - as defined in the Local Government (Committees and Political Groups) Regulations 1990 or any statutory modification or re-enactment thereof.

Proper Officer - such officers as are designated ‘proper officer’ by law, a scheme of which is maintained by the Monitoring Officer herewith

Regulations - the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000

Regulatory Committee means a committee undertaking “quasi-judicial” functions of the Council (such as licensing and planning).

Working Day - excludes Saturday, Sunday and bank and public holidays.

Schedule of proper officer designations

Act	Purpose of Designation	Proper Officer
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Local Government Act 1972

Section 83	To witness, and to receive, declarations of acceptance of office	Head of Paid Service or Monitoring Officer
Section 84	To receive notices from Members of resignation of office	Head of Paid Service
Section 87	To publish notice of vacancy	Head of Paid Service
Section 88	To convene, if necessary, a meeting of the Council when the office of Chairman is vacant	Head of Paid Service
Section 89	To receive notice by local government electors of a casual vacancy in the office of District Councillor	Head of Paid Service
Section 96	To receive from councillors notices of interests and to maintain a record of such disclosures	Monitoring Officer
Section 100B	To decide whether information is likely to be 'exempt' when coming before the council, cabinet or a committee	Monitoring Officer
Section 100C	To produce a written summary of proceedings taken by the council, cabinet or a committee	Head of Paid Service
Section 100D	To compile a list of background papers for a cabinet or committee report	Head of Paid Service
Section 100F	To decide if a requested document appears to contain exempt information	Monitoring Officer

Section 115	To receive money due from officers	Chief Finance Officer
Section 146	To sign declarations and certificates with regard to securities	Chief Finance Officer
Section 191	To receive applications made by the Ordnance Survey office for assistance in determining boundaries	Head of Paid Service
Section 210	To exercise any power with respect to a charity exercisable by any officer of a former authority	Head of Paid Service
Section 225	To receive and retain any document deposited with the council for custody	Head of Paid Service
Section 228	To keep accounts open for inspection by any member of the authority	Chief Finance Officer
Section 229	To certify, for the purpose of any legal proceedings, photographic copies of documents	Monitoring Officer
Section 234	To authenticate notices, orders or other documents on behalf of the council	Monitoring Officer
Section 236	To send copies of confirmed bye-laws made by the Council to the County Council	Monitoring Officer
Section 238	To certify copies of bye-laws	Monitoring Officer
Schedule 12 (4)	To sign and send to all members of the council, the summons to attend meetings of the council	Head of Paid Service
Schedule 14 (25)	To certify resolutions under that paragraph for the purposes of legal proceedings	Head of Paid Service

Local Land Charges Act 1975

Local Land Charges Act 1975	To act as local registrar for the registration of local land charges and the issue of official certificates of search	Director of Place
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Representation of the People Act 1983

Section 24	To be the Acting Returning Officer for the conduct of Parliamentary elections	Head of Paid Service
Section 35	To be the Returning Officer for the conduct of local elections	Head of Paid Service
Section 67	To receive appointments of election agents	Head of Paid Service
Section 67	To publish a notice of election agents	Head of Paid Service

Local Government and Housing Act 1989

Section 2	To retain on deposit a list of politically restricted posts	Head of Paid Service
Section 4	Designation as the Head of Paid Service	Chief Executive
Section 5	Designation as the Monitoring Officer	Head of Legal and Democratic Services
Sections 9, 15, 16	To undertake all matters relating to the formal establishment of political groups within the membership of the council	Head of Paid Service

Local Authorities (Executive Arrangements) England Regulations 2012

Section 3	To produce a written statement of cabinet decisions made at meetings	Head of Paid Service
Section 5	To make available for inspection by the public a copy of written statements of cabinet decisions and associated reports	Head of Paid Service
Section 6	To make available for inspection a list of background papers	Head of Paid Service
Section 12	To publish key decisions of the Authority	Head of Paid Service

Part 9

Register of Cabinet Members

The register of Cabinet Members is maintained on the council's website.