

The Constitution of Horsham District Council



April 2025

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Introduction

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1. How the Council Operates

1.1 **The Constitution**

1.1.1 The Council has adopted this Constitution which outlines how it operates, the decision-making processes it follows and the procedures it has in place to ensure that it functions in an efficient, transparent and accountable manner.

1.1.2 Certain processes are required by law, while others are shaped by the Council's own priorities and approach to governance. This framework ensures that the Council's operations are both legally compliant and tailored to best serve the needs of the community.

1.2 **Councillors**

1.2.1 **Election and term of office**

1.2.1.1 The Council is comprised of 48 Councillors who are elected for a four-year term every four years.

1.2.1.2 Any Councillor elected at a by-election will serve the remainder of the four-year term for the particular seat in question.

1.2.2 **Role of Councillors**

1.2.2.1 Councillors are democratically accountable to the residents of their ward, ensuring that their actions and decisions reflect the needs and aspirations of the community they represent.

1.2.2.2 While the primary duty of Councillors is to serve the interests of the entire community, they also have a particular responsibility to their constituents, including those who did not vote for them. This special duty requires Councillors to represent all individuals in their ward fairly and impartially, regardless of political affiliation.

1.2.3 **Rights and duties of Councillors**

1.2.3.1 The Council is committed to providing Councillors with the necessary information, support and resources to effectively carry out their roles, within the constraints of the law.

1.2.3.2 Councillors are expected to adhere to the Councillors' Code of Conduct, ensuring that they maintain high standards of behaviour and professionalism in the execution of their duties. This commitment to ethical conduct is essential for fostering trust and accountability in the Council's work.

1.3 **Council**

1.3.1 **Introduction**

1.3.1.1 All 48 Councillors come together at meetings of the Full Council and certain decisions are taken in this forum.

1.3.2 **Functions of the Full Council**

1.3.2.1 The Full Council holds responsibility for a range of important functions including (i) appointing the Leader, (ii) appointing various committees to undertake the business of the Council and (iii) setting the Council's Budget and Policy Framework.

1.4 **The Cabinet**

1.4.1 **Introduction**

1.4.1.1 The Council has chosen to adopt the Leader and Cabinet model, as permitted by law.

1.4.1.2 The Cabinet is the primary body within the Council responsible for making the majority of day-to-day decisions and managing the operational affairs of the Council.

1.4.1.3 The Cabinet is led by the Leader, who has the authority to select between two and nine Councillors to serve alongside them, collectively sharing the leadership and strategic direction of the Council.

1.4.2 **Functions of the Cabinet**

1.4.2.1 The functions of the Cabinet and individual Cabinet Members are determined by the Leader.

1.4.2.2 Broadly, the Cabinet is responsible for "key decisions" and individual Cabinet Members are responsible for "non-key decisions".

1.5 **Policy and Scrutiny Committees**

1.5.1 **Introduction**

1.5.1.1 The Council is legally required to establish at least one committee with responsibility for overview and scrutiny. The Council has two such committees known as the Policy and Scrutiny Committees.

1.5.2 **Functions of the Policy and Scrutiny Committees**

1.5.2.1 Broadly speaking, the Policy and Scrutiny Committees support the work of both the Cabinet and the wider Council by offering recommendations on policy, budget proposals and service delivery.

1.5.2.2 The Policy and Scrutiny Committees are tasked with reviewing and scrutinising decisions made by the Cabinet and individual Cabinet Members. The Policy and Scrutiny Committees have the authority to challenge decisions that have been made but not yet implemented, ensuring that decisions are carefully considered and aligned with the best interests of the community.

1.6 **Officers**

1.6.1 Council employees are referred to as "Officers".

1.6.2 Officers are responsible for providing expert advice, implementing decisions, overseeing the day-to-day delivery of Council services and making decisions within the scope of their delegated authority.

1.7 **Statutory Officers**

1.7.1 The Council is required to appoint three Statutory Officers, as mandated by law. These are:

- (a) The Head of Paid Service;
- (b) The Section 151 Officer, otherwise known as the Chief Finance Officer; and
- (c) The Monitoring Officer.

1.7.2 Broadly, these Officers are responsible for ensuring that the Council operates within the bounds of the law and manages its resources efficiently and effectively.

1.7.3 In recognition of this role, the Council is required to provide the Statutory Officers with the necessary resources to enable them to fulfil their duties effectively.

1.8 **How decisions are made**

1.8.1 Council decisions will be made across a range of forums, ensuring that appropriate decision-making processes are followed at every level.

1.8.2 While the Cabinet will be responsible for most decisions, decisions will also be made by the Full Council, various committees, Cabinet Members and Officers, each in accordance with their delegated authority and specific responsibilities.

1.8.3 This system ensures that decisions are made efficiently and at the appropriate level within the Council's governance structure.

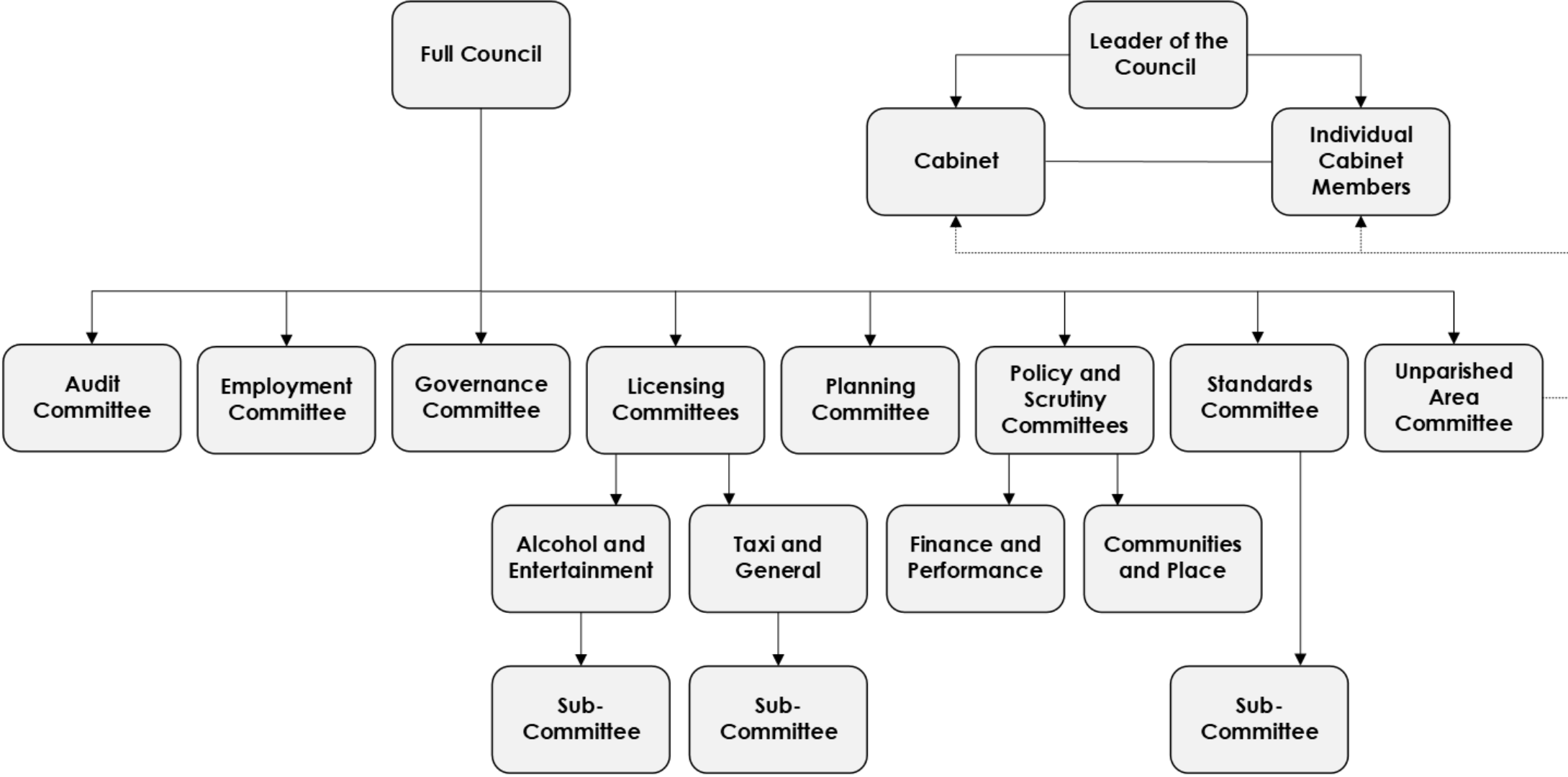
1.9 **Meetings in public**

1.9.1 All meetings of the Council are open to the public unless (i) the public and press are required to be excluded due to the likely disclosure of confidential information or (ii) Councillors agree to exclude the public and press due to the likely disclosure of exempt information.

1.10 **Council structure**

The chart below provides an overview of the Council's structure, highlighting where various decisions are made within the organisation.

Council Structure Chart



2. The Constitution

2.1 **Introduction**

2.1.1 The Constitution sets out how the Council operates and is divided into chapters for ease of reference.

2.2 **Powers of the Council**

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

2.2.2 Where there is either a conflict between the Constitution and the law, or the Constitution does not make provision for a matter, the law will prevail.

2.3 **Purposes of the Constitution**

2.3.1 The purposes of the Constitution are to:

- (a) provide a framework within which the Council can deliver its policy programme;
- (b) provide a means of delivering services to the community;
- (c) enable decisions to be taken effectively and efficiently;
- (d) ensure the orderly conduct of Council business;
- (e) create an effective means of holding decision-makers to account;
- (f) ensure that no-one scrutinises a decision in which they are directly involved;
- (g) ensure that decision-makers are identifiable to the public and that they explain their reasons for decisions;
- (h) help Councillors to represent their constituents more effectively;
- (i) support the active involvement of people in the decision-making process; and
- (j) enable the Council to provide leadership in the community in partnership with local people, businesses and organisations.

2.4 **Review and publication of the Constitution**

2.4.1 The Monitoring Officer is responsible for assessing the effectiveness of the Constitution and recommending changes considering its aims and principles, legislation and best practice.

2.4.2 In undertaking this task, the Monitoring Officer may:

- (a) observe meetings;
- (b) review decisions;
- (c) record and analyse issues raised by Councillors, Officers, the public and relevant stakeholders; and
- (d) compare practices with other councils.

2.4.3 The Monitoring Officer will ensure that the Constitution is available for inspection at the Council's offices and on its website.

2.4.4 The Chief Finance Officer is responsible for assessing the effectiveness of the Finance Procedure Rules and the Council's Procurement Code and ensuring they are up-to-date and fit for purpose.

2.5 **Changes to the Constitution**

2.5.1 The Monitoring Officer may make changes to the Constitution in the following instances:

- (a) to correct errors;
- (b) to ensure legal compliance;
- (c) to give effect to decisions made by or on behalf of the Council;
- (d) to remove inconsistency or ambiguity;
- (e) to update the management structure and changes to the Cabinet's scheme of delegation upon the instruction of the Chief Executive or Leader, respectively.

2.5.2 The Monitoring Officer may make minor variations to the Constitution if it is reasonable to do so in their opinion. If there is any uncertainty regarding what constitutes a minor change, the Monitoring Officer will consult the Chairman of the Governance Committee before proceeding with any such adjustments.

2.5.3 Any amendments made by the Monitoring Officer will come into effect immediately and those of a legal nature will be reported to the Full Council.

2.5.4 Other amendments will be agreed by the Full Council following a recommendation from the Governance Committee.

2.6 **Suspension of the Constitution by Councillors**

2.6.1 The only part of this Constitution which may be suspended is the Council Procedure Rules.

2.6.2 A motion to suspend any of the Council Procedure Rules will not be moved without notice unless at least 24 Councillors are present.

2.6.3 The extent and duration of any suspension will be proportionate to the result to be achieved considering the Purposes of the Constitution.

2.7 **Amendment of the Constitution by Councillors**

2.7.1 Any motion to vary the Council Procedure Rules will stand adjourned, without discussion, until the next Ordinary Council Meeting.

2.8 **Interpretation of the Constitution**

2.8.1 Where the Constitution permits the Council to choose between different courses of action, the Council will seek to choose that option which it thinks is closest to the Purposes of the Constitution.

2.8.2 If the Constitution does not address a specific matter or circumstance, the most appropriate course of action will be taken, considering the nature of the issue and in compliance with relevant legislation.

3. Councillors

3.1 **Composition of the Council**

3.1.1 The Council is comprised of 48 Councillors who are elected by voters of each ward.

3.2 **Eligibility**

3.2.1 Individuals will be eligible for election and holding office if:

- (a) they are 18; and
- (b) they are a British citizen, an eligible Commonwealth citizen, a citizen of the Republic of Ireland, a qualifying EU citizen or an EU citizen with retained rights; and
- (c) and at least one of the following four qualifications apply:
 - (i) they are a local government elector in the area of the Council; or
 - (ii) they have for the 12 month period prior to the date of the election and the date of candidate nomination occupied land or premises in the area of the Council; or
 - (iii) their principal or only place of work during that 12 month period prior to the date of election and the date of candidate nomination has been in the area of the Council; or
 - (iv) they have during the whole of those 12 months prior to the date of election and the date of candidate nomination resided in the area of the Council (or within three miles of it).

3.3 **Election and term of office**

3.3.1 The election of Councillors will usually be held on the first Thursday in May every four years. The next election is scheduled to take place in 2027.

3.3.2 A Councillor's term of office is four years starting on the fourth day after being elected and ending on the fourth day after the next ordinary election.

3.3.3 In the case of by-elections, the elected Councillor's term of office starts on the day of being elected and ends on the day that the Councillor who vacated that office would have retired.

3.4 **Role of Councillors**

3.4.1 All Councillors are responsible for:

- (a) **Formulating and Implementing Policy:** Councillors help shape policy, contribute to the strategic direction of the Council and review the effectiveness of policies and decisions. They actively engage in decision-making processes, participating in Full Council, committees and other bodies to influence the outcomes of Council business;
- (b) **Advocating for Constituents:** Councillors representing the interests of their ward and individual constituents is a key responsibility. Councillors address

- specific concerns, assist with casework and champion the needs of their community to ensure that local issues are heard and acted upon;
- (c) **Promoting Community Engagement:** Councillors play an active role in fostering community involvement, encouraging citizen participation in decision-making and acting as a conduit between the local population and the Council. They engage with various organisations and work in partnership to address shared challenges and deliver services that meet the community's needs;
 - (d) **Good Governance and Accountability:** Councillors are tasked with upholding high standards of conduct and ethics, ensuring fairness and impartiality in their actions. They contribute to the overall good governance of the area, monitor the implementation of policies and evaluate service quality to ensure alignment with Council objectives;
 - (e) **Shaping Strategy:** Councillors assist in the development, review and refinement of the Council's strategic plans, helping to set objectives that guide the provision of services and the development of the area. Their input influences the priorities and direction of the Council's work; and
 - (f) **Participating in Quasi-Judicial Functions:** As members of regulatory committees, Councillors participate in quasi-judicial activities such as planning and licensing. In these roles, they make impartial decisions based on evidence, ensuring that Council policies are applied consistently and fairly.

3.5 **Access to information by Councillors**

- 3.5.1 All Councillors have the right to access information held by the Council when it is reasonably necessary for them to carry out their duties effectively.
- 3.5.2 Members of the Policy and Scrutiny Committees have additional rights to access information. The extent of those rights is detailed in the Policy and Scrutiny Committees Procedure Rules.
- 3.5.3 Councillors must not disclose confidential or exempt information, nor reveal any information provided to them in confidence, unless they have the relevant consent to do so.

3.6 **Allowances**

- 3.6.1 Councillors are entitled to receive an allowance in accordance with the Councillors' Allowances Scheme.
- 3.6.2 This scheme outlines the structure and rates of allowances available to Councillors, ensuring that they are fairly compensated for the time, effort and responsibilities they undertake in serving their communities.

3.7 **Conduct**

- 3.7.1 Councillors must always adhere to the principles contained in:
 - (a) the Councillors' Code of Conduct; and
 - (b) the Protocol on Councillor and Officer Relations.

4. Membership of the Council

4.1 **The Cabinet**

4.1.1 The Cabinet is made up of nine Councillors as detailed in the table below.

	Name	Position	Ward
1.	Councillor Martin Boffey	Leader	Trafalgar
2.	Councillor Mark Baynham	Deputy Leader and Cabinet Member for Finance and Resources	Billingshurst
3.	Councillor Colette Blackburn	Cabinet Member for Climate Action and Nature Recovery	Southwater South and Shipley
4.	Councillor Ruth Fletcher	Cabinet Member for Planning and Infrastructure	Denne
5.	Councillor Anthony Frankland	Cabinet Member for Performance, Customer Service and Communications	Trafalgar
6.	Councillor Joanne Knowles	Cabinet Member for Enterprise and Property	Cowfold, Shermanbury and West Grinstead
7.	Councillor Jay Mercer	Cabinet Member for Environmental Health, Recycling and Waste	Roffey South
8.	Councillor Sam Raby	Cabinet Member for Housing, Communities and Wellbeing	Roffey South
9.	Councillor David Skipp	Cabinet Member for Leisure, Culture and Green Spaces	Forest

4.2 **Other Councillors**

4.2.1 The details of other Councillors can be found on the Council's website:
<https://horsham.moderngov.co.uk/mgMemberIndex.aspx>

5. Members of the Public and the Council

5.1 **Introduction**

5.1.1 Members of the public have certain rights and responsibilities in their dealings with the Council. The following is a general summary of these.

5.2 **Information**

5.2.1 Members of the public have the following rights:

- (a) To attend meetings of the Full Council and its committees except where confidential or exempt information is likely to be disclosed and that part of the meeting is therefore held in private;
- (b) to 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) to find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
- (d) to see agendas, reports and background papers and any records of decisions made by the relevant decision-making body, except where confidential or exempt information is likely to be disclosed; and
- (e) to inspect the Council's Statement of Accounts and, if they are a local government elector in the District, to question the external auditor on, and/or object to, it.

5.3 **Participation**

5.3.1 Members of the public who are local government electors in the District have the following rights:

- (a) To vote in local government elections;
- (b) to sign a petition for a referendum on whether the Council should have a different form of governance arrangement;
- (c) to vote in any local referendum in respect of an increase in Council Tax;
- (d) to give notice in relation to casual vacancies in the office of District Councillor to trigger a by-election.

5.3.2 Members of the public have the following rights irrespective of whether they are local government electors in the District:

- (a) To ask questions at meetings of the Full Council and to make statements at meetings of the Cabinet and committees in accordance with the Public Speaking at Meetings Procedure Rules; and
- (b) to sign a petition for consideration by the Council in accordance with the Petition Scheme.

5.4 **Complaints**

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

- (a) the Council under its complaints scheme;

- (b) the Local Government and Social Care Ombudsman (subject to the Council's complaints process having first been exhausted); and
- (c) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

5.5 **Responsibilities**

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

6. Decision-making

6.1 **How decisions are made**

6.1.1 Council decisions can be made by the Full Council, the Cabinet, individual Cabinet Members or Officers, depending on the nature and scope of the decision.

6.1.2 The section "Responsibility for Functions" outlines the specific forums, bodies or individuals responsible for making decisions.

6.2 **Types of decision**

6.2.1 Decisions taken by the Council are divided into two types: "executive" and "non-executive" decisions.

6.2.2 **Executive decisions**

6.2.2.1 Examples of executive decisions include setting policy and awarding contracts to suppliers following a procurement process.

6.2.2.2 Executive decisions can be taken by:

- (a) the Cabinet;
- (b) committees of the Cabinet;
- (c) individual Cabinet Members; or
- (d) Officers.

6.2.2.3 In each case, these decisions are taken under the authority of the Leader and/or Cabinet and bind the Council.

6.2.3 **Non-executive decisions**

6.2.3.1 Examples of non-executive decisions include setting the Council's Budget and Policy Framework and determining planning and licensing applications.

6.2.3.2 Non-executive decisions cannot be taken by the Cabinet, committees of the Cabinet or individual Cabinet Members.

6.2.3.3 Instead, they can be taken by:

- (a) the Full Council;
- (b) committees of the Full Council (or sub-committees of those committees); or
- (c) Officers.

6.2.3.4 In each case, these decisions are taken under the authority of the Full Council and bind the Council.

6.3 **Principles of decision-making**

6.3.1 All decisions of the Council will be made in the best interests of the community and in accordance with the following principles:

- (a) Proportionality:

- meaning the action taken will be proportionate to the desired outcome;
- (b) Consultation:
meaning decisions will be taken following due consultation and consideration of Officer advice;
 - (c) Human Rights:
meaning due regard will be shown for human rights and all decisions will be based on balancing the rights of the individual against the public good;
 - (d) Transparency:
meaning decisions will be made in an open and transparent manner, unless permitted otherwise by law;
 - (e) Clarity:
meaning the aim and outcome of decisions will be clear;
 - (f) Alternative Options:
meaning consideration of alternative options will be undertaken; and
 - (g) Rationale:
meaning the reasons for making a decision will be provided.

6.4 **Decision-making procedures**

6.4.1 All decisions will be made in accordance with:

- (a) the relevant procedure rules;
- (b) the scheme of delegation outlined in Responsibility for Functions;
- (c) the Purposes of the Constitution; and
- (d) any other applicable provisions in the Constitution;

and having regard to any relevant Officer advice.

7. Responsibility for Functions

7.1 **Introduction**

7.1.1 This section sets out who is responsible for the various functions of the Council.

7.1.2 Functions fall into the following three categories:

- (a) Local Choice functions;
- (b) Council functions (i.e. non-executive functions); and
- (c) Executive functions.

7.2 **Local Choice functions**

7.2.1 Local Choice functions are set out in law and are those functions which may be either the responsibility of the Full Council or the executive.

7.2.2 The Cabinet is responsible for Local Choice functions, which are detailed in the section "**Functions of the Cabinet**", outlining who is authorised to carry them out.

7.3 **Council functions**

7.3.1 These are functions which legally cannot be the responsibility of the executive.

7.3.2 Some of these functions can only be discharged by the Full Council whilst others may be delegated to either a committee or an Officer.

7.3.3 The section "**Functions of the Full Council**" outlines those functions that are retained by the Full Council, unless they choose to delegate them, where permitted by law.

7.4 **Executive functions**

7.4.1 All other functions are considered executive functions unless provided otherwise by law.

7.4.2 Decisions relating to those functions are taken by the Cabinet, unless they are delegated to a Cabinet Member or an Officer.

7.4.3 The sections "**Functions of the Cabinet**" and "**Cabinet Member Portfolios**" outline those functions and identify those authorised to undertake them.

7.5 **Functions discharged by Officers**

7.5.1 To support the delivery of the objectives contained in the Council Plan, some decisions will be taken by Officers at the most appropriate level.

7.5.2 The sections "**Officer Scheme of Delegation – An Explanation**" and "**Officer Scheme of Delegation – Delegations**" outline those functions which Officers are authorised to discharge.

7.6 **Delegation of functions**

- 7.6.1 The delegation of any function does not preclude it from being carried out by the person (or body) who has delegated it.

The Council's Framework

1. The Budget and Policy Framework
2. Budget and Policy Framework Procedure Rules

1. The Budget and Policy Framework

1.1 **Introduction**

1.1.1 The Budget and Policy Framework defines the financial and policy parameters within which the Council operates. Once the Budget and Policy Framework have been established, it becomes the Cabinet's responsibility to implement them effectively.

1.1.2 All executive decisions must be made within the parameters of the agreed Budget and Policy Framework.

1.1.3 The Cabinet, or relevant Cabinet Member, is responsible for developing and setting other policies as required.

1.2 **The Budget**

1.2.1 The Council is legally required to set an annual budget which represents the allocation of financial resources to support the achievement of the objectives contained in the Council Plan. It must be set prior to the commencement of the financial year and must be approved by 11 March of each financial year.

1.2.2 The budget must be 'balanced' or fully funded which means that the total income matches the total expenditure for the relevant financial year.

1.3 **The Policy Framework**

1.3.1 The Policy Framework is set typically every four years and comprises a comprehensive suite of plans, strategies and policies that outline the delivery of services and objectives.

1.3.2 While the Cabinet and individual Cabinet Members have the authority to shape policy, this must be done within the established framework. If policy changes are required beyond the existing framework, the Cabinet may make recommendations to the Full Council for review and consideration.

1.3.3 The Council has agreed that the following plans and strategies will comprise its Policy Framework:

- (a) the Council Plan;
- (b) the Statement of Licensing Policy;
- (c) any plan or strategy required to be approved by a Minister of the Crown;
- (d) any plan or strategy whose adoption or approval is a matter for determination by the Full Council, including:
 - (i) the Crime and Disorder Reduction Strategy;
 - (ii) Development Plan documents; and
 - (iii) the Licensing Authority Policy Statement;
- (e) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure; and
- (f) any plan or strategy for determining the Council's minimum revenue provision.

2. Budget and Policy Framework Procedure Rules

2.1 **Introduction**

2.1.1 The Cabinet is responsible for proposing the Budget and Policy Framework to the Full Council for consideration.

2.1.2 The Full Council is responsible for setting the budget and formally adopting the Policy Framework.

2.1.3 These rules outline the processes involved in developing the Budget and Policy Framework.

2.2 **The Policy Framework**

2.2.1 **The process for developing the Policy Framework**

2.2.1.1 The Cabinet will adhere to the process outlined below when developing the Policy Framework:

Steps to be undertaken in developing the Policy Framework	
1.	The Cabinet will publicise a timetable for making proposals to the Full Council for adoption of any policy, plan or strategy that forms part of the Policy Framework and its arrangements for consultation;
2.	At the same time, the Chairman of the relevant Policy and Scrutiny Committee will be notified who may respond to the Cabinet during the consultation process;
3.	Following the conclusion of any consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation;
4.	In its report to the Full Council, the Cabinet will summarise any responses from the relevant Policy and Scrutiny Committee Chairman and any comments made by consultees;
5.	Once the Cabinet has approved any proposals, it will refer them to the Full Council for adoption in a timely manner; and
6.	If the Full Council has any objections to or wishes to amend any draft policy, plan or strategy submitted by the Cabinet, it must inform the Leader of those objections and must give the Leader instructions requiring the Cabinet to reconsider, in light of those objections, the draft plan or strategy submitted to it. The Leader must then, at the Full Council's request, instruct the Cabinet to reconsider the policy, plan or strategy in light of those objections.

	<p>When the Full Council issues such an instruction, it must specify a period (no less than five clear working days from the day after receipt of the instruction) within which the Leader may either:</p> <ul style="list-style-type: none"> (a) submit a revised policy, plan or strategy for the Full Council's consideration, providing reasons for any amendment; or (b) inform the Full Council of any disagreement the Cabinet has with any of the Full Council's objections, along with reasons for the disagreement. <p>Once the specified period has expired, the Full Council must re-consider the [revised] policy, plan or strategy, taking into account the reasons for any amendments or disagreements regarding the Full Council's objections.</p>
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2.2.2 **In-year changes to the Policy Framework**

2.2.2.1 Changes to the Policy Framework are only permitted:

- (a) where those changes will result in the closure or discontinuance of a service or part of a service in order to meet budgetary constraints;
- (b) where those changes are necessary to ensure compliance with the law, a ministerial direction or government guidance;
- (c) where those changes have been provided for in the relevant policy and associated budget;
- (d) in respect of a policy, plan or strategy which is normally agreed annually following consultation, but the existing document is silent on the matter under consideration; or
- (e) where those changes are necessary to implement proposals pursuant to the receipt of funds under the Chief Finance Officer's delegations.

2.2.2.2 Any permitted changes will be made by the Cabinet, relevant Cabinet Member, Officer or by anybody part of a joint arrangement.

2.2.2.3 In approving the Policy Framework, the Full Council will also define the extent of any other in-year changes to the Policy Framework that may be made by the Cabinet.

2.2.2.4 All other modifications to the Policy Framework are exclusively reserved to the Full Council.

2.3 **The Budget**

2.3.1 **The process for developing the budget**

2.3.1.1 The Cabinet will adhere to the process outlined below, along with any relevant procedures contained in the Finance Procedure Rules, when developing the budget:

Steps to be undertaken in developing the budget	
1.	<p>Where, before 8 February in any financial year, the Cabinet submits to the Full Council for its consideration:</p> <ul style="list-style-type: none"> (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with the relevant sections contained in Chapter III (Setting of Council Tax) of the Local Government Finance Act 1992; (b) estimates of other amounts to be used for the purposes of such calculation; (c) estimates of such a calculation; or (d) amounts required to be stated in a precept pursuant to the relevant sections contained in Chapter IV (Precepts) of the Local Government Finance Act 1992, <p>and following consideration of those estimates or amounts the Full Council has any objections to them, it must take the action set out in this table at row 7;</p>
2.	The Cabinet will publicise a timetable for making proposals to the Full Council for the adoption of the budget and its arrangements for consultation;
3.	At the same time, the Chairman of the Finance and Performance Policy and Scrutiny Committee will be notified who may respond to the Cabinet during the consultation process;
4.	Following the conclusion of any consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation;
5.	In its report to the Full Council, the Cabinet will summarise any responses from the Finance and Performance Policy and Scrutiny Committee Chairman and any comments made by consultees;
6.	Once the Cabinet has formulated and approved any final proposals, it will refer them to the Full Council for consideration in a timely manner;
7.	<p>If the Full Council has any objections to the Cabinet's estimates or amounts, or wishes to amend the budget, it must inform the Leader of those objections and must give the Leader instructions requiring the Cabinet to reconsider, in light of those objections, those estimates and amounts in accordance with the Full Council's requirements.</p> <p>The Leader must then, at the Full Council's request, instruct the Cabinet to reconsider the budget in light of those objections.</p>

	<p>When the Full Council issues such an instruction, it must specify a period (no less than five clear working days from the day after the receipt of the instruction) within which the Leader may either:</p> <ul style="list-style-type: none"> (a) submit a revision of the budget (or relevant parts) for the Full Council's consideration, providing reasons for any amendments; or (b) inform the Full Council of any disagreement the Cabinet has with any of the Council's objections, along with reasons for the disagreement. <p>Once the specified period has expired, the Full Council must re-consider the [revised] budget, taking into account the reasons for amendments or disagreement regarding the Full Council's objections.</p>
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2.3.2 **In-year changes to the budget**

2.3.2.1 In approving the budget, the Full Council will also define the extent of any other in-year changes to the budget that may be made by the Cabinet.

2.3.2.2 All other modifications to the budget are exclusively reserved to the Full Council.

2.4 **Decisions outside the Budget and/or Policy Framework**

2.4.1 Decisions must, in the opinion of the Chief Finance Officer and the Monitoring Officer, align with the Budget and Policy Framework, except decisions made under the Chief Finance Officer's delegated authority concerning grants, income and expenditure within specified financial thresholds.

2.4.2 Any decisions that are contrary to or are not wholly in accordance with the Budget and/or contrary to the Policy Framework must be approved by the Full Council, unless the decision is deemed urgent. In such cases, the provisions outlined in the following subsection will apply.

2.5 **Urgent decisions outside the Budget and/or Policy Framework**

2.5.1 If a decision is deemed urgent, the Cabinet may make a decision that is contrary to or not wholly in accordance with the Budget and/or contrary to the Policy Framework.

2.5.2 However, this can only occur if it is not feasible to convene a quorate meeting of the Full Council, and if the Chairman of the Finance and Performance Policy and Scrutiny Committee (or the Chairman of the Council in their absence) agrees that the decision is urgent.

2.5.3 The reasons for the impracticality of convening a quorate meeting of the Full Council, along with the Chairman of the Finance and Performance Policy and Scrutiny Committee's consent to treat the decision as urgent, must be recorded in the decision's official record.

2.5.4 After such a decision is made, the Cabinet must provide a comprehensive report to the next available meeting of the Full Council, outlining the decision, the rationale behind it and the justification for treating it as a matter of urgency.

2.6 **Transfer of funds from one part of the budget to another (virements)**

2.6.1 Decisions must not exceed the relevant budget head allocated.

2.6.2 However, should it be necessary or desirable to transfer funds across budget heads or budgets, this must be done in accordance with the provisions contained in the Finance Procedure Rules.

2.7 **Call-in of decisions outside the Budget and/or Policy Framework**

2.7.1 Any decisions made by the Cabinet and individual Cabinet Members may be challenged on the grounds that they are contrary to the Policy Framework and/or contrary to or not wholly in accordance with the Budget, as provided for in the Policy and Scrutiny Committees Procedure Rules.

The Chairman of the Council

1. The Chairman of the Council

1. The Chairman of the Council

1.1 **Election**

1.1.1 The Chairman and Vice-Chairman of the Council will be elected at the Annual Council Meeting.

1.1.2 Any Councillor, except a Cabinet Member, may be elected as Chairman or Vice-Chairman.

1.2 **Term of office and retirement**

1.2.1 The Chairman and Vice-Chairman are elected for the municipal year.

1.2.2 Councillors may serve more than one term as Chairman or Vice-Chairman.

1.2.3 Unless they resign or become disqualified, the Chairman continues in office until a new Chairman is elected at the Annual Council Meeting.

1.2.4 Unless they resign or become disqualified, the Vice-Chairman continues in office until immediately after the election of a new Chairman at the Annual Council Meeting.

1.3 **Responsibilities**

1.3.1 The Chairman or, in their 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 Full Council so that its business is carried out efficiently having regard to the rights of Councillors and the interests of the community;
- (c) to ensure that Council Meetings are a forum for debate and to consider 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/or the Chairman determines appropriate;
- (g) to determine any matter referred to the Chairman under the urgency provisions contained in the Cabinet Procedure Rules or the Budget and Policy Framework Procedure Rules;
- (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 Councillors of the Council.

1.3.2 The ruling of the Chairman (or other person presiding) as to the construction or application of the Constitution or in relation to the conduct of any proceedings will not be challenged. The Chairman may have regard to the Principles of decision-making or the Purposes of the Constitution.

Full Council

1. The Full Council
2. Functions of the Full Council
3. Council Procedure Rules
4. Joint Arrangements

1. The Full Council

1.1 **Introduction**

1.1.1 The Full Council is a meeting where all Councillors have the right to attend, speak and vote on matters.

1.1.2 The Full Council holds responsibility for a range of functions and is legally required to make certain decisions.

1.1.3 While the Full Council will directly discharge some functions, it will delegate others to committees or Officers, as appropriate, to ensure effective and efficient decision-making.

1.2 **Council Meetings**

1.2.1 There are three types of meeting of the Full Council:

- (a) the Annual Council Meeting;
- (b) an Ordinary Council Meeting; and
- (c) an Extraordinary Council Meeting.

1.2.2 All Council Meetings will be conducted in accordance with and are regulated by the Council Procedure Rules.

1.3 **Annual Council Meetings**

1.3.1 **Timing**

1.3.1.1 When there is an ordinary election, the Annual Council Meeting will take place within 21 days of the retirement of the outgoing Councillors.

1.3.1.2 In any other year, the Annual Council Meeting will take place in March, April or May.

1.3.2 **Business**

1.3.2.1 The following business will be conducted at the Annual Council Meeting:

- (a) the election of a Councillor to preside in the absence of both the Chairman and Vice-Chairman;
- (b) the receipt of apologies for absence;
- (c) the receipt of any declarations of interest from Councillors;
- (d) the election of the Chairman for the new municipal year;
- (e) to move a vote of thanks to the retiring Chairman;
- (f) the appointment of the Vice-Chairman for the new municipal year;
- (g) the approval of the minutes of the last meeting;
- (h) the election of a Leader without debate (following an election only);
- (i) the receipt of announcements from the Chairman, the Leader and the Chief Executive;
- (j) the approval of a programme of meetings of the Council for the new municipal year (unless this has been set at an earlier meeting);

- (k) the appointment of the Audit Committee, the Employment Committee, the Governance Committee, the Licensing Committees, the Planning Committee, the Policy and Scrutiny Committees, the Standards Committee, the Unparished Area Committee and such other committees as the Council considers appropriate;
- (l) the allocation of seats to political groups and the appointment of Councillors to Committees in accordance with political balance requirements, along with the appointment of Chairmen and Vice-Chairmen to these Committees; and
- (m) the setting of the terms of reference for all Committees, if required.

1.4 **Ordinary Council Meetings**

1.4.1 **Timing**

- 1.4.1.1 Ordinary Council Meetings will take place in accordance with a programme decided by the Full Council.

1.4.2 **Business**

- 1.4.2.1 The following business will be conducted at Ordinary Council Meetings:

- (a) the election of a Councillor to preside in the absence of both the Chairman and the Vice-Chairman;
- (b) the receipt of apologies for absence;
- (c) the approval of the minutes of the last meeting;
- (d) the receipt of any declarations of interest from Councillors;
- (e) the receipt of any announcements from the Chairman, the Leader, Cabinet Members and the Chief Executive;
- (f) the receipt of questions from members of the public;
- (g) the receipt of recommendations from the Cabinet;
- (h) the receipt of recommendations from the Council's committees;
- (i) the receipt of recommendations from Officers;
- (j) the receipt of reports about joint arrangements and from external organisations;
- (k) the receipt of motions from Councillors;
- (l) the receipt of questions from Councillors on notice;
- (m) the receipt of petitions from the public;
- (n) the receipt of any other business specified in the summons to the meeting;
and
- (o) the receipt of urgent business.

For the avoidance of doubt, Councillors may ask questions on reports which are before the Council for consideration.

1.5 **Extraordinary Council Meetings**

1.5.1 **Timing**

- 1.5.1.1 Extraordinary Council Meetings may be called at any time in addition to Ordinary Council Meetings by:

- (a) the Chief Executive;
- (b) the Chairman of the Council; or
- (c) any five Councillors if (i) they have signed a requisition presented to the Chairman of the Council and (ii) the Chairman has either refused to call a meeting or has failed to call a meeting within seven days of the requisition being presented.

1.5.2 **Business**

- 1.5.2.1 The business to be conducted at an Extraordinary Council Meeting will be restricted to the item of business contained in the summons or requisition and there will be no motions or consideration of previous minutes.

2. Functions of the Full Council

2.1 **Full Council functions**

2.1.1 The following functions are the responsibility of the Full Council and may be delegated to a committee or Officer where legally permitted.

	Function
1.	<p><u>Arrangements for the discharge of functions and appointment of committees</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) making arrangements for the discharge of functions by a committee or Officer; and (b) appointing committees
2.	<p><u>Governance arrangements</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) resolving to operate a different form of governance or vary executive arrangements; (b) electing the leader; and (c) passing a resolution to remove the leader
3.	<p><u>Functions to be discharged by the authority by virtue of other enactments</u></p> <p>The function of:</p> <p>discharging any function which by virtue of any enactment passed or made before the making of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 may be discharged only by an authority</p>
4.	<p><u>Councillors' allowances</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) making, amending, revoking or replacing a Councillors' Allowances Scheme; (b) determining the amount of an allowance payable for: <ul style="list-style-type: none"> (i) the Chairman's expenses; (ii) the Vice-Chairman's expenses; (iii) a financial loss allowance; and (iv) attending conferences and meetings; (c) determining the rates at which payments are to be made for travelling and subsistence allowances; (d) determining the amount of any allowance payable under the Councillors' Allowances Scheme or the rates at which payments are to be made

5.	<p><u>Electoral arrangements</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) making a request for single-member electoral areas; and (b) passing a resolution to change a scheme for elections
6.	<p><u>Formulating plans and strategies</u></p> <p>In connection with formulating or preparing the following plans or strategies:</p> <ul style="list-style-type: none"> (a) the Council Plan; (b) the Statement of Licensing Policy; (c) any plan or strategy required to be approved by a Minister of the Crown; (d) any plan or strategy whose adoption or approval is a matter for determination by the Full Council, including: <ul style="list-style-type: none"> (i) the Crime and Disorder Reduction Strategy; (ii) Development Plan documents; and (iii) the Licensing Authority Policy Statement; (e) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure; (f) any plan or strategy for determining the Council's minimum revenue provision <p>The functions of:</p> <ul style="list-style-type: none"> (a) giving instructions requiring the Cabinet to reconsider any draft plan or strategy submitted by the Cabinet for consideration by the Full Council; (b) amending any draft plan or strategy submitted by the Cabinet for consideration by the Full Council; (c) approving, for the purposes of public consultation in accordance with Regulation 10 or 21 of the Town and Country Planning (Development Plans) (England) Regulations 1999, draft proposals associated with the preparation of, alterations to, or the replacement of a development plan document; (d) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; (e) approving, for the purpose of its submission to the Secretary of State for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004, a Development Plan document; (f) adopting (with or without modification) the plan or strategy; (g) amending, modifying, revising, varying, withdrawing or revoking any plan or strategy referred to in this section save

	<p>where such amendment, modification, revision, variation, withdrawal or revocation is:</p> <ul style="list-style-type: none"> (iv) required to give effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval, or to any part so submitted; (v) recommended by the person carrying out, under section 20 of the Planning and Compulsory Purchase Act 2004, an independent examination of a Development Plan document; or (vi) authorised by a determination made by the Full Council when approving or adopting the plan or strategy <p>The Cabinet is responsible for all other functions associated with the formulation of plans and strategies</p>
<p>7.</p>	<p><u>Joint Local Development Schemes</u></p> <p>The function of:</p> <p>making an agreement to prepare joint development plans under section 28 of the Planning and Compulsory Purchase Act 2004.</p> <p>Any other function under this Act will be the responsibility of the Cabinet</p>
<p>8.</p>	<p><u>Applications for disposal of land</u></p> <p>The function of:</p> <p>authorising the making of an application for consent to dispose of land held under sections 32 and 43 of the Housing Act 1985.</p> <p>The Cabinet is responsible for the function of making the relevant application</p>
<p>9.</p>	<p><u>Financial calculations in relation to council tax and precept</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) making calculations in accordance with the relevant sections contained in the Local Government Finance Act 1992; and (b) issuing a precept <p>The Cabinet is responsible for:</p> <ul style="list-style-type: none"> (a) the preparation for submission to the Full Council for their consideration of: <ul style="list-style-type: none"> (i) estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or

	<ul style="list-style-type: none"> (ii) the amounts to be required to be stated in the precept; (b) the reconsideration of those estimates and amounts in accordance with the requirements of the Full Council; (c) the submission for consideration by the Full Council of any revised estimates and amounts
10.	<p><u>Deregulation authorisations and revocations</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) authorising a person to exercise a function pursuant to an Order under section 70 of the Deregulation and Contracting Out Act 1994, where that function is not the responsibility of the Cabinet; and (b) revoking such an authorisation
11.	<p><u>Adoption of plans and strategies</u></p> <p>The function of:</p> <p>adopting or approving a plan or strategy where the Full Council determines that they should be responsible for this</p>
12.	<p><u>Determination of matters contrary to the budget</u></p> <p>The function of:</p> <p>determining any matter which is:</p> <ul style="list-style-type: none"> (a) the responsibility of the Cabinet; and (b) concerned with the Council's budget, its borrowing or capital expenditure <p>where the decision-maker is</p> <ul style="list-style-type: none"> (a) minded to determine the matter contrary to or not entirely in accordance with: <ul style="list-style-type: none"> (i) estimates of the amounts to be aggregated in making the calculation or other amounts to be used for the purposes of the calculation and estimates of the calculation; or (ii) the budget; or (iii) the relevant plan or strategy already approved; and (b) not authorised by the Cabinet's arrangements, Finance Procedure Rules and other applicable rules and procedures <p>This provision does not apply if the circumstances are urgent and the decision-maker has obtained a statement from the Chairman of the Finance and Performance Policy and Scrutiny Committee (or, if unavailable, the Chairman of the Council or Vice-Chairman) confirming the determination must be made urgently</p>

13.	<p><u>Determination of matters contrary to the Policy Framework</u></p> <p>The function of: determining any matter which is:</p> <ul style="list-style-type: none"> (a) the responsibility of the Cabinet; and (b) in relation to a plan or strategy approved by the Full Council where the decision-maker is minded to determine matters contrary to any relevant plan or strategy <p>This provision does not apply if the circumstances are urgent and the decision-maker has obtained a statement from the Chairman of the Finance and Performance Policy and Scrutiny Committee (or, if unavailable, the Chairman of the Council or Vice-Chairman) confirming the determination must be made urgently</p>
14.	<p><u>Functions relating to elections</u></p> <p>The functions:</p> <ul style="list-style-type: none"> (a) of dissolving small parish councils (following a recommendation from the Governance Committee); (b) of making orders for grouping parishes, dissolving groups and separating parishes from groups (following a recommendation from the Governance Committee); (c) of dividing constituencies into polling districts and designating polling places for parliamentary elections as a result of a review of the same undertaken during a compulsory review period (following a recommendation from the Governance Committee); (d) of dividing the District (or any ward of the District) and electoral divisions into polling districts and designating polling places for local government elections as a result of a full review of the same (following a recommendation from the Governance Committee); (e) of submitting proposals to the Secretary of State for an order under section 10 of the Representation of the People Act 2000 (pilot schemes for local elections) (following a recommendation from the Governance Committee); (f) of consulting on a change of scheme for elections (following a recommendation from the Governance Committee); (g) of altering years of ordinary elections of parish councillors (following a recommendation from the Governance Committee); and (h) in relation to the change of name of an electoral area (following a recommendation from the Governance Committee)

15.	<p><u>Functions relating to name and status of areas and individuals</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) changing the name of the District; (b) changing the name of a parish; (c) conferring the title of honorary alderman/alderwoman and freeman/freewoman of the District; and (d) petitioning for a charter to confer borough status
16.	<p><u>Community Governance</u></p> <p>The functions of:</p> <ul style="list-style-type: none"> (a) making an order to give effect to recommendations made in a community governance review; and (b) making agreements about incidental matters including in relation to disposals and/or related matters with a value of £500,000 or more (following a recommendation from the Governance Committee)
17.	The function of promoting or opposing local or personal Bills
18.	Functions relating to pensions
19.	Functions relating to public rights of way
20.	The function of making standing orders except in relation to the Cabinet
21.	The function of appointing an electoral registration officer
22.	The function of appointing a returning officer for local government elections
23.	The function of appointing and designating an Officer as the Head of Paid Service (following a recommendation from the Employment Committee)
24.	The function of providing staff to the Head of Paid Service
25.	The function of appointing and designating an Officer as the Monitoring Officer (following a recommendation from the Employment Committee)
26.	The function of providing staff to the Monitoring Officer
27.	The function of providing staff to a person nominated by the Monitoring Officer

28.	The function of appointing and designating an Officer as the Chief Finance Officer (Section 151 Officer) (following a recommendation from the Employment Committee)
29.	The function of providing staff to the Chief Finance Officer
30.	The function of dismissing the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (following consideration of the advice, views or recommendations of a panel appointed for the purposes of advising the Council on matters relating to their dismissal)
31.	The function of exercising powers relating to the Policy and Scrutiny Committees (voting rights of co-opted members)
32.	The function of approving a pay policy statement
33.	The function of passing a resolution not to issue casino licences
34.	The function of adopting, revising or replacing the Councillor's Code of Conduct and arrangements for handling code complaints (following a recommendation from the Governance Committee)
35.	The function of adopting, revising and replacing the Constitution (following a recommendation from the Governance Committee)
36.	The function of approving or adopting changes to the Budget and Policy Framework
37.	The function of considering reports from the Policy and Scrutiny Committees
38.	The function of considering reports from the Leader on decisions taken as urgent
39.	The function of considering reports from the Chief Executive on decisions taken as a matter of emergency
40.	The function of delegating non-executive functions to another local authority
41.	The function of determining planning applications referred to it by the Planning Committee or the Director of Place
42.	The function of determining matters relating to planning appeals referred to it by the Director of Place
43.	The function of considering reports from the Statutory Officers
44.	Any other functions not to be the responsibility of the Cabinet.

3. Council Procedure Rules

3.1 **Introduction**

3.1.1 The Council Procedure Rules apply to and regulate all Council Meetings.

3.2 **Time and place**

3.2.1 The date, time and place of Council Meetings will be determined in accordance with the timetable of meetings or by the Chief Executive and notified to Councillors in a summons.

3.3 **Notice and summons**

3.3.1 At least five clear days before a Council Meeting:

- (a) notice of the time and place of the Council Meeting will be published at the Council's offices and on its website; and
- (b) an electronic or paper summons will be sent to Councillors specifying the date, time, place and business to be transacted at the Council Meeting.

3.3.2 Want of service of a summons on any Councillor will not affect the validity of a Council Meeting.

3.4 **Duration**

3.4.1 Council Meetings will not exceed three hours without the consent of the Councillors present at that meeting.

3.4.2 The Council Meeting will not conclude part way through an item of business.

3.4.3 If any motions or recommendations on the agenda remain to be dealt with, a motion to adjourn must be moved to reconvene the meeting to deal with any remaining business.

3.5 **Chairman**

3.5.1 The Chairman will control any debate and will ensure the efficient, fair and orderly conduct of business.

3.5.2 The Chairman will normally follow the Council Procedure Rules and their interpretation, application and waiver of them will be final and not open to challenge. The Chairman may have regard to the Principles of decision-making or the Purposes of the Constitution.

3.5.3 The Chairman may vary the order of business of any Council Meeting.

3.5.4 The Chairman may manage agenda items, recommendations and votes in whatever manner they consider appropriate.

3.6 **Quorum**

3.6.1 The quorum of a Council Meeting will be 12 Councillors.

3.6.2 A Council Meeting will be adjourned if the Chairman declares it to be inquorate and any remaining business will be considered either at a date and time set by the Chairman or at the next Council Meeting.

3.7 **Voting**

3.7.1 **Majority**

3.7.1.1 All matters will be decided by simple majority of those Councillors present and voting in the Council Meeting at the time the question is put to the vote.

3.7.2 **Chairman's casting vote**

3.7.2.1 The Chairman will have the casting vote in the event that there are an equal number of votes for and against.

3.7.2.2 There will be no restriction on how the Chairman chooses to exercise a casting vote.

3.7.3 **Method of voting**

3.7.3.1 Voting will be by show of hands (or electronic means) or, if there is no dissent, by the affirmation of all Councillors present at the Council Meeting.

3.7.4 **Recorded votes**

3.7.4.1 The names of all Councillors voting for, voting against or abstaining will be recorded in the minutes of the Council Meeting if requested by two Councillors.

3.7.4.2 A recorded vote is required to be taken for each budget decision at the budget decision meeting (as defined in The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)) and the results will be recorded in the minutes.

3.7.5 **Individual recorded vote**

3.7.5.1 A Councillor may request that the way in which they have voted is recorded immediately after the vote is taken.

3.7.6 **Voting on appointments**

3.7.6.1 Where there are more than two Councillors nominated for a position and there is no clear majority of votes in favour of one Councillor, the Councillor with the least number of votes will be removed and a new vote will be taken.

3.7.6.2 This process will continue until there is a majority of votes for one Councillor.

3.8 **Minutes**

3.8.1 **Form of minutes**

3.8.1.1 Minutes of Council Meetings will be recorded in a book of loose-leaf pages.

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

3.8.2 **Signing the minutes**

3.8.2.1 The Chairman will move that the minutes of the previous Council Meeting be signed as a correct record.

3.8.2.2 Once approved, the Chairman will sign the minutes on the last page.

3.8.2.3 Only the accuracy of the minutes can be discussed at a Council Meeting.

3.8.2.4 Minutes of a previous Council Meeting will not be signed at an Extraordinary Council Meeting.

3.8.3 **Record of attendance**

3.8.3.1 A Councillor's attendance will be reflected in the minutes of the Council Meeting.

3.9 **Exclusion of public and press**

3.9.1 Members of the public and press may be excluded from a Council Meeting in accordance with the Access to Information Procedure Rules or paragraph 3.11 below – Disturbance by members of the public.

3.10 **Councillors' conduct**

3.10.1 **Speaking at Council Meetings**

3.10.1.1 Councillors must address the Council Meeting through the Chairman and if more than one Councillor wishes to speak, the Chairman will choose who speaks first.

3.10.1.2 Councillors will remain silent when other Councillors are speaking unless they wish to make a point of order or a point of personal explanation, as explained in 3.12.6 and 3.12.7 in these rules.

3.10.2 **Chairman speaking**

3.10.2.1 When the Chairman speaks, all Councillors must stop speaking.

3.10.3 **Councillor not to be heard further**

3.10.3.1 The Chairman may move that a Councillor is not to be heard further if they disregard the Chairman's ruling, behave inappropriately or obstruct business.

3.10.3.2 If seconded, the motion will be voted on without discussion.

3.10.4 **Councillor to leave the Council Meeting or adjournment**

3.10.4.1 If a Councillor continues to behave inappropriately or obstruct business after a motion not to be heard is carried, the Chairman may move that either the Councillor leaves the Council Meeting or that it is adjourned for a specified period.

3.10.4.2 If seconded, the motion will be voted on without discussion.

3.10.5 **General disturbance**

3.10.5.1 If there is a general disturbance rendering orderly business impracticable, the Chairman may adjourn the Council Meeting for as long as they think necessary.

3.11 **Disturbance by members of the public**

3.11.1 **Removal of a member of the public**

3.11.1.1 If a member of the public disrupts a Council Meeting, the Chairman will warn that person and order their removal if they persist.

3.11.2 **Clearance of part of a meeting room**

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

3.12 **Rules of debate**

3.12.1 **Motion procedure**

3.12.1.1 A motion must be moved and seconded before it can be discussed at a Council Meeting.

3.12.1.2 A seconder may reserve their right to speak until later in the debate.

3.12.1.3 The Chairman may request that a motion be put in writing and handed to them before discussion.

3.12.2 **Content of speech**

3.12.2.1 A Councillor's speech must be directed to the matter under discussion or to a point of order or personal explanation.

3.12.3 **Length of speech**

3.12.3.1 A Councillor must not speak for more than five minutes.

3.12.3.2 The Leader of each political group may speak for up to 10 minutes when the Council's annual budget is under discussion.

3.12.3.3 The Chairman may agree to extend the above time limits if they believe it will aid debate.

3.12.4 **When a Councillor may speak again**

3.12.4.1 A Councillor who has spoken on a motion must not speak again whilst it is the subject of debate except:

- (a) to speak on an amendment moved by another Councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if their first speech was on an amendment moved by another Councillor, to speak on the main issue (irrespective of whether the amendment was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and

(f) by way of personal explanation.

3.12.5 **Right of reply**

3.13.5.1 A right of reply is the right to make closing comments.

3.12.5.2 The mover of a motion has the right of reply:

- (a) on the motion - at the end of debate and prior to the vote; and
- (b) on an amendment - at the end of debate and prior to the vote on that amendment.

3.12.5.3 The mover of an amendment has no right of reply.

3.12.6 **Point of order**

3.12.6.1 A point of order is a request by a Councillor to the Chairman to rule on an alleged (i) irregularity in the procedure of the meeting or (ii) breach of law.

3.12.6.2 Examples of such irregularities include:

- (a) the use of irrelevant or improper language;
- (b) that a quorum is not present;
- (c) that an amendment is a simple negative of the motion before the meeting;
- (d) that the motion is ultra vires;
- (e) that no question is before the meeting where a motion has not been seconded; and
- (f) any non-compliance with the Council Procedure Rules.

3.12.6.3 A Councillor may raise a point of order at any time and will be heard immediately with the Chairman's consent.

3.12.6.4 The Councillor must indicate the rule or law and the way in which they consider it has been breached.

3.12.6.5 The ruling of the Chairman will be final and must not be challenged.

3.12.7 **Personal explanation**

3.12.7.1 A personal explanation is an explanation of a material part of a Councillor's former speech which may have been misunderstood.

3.12.7.2 A Councillor may make a personal explanation at any time and will be heard immediately with the Chairman's consent.

3.12.7.3 The ruling of the Chairman will be final on the admissibility of a personal explanation.

3.13 **Councillors' questions**

3.13.1 **Questions without notice**

3.13.1.1 Any Councillor may ask a question without notice of the Leader, a Cabinet Member or a Committee Chairman upon a report brought by them and under consideration.

3.13.2 **Questions on notice**

3.13.2.1 Any Councillor may ask a question on notice of the Chairman, the Leader, a Cabinet Member or a Committee Chairman.

3.13.3 **Notice and order**

3.13.3.1 Notice in writing of a question must be given to the Monitoring Officer before 5pm three clear working days before the Council Meeting.

3.13.3.2 Questions will be dealt with in the order received unless determined otherwise by the Chairman.

3.13.4 **Time allowed for questions**

3.13.4.1 The time allowed for questions will not exceed 30 minutes unless the Chairman decides otherwise. Any remaining questions will be responded to in writing within 10 working days of the Council Meeting.

3.13.5 **Scope**

3.13.5.1 Questions must:

- (a) be on matters in relation to which (i) the Council has powers or duties and/or (ii) affect the District;
- (b) not express an opinion;
- (c) not relate to questions of fact.

3.13.5.2 The Monitoring Officer may reject a question if, in their opinion, it:

- (a) is not within scope;
- (b) is frivolous, offensive, vexatious or out of order;
- (c) is about legal proceedings;
- (d) is substantially the same as a question which has been put in the last six months;
- (e) is about a specific planning application, licensing matter or standards determination;
- (f) is about staffing matters;
- (g) is about the conduct of Councillors or Officers;
- (h) requires the disclosure of exempt and/or confidential information; and/or
- (i) is about a complaint against the Council.

3.13.6 **Response**

3.13.6.1 A response to a question may be:

- (a) given at the Council Meeting; or
- (b) provided in writing within 10 working days of the Council Meeting.

3.13.7 **Supplementary question and statement**

3.13.7.1 The questioner may:

- (a) ask a supplementary question directly related to the first question or arising out of the reply to that question; and
- (b) make a statement in response to the answers received.

3.13.8 **Time allowed for Councillors**

3.13.8.1 Councillors must adhere to the time limits specified below when asking questions:

Question/response/statement	Time limit
Question	Two minutes
Response	Two minutes
Supplementary question	Two minutes
Supplementary response	Two minutes
Statement by questioner	Two minutes

3.13.9 **Absent Councillors**

3.13.9.1 A question may not be asked in the absence of the Councillor in whose name it stands unless the Chairman consents.

3.14 **Motions**

3.14.1 **Introduction**

3.14.1.1 A motion is a request made by a Councillor for an issue to be considered at a Council Meeting and for a decision to be made.

3.14.1.2 Motions may be put either with or without notice.

3.14.2 **Motions without notice**

3.14.2.1 The following motions may be moved without notice:

- (a) to appoint a chairman of the Council Meeting;
- (b) to change the order of business in the agenda;
- (c) in relation to the accuracy of the minutes, a report or motion;
- (d) to refer something to an appropriate body or individual, without debate;
- (e) to withdraw a motion;
- (f) to amend a motion;
- (g) procedural motions (as explained below at paragraph 3.14.8);
- (h) to adjourn a meeting;
- (i) to suspend a particular Council Meeting Procedure Rule;
- (j) to exclude the public and press;
- (k) to not hear a Councillor further or to exclude them from the Council Meeting; and

- (l) to give the consent of the Council (albeit such consent can be given by way of simple affirmation).

3.14.3 **Motions on notice**

3.14.3.1 **Notice**

- 3.14.3.1.1 Written notice of a motion must be given to the Chief Executive by 5pm seven clear working days before the Council Meeting.

3.14.3.2 **Motions set out in the agenda**

- 3.14.3.2.1 Motions will be listed on the agenda in the order they are received unless determined otherwise by the Chairman.

3.14.3.3 **Scope**

- 3.14.3.3.1 A motion must be about a single issue in relation to which the Council has powers or duties and/or which affects the District.
- 3.14.3.3.2 The Chief Executive may reject a motion if, in their opinion, it:
 - (a) is not within scope;
 - (b) is frivolous, offensive, vexatious or out of order;
 - (c) is about legal proceedings;
 - (d) is substantially the same as a motion (or amendment) which has been put in the last six months;
 - (e) is about a specific planning application, licensing matter or standards determination;
 - (f) is about staffing matters;
 - (g) is about the conduct of Councillors or Officers;
 - (h) requires the disclosure of exempt or confidential information;
 - (i) seeks to pursue a complaint against the Council where other channels exist for the determination of complaints; and/or
 - (j) has the effect of increasing expenditure of the Council.

3.14.3.4 **One motion per Councillor**

- 3.14.3.4.1 No Councillor may give notice of more than one motion for a Council Meeting.

3.14.3.5 **Limitation for Council Meeting considering the annual budget**

- 3.14.3.5.1 Typically, no motions will be considered at the Council Meeting where the annual budget is discussed. However, in exceptional circumstances, one motion may be permitted, subject to prior consultation with the Chief Executive and the Monitoring Officer who are responsible for determining whether the circumstances are exceptional.

3.14.3.6 **Time allowed for motions**

- 3.14.3.6.1 The time allowed for motions will not exceed 60 minutes without the meeting's consent.

3.14.3.6.2 Any remaining motions will be deferred to the next Ordinary Council Meeting and will be taken in the same order and ahead of any other motions.

3.14.3.6.3 When 60 minutes have elapsed, the Chairman will put to the vote (without discussion) all questions necessary to dispose of the motion under debate provided that:

- (a) the Chairman will allow the motion to be formally seconded where the speech to be concluded is a speech proposing the motion;
- (b) the Chairman will allow the amendment to be formally seconded and the right of reply where the speech to be concluded is a speech moving an amendment; and
- (c) the Chairman will allow a right of reply in all other cases.

3.14.3.7 **Absent Councillors**

3.14.3.7.1 A motion may not be moved in the absence of the Councillor in whose name it stands unless the Chairman consents.

3.14.4 **Amendment to motions**

3.14.4.1 A motion may be amended so long as the amendment:

- (a) does not negate the motion;
- (b) is relevant to the original motion;
- (c) is not ultra vires;
- (d) is not intended to impede the business of the meeting;
- (e) is not inconsistent with an amendment already adopted; and
- (f) does not reproduce an amendment previously rejected.

3.14.4.2 An amendment can be made by:

- (a) inserting words;
- (b) deleting words;
- (c) inserting and deleting words; and/or
- (d) referring the matter to an appropriate body, person or Councillor for consideration, without further debate.

3.14.4.3 Only one amendment may be moved and debated at any one time.

3.14.4.4 No further amendments will be moved until the amendment under discussion has been disposed of except with the agreement of the proposer and the seconder of an amendment to amend that proposal with a view to achieving agreement.

3.14.4.5 If an amendment is lost, other amendments to the motion may be moved.

3.14.4.6 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion which is then debated and to which any further amendments can be moved.

3.14.5 **Alteration of a Councillor's own motion or amendment**

3.14.5.1 A Councillor may alter their motion or amendment with the consent of the seconder and the meeting, provided the alteration is one which can be made as an amendment. The meeting's consent will be signified without discussion.

3.14.6 **Withdrawal of a motion**

3.14.6.1 A Councillor may withdraw a motion which they have moved with the consent of both the seconder and the meeting. The meeting's consent will be signified without discussion.

3.14.6.2 No Councillor will speak on the motion after the mover has sought permission to withdraw, unless permission is refused.

3.14.7 **Motions which may be moved during debate**

3.14.7.1 The following motions may be moved during debate:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) procedural motions (as explained below at paragraph 3.14.8);
- (d) to exclude the public and press; and
- (e) to not hear a Councillor further or to exclude them from the Council Meeting.

3.14.8 **Procedural motions**

3.14.8.1 A procedural motion is a motion which impacts upon the procedure being followed in a Council Meeting, that is, how the meeting is being conducted. It is distinguished from a substantive motion or resolution, which relates to the main business of the meeting.

3.14.8.2 Motion to proceed to next business:

3.14.8.2.1 If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, they will allow a right of reply and then put the procedural motion to the vote.

3.14.8.3 Motion that the question be put:

3.14.8.3.1 If a motion that the question be put is seconded and the Chairman thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will allow a right of reply before putting the question to the vote.

3.14.8.4 Motion to adjourn the debate or meeting:

3.14.8.4.1 If a motion to adjourn the debate or meeting is seconded and the Chairman thinks the item has not been sufficiently and cannot reasonably be discussed, they will put the procedural motion to the vote without allowing a right of reply to the mover of the original motion.

3.14.9 **Previous and similar decisions:**

3.14.9.1 A motion on notice:

- (a) to rescind a decision made; or
- (b) in similar terms to one that has been rejected*

at a Council Meeting in the past six months cannot be moved unless the notice of motion is signed by at least ten Councillors.

*Once the motion is dealt with, Councillors cannot propose a similar motion for six months.

3.14.9.2 If a motion or amendment which arises during debate:

- (a) seeks to rescind a decision made or;
- (b) is in similar terms to one that has been rejected

at a Council Meeting in the past six months, the Chairman will reject it.

3.14.10 **Budget amendments**

3.14.10.1 Councillors may propose amendments to the budget but these must not result in the setting of an unlawful budget and related matters must not result in a contravention of the law.

3.14.10.2 Councillors must consult the Chief Finance Officer and the Monitoring Officer to ensure the validity of their proposals and to assess any potential service, financial and legal implications.

3.14.10.3 Proposed amendments must be submitted to the Chief Finance Officer by no later than 5pm 10 clear working days prior to the date of the budget setting Council Meeting.

3.14.10.4 If a proposed amendment to any item on the Council Meeting agenda is likely to impact the budget, Councillors must seek advice from the Chief Finance Officer prior to the relevant meeting.

3.14.10.5 The confidentiality of any proposed amendments will be respected and not disclosed without the consent of the respective Councillor.

3.15 **State of the District debate**

3.15.1 **Calling of the debate**

3.15.1.1 The Leader may call a State of the District debate annually and in a manner to be agreed with the Chairman.

3.15.2 **Form of the debate**

3.15.2.1 The Leader will decide the form of the debate with the aim of enabling public involvement and publicity. This may include holding workshops and other events before or during the debate.

3.15.3 **Chairing the debate**

3.15.3.1 The debate will be chaired by the Chairman.

3.15.4 **Results of the debate**

3.15.4.1 The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) considered by the Leader in proposing the Budget and Policy Framework to the Full Council for the coming year.

3.16 **Application of these rules to committees and sub-committees**

3.16.1 These rules apply to meetings of committees and sub-committees, with the exception of the following:

- (a) Rule 3.6.1 – **Quorum**, save that the quorum of a relevant meeting will be one quarter of the whole number of Councillors of that meeting or three Councillors, whichever is the greater;
- (b) Rule 3.13 – **Councillors' questions**, save that a Councillor may ask a question of a Committee Chairman under paragraph 3.13.1;
- (c) Rule 3.14 – **Motions**, save that a Councillor may move motions without notice under paragraph 3.14.2.1;
- (d) Rule 3.15 – **State of the District debate**.

4. Joint Arrangements

4.1 **Introduction**

4.1.1 This section describes some of the alternative ways in which the Council's non-executive functions may be discharged.

4.2 **Joint arrangements and access to information**

4.2.1.1 The Full Council may establish joint arrangements with one or more local authorities to exercise non-executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.

4.2.1.2 The Access to Information Procedure Rules will apply to such joint committees.

4.3 **Delegation to other local authorities**

4.3.1 The Full Council may delegate non-executive functions to another local authority or the executive of another local authority as permitted by law.

4.4 **Contracting out**

4.4.1 The Full Council may contract out to another body or organisation non-executive 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.

The Leader and the Cabinet

1. The Leader and the Cabinet
2. Functions of the Cabinet
3. Cabinet Procedure Rules
4. Cabinet Member Portfolios
5. Joint Arrangements and Partnerships

1. The Leader and the Cabinet

1.1 **Introduction**

- 1.1.1 The Cabinet is typically made up of a smaller number of Councillors from the political party with the most seats and is responsible primarily for discharging the Council's day-to-day functions.
- 1.1.2 The Cabinet must not include the Chairman or Vice-Chairman of the Council.

1.2 **Form and composition**

- 1.2.1 The Cabinet will consist of:
 - (a) the Leader; and
 - (b) at least two but not more than nine Councillors appointed by the Leader.

1.3 **Role**

- 1.3.1 The Cabinet will undertake the Council's functions which are not the responsibility of any other part of the Council.

1.4 **The Leader**

- 1.4.1 The Leader will be a Councillor elected to the position of Leader by the Full Council.
- 1.4.2 The Leader will hold office until the day when the Council holds its first Annual Meeting after the Leader's normal day of retirement as a Councillor, unless:
 - (a) they resign from office;
 - (b) they are no longer a Councillor; or
 - (c) they are removed from office by a resolution of the Full Council.
- 1.4.3 The Leader will discharge the executive functions which are not the responsibility of any other part of the Council.

1.5 **Deputy Leader**

- 1.5.1 The Leader must appoint a Cabinet Member to act as a Deputy Leader.
- 1.5.2 The Deputy Leader will hold office until the end of the Leader's term of office unless:
 - (a) they resign from office;
 - (b) they are no longer a Councillor or a Cabinet Member; or
 - (c) they are removed from office by the Leader.
- 1.5.3 Where a vacancy occurs in the office of the Deputy Leader, the Leader must appoint another Councillor to act in their place.
- 1.5.4 If for any reason:
 - (a) the Leader is unable to act; or
 - (b) the office of Leader is vacant

the Deputy Leader will act in their place.

1.5.5 If for any reason:

- (a) the Leader is unable to act or their office is vacant; and
- (b) the Deputy Leader is unable to act or their office is vacant,

the Cabinet must act in the Leader's place, or arrange for a Cabinet Member to act in the Leader's place.

1.6 **Cabinet Members**

1.6.1 Cabinet Members will be Councillors appointed by the Leader.

1.6.2 Cabinet Members will hold office until:

- (a) they resign from office;
- (b) they are no longer Councillors; or
- (c) they are removed from office by the Leader.

1.6.3 The Leader may at any time appoint a Councillor to fill a Cabinet vacancy.

1.7 **Proceedings of the Cabinet**

1.7.1 Proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules.

1.8 **Responsibility for functions**

1.8.1 The Leader may personally exercise executive functions or delegate their discharge to:

- (a) the Cabinet as a whole;
- (b) an individual Cabinet Member;
- (c) an Officer;
- (d) a committee of the Cabinet (comprising only Cabinet Members);
- (e) a joint committee; or
- (f) another council.

1.8.2 Any functions which have not been delegated by the Leader may be discharged by the Leader alone.

1.8.3 The Leader must create a written record outlining the delegation of executive functions to be included in the Constitution which will include:

- (a) the scope and limits of authority delegated to Cabinet Members;
- (b) the creation of, terms of reference for and appointments to committees of the Cabinet;
- (c) the delegation of executive functions to other authorities or joint arrangements; and
- (d) the scope and limits of any delegation to Officers.

- 1.8.4 The Leader may amend the scheme of delegation relating to executive functions at any time by providing written notice to the person, body or committee concerned.
- 1.8.5 The Leader will report (either verbally or in writing) any changes made to the next Ordinary Council Meeting.
- 1.9 **Sub-delegation of executive functions**
- 1.9.1 Subject to any statutory restrictions and unless the Leader directs otherwise, if the Leader delegates functions to:
- (a) the Cabinet, the Cabinet may delegate further to a committee of the Cabinet or an Officer;
 - (b) a Cabinet Member, the Cabinet Member may delegate further to an Officer; and
 - (c) a committee of the Cabinet, the committee may delegate further to an Officer.
- 1.10 **Delegation of functions**
- 1.10.1 The delegation of executive functions does not prevent them from being discharged by the person (or body) who delegated them.
- 1.11 **Deputy Cabinet Members**
- 1.11.1 The Leader may appoint Councillors (excluding the Chairman and Vice-Chairman of the Council) to act as Deputy Cabinet Members.
- 1.11.2 Deputy Cabinet Members will not be members of the Cabinet, will not have any decision-making powers and will not be entitled to vote at Cabinet Meetings.
- 1.11.3 Deputy Cabinet Members may attend and chair meetings, speak at and open events, read and comment on papers, meet Officers, agree press releases, carry out interviews and represent the Council on appropriate groups.

2. Functions of the Cabinet

2.1 **Functions of the Cabinet**

2.1.1 The Cabinet is responsible for:

- (a) all functions that are not the responsibility of the Full Council or a committee of the Full Council and these are known as executive functions; and
- (b) all Local Choice functions as contained in Regulation 3 and Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Functions Regulations”).

2.1.2 Most functions will be discharged by Cabinet Members except for “key decisions” which will be discharged by the Cabinet as a whole.

2.1.3 All decisions taken by the Cabinet must sit inside the Budget and Policy Framework set by the Full Council.

2.2 **Local Choice functions**

2.2.1 Local Choice functions are those functions which may be (but need not be) the responsibility of the Cabinet.

2.2.2 The below table sets out broadly the Local Choice functions and shows who is authorised to discharge them.

	Local Choice Functions (as set out in Schedule 2 to the Functions Regulations)	Decision- making Body	Delegation of function to Officer or Committee
1.	Any function under a local Act (excluding any which are not to be the responsibility of the Cabinet under the Functions Regulations)	The Cabinet	Relevant Director for the function concerned
2.	The determination of an appeal against any decision made by or on behalf of the Council (excluding those appeals which are the responsibility of a Policy and Scrutiny Committee under the Petition Scheme)	The Cabinet	Relevant Cabinet Member and/or relevant Director for the function concerned
3.	Any function relating to contaminated land under Part IIA of the Environmental Protection Act 1990	The Cabinet	Director of Communities and/or Head of Environmental Health and Licensing

4.	The discharge of any function relating to the control of pollution or the management of air quality under the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993	The Cabinet	Director of Communities and/or Head of Environmental Health and Licensing
5.	The service of an abatement notice in respect of a statutory nuisance under section 80(1) of the Environmental Protection Act 1990	The Cabinet	Director of Communities and/or Head of Environmental Health and Licensing
6.	The passing of a resolution that Schedule 2 of the Noise and Statutory Nuisance Act 1993 should apply in the Council's area under section 8 of that Act	The Cabinet	N/A (non-delegable as requires a resolution)
7.	The inspection of the Council's area to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990	The Cabinet	Director of Communities and/or Head of Environmental Health and Licensing
8.	The investigation of any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Protection Act 1990	The Cabinet	Director of Communities and/or Head of Environmental Health and Licensing
9.	The obtaining of information as to interests in land under section 330 of the Town and Country Planning Act 1990	The Cabinet	Relevant Director and/or Head of Service for the function concerned
10.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Cabinet	Relevant Director and/or Head of Service for the function concerned

11.	The appointment (and revocation of such appointment) of any individual: <ul style="list-style-type: none"> (a) to an office other than an office in which they are employed by the Council; (b) to any body other than the Council or a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body 	The Leader	Head of Paid Service where appropriate
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2.2.3 Those Officers with the responsibilities outlined in the above table may delegate further such functions as they deem appropriate to any suitably qualified Officers for which they are responsible. For the avoidance of doubt, the original delegator will remain responsible for any decisions made.

2.3 **Key decisions**

2.3.1 The Cabinet is responsible for making **key decisions** and they may not be delegated to a Cabinet Member or an Officer.

2.3.2 A **key decision** is a decision relating to an executive function (i.e. one that is the responsibility of the Cabinet) which is likely:

- (a) to result in the Council incurring expenditure or making savings with a value of and exceeding £500,000;¹ and/or
- (b) to have a significant effect² on communities living or working in an area comprising two or more wards.

2.3.3 The following decisions will not constitute a **key decision**:

- (a) Any decision where the expenditure or saving will result from:
 - (i) a treasury management decision relating to the making, payment or borrowing of a loan;
 - (ii) the settlement of proceedings to which the Council is a party; and
 - (iii) an urgent decision taken by the Chief Executive in accordance with their powers to do so.
- (b) Any decision where the expenditure, saving or the impact on the community is linked to an existing or planned key decision, for example:
 - (i) any decision which is a direct consequence of implementing a previous key decision³ and was in the contemplation of the decision-maker at the time the decision was taken; and/or

¹ Assessed over the full commitment of the decision (e.g. total contract value including extensions or full cost of capital project) excluding VAT. Where the decision commits the Council to an ongoing commitment (e.g. the staffing costs related to the creation of a permanent post) the value will be assessed on an annual basis.

² In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the Council. It is best practice to consider the effect of the decision on those in one ward.

³ Where a scheme or proposal changes following the original decision to the extent that the additional spend or save, or the additional impact of the decision, reaches the key decision threshold, it will be treated as a new key decision.

- (ii) any decision which is the result of varying a previous key decision following a call-in of that decision.

- 2.3.4 It will be the responsibility of the relevant Officer, possessing the appropriate subject matter expertise, to assess and determine whether a decision qualifies as a key decision, based on its value, significance and impact within the relevant context.
- 2.3.5 If there is any uncertainty regarding whether a decision constitutes a key decision, the relevant Officer will consult and have regard to the views of the appropriate Cabinet Member, the Chief Finance Officer and the Monitoring Officer, before reaching a determination.

3. Cabinet Procedure Rules

3.1 **Introduction**

3.1.1 The Cabinet Procedure Rules apply to and regulate all meetings of the Cabinet and any committees of the Cabinet.

3.1.2 Meetings of the Cabinet and its committees will be held in public unless:

- (a) it is likely that exempt and/or confidential information will be disclosed; or
- (b) it is necessary to exclude Councillors and members of the public to maintain orderly conduct.

3.1.3 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer are entitled to attend any meetings of the Cabinet.

3.1.4 It is best practice for Officers to attend Cabinet Meetings when they have assisted in formulating recommendations and proposals for consideration by the Cabinet.

3.2 **Schedule of Cabinet Meetings**

3.2.1 The schedule, frequency, timing and location of Cabinet Meetings will be determined by the Leader.

3.3 **Who presides**

3.3.1 The Leader will preside at meetings of the Cabinet or its committees.

3.3.2 In the Leader's absence, the Deputy Leader will preside and in the Deputy Leader's absence, a Cabinet Member appointed to do so by those present will preside.

3.4 **Quorum**

3.4.1 The quorum for a meeting of the Cabinet or one of its committees is three.

3.5 **Business and decision-making**

3.5.1 The following business will be conducted at Cabinet Meetings:

- (a) the receipt of apologies for absence;
- (b) the approval of the minutes of the last meeting;
- (c) the receipt of any declarations of interest from Cabinet Members;
- (d) the receipt of any announcements from the Leader, Cabinet Members or the Chief Executive;
- (e) the receipt of statements from members of the public;
- (f) consideration of matters set out in the agenda for the meeting;
- (g) consideration of matters referred to the Cabinet for reconsideration in accordance with the Policy and Scrutiny Committees Procedure Rules;
- (h) consideration of reports from the Policy and Scrutiny Committees;
- (i) review of the Forward Plan; and
- (j) consideration of urgent items.

3.5.2 All executive decisions must align with and operate within the established Budget and Policy Framework.

3.6 **The Cabinet agenda**

3.6.1 The Leader may put any matter on an agenda irrespective of whether the relevant function has been delegated.

3.6.2 Any Cabinet Member may, by submitting a written request, ask the Monitoring Officer to add an item on the agenda for the upcoming Cabinet Meeting.

3.6.3 The Statutory Officers may include an item on the Cabinet agenda and may require that such a meeting be convened in pursuance of their statutory duties.

3.6.4 Where any two Statutory Officers think that a matter should be considered by the Cabinet, they may include an item on the agenda and require that a meeting be called.

3.7 **Reports and consultation**

3.7.1 **The Budget and Policy Framework**

3.7.1.1 All Cabinet reports containing proposals related to the Budget and Policy Framework must include details of the consultation process with stakeholders and the Chairman of the relevant Policy and Scrutiny Committee, along with the outcomes of that consultation.

3.7.2 **Other matters**

3.7.2.1 Reports about other matters will set out the details and outcome of consultation. The extent of consultation will be commensurate with the nature of the decision.

3.8 **Procedure before taking a decision**

3.8.1 **Notice of ordinary Cabinet Meetings**

3.8.1.1 The Council will provide a minimum of five clear working days' notice of a meeting by displaying the details at its offices and on its website.

3.8.1.2 If a meeting is convened with less than five clear working days' notice, the notice will be given at the time the meeting is called.

3.8.1.3 If an item is added to the agenda after it has been published, the revised agenda and any relevant reports will be made available on the Council's website at the time the item is added.

3.8.2 **Exclusion of the public from meetings of the Cabinet**

3.8.2.1 All Cabinet Meetings will be open to the public.

3.8.2.2 The public must be excluded from all or part of a meeting in the following circumstances:

- (a) when confidential information is likely to be disclosed during an item of business;
- (b) when the meeting passes a resolution to exclude the public from a specific part of the meeting, as exempt information is likely to be disclosed during that item; or
- (c) when a lawful power is exercised to exclude a member or members of the public in order to maintain order or prevent disruption during the meeting.

3.8.2.3 Confidential information and exempt information have the same meaning as defined in the Access to Information Procedure Rules at paragraphs 1.10.1 and 1.10.2.

3.8.2.4 The public may be excluded from the meeting, or part of the meeting, by virtue of paragraph 3.8.2.2 (a) or (b) only when appropriate notice has been given to permit such exclusion as explained below.

3.8.3 **Notice of Cabinet Meetings at which exempt or confidential information is to be considered**

3.8.3.1 If a report, in whole or part, is not available for public inspection due to containing confidential or exempt information, each copy of the report (or relevant section) must be clearly marked as "not for publication" and must indicate that it contains confidential information or, in reference to Schedule 12A of the Local Government Act 1972, exempt information.

3.8.3.2 28 day notice

3.8.3.2.1 At least 28 clear calendar days before a meeting at which exempt or confidential information is to be discussed, the Council will ensure a notice is made available at its offices and on its website, informing the public of the intention to hold the meeting (or part of it) in private.

3.8.3.2.2 The notice must include an explanation of the reasons for conducting the meeting (or part of it) in private.

3.8.3.3 5 day notice

3.8.3.3.1 At least five clear days before a meeting at which exempt or confidential information is to be considered, the Council will:

- (a) make available at its offices a further notice of the Cabinet's intention to hold the meeting (or part of it) in private; and
- (b) publish a further notice on its website of the Cabinet's intention to hold the meeting (or part of it) in private.

3.8.3.3.2 The notice must include:

- (a) an explanation of the reasons for holding the meeting (or part of it) in private;
- (b) details of any representations received about why the meeting should be open to the public; and
- (c) a statement of response to any representations.

3.8.4 Notice of urgent Cabinet Meetings at which exempt or confidential information is to be considered

3.8.4.1 If the date of a meeting makes it impracticable to comply with the 28 day and 5 day notice requirements, the meeting may only consider exempt or confidential items in private with the agreement of the Chairman of the Finance and Performance Policy and Scrutiny Committee, or in their absence, the Chairman of the Council, or if both are unavailable, the Vice-Chairman of the Council.

3.8.4.2 In granting such agreement, the Chairman of the Finance and Performance Policy and Scrutiny Committee must be satisfied that the meeting is urgent and cannot reasonably be deferred.

3.8.4.3 As soon as reasonably practicable after securing approval to hold a private meeting, the Council will publish a notice at its offices explaining the reasons for the urgency and why the meeting cannot reasonably be deferred and will also publish this notice on its website.

3.9 Procedure before taking a key decision – the Forward Plan requirements

3.9.1 Where the Cabinet intends to make a key decision that decision must not be made until a Forward Plan has been published.

3.9.2 The Forward Plan is a public document that outlines the key decisions expected to be made by the Cabinet over a specific period.

3.9.3 The Forward Plan must contain the following information:

- (a) that a key decision is to be made;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision is to be taken by an individual Cabinet Member the name and title and if by the Cabinet a list of the Cabinet Members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents to be submitted for consideration in relation to the relevant matter;
- (f) the address from which (subject to any prohibition or restriction on their disclosure) copies of, or extracts from, any document listed is available;
- (g) any other documents relevant to those matters which may be submitted; and
- (h) the procedure for requesting details of those documents.

3.9.4 At least 28 clear days before a key decision is made, the Forward Plan must be made available for inspection by the public:

- (a) at the offices of the Council; and
- (b) on the Council's website.

3.9.5 Where, in relation to any matter:

- (a) the public may be excluded from the meeting at which the matter is to be discussed; or

(b) documents relating to the decision need not be disclosed to the public, the Forward Plan must contain particulars of the matter but may not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

3.10 **Key decisions – general exception requirements**

3.10.1 Where it is impracticable to comply with the requirement to give 28 clear days' notice of a key decision, the relevant decision may only be made:

- (a) where the Monitoring Officer has informed the Chairman of the Finance and Performance Policy and Scrutiny Committee (or, if there is no such person, each member of the Finance and Performance Policy and Scrutiny Committee) in writing of the matter about which the decision is to be made;
- (b) where the Monitoring Officer has made available for public inspection and published on the Council's website a copy of the notice issued pursuant to (a) above; and
- (c) after five clear days have elapsed since the Monitoring Officer made available the notice referred to in (b) above.

3.10.2 A notice setting out the reasons why compliance with the 28 day notice requirement was impracticable will be made available at the Council's offices and published on its website as soon as reasonably practicable.

3.11 **Key decisions – urgency requirements**

3.11.1 Where the date by which a key decision must be made makes compliance with the general exception requirements impracticable, the decision may only be made where the Leader (on behalf of the Cabinet) has obtained agreement from the Chairman of the Finance and Performance Policy and Scrutiny Committee (or, in their absence, the Chairman of the Council or, in their absence, the Vice-Chairman of the Council) that the making of the decision is urgent and cannot reasonably be deferred.

3.11.2 A notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred will be made available at the Council's offices and published on its website as soon as reasonably practicable.

3.12 **Procedure after taking a decision**

3.12.1 **Recording decisions**

3.12.1.1 As soon as reasonably practicable after an executive decision has been made by the Cabinet or by a Cabinet Member, the Chief Executive will produce a statement for any decision setting out:

- (a) a record of the decision and the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected;
- (d) a record of any conflict of interest declared by any Cabinet Member; and

- (e) a record of any dispensation granted by the Head of Paid Service in respect of any declared conflict of interest.

3.12.2 **Inspection of documents**

- 3.12.2.1 After an executive decision has been made by the Cabinet, by a Cabinet Member or by an Officer, the Chief Executive must ensure that a copy of:

- (a) any record of the decision; and
- (b) any report considered at the meeting, or by the Cabinet Member or Officer, relevant to the decision (or the relevant part of the report),

is made available for public inspection as soon as reasonably practicable, both at the Council's offices and on its website.

3.12.3 **Inspection of background papers**

- 3.12.3.1 When a report (or part of it) is made available for public inspection:

- (a) a list of the background papers compiled by the report author for the time being, which must be included with the report (or relevant part); and
- (b) at least one copy of each document on the list

must be made available for public inspection at the Council's offices and on its website.

3.12.4 **Report on urgent decisions**

- 3.12.4.1 The Leader will report not less than once a year to the Full Council on decisions made as a matter of special urgency.

- 3.12.4.2 Any report will include:

- (a) particulars of each decision; and
- (b) a summary of the matters in respect of which each decision was made.

3.13 **Implementation of executive decisions**

- 3.13.1 Executive decisions made by the Cabinet and Cabinet Members cannot be implemented until the expiration of five clear working days from the date of publication of the decision notice and are subject to the call-in procedure outlined in the Policy and Scrutiny Committees Procedure Rules.

- 3.13.2 The right to call-in decisions does not apply to urgent decisions.

- 3.13.3 A decision is considered urgent if any delay in its implementation would pose a risk of harm to residents or prejudice the interests of the Council.

3.14 **Conflicts of interest**

- 3.14.1 If the Leader or Cabinet Member has a conflict of interest in any item of business, it must be addressed in accordance with the Councillors' Code of Conduct.

- 3.14.2 If an executive function has been delegated and a conflict of interest arises, the function will be exercised by the person or body that made the delegation.

4. Cabinet Member Portfolios

4.1 Cabinet Members are responsible for the functions outlined in the table below and may make all executive non-key decisions within their portfolios.

	Position	Portfolio Responsibilities
1.	The Leader <u>Cllr Martin Boffey</u>	Lead for: <ul style="list-style-type: none"> (a) strategy, policy and performance; (b) the Council Plan; (c) Council services and improvements; (d) partnerships with the public, private and voluntary sector; (e) community leadership; (f) appointing representatives to joint authorities, joint committees and other outside bodies; and (g) other executive functions not delegated.
2.	The Deputy Leader and Cabinet Member for Finance and Resources <u>Cllr Mark Baynham</u>	Lead for: <ul style="list-style-type: none"> (a) the budget; (b) the Council's finances; (c) the audit of the Council's accounts; (d) risk management; (e) administration of benefits; (f) the Council's insurances; (g) procurement; (h) parking; (i) discretionary rate relief; (j) budget transfers; (k) debt write-offs; and (l) exercising the functions of the Leader in their absence or unavailability, except the appointment and dismissal of Cabinet Members.
3.	Cabinet Member for Enterprise and Property <u>Cllr Joanne Knowles</u>	Lead for: <ul style="list-style-type: none"> (a) economic development; (b) local businesses; (c) economic dynamism; (d) liaising with outside bodies to improve skills and lifelong learning; (e) job opportunities and investment; (f) tourism; (g) the Council's asset portfolio; (h) facilities management; (i) working with the Horsham Town BID; and

		(j) the Growth Board/District Deal for major projects.
4.	<p>Cabinet Member for Housing, Communities and Wellbeing</p> <p><u>Cllr Sam Raby</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) the Council's housing and homelessness service; (b) the Council's housing stock; (c) working with voluntary sector organisations to promote and deliver the Council's priorities; (d) community safety, police liaison, local wardens and joint safety groups; (e) the Council's Crime and Disorder Reduction Strategy; (f) the liaison with parish and neighbourhood councils; (g) social wellbeing relating to people, community needs, community transport and community development; (h) the improvement of the health of those living and working in the District; (i) the 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 relief; and (k) ensuring that equality and diversity feature in the Council's policies and services.
5.	<p>Cabinet Member for Leisure, Culture and Green Spaces</p> <p><u>Cllr David Skipp</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) the provision and promotion of leisure and recreational facilities and services; (b) the provision and promotion of the arts, heritage and culture in the District; (c) the provision and promotion of the Council's ground maintenance responsibilities; (d) the Council's green spaces; (e) community facilities; (f) burial grounds and crematoria;

		<ul style="list-style-type: none"> (g) the Council's organised public events; and (h) the determination of applications for financial and other assistance within the portfolio's services.
6.	<p>Cabinet Member for Environmental Health, Recycling and Waste</p> <p><u>Cllr Jay Mercer</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) environmental health; (b) cleansing throughout the District; (c) waste management and collection; (d) recycling and disposal; (e) education in relation to environmental health, recycling and waste; and (f) enforcement.
7.	<p>Cabinet Member for Planning and Infrastructure</p> <p><u>Cllr Ruth Fletcher</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) the Local Plan; (b) the Council's housing and affordable housing policies; (c) the Local Development Scheme; (d) the relationship with the utilities and infrastructure providers through the Infrastructure Delivery Plan; (e) the Statement of Community Involvement and Authority Monitoring Report; (f) development management not being the responsibility of the Planning Committee; (g) major developments not being the responsibility of the Planning Committee; (h) the Community Infrastructure Levy; (i) building control; (j) local transport facilities, including walking, cycling, bus, rail and road; and (k) the development and review of areas and policies in the Horsham Town Vision.
8.	<p>Cabinet Member for Performance, Customer Services and Communications</p> <p><u>Cllr Anthony Frankland</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) the implementation of and compliance with the Council Plan; (b) organisational development and business transformation; (c) corporate health and safety;

		<ul style="list-style-type: none"> (d) the Councillor development framework; (e) the Council's Information and Communication Technology service; (f) information management, data protection, data security, documents and record retention, environmental information, freedom of information and reuse of public sector information; and (g) the Council's communications, consultations and complaints.
9.	<p>Cabinet Member for Climate Action and Nature Recovery</p> <p><u>Cllr Colette Blackburn</u></p>	<p>Lead for:</p> <ul style="list-style-type: none"> (a) ecology, wildlife and landscape; (b) climate change, environment and sustainability; and (c) Wilder Horsham District.

5. Joint Arrangements and Partnerships

5.1 **Introduction**

5.1.1 This section describes some of the alternative ways in which the Council's executive functions may be discharged.

5.2 **Joint arrangements and access to information**

5.2.1 The Leader of the Council may establish joint arrangements with one or more local authorities to exercise executive functions. Such arrangements may involve the appointment of joint committees with those other local authorities.

5.2.2 The Access to Information Procedure Rules apply to such joint committees. If all the members of a joint committee are Cabinet Members in each of the participating authorities, then the Access to Information Procedure Rules and Cabinet Procedure Rules will apply. If the joint committee contains Councillors who are not on the Cabinet of any participating local authority, then the Access to Information Procedure Rules will apply.

5.3 **Delegation to other local authorities**

5.3.1 The Leader of the Council may delegate executive functions to another local authority or the executive of another local authority as permitted by law.

5.4 **Contracting out**

5.4.1 The Leader of the Council may contract out to another body or organisation executive 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.

5.5 **Partnerships**

5.5.1 The Leader of the Council may form partnerships with other local, public, private, voluntary and community sector organisations where these relate to the discharge of executive functions.

Policy and Scrutiny Committees

1. Introduction to the Policy and Scrutiny Committees
2. Policy and Scrutiny Committees Procedure Rules
3. Membership and Terms of Reference of Policy and Scrutiny Committees

1. Introduction to the Policy and Scrutiny Committees

1.1 **The Committees**

1.1.1 The Council is required to appoint at least one committee with responsibility for overview and scrutiny. The Council has two such committees known as Policy and Scrutiny Committees. Between them the Policy and Scrutiny Committees cover the Council's three directorates: Communities, Place and Resources.

1.1.2 The services within each directorate are set out in the table below.

Directorate	Service	
Communities	Climate Change and Nature Recovery	Horsham Museum
	Community Link	Housing
	Community Safety	Leisure and Culture
	Community Services	Parks and Countryside
	Environmental Health and Licensing	Recycling and Waste
		The Capitol
Place	Building Control	Strategic Planning
	Corporate Project Management	
	Enterprise	
	Planning	
	Property and Facilities	
Resources	Communications	Information Governance
	Customer Services	Internal Audit
	Democratic Services	Legal Services
	Digital Services	Parking Services
	Finance and Performance	Procurement
	Human Resources and Organisational Development	Revenues and Benefits

1.1.3 The Policy and Scrutiny Committees are:

- (a) the Finance and Performance Policy and Scrutiny Committee; and
- (b) the Communities and Place Policy and Scrutiny Committee.

1.1.4 The membership and terms of reference of the Policy and Scrutiny Committees are set out in "Membership and Terms of Reference of Policy and Scrutiny Committees".

1.2 **Purpose of the Committees**

1.2.1 The purpose of the Policy and Scrutiny Committees is to undertake:

- (a) policy review and development; and
- (b) scrutiny.

1.2.2 **Policy review and development**

1.2.2.1 The Policy and Scrutiny Committees may undertake policy review and assist with policy development by, for example:

- (a) considering the impact of existing policies to assess if they have made a difference to those living, working or studying in the District;
- (b) questioning Cabinet Members about their views on issues and proposals affecting the District;
- (c) liaising with and seeking the views of external organisations on issues and proposals affecting the District;
- (d) conducting research into and undertaking consultation on policy issues;
- (e) assisting the Cabinet in the development of the Council's Budget and Policy Framework through in-depth analysis of policy issues; and
- (f) making proposals to the Cabinet in relation to policy development.

1.2.3 **Scrutiny**

1.2.3.1 The Policy and Scrutiny Committees may undertake scrutiny by, for example:

- (a) reviewing and scrutinising executive and non-executive decisions;
- (b) reviewing and scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) questioning Cabinet Members about their decisions and performance, whether generally or in relation to specific decisions, initiatives or projects;
- (d) making recommendations to the Full Council or the Cabinet arising from the outcome of the scrutiny process; and
- (e) reviewing and scrutinising the performance of other public bodies, charities and community organisations in the area and inviting them to address the Policy and Scrutiny Committees about their activities and performance.

1.3 **Procedures of the Committees**

1.3.1 The procedures to be followed by the Policy and Scrutiny Committees are set out in "Policy and Scrutiny Committees Procedure Rules".

2. Policy and Scrutiny Committees Procedure Rules

2.1 **Introduction**

2.1.1 These rules set out the procedures to be followed by the Policy and Scrutiny Committees and should be read in conjunction with the following sections:

- (a) Budget and Policy Framework Procedure Rules;
- (b) Council Procedure Rules;
- (c) Membership and Terms of Reference of Policy and Scrutiny Committees;
and
- (d) Membership and Terms of Reference of Committees and Sub-Committees.

2.2 **Frequency of meetings**

2.2.1 Six meetings of each Policy and Scrutiny Committee will be scheduled in each municipal year.

2.2.2 The Chairman (or, in their absence, the Vice-Chairman) of the relevant Policy and Scrutiny Committee may reschedule, cancel or call additional meetings as they consider necessary.

2.2.3 The Monitoring Officer may also call meetings where required or if they consider it necessary.

2.3 **Agenda setting**

2.3.1 **Business**

2.3.1.1 Subject to paragraphs 2.3.1.2, the following business will be conducted at each meeting of a Policy and Scrutiny Committee:

- (a) the receipt of apologies for absence;
- (b) the approval of the minutes of the last meeting;
- (c) the receipt of any declarations of interest from members of the Committee;
- (d) the receipt of any announcements from the Chairman of the Committee or the Chief Executive;
- (e) the consideration of any matter referred to the Committee for a resolution in relation to the call-in of a decision;
- (f) the consideration of responses of the Full Council or the Cabinet to reports of the Policy and Scrutiny Committee;
- (g) the consideration of business otherwise set out in the agenda for the meeting;
- (h) the review of the work programme;
- (i) the review of the Forward Plan; and
- (j) the consideration of urgent items.

2.3.1.2 Only items (a), (c) and (e) of paragraph 2.3.1.1 will apply to a meeting that is convened solely to consider a call-in request.

2.3.2 **Referral of matters from Councillors**

- 2.3.2.1 Any member of a Policy and Scrutiny Committee may refer to the Committee on which they are a member any matter which is relevant to the functions of the Committee.
- 2.3.2.2 Any member of a sub-committee of a Policy and Scrutiny Committee may refer to the sub-committee on which they are a member any matter which is relevant to the functions of the sub-committee.
- 2.3.2.3 Any member of the Council may refer to a Policy and Scrutiny Committee on which they are not a member any matter which is relevant to the functions of the Committee and is not an excluded matter.
- 2.3.2.4 The excluded matters referred to in paragraph 2.3.2.3 are:
- (a) a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006;
 - (b) any matter relating to a planning decision;
 - (c) any matter relating to a licensing decision;
 - (d) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment; and
 - (e) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of a Policy and Scrutiny Committee or a meeting of a sub-committee of a Policy and Scrutiny Committee.
- 2.3.2.5 A matter does not fall within (b) to (d) of paragraph 2.3.2.4 if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis.
- 2.3.2.6 Any referral of a matter in accordance with paragraphs 2.3.2.1 to 2.3.2.5 must be made in writing to the Monitoring Officer. The Monitoring Officer will then liaise with the Chairman of the relevant Policy and Scrutiny Committee or the relevant sub-committee of a Policy and Scrutiny Committee as appropriate.
- 2.3.2.7 If a matter is referred as described in paragraph 2.3.2.6, it will be included in the agenda for, and discussed at, a meeting of the relevant Policy and Scrutiny Committee or the relevant sub-committee of a Policy and Scrutiny Committee. The Monitoring Officer will consult the Chairman of the Committee or sub-committee (as the case may be) to determine the appropriate meeting at which to consider the matter.
- 2.3.2.8 For the avoidance of doubt, the above provisions do not prevent a Councillor from approaching the Chairman of a Policy and Scrutiny Committee or a sub-committee of a Policy and Scrutiny Committee directly to ask them to include an item on an agenda.
- 2.3.3 **Work programme**

- 2.3.3.1 Each Policy and Scrutiny Committee will set a work programme at a suitable meeting at the beginning of the municipal year and update it as necessary throughout the year.
- 2.3.4 **Annual reports**
- 2.3.4.1 Each Policy and Scrutiny Committee will report annually to the Full Council on the discharge of the overview and scrutiny function, including proposals for their future work programmes.
- 2.3.4.2 The annual reports will be approved by the relevant Policy and Scrutiny Committee before being submitted to the Full Council.
- 2.3.5 **Discretion of the Chairmen**
- 2.3.5.1 Subject to paragraphs 2.3.1 to 2.3.4, the Chairmen of the Policy and Scrutiny Committees have discretion as to which items are included on the agenda for meetings of their respective committees.
- 2.4 **Considering matters referred by Councillors not on the Committee**
- 2.4.1 If a member of the Council refers a matter to a Policy and Scrutiny Committee in accordance with paragraph 2.3.2.3, the following provisions will apply.
- 2.4.2 In considering whether to exercise any of its powers in relation to the matter, the Policy and Scrutiny Committee may have regard to:
- (a) any powers which the Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors); and
 - (b) any representations made by the Councillor as to why it would be appropriate for the Committee to exercise any of its powers in relation to the matter.
- 2.4.3 If the Policy and Scrutiny Committee decides not to exercise any of its powers in relation to the matter, it must notify the Councillor of its decision and the reasons for it.
- 2.4.4 The Policy and Scrutiny Committee must provide the Councillor with a copy of any report or recommendations which it makes to the Full Council or the Cabinet in relation to the matter (subject to provisions relating to confidential and exempt information).
- 2.5 **How scrutiny and policy development may be undertaken**
- 2.5.1 Members of the Policy and Scrutiny Committees may undertake scrutiny and assist with policy development through:
- (a) meeting as a committee;
 - (b) establishing and meeting as a sub-committee; or
 - (c) establishing and meeting as a task and finish group.
- 2.5.2 The appropriate forum will depend on the nature of the item to be considered.

2.5.3 **Meeting as a committee**

2.5.3.1 The Policy and Scrutiny Committees undertake most of their work meeting as full committees.

2.5.3.2 Policy and Scrutiny Committee meetings typically take place around two weeks prior to meetings of the Cabinet, which facilitates pre-decision scrutiny of matters that are due to be considered by the Cabinet.

2.5.3.3 Additionally, Policy and Scrutiny Committees conduct the business that is set out in their work programmes.

2.5.4 **Establishing and meeting as a sub-committee**

2.5.4.1 The Policy and Scrutiny Committees may establish and appoint Councillors to sub-committees. Sub-committees have a degree of permanence to them and as such are suitable for recurring items that need more time afforded to them than is ordinarily available during meetings of a committee.

2.5.4.2 Sub-committees will comprise at least three Councillors from the relevant Policy and Scrutiny Committee. The political balance rules will apply unless the relevant Policy and Scrutiny Committee approves an alternative arrangement with no member of the Committee voting against it.

2.5.4.3 The terms of reference of a sub-committee will be determined by the Policy and Scrutiny Committee that established it.

2.5.4.4 Sub-committees will elect their own Chairmen and Vice-Chairmen. The Chairman (or, in their absence, the Vice-Chairman) of each sub-committee may call meetings of the sub-committee as they think fit.

2.5.4.5 Subject to paragraph 2.3.2.2 (referral of a matter by a member of a sub-committee) and the agreed terms of reference, the Chairman (or, in their absence, the Vice-Chairman) of each sub-committee has discretion as to which items are included on the agenda for each meeting.

2.5.4.6 If a sub-committee is empowered to make reports or recommendations to the Full Council or the Cabinet, it will submit those reports or recommendations to the Policy and Scrutiny Committee that established it before doing so (unless the agreement of the Chairman or, in their absence, the Vice-Chairman of the relevant Policy and Scrutiny Committee has been given not to do so).

2.5.4.7 The Council Procedure Rules and the Access to Information Procedure Rules apply to sub-committees, subject to any exceptions contained in those rules.

2.5.5 **Establishing and meeting as a task and finish group**

2.5.5.1 The Policy and Scrutiny Committees may establish task and finish groups. Task and finish groups are time-limited groups that are typically set up to examine a particular issue.

2.5.5.2 Task and finish groups will comprise at least three Councillors chosen by the Chairman of the relevant Policy and Scrutiny Committee. All Councillors,

excluding Cabinet Members and the Chairman of the Council, may sit on task and finish groups. The Chairman of the relevant Policy and Scrutiny Committee may invite, or accept requests from, Councillors not on the Committee to join task and finish groups.

- 2.5.5.3 The terms of reference of a task and finish group will be determined by the Policy and Scrutiny Committee that established it.
- 2.5.5.4 Task and finish groups will select their own Chairmen. The Chairman of each task and finish group may call meetings of the task and finish group as they think fit.
- 2.5.5.5 Subject to the agreed terms of reference, the Chairman of each task and finish group has discretion as to which items are included on the agenda for each meeting.
- 2.5.5.6 Each task and finish group will report to the Policy and Scrutiny Committee that established it at the conclusion of its work, detailing its findings. If appropriate, the Policy and Scrutiny Committee will then determine whether to make a report or recommendations to the Full Council or the Cabinet.
- 2.5.5.7 The Council Procedure Rules and the Access to Information Procedure Rules do not apply to task and finish groups. However, agendas and notes of meetings will be made available to the public in the interests of transparency.

2.6 **Resources**

- 2.6.1 The Policy and Scrutiny Committees and their sub-committees (if any) 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. Councillors 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.

2.7 **General limitation applicable to members of Policy and Scrutiny Committees**

- 2.7.1 No member of a Policy and Scrutiny Committee may be involved in scrutinising a decision in which they have been directly or indirectly involved.

2.8 **Attendance by Councillors, Officers and others**

2.8.1 **Councillors and Officers giving account**

- 2.8.1.1 The Policy and Scrutiny Committees may require Cabinet Members and Officers to attend before them to answer questions. In the case of Officers, this will ordinarily be Directors or Heads of Service.
- 2.8.1.2 The Policy and Scrutiny Committees may require any other Councillor to attend before them to answer questions relating to any functions they can exercise by

virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors).

- 2.8.1.3 Where a Councillor or Officer is required to attend a Policy and Scrutiny Committee in accordance with paragraph 2.8.1.1 or 2.8.1.2, the Chairman of the relevant Policy and Scrutiny Committee will notify the Monitoring Officer. The Monitoring Officer will inform the Councillor or Officer, giving at least 10 working days' notice of the meeting at which they are required to attend. The Councillor or Officer will be advised of the item on which they are required to attend and whether any documents are required to be produced for the Committee.
- 2.8.1.4 Where the account to be given to the Policy and Scrutiny Committee requires the production of a report, the Councillor or Officer concerned will be given sufficient notice to allow for the preparation of that report.
- 2.8.1.5 Where the Councillor or Officer is unable to attend on the required date, the Monitoring Officer will arrange an alternative date for attendance.
- 2.8.1.6 Whilst Councillors and Officers called to attend a Policy and Scrutiny Committee to answer questions under these provisions have a duty to do so, they are not required to answer any questions that they would be entitled to refuse to answer in or for the purposes of court proceedings.

2.8.2 **Invitations to others**

- 2.8.2.1 The Policy and Scrutiny Committees may invite any other persons to attend their meetings.

2.9 **Reports or recommendations to the Full Council or the Cabinet**

2.9.1 **Power to report or make recommendations to the Full Council or the Cabinet**

- 2.9.1.1 The Policy and Scrutiny Committees may make reports or recommendations to the Full Council or the Cabinet with respect to:

- (a) the discharge of any executive functions;
- (b) the discharge of any non-executive functions; and
- (c) matters which affect the Council's area or the inhabitants of the Council's area.

- 2.9.1.2 Where a Policy and Scrutiny Committee makes a report or recommendations as referred to in paragraphs 2.9.1.1, it must by notice in writing require the Full Council or the Cabinet (as the case may be):

- (a) to consider the report or recommendations;
- (b) to respond to the Policy and Scrutiny Committee indicating what (if any) action it proposes to take;
- (c) if the Policy and Scrutiny Committee has published the report or recommendations, to publish the response; and

(d) if the Policy and Scrutiny Committee has provided a copy of the report or recommendations to a Councillor not on the Committee who has referred the matter to it, to provide the Councillor with a copy of the response.

2.9.1.3 The notice referred to in paragraph 2.9.1.2 must require the Full Council or the Cabinet (as the case may be) to comply with it within two months from the later of (i) the date on which the Full Council or the Cabinet received the report or recommendations and (ii) the date of the notice.

2.9.1.4 A copy of the notice referred to in paragraph 2.9.1.2 will be provided to the Monitoring Officer.

2.9.1.5 This section does not apply to reports or recommendations made by the Communities and Place Policy and Scrutiny Committee in its capacity as the Council's "crime and disorder committee".

2.9.2 **Duty of the Full Council or the Cabinet to respond to reports or recommendations**

2.9.2.1 Where a Policy and Scrutiny Committee serves the notice referred to in paragraph 2.9.1.2, the Full Council or the Cabinet (as the case may be) has a duty to comply with it.

2.9.3 **Consideration of responses to reports or recommendations**

2.9.3.1 The relevant Policy and Scrutiny Committee will consider any responses to reports or recommendations received from the Full Council or the Cabinet.

2.9.4 **Confidential and exempt information**

2.9.4.1 The publication or provision of reports, recommendations or responses under this section is subject to provisions relating to confidential and exempt information.

2.10 **Reports or recommendations to relevant partner authorities**

2.10.1 **Power to report or make recommendations to relevant partner authorities**

2.10.1.1 Where a Policy and Scrutiny Committee makes a report or recommendations to the Full Council or the Cabinet relating to functions of a relevant partner authority exercisable in relation to the Council's area or the inhabitants of the Council's area, the Committee may require the relevant partner authority to have regard to the report or recommendations when exercising its functions. To do so, the Policy and Scrutiny Committee must give notice of that requirement in writing to the relevant partner authority accompanied by a copy of the report or recommendations.

2.10.1.2 The term "relevant partner authority" means:

- (a) West Sussex County Council; or
- (b) any person who is a partner authority in relation to West Sussex County Council for the purposes of Chapter 1 of Part 5 of the Local Government

and Public Involvement in Health Act 2007, other than Horsham District Council, a chief officer of police and health service bodies.

- 2.10.1.3 This section does not apply to reports or recommendations made by the Communities and Place Policy and Scrutiny Committee in its capacity as the Council's "crime and disorder committee".
- 2.10.2 **Duty of relevant partner authorities to have regard to reports or recommendations**
- 2.10.2.1 Where a Policy and Scrutiny Committee serves the notice referred to in paragraph 2.10.1.1, the relevant partner authority has a duty to comply with it.
- 2.10.3 **Confidential and exempt information**
- 2.10.3.1 The provision of reports or recommendations under this section is subject to provisions relating to confidential and exempt information.
- 2.11 **Reports to the Full Council where executive decisions taken contrary to the Policy Framework**
- 2.11.1 Where an executive decision has been made and implemented that the relevant Policy and Scrutiny Committee believes was contrary to the Policy Framework, that committee should submit a report to the Full Council within a reasonable timeframe.
- 2.11.2 The report must include:
- (a) details of the decision;
 - (b) details of the decision-maker;
 - (c) the reason(s) it considers that the decision was contrary to the Policy Framework; and
 - (d) details of any remedial action that it considers necessary.
- 2.12 **Call-in**
- 2.12.1 **What is call-in**
- 2.12.1.1 Call-in is a mechanism by which a Policy and Scrutiny Committee may recommend that a decision made by the Cabinet or an individual Cabinet Member but not yet implemented be reconsidered.
- 2.12.2.2 Call-in should only be used in exceptional circumstances and cannot be used in respect of day-to-day management, operational or administrative decisions.
- 2.12.2 **What decisions may be called in**
- 2.12.2.1 Key and non-key decisions made by the Cabinet and individual Cabinet Members may be called in, unless the decision is urgent.
- 2.12.3 **When must decisions be called in by**
- 2.12.3.1 Decisions must be called in within five working days of notice of the decision being published. If the decision is not called in, it becomes effective on the

sixth working day of notice of the decision being published (unless the decision is urgent in which case it becomes effective immediately).

- 2.12.3.2 All members of the Council will be notified electronically once notice of a decision made by the Cabinet or an individual Cabinet Member has been published. Such notices should be published within two working days of the decision being made.
- 2.12.4 **Who may call in decisions**
- 2.12.4.1 Decisions may be called in by:
- (e) the Chairman (or, in their absence, the Vice-Chairman) of the Finance and Performance Policy and Scrutiny Committee; or
 - (f) any five members of the Council, other than Cabinet Members.
- 2.12.5 **Procedure for calling in decisions**
- 2.12.5.1 The Chairman or Vice-Chairman of the Finance and Performance Policy and Scrutiny Committee or the five members of the Council must give notice in writing to the Monitoring Officer requesting that the decision be called in. The notice must give the grounds for call-in in accordance with paragraph 2.12.5.2, having regard to the Principles of decision-making which are set out in this Constitution in the section "Decision-making".
- 2.12.5.2 A request to call-in a decision must cite at least one of the following grounds:
- (a) inadequate consultation with stakeholders prior to the decision;
 - (b) the absence of adequate evidence on which to base a decision;
 - (c) the action decided upon would not be proportionate to the desired outcome;
 - (d) insufficient consideration of legal and/or financial advice;
 - (e) the decision would be open to a human rights challenge;
 - (f) the decision would be contrary to the Policy Framework and/or contrary to or not wholly in accordance with the Budget;
 - (g) the decision was a key decision but was not treated as such; or
 - (h) the decision was not within the authority of the Cabinet or the Cabinet Member who took it.
- 2.12.5.3 On receipt of the notice the Monitoring Officer will, as soon as practicable, seek the views of the Chairman (or, in their absence, the Vice-Chairman) of the Finance and Performance Policy and Scrutiny Committee.
- 2.12.5.4 The Chairman or Vice-Chairman to whom the request is referred will consider whether the request is reasonable. In doing so, they will consider:
- (a) whether a case has been made out for calling in the decision, having regard to the advice of the Monitoring Officer and, where appropriate, the Chief Finance Officer; and
 - (b) whether delaying the implementation of the decision would be likely to pose a risk of harm to residents or prejudice the Council's interests, having

regard to the advice of the Monitoring Officer and the Chief Finance Officer.

They will also have regard to any representations made by the Chairman of the Communities and Place Policy and Scrutiny Committee.

2.12.5.5 If it is considered that the request for call-in is reasonable, the Monitoring Officer will convene a meeting of the relevant Policy and Scrutiny Committee within 10 working days of the expiry of the call-in period, after consulting with the Chairman (or, in their absence, the Vice-Chairman) of the Committee about the date. If there is a meeting already scheduled within those 10 working days, the call-in request may be considered at that meeting instead.

2.12.5.6 If it is considered that the request for call-in is not reasonable, the Chairman of the Finance and Performance Policy and Scrutiny Committee will submit a report to the next available meeting of the relevant Policy and Scrutiny Committee giving details of the request and the reasons for refusal.

2.12.6 **Procedure to be followed at meeting considering the call-in request**

2.12.6.1 Where the relevant Policy and Scrutiny Committee considers a call-in request, the format of the meeting will be as follows:

- (a) The Councillors who requested the call-in will be asked to explain their reasons for the request and what they feel should be reviewed. (Where the Chairman or Vice-Chairman of the Finance and Performance Policy and Scrutiny Committee requested the call-in, they will explain their reasons for the request and what they feel should be reviewed.);
- (b) Ward Councillors who are (i) not members of the Committee and (ii) not signatories to the call-in request have the opportunity to make comments if the call-in request directly affects their ward. Such Ward Councillors are permitted to speak for up to five minutes each unless the Chairman (or, in their absence, the Vice-Chairman) of the Committee consents to a longer period;
- (c) the relevant Cabinet Member(s) will then be invited to make any comments;
- (d) the relevant Chief Officer or their representative will advise the Committee on the background and context of the decision and its importance to achieving service priorities;
- (e) Members of the Committee will ask questions of Councillors and Officers in attendance; and
- (f) the Cabinet Member(s) will be invited to make any final comments on the matter.

2.12.6.2 The relevant Policy 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 within 10 working days, taking into account the Committee's concerns, before making a final decision; or
 - (c) if the decision is deemed contrary to the Policy Framework and/or contrary to or not wholly in accordance with the Budget, to refer the matter to the Full Council, in which case paragraphs 2.12.6.4 to 2.12.6.6 will apply.
- 2.12.6.3 If, following a request for call-in, a Policy and Scrutiny Committee does not meet to consider the request within 10 working days of the expiry of the call-in period, the decision will take effect on the expiry of that period.
- 2.12.6.4 Where a Policy and Scrutiny Committee refers a matter to the Full Council in accordance with paragraph 2.12.6.2(c), the Full Council must meet to consider the matter within 20 working days of the referral being made.
- 2.12.6.5 The Full Council, after considering the matter, will make one of the following resolutions:
 - (a) Endorse the decision or proposal as falling within the existing Budget and/or Policy Framework, in which case the decision will take effect immediately; or
 - (b) amend the Budget and/or Policy Framework to incorporate the relevant decision or proposal, agreeing to it with immediate effect; or
 - (c) where the Full Council accepts that the decision or proposal is contrary to the Policy Framework and/or contrary to or not wholly in accordance with the Budget, and does not amend the Budget and/or Policy Framework to accommodate it, require the decision-maker to reconsider the matter within 10 working days in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 2.12.6.6 If, following a referral from a Policy and Scrutiny Committee, the Full Council does not meet to consider the matter within 20 working days, the decision will take effect on the expiry of that period.
- 2.12.7 **Exceptions to call-in**
- 2.12.7.1 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 a maximum of six decisions may be called in per year;
 - (b) that call-in can be invoked in respect of a decision only once;
 - (c) that call-in will not apply to decisions taken by Officers; and
 - (d) that only key and non-key decisions made by the Cabinet and Cabinet Members may be called in, unless the decision is urgent.
- 2.12.8 **Call-in and urgency**
- 2.12.8.1 The call-in procedure set out above will not apply where the decision being taken by the Cabinet or Cabinet Member is urgent.

- 2.12.8.2 A decision is considered urgent if any delay in its implementation would pose a risk of harm to residents or prejudice the interests of the Council.
- 2.12.8.3 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.
- 2.12.8.4 The Chairman of the Finance and Performance Policy and Scrutiny Committee must agree that the making of the decision is urgent and cannot reasonably be deferred. In the absence of the Chairman of the Finance and Performance Policy and Scrutiny Committee, the consent of the Chairman of the Council (or, in their absence, the Vice-Chairman of the Council) will be required.
- 2.12.8.5 Decisions taken as a matter of urgency must be reported (verbally or otherwise) to the next ordinary meeting of the Full Council, together with the reasons for urgency.
- 2.12.8.6 The operation of the provisions relating to call-in and urgency will be monitored annually and a report submitted to the Governance Committee with proposals for review if necessary.
- 2.13 **Additional rights of access to documents for members of the Policy and Scrutiny Committees**
- 2.13.1 **Cabinet and Cabinet Members**
- 2.13.1.1 In order to discharge their functions, members of the Policy and Scrutiny Committees have enhanced rights of access to documents. These enhanced rights are set out below.
- 2.13.1.2 Subject to paragraph 2.13.1.4, members of the Policy and Scrutiny Committees are entitled to copies of any documents which are (i) in the possession or under the control of the Cabinet or individual Cabinet Members and (ii) contain material relating to:
- (a) any business that has been transacted at meetings of the Cabinet or committees of the Cabinet;
 - (b) any decisions that have been made by individual Cabinet Members; or
 - (c) any executive decisions made by Officers.
- 2.13.1.3 Subject to paragraph 2.13.1.4, where a member of a Policy and Scrutiny Committee requests a copy of such a document, the Cabinet or individual Cabinet Member (as the case may be) must provide it to them as soon as reasonably practicable and in any event no later than 10 clear working days after it has received the request.
- 2.13.1.4 Members of the Policy and Scrutiny Committees are not entitled to:
- (a) copies of any documents or parts of documents which contain exempt or confidential information unless that information is relevant to (i) an action or decision that they are reviewing or scrutinising or (ii) any review

contained in the Committee's work programme (or a work programme of a sub-committee of the Committee); or

(b) copies of any documents or parts of documents containing the advice of a political adviser or assistant.

2.13.1.5 Where the Cabinet or individual Cabinet Member (as the case may be) has determined that a member of a Policy and Scrutiny Committee is not entitled to a copy of a document or part of a document, it must provide a written statement to the relevant Policy and Scrutiny Committee setting out its reason for that decision.

2.13.2 **Relevant partner authorities**

2.13.2.1 The Policy and Scrutiny Committees may request such information of relevant partner authorities as they reasonably require in order to discharge their functions. Subject to paragraphs 2.13.2.2 and 2.13.2.3, where such a request is made the relevant partner authority must provide the relevant Policy and Scrutiny Committee with the information.

2.13.2.2 The information must be requested in writing and relate to functions of the relevant partner authority exercisable in relation to the Council's area or the inhabitants of the Council's area.

2.13.2.3 The relevant partner authority may, in some circumstances, be prohibited from disclosing the information or be excluded from the duty to disclose.

2.13.2.4 In this subsection, the term "relevant partner authorities" has the same meaning as in paragraph 2.10.1.2.

2.14 **Crime and disorder**

2.14.1 **Introduction**

2.14.1.1 The Communities and Place Policy and Scrutiny Committee is the Council's "crime and disorder committee" as required by section 19 of the Police and Justice Act 2006.

2.14.1.2 In this section:

"co-operating persons and bodies" means the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998;

"local crime and disorder matter" means a matter which affects all or part of the electoral area for which the Councillor is elected or any person who lives or works in that area and concerns:

(a) crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment);

(b) the misuse of drugs, alcohol and other substances; or

(c) serious violence (within the meaning of Chapter 1 of Part 1 of the Crime and Disorder Act 1998); and

“responsible authorities” means the authorities that are responsible for crime and disorder strategies. These include Horsham District Council, West Sussex County Council and the chief officer of Sussex Police, among others.

2.14.2 **Discharge of crime and disorder functions**

2.14.2.1 In its capacity as the Council's “crime and disorder committee”, the Communities and Place Policy and Scrutiny Committee has the power to:

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
- (b) make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of those functions.

2.14.2.2 If the Committee decides to make a report or recommendations to the Full Council or the Cabinet in relation to the discharge by the responsible authorities of their crime and disorder functions, it must provide a copy of the report or recommendations to each of (i) the responsible authorities and (ii) the co-operating persons and bodies.

2.14.2.3 Where the Committee provides a copy of a report or recommendations to the responsible authorities and the co-operating persons and bodies in accordance with paragraph 2.14.2.2, it must notify the responsible authorities and co-operating persons and bodies that they must:

- (a) consider the report or recommendations;
- (b) respond to the Committee indicating what (if any) action they propose to take; and
- (c) have regard to the report or recommendations in exercising their functions.

2.14.3 **Local crime and disorder matters**

2.14.3.1 In its capacity as the Council's “crime and disorder committee”, the Communities and Place Policy and Scrutiny Committee has the power to make reports or recommendations to the Full Council or the Cabinet with respect to any matter which is a local crime and disorder matter in relation to a Councillor.

2.14.3.2 Any Councillor who is not a member of the Communities and Place Policy and Scrutiny Committee may refer any local crime and disorder matter to the Committee.

2.14.3.3 Any referral of a matter in accordance with paragraph 2.14.3.2 must be made in writing to the Monitoring Officer. The Monitoring Officer will then liaise with the Chairman of the Communities and Place Policy and Scrutiny Committee as appropriate.

- 2.14.3.4 If a matter is referred as described in paragraph 2.14.3.3, it will be included in the agenda for, and discussed at, a meeting of the Communities and Place Policy and Scrutiny Committee. The Monitoring Officer will consult the Chairman of the Committee to determine the appropriate meeting at which to consider the matter.
- 2.14.3.5 In considering whether or not to make a report or recommendations to the Full Council or the Cabinet in relation to a matter that has been referred in accordance with paragraph 2.14.3.2, the Committee may have regard to:
- (a) any powers which the Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local Councillors); and
 - (b) any representations made by the Councillor as to why it would be appropriate for the Committee to exercise any of its powers in relation to the matter.
- 2.14.3.6 If the Committee decides not to make a report or recommendations to the Full Council or the Cabinet in relation to the matter that has been referred in accordance with paragraph 2.14.3.2, it must notify the Councillor of its decision and the reasons for it.
- 2.14.3.7 If the Committee decides to make a report or recommendations to the Full Council or the Cabinet in relation to a local crime and disorder matter (whether referred in accordance with paragraph 2.14.3.2 or of the Committee's own volition), it must provide a copy of the report or recommendations to:
- (a) any Councillor who referred the matter to the Committee; and
 - (b) such responsible authorities and co-operating persons and bodies as the Committee thinks appropriate.
- 2.14.3.8 Where the Committee makes a report or recommendations to the Full Council or the Cabinet in relation to a local crime and disorder matter, or provides a copy of the report or recommendations to the responsible authorities and the co-operating persons and bodies, the Committee must notify the authority, person or body to whom it makes (or provides a copy of) that report or those recommendations that they must:
- (a) consider the report or recommendations;
 - (b) respond to the Committee indicating what (if any) action they propose to take; and
 - (c) have regard to the report or recommendations in exercising their functions.
- 2.14.3.9 Where the Committee provides a copy of a report or recommendations to a responsible authority or a co-operating person or body in relation to a local crime and disorder matter, the responsible authority or co-operating person or body must respond in writing within 28 days of the report or recommendations being provided to them or as soon as reasonably possible thereafter.

2.14.4 **Consideration of responses to reports or recommendations**

2.14.4.1 The Communities and Place Policy and Scrutiny Committee will consider any responses to reports or recommendations received from (i) the Full Council or the Cabinet and (ii) responsible authorities, co-operating persons or bodies in relation to the discharge by the responsible authorities of their crime and disorder functions or local crime and disorder matters.

2.14.5 **Requests for information**

2.14.5.1 The Communities and Place Policy and Scrutiny Committee may request information in writing from the responsible authorities or the co-operating persons or bodies. The Committee may request information relating to:

- (a) the discharge, or decisions made or other action taken in connection with the discharge, by the responsible authorities of their crime and disorder functions; and
- (b) local crime and disorder matters in relation to which the Committee has functions.

2.14.5.2 Where the Committee requests such information, the responsible authority or co-operating person or body is required to provide it unless to do so would be reasonably likely to prejudice legal proceedings or current or future operations.

2.14.6 **Attendance at meetings**

2.14.6.1 The Communities and Place Policy and Scrutiny Committee may require an Officer or employee of a responsible authority or a co-operating person or body to attend before it in order to answer questions. Reasonable notice of the intended date of attendance must be given to that person.

2.14.7 **Frequency of meetings**

2.14.7.1 The Communities and Place Policy and Scrutiny Committee must meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions no less than once in every twelve month period.

3. Membership and Terms of Reference of Policy and Scrutiny Committees

3.1 **Introduction**

3.1.1 These rules set out the membership and terms of reference of each of the Policy and Scrutiny Committees.

3.2 **Finance and Performance Policy and Scrutiny Committee**

3.2.1 **Membership**

3.2.1.1 The Committee will comprise 15 Councillors, including at least one member of the Audit Committee, and excluding (i) Cabinet Members and (ii) the Chairman of the Council. The Chairman of the Communities and Place Policy and Scrutiny Committee will be a non-voting ex officio member of the Committee if they are not appointed as a voting member of the Committee.

3.2.1.2 The Chairman of the Committee will be a member of the largest minority group. The Vice-Chairman of the Committee will be a member of the largest group.

3.2.1.3 The Chairman of the Committee:

- (a) is responsible for the strategic oversight of the overview and scrutiny function;
- (b) is responsible for the functions designated to them in the Budget and Policy Framework Procedure Rules;
- (c) where a matter for consideration spans more than one directorate, has the final say in relation to which Policy and Scrutiny Committee considers it;
- (d) is authorised to make call-in requests;
- (e) is responsible for determining whether call-in requests submitted by other members of the Council are reasonable; and
- (f) is responsible for determining which Policy and Scrutiny Committee will consider particular call-in requests, having regard to any representations made by the Chairman of the Communities and Place Policy and Scrutiny Committee.

3.2.2 **Terms of Reference**

3.2.2.1 The Committee has the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any executive functions (including but not limited to those within the Resources directorate), and to be the "relevant overview and scrutiny committee" for all such matters for the purposes of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

- (b) to make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of any executive functions within the Resources directorate;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any non-executive functions within the Resources directorate; and
- (d) to make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of any non-executive functions within the Resources directorate;
- (e) to make reports or recommendations to the Full Council or the Cabinet on matters which affect the Council's area or the inhabitants of the Council's area; and
- (f) to exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or individual Cabinet Members in connection with the discharge of any functions (including but not limited to those within the Resources directorate).

3.3 **Communities and Place Policy and Scrutiny Committee**

3.3.1 **Membership**

- 3.3.1.1 The Committee will comprise 15 Councillors, including the Chairman of the Finance and Performance Policy and Scrutiny Committee, and excluding (i) Cabinet Members and (ii) the Chairman of the Council.
- 3.3.1.2 The Chairman of the Committee will be a member who is not of the same party as the administration. The Vice-Chairman of the Committee will be a member who is of the same party as the administration.
- 3.3.1.3 The Chairman of the Committee is not authorised to make call-in requests (other than in their capacity as a member of the Council).

3.3.2 **Terms of Reference**

- 3.3.2.1 The Committee has the power:
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any executive functions within the Communities and Place directorates;
 - (b) to make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of any executive functions within the Communities and Place directorates;
 - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any non-executive functions within the Communities and Place directorates;
 - (d) to make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of any non-executive functions within the Communities and Place directorates; and

- (e) to make reports or recommendations to the Full Council or the Cabinet on matters which affect the Council's area or the inhabitants of the Council's area; and
- (f) to exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or individual Cabinet Members in connection with the discharge of any functions within the Communities and Place directorates.

3.3.2.2 The Committee is the "crime and disorder committee" for the purposes of section 19 of the Police and Justice Act 2006 and, as such, also has the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) to make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of those functions; and
- (c) to make reports or recommendations to the Full Council or the Cabinet with respect to any matter which is a local crime and disorder matter in relation to a Councillor.

Committees and Sub-Committees

1. Membership and Terms of Reference of Committees and Sub-Committees

1. Membership and Terms of Reference of Committees and Sub-Committees

1.1 **Introduction**

1.1.1 The Council appoints committees to undertake regulatory and other functions that are the responsibility of the Full Council but which do not have to be carried out by the Full Council.

1.1.2 This part sets out which committees are appointed by the Full Council and what functions are discharged by each committee – known as its “Terms of Reference”.

1.2 **Committees**

1.2.1 The Full Council appoints the following committees to assist in discharging its functions:

- (a) Audit Committee;
- (b) Communities and Place Policy and Scrutiny Committee;
- (c) Employment Committee;
- (d) Finance and Performance Policy and Scrutiny Committee;
- (e) Governance Committee;
- (f) Licensing Committee (Alcohol and Entertainment);
- (g) Licensing Committee (Taxi and General);
- (h) Planning Committee;
- (i) Standards Committee; and
- (j) Unparished Area Committee.

1.3 **Sub-committees**

1.3.1 All committees appointed by the Full Council may establish sub-committees at any time.

1.3.2 The following committees will appoint the following sub-committees on an annual basis:

Committee	Sub-Committee
Licensing Committee (Alcohol and Entertainment)	Licensing Sub-Committee (Alcohol and Entertainment)
Licensing Committee (Taxi and General)	Licensing Sub-Committee (Taxi and General)
Standards Committee	Standards Sub-Committee

1.4 **Political balance**

1.4.1 The political balance rules apply to all of the Council's committees and sub-committees except the Licensing Committee (Alcohol and Entertainment) and the Licensing Sub-Committee (Alcohol and Entertainment), unless an

alternative arrangement is approved with no member of the Full Council or the committee (as the case may be) voting against it.

1.4.2 When making appointments to committees, the Full Council will be asked to disapply the political balance rules from:

- (a) the Unparished Area Committee, as membership to that committee is determined by ward rather than by political group; and
- (b) the Planning Committee, in the event that the leaders of each political group agree an allocation of seats that is not in accordance with the political balance rules.

1.5 **Audit Committee**

1.5.1 **Membership**

1.5.1.1 The Committee will comprise seven Councillors, excluding the Chairman of the Council, plus one co-opted non-voting Independent Member.

1.5.2 **Terms of Reference**

- (a) To oversee the implementation of the Public Sector Internal Audit Standards 2013 and The Accounts and Audit Regulations 2015;
- (b) to review the effectiveness of the Council's system of internal control;
- (c) to review the effectiveness of the Council's system of internal audit and to consider quarterly internal audit reports;
- (d) to consider reports of the Council's external auditors;
- (e) to monitor the effectiveness of the Council's Finance Procedure Rules;
- (f) to monitor the effectiveness of the Council's risk management arrangements and anti-fraud activities;
- (g) to consider and approve the Council's Statement of Accounts;
- (h) to consider and approve the Council's Annual Governance Statement and to review any actions required for improvement;
- (i) to consider the robustness of the Council's Capital Strategy, Investment Strategy and Treasury Management Strategy;
- (j) to consider the borrowing and lending parameters requested by the Chief Finance Officer annually;
- (k) to report to the Full Council annually on the work undertaken during the year, identifying any issues, concerns and/or areas for improvement; and
- (l) to consider such other matters referred to the Committee by the Chief Finance Officer or the Monitoring Officer.

1.6 **Communities and Place Policy and Scrutiny Committee**

1.6.1 **Membership**

1.6.1.1 For details of the membership of this committee, please refer to the section "Membership and Terms of Reference of Policy and Scrutiny Committees".

1.6.2 **Terms of Reference**

- 1.6.2.1 For details of the terms of reference for this committee, please refer to the section "Membership and Terms of Reference of Policy and Scrutiny Committees".
- 1.7 **Employment Committee**
- 1.7.1 **Membership**
- 1.7.1.1 The Committee will comprise five Councillors, including (i) the Leader of the Council and (ii) the Leaders of up to two Minority Groups, and excluding the Chairman of the Council.
- 1.7.1.2 **Terms of Reference**
- (a) Where the post of Head of Paid Service, Chief Finance Officer, Monitoring Officer, Director of Communities or Director of Place has been advertised in accordance with the provisions contained in the Officer Employment Procedure Rules, to interview all qualified applicants for the post or to select a short list of such qualified applicants and interview those included on the short list;
 - (b) to make recommendations to the Full Council on the appointment of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer; and
 - (c) to appoint and, if required, to dismiss or take disciplinary action against the Director of Communities and the Director of Place.
- 1.8 **Finance and Performance Policy and Scrutiny Committee**
- 1.8.1 **Membership**
- 1.8.1.1 For details of the membership of this committee, please refer to the section "Membership and Terms of Reference of Policy and Scrutiny Committees".
- 1.8.2 **Terms of Reference**
- 1.8.2.1 For details of the terms of reference for this committee, please refer to the section "Membership and Terms of Reference of Policy and Scrutiny Committees".
- 1.9 **Governance Committee**
- 1.9.1 **Membership**
- 1.9.1.1 The Committee will comprise nine Councillors, including (i) the Chairman of the Finance and Performance Policy and Scrutiny Committee (ii) the Chairman of the Council and (iii) one Cabinet Member (but no more than one).
- 1.9.2 **Terms of Reference**
- 1.9.2.1 Constitutional Functions:
- 1.9.2.1.1 To make recommendations to the Full Council on amending the Constitution.
- 1.9.2.2 Electoral Functions:

1.9.2.2.1 To make recommendations to the Full Council on:

- (a) the dissolution of small parish councils;
- (b) the making of orders for grouping parishes, dissolving groups and separating parishes from groups;
- (c) dividing constituencies into polling districts and designating polling places for parliamentary elections as a result of a review of the same undertaken during a compulsory review period;
- (d) dividing the District (or any ward of the District) and electoral divisions into polling districts and designating polling places for local government elections as a result of a full review of the same;
- (e) the submission of proposals to the Secretary of State for an order under section 10 of the Representation of the People Act 2000 (pilot schemes for local elections);
- (f) consulting on a change of scheme for elections;
- (g) altering the years of ordinary elections of parish councillors; and
- (h) changing the name of an electoral area.

1.9.2.3 Community Governance Functions:

1.9.2.3.1 To be responsible for all functions relating to community governance reviews as set out in the Local Government and Public Involvement in Health Act 2007 with the exception of:

- (a) the making of orders giving effect to recommendations;⁴
- (b) publicising the outcome of reviews;⁵
- (c) sending copies of orders to the Secretary of State and the Local Government Boundary Commission;⁶ and
- (d) the making of agreements about incidental matters including in relation to disposals and/or related matters with a value of £500,000 or more,⁷

provided always that any proposals for making agreements about incidental matters (irrespective of value) are formulated in consultation with the Chief Finance Officer and the Monitoring Officer and due regard is had to any representations made by those Officers. In the event of a difference of opinion, the Governance Committee will refer the proposal to the Full Council for consideration.

1.9.2.3.2 To make recommendations to the Full Council on the making of agreements about incidental matters including in relation to disposals and/or related matters with a value of £500,000 or more.

1.10 **Licensing Committee (Alcohol and Entertainment)**

⁴ This is the responsibility of the Full Council

⁵ This is the responsibility of the Chief Executive

⁶ This is the responsibility of the Chief Executive

⁷ This is the responsibility of the Full Council following a recommendation from the Governance Committee

1.10.1 **Membership**

1.10.1.1 The Committee will comprise 15 Councillors, excluding the Chairman of the Council.

1.10.2 **Terms of Reference**

1.10.2.1 The Committee has:

- (a) the functions delegated to it by virtue of section 7 of the Licensing Act 2003 and sections 154, 232 and paragraph 28(1) of Schedule 12 of the Gambling Act 2005; and
- (b) the power to regulate the procedures of its sub-committee, subject to any regulations.

1.10.2.2 The Committee has been delegated by the Full Council:

- (a) functions relating to the determination of fees for premises licences under section 212 of the Gambling Act 2005;
- (b) the functions of making and varying or revoking an early morning alcohol restriction order under section 172A of the Licensing Act 2003; and
- (c) the function of deciding whether and on what terms to apply, vary or revoke a late night levy requirement under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011.

1.11 **Licensing Sub-Committee (Alcohol and Entertainment)**

1.11.1 **Membership**

1.11.1.1 The Sub-Committee will comprise three Councillors appointed by the Monitoring Officer from the membership of the Licensing Committee (Alcohol and Entertainment) on a case by case basis.

1.11.1.2 The Sub-Committee will appoint a Chairman from its number for each meeting.

1.11.1.3 Councillors must have undertaken such training as may have been designated by the Director of Communities or the Head of Environmental Health and Licensing as mandatory in order to sit on the Sub-Committee.

1.11.2 **Terms of Reference**

(a) To discharge⁸ the following functions under the Licensing Act 2003:

	Function⁹	Section
1.	The determination of applications for premises licences where representations have been made;	Section 18(3)
2.	the determination of applications for provisional statements where representations have been made;	Section 31(3)

⁸ The discharge of a function includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function and permitted under the Licensing Act 2003.

⁹ These functions are not capable of delegation to Officers.

3.	the determination of applications for variations of premises licences where representations have been made;	Section 35(3)
4.	the determination of applications to vary designated premises supervisors following police objections;	Section 39(3)
5.	the determination of applications for transfers of premises licences following objections;	Section 44(5)
6.	the consideration of objections made to interim authority notices;	Section 48(3)
7.	the determination of interim steps pending summary reviews;	Section 53A(2)(a) or 53B
8.	the determination of applications for club premises certificates where representations have been made;	Section 72(3)
9.	the determination of applications to vary club premises certificates where representations have been made;	Section 85(3)
10.	the decision to give counter notice following police objections to temporary event notices;	Section 105(2)
11.	the determination of applications for grants of personal licences following objections;	Section 120(7)
12.	the revocation of licences where convictions come to light after grant etc.;	Section 124(4)
13.	the revocation or suspension of licences by the Council where it becomes aware of convictions or immigration penalties;	Section 132A(8) and (12)
14.	any functions under section 52(2) or (3) (determination of applications for review of premises licences) in cases where relevant representations (within the meaning of section 52(7)) have been made;	Section 52(2) or (3)
15.	any functions under section 53C (review following review notice), in cases where relevant representations (within the meaning of section 53C(7)) have been made;	Section 53C
16.	any functions under section 88(2) or (3) (determination of applications for review of club premises certificates) in cases where relevant representations (within the meaning of section 88(7)) have been made; and	Section 88(2) or (3)

17.	any functions under section 167(5) (review following closure orders), in cases where relevant representations (within the meaning of section 167(9)) have been made.	Section 167(5)
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(b) To discharge¹⁰ the following functions under the Gambling Act 2005:

	Function¹¹	Section
1.	The determination of applications for premises licences in respect of which representations have been made under section 161 (and not withdrawn);	
2.	the determination of application for the variation of premises licences in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn);	
3.	the determination of applications for transfers following representations by the Gambling Commission;	
4.	the determination of applications for provisional statements under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn);	Section 204
5.	the review of premises licences under section 201;	Section 201
6.	the discharge of any function under section 224 (counter-notices);	Section 224
7.	the determination of applications for permits in respect of which objections have been made under Schedule 12 (and not withdrawn); and	Schedule 12
8.	the cancellation of permits under paragraph 21 of Schedule 12.	Schedule 12

1.12 **Licensing Committee (Taxi and General)**

1.12.1 **Membership**

1.12.1.1 The Committee will comprise 15 Councillors, excluding the Chairman of the Council.

1.12.2 **Terms of Reference**

1.12.2.1 The Committee has:

¹⁰ The discharge of a function includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function and permitted under the Gambling Act 2005.

¹¹ These functions are not capable of delegation to Officers.

- (a) the power to discharge¹² the functions set out below, including in respect of those functions:
- (i) imposing any conditions, limitations or other restrictions on any approval, consent, licence, permission or registration and determining any other terms to which it is subject;
 - (ii) determining whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject;
 - (iii) amending, modifying or varying any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject;
 - (iv) revoking any approval, consent, licence, permission or registration; and
 - (v) determining whether a charge should be made for any approval, consent, licence, permit or registration and, where a charge is made, the amount of the charge; and
- (b) the power to determine the procedures for its sub-committee.

Functions	
1.	The power to issue licences authorising the use of land as a caravan site ("site licences");
2.	the power to license the use of moveable dwellings and camping sites;
3.	the power to license hackney carriages and private hire vehicles;
4.	the power to license drivers of hackney carriages and private hire vehicles;
5.	the power to license operators of hackney carriages and private hire vehicles;
6.	the power to license sex shops and sex cinemas;
7.	the power to license performances of hypnotism;
8.	the power to license premises for acupuncture, tattooing, ear-piercing and electrolysis;
9.	the power to license pleasure boats and pleasure vessels;
10.	the power to license market and street trading;
11.	the power to license scrap yards;

¹² The discharge of a function includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function.

12.	the power to grant or renew licences for licensable activities under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition);
13.	the power to license zoos;
14.	the power to license dangerous wild animals;
15.	the power to license the employment of children;
16.	the power to license persons to collect for charitable and other causes;
17.	the power to grant consent for the operation of loudspeakers;
18.	the power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highways, and related powers;
19.	the power to register motor salvage operators; and
20.	the discharge of functions relating to pavement licences.

1.13 **Licensing Sub-Committee (Taxi and General)**

1.13.1 **Membership**

- 1.13.1.1 The Sub-Committee will comprise three Councillors appointed by the Monitoring Officer from the membership of the Licensing Committee (Taxi and General) on a case by case basis.
- 1.13.1.2 The Sub-Committee will appoint a Chairman from its number for each meeting.
- 1.13.1.3 Councillors must have undertaken such training as may have been designated by the Director of Communities or the Head of Environmental Health and Licensing as mandatory in order to sit on the Sub-Committee.

1.13.2 **Terms of Reference**

- 1.13.2.1 The Sub-Committee will discharge the functions delegated to the Licensing Committee (Taxi and General)¹³ in circumstances where (i) an objection or representation has been received and not withdrawn (where relevant) or (ii) the Head of Environmental Health and Licensing¹⁴ has referred a matter to it for determination.

1.14 **Planning Committee**

1.14.1 **Membership**

¹³ Excluding 1.12.2.1(a)(v) and 1.12.2.1(b)

¹⁴ Includes such Officers as are responsible to the Head of Environmental Health and Licensing and have been delegated authority by him to act on his behalf

- 1.14.1.1 The Committee will comprise 15 Councillors, excluding (i) the Chairman of the Council, (ii) the Leader of the Council and (iii) the Cabinet Member with responsibility for planning.
- 1.14.1.2 A pool of up to 15 substitute Councillors reflecting the political composition of the Committee will be appointed at the Annual Council Meeting from which a Councillor can be called upon to attend in place of a Councillor who is unable to attend a meeting of the Committee. It will be the responsibility of the Councillor that is unable to attend to arrange for any substitute Councillor to attend in their place and to notify the Chairman of the Committee and the Democratic Services team accordingly.
- 1.14.1.3 Councillors (including substitute Councillors) must have undertaken such training as may have been designated by the Director of Place or the Head of Development and Building Control as mandatory in order to sit on the Committee.
- 1.14.1.4 Councillors (including substitute Councillors) on the Planning Committee may speak but not vote on applications within their ward.

1.14.2 **Terms of Reference**

- 1.14.2.1 The Committee has the power to discharge¹⁵ the functions set out below in the circumstances specified in paragraph 1.14.2.2, including in respect of those functions:
- (a) imposing any conditions, limitations or other restrictions on any approval, consent, licence, permission or registration and determining any other terms to which it is subject;
 - (b) amending, modifying or varying any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject; and
 - (c) determining whether a charge should be made for any approval, consent, licence, permit or registration and, where a charge is made, the amount of the charge.

Functions	
1.	The power to determine applications for planning permission or permission in principle;
2.	the power to grant planning permission for developments already carried out;
3.	the undertaking of duties relating to the making of determinations of planning applications;

¹⁵ The discharge of a function includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function.

4.	the power to determine applications for planning permission or permission in principle made by the Council, alone or jointly with another person;
5.	the power to enter into agreements regulating development or use of land;
6.	the power to grant consents for the display of advertisements;
7.	the power to determine applications for hazardous substances consent, and related powers;
8.	the power to determine applications for listed building consent, and related powers;
9.	the undertaking of duties relating to applications for listed building consent;
10.	powers relating to the preservation of trees; and
11.	the power to determine matters relating to planning appeals referred to it by the Director of Place.

1.14.2.2 The circumstances are:

- (a) where the Head of Development and Building Control considers the application should be presented to the Planning Committee for a decision;
- (b) any planning application that is defined as a departure application,¹⁶ where the recommendation of the Head of Development and Building Control 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) or prior notification and the application represents a subsequent application for either the same, similar or alternative development on the same or an adjacent site;
- (c) where planning applications, outline planning applications and applications for approval of reserved matters or listed building consent are 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:
 - (i) applications to remove or vary a condition;
 - (ii) applications seeking advertisement consent; and
 - (iii) the applications set out in paragraph 1.14.2.3;

¹⁶ Under the Town and Country Planning (Development Management Procedure) (England) Order 2015

- (d) where the application has been made by a Councillor or an Officer of the Council or a member of their immediate family with the exception of:
 - (i) applications to remove or vary a condition;
 - (ii) applications seeking advertisement consent; and
 - (iii) the applications set out in paragraph 1.14.2.3;
- (e) where a Councillor requests it. Such requests to be in writing (to include email) and received by the Head of Development and Building Control (and copied to planning@horsham.gov.uk) within the consultation period (including any additional consultation period) for all applications with the exception of the applications set out in paragraph 1.14.2.3. Where the Councillor making the request is not the Ward Councillor, they should notify the Ward Councillor at the time of making the request;
- (f) where eight or more persons in different households (living within the District or close to the boundary of the District) or bodies make a written representation (to include email) within the consultation period (including any additional consultation period) which discloses a material planning consideration and is inconsistent with the recommendation of the Head of Development and Building Control with the exception of the applications set out in paragraph 1.14.2.3.; and
- (g) where the parish or neighbourhood council makes a written representation (to include email) within the consultation period (including any additional consultation period) which discloses a material planning consideration and is inconsistent with the recommendation of the Head of Development and Building Control and the parish or neighbourhood council wishes to address the Planning Committee with the exception of the applications set out in paragraph 1.14.2.3.

1.14.2.3 The exceptions referred to above are as follows:

- (a) Applications for a certificate of lawfulness (proposed or existing);
- (b) applications for prior approval (submitted pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended));
- (c) applications for prior notification (submitted pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended));
- (d) applications for the submission of details of conditions pursuant to planning permission;
- (e) applications for works to trees in a conservation area;
- (f) applications for works to trees covered by a Tree Preservation Order;
- (g) applications to modify or discharge an obligation contained within a unilateral undertaking or a section 106 agreement; and
- (h) applications for a non-material amendment.

1.15 **Standards Committee**

1.15.1 **Membership**

1.15.1.1 The Committee will comprise seven Councillors, including one Cabinet Member (but no more than one), plus two co-opted non-voting Independent Persons and one co-opted non-voting Parish Representative (typically being the Chairman or the Vice-Chairman of the Horsham District Association of Local Councils), and excluding the Chairman of the Council.

1.15.2 **Terms of Reference**

- (a) To promote and maintain high standards of conduct by Councillors and voting co-opted members (if any) of the Council;
- (b) to determine the procedures for investigating and taking decisions on, and to have the power to investigate and take decisions on, allegations that a Councillor or a voting co-opted member of the Council has breached the Councillors' Code of Conduct;
- (c) to determine the procedures for investigating and taking decisions on, and to have the power to investigate and take decisions on, allegations that a Councillor or a voting co-opted member of a parish council within the District has breached that parish council's code of conduct;
- (d) to have the power to determine the procedures for its sub-committee; and
- (e) to consider such other matters referred to the Committee by the Monitoring Officer.

1.16 **Standards Sub-Committee**

1.16.1 **Membership**

1.16.1.1 The Standards Sub-Committee will comprise three Councillors appointed by the Monitoring Officer from the membership of the Standards Committee on a case by case basis.

1.16.1.2 The Sub-Committee will appoint a Chairman from its number for each meeting.

1.16.2 **Terms of Reference**

- (a) If requested to do so by the Monitoring Officer, to conduct hearings to investigate alleged breaches of the Councillors' Code of Conduct by Councillors and voting co-opted members of the Council and to take decisions thereon; and
- (b) if requested to do so by the Monitoring Officer, to conduct hearings to investigate alleged breaches of codes of conduct by Councillors and voting co-opted members of parish councils within the District and to take decisions thereon.

1.17 **Unparished Area Committee**

1.17.1 **Membership**

1.17.1.1 The Committee will comprise (i) all Councillors for the wards which are situated wholly in the unparished area of Horsham town, (ii) one Councillor for each ward that is situated partly in the unparished area of Horsham town and (iii)

one co-opted non-voting representative from each of Horsham Denne Neighbourhood Council, Horsham Forest Neighbourhood Council and Horsham Trafalgar Neighbourhood Council, to be nominated by the relevant neighbourhood council.

- 1.17.1.2 A Councillor of a part unparished area may appoint a Councillor from the same ward to act in their absence. Co-opted representatives may appoint a substitute representative to act in their absence.
- 1.17.1.3 Any Cabinet Members sitting on the Committee must not participate in any item in relation to which they are the Cabinet Member being advised.
- 1.17.1.4 The Chairman of the Committee will be appointed from those members of the Committee that are Horsham District Council Councillors.
- 1.17.2 **Terms of Reference**
 - (a) To advise the Cabinet Member with responsibility for finance on any matters affecting the special charge for the unparished area of Horsham town; and
 - (b) to advise individual Cabinet Members and/or the Cabinet on such other matters affecting the unparished area of Horsham town in relation to which the Council seeks advice and as are agreed between the Chairman of the Committee and the co-opted representative for the relevant neighbourhood council(s).

Officers

1. Organisational Structure and Management Chart
2. Statutory Officers
3. Officer Scheme of Delegation – An Explanation
4. Officer Scheme of Delegation – Delegations
5. Proper Officer Designations
6. Officer Employment Procedure Rules

1. Organisational Structure and Management Chart
 - 1.1 **Introduction**
 - 1.1.1 This section sets out the Council's organisational and senior management structure.
 - 1.1.2 The Council's Chief Executive undertakes the role of Head of Paid Service and is responsible for the structure of the Council and the management of Officers.
 - 1.2 **Organisational structure**
 - 1.2.1 The Council's services are organised into distinct directorates.
 - 1.2.2 The Council operates through three main directorates: (i) Communities, (ii) Place and (iii) Resources.
 - 1.2.3 A detailed breakdown of the services within each directorate is provided in the table below, outlining the specific functions and responsibilities of each.
 - 1.3 **Senior Management Team**
 - 1.3.1 The Council's senior management team is made up of (i) the Chief Executive, (ii) three Directors and (iii) Heads of Service from each of the Council's departments.
 - 1.3.2 The Directors are each responsible for a particular directorate (which comprises different service areas) who oversee their strategic direction and operations.
 - 1.3.3 The Heads of Service are accountable for the management and performance of their respective service areas, each of which encompasses a range of distinct service units.
 - 1.3.4 The organisational structure of the management team is outlined in the table below.
 - 1.4 **Reporting lines**
 - 1.4.1 Each Director reports directly to the Chief Executive while each Head of Service is accountable to a Director.
 - 1.5 **Chief Officers**
 - 1.5.1 The Council is led by Chief Officers, each responsible for guiding the strategic direction and overseeing the operations of the Council and their respective portfolio areas. They are responsible for ensuring alignment with the Council's goals and objectives which are shaped by Councillors.
 - 1.5.2 The Chief Officers include the Chief Executive, the three Directors and the Monitoring Officer. These Officers are accountable for the management and performance of the Council, as outlined in the table below.
 - 1.5.3 The Chief Officer posts are held by the Officers as shown below.

Post	Officer
Chief Executive	Jane Eaton
Director of Communities	Paul Anderson
Director of Place	Barbara Childs
Director of Resources	Dominic Bradley
Monitoring Officer	Lauren Kelly

1.6 **Statutory Officers**

1.6.1 The Council is legally required to appoint three Statutory Officers (who are responsible for discharging legal duties) and further details regarding these positions can be found in the section “Statutory Officers”.

1.7 **Politically restricted posts**

1.7.1 Certain Officers hold politically restricted posts.

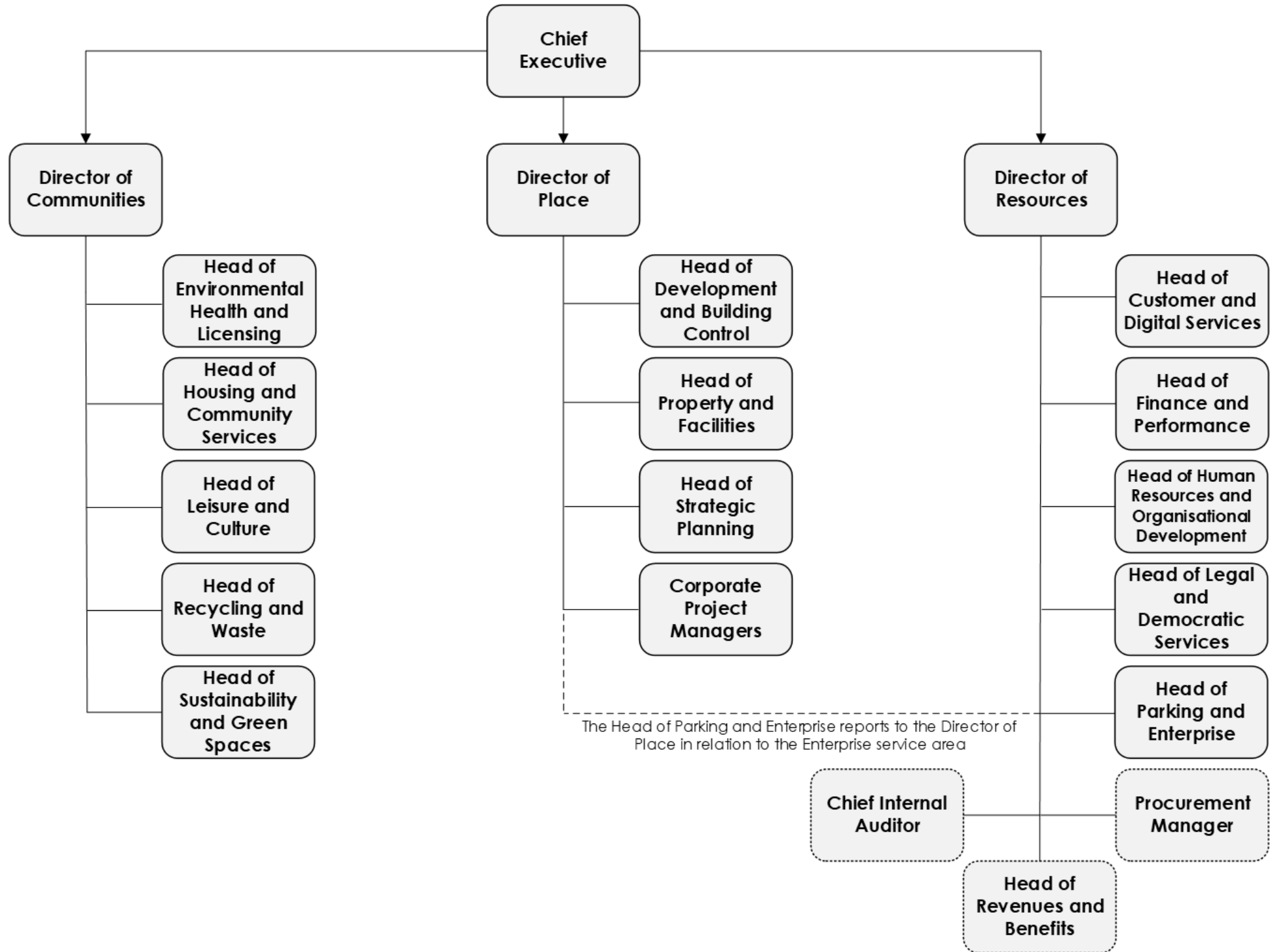
1.7.2 This means that these post-holders (i) are disqualified from being or remaining a member of a local authority (not including a parish council), (ii) cannot stand for election or act as an election agent, (iii) cannot hold a political party office or manage a party and (iv) cannot canvass for any political party or candidate.

1.7.3 These restrictions apply to the following posts:

- (a) the Statutory Officers and their deputies;
- (b) the Chief Officers and their deputies;
- (c) assistants for political groups (i.e. those individuals who provide assistance to political groups within the Council); and
- (d) posts that are designated as politically restricted by virtue of their duties, for example, where the post-holder is required to regularly give advice to the Cabinet or speak regularly to journalists on behalf of the Council.

1.8 **Organisational Structure and Management Chart**

Organisational Structure and Management Chart



2. Statutory Officers

2.1 **Introduction**

2.1.1 The Council is legally required to appoint three Statutory Officers comprising the following roles:

- (a) The Head of Paid Service;
- (b) The Section 151 Officer, otherwise known as the Chief Finance Officer; and
- (c) The Monitoring Officer.

2.2 **Statutory Officer designations**

The Statutory Officer posts are held by the Officers as shown below.

Post	Designation
Chief Executive (Jane Eaton)	Head of Paid Service
Director of Resources (Dominic Bradley)	Chief Finance Officer
Head of Legal and Democratic Services (Lauren Kelly)	Monitoring Officer

2.3 **Statutory Officer responsibilities**

2.3.1 Each Statutory Officer is responsible for undertaking different duties as outlined in the tables below.

2.3.2 For the avoidance of doubt, the discharge of functions encompasses not only the primary actions but also any ancillary tasks or activities required to carry out those functions.

2.3.3 **The Head of Paid Service**

The Head of Paid Service is responsible for discharging the following functions:

	Functions
1.	If they consider it appropriate to report on proposals relating to the following matters: <ul style="list-style-type: none">(a) the manner in which the Council discharges its functions;(b) the number and grades of staff required for the discharge of the Council's functions;(c) the organisation of the Council's Officers; and(d) the appointment and proper management of the Council's Officers;
2.	to appoint, dismiss and take disciplinary action against Officers where appropriate;

	(This duty may be delegated to an Officer nominated by the Head of Paid Service.)
3.	to grant dispensations to Cabinet Members in respect of any declared conflicts of interest;
4.	to maintain a record for public inspection of pecuniary interests declared by Officers in contracts in accordance with section 117 of the Local Government Act 1972;
5.	to undertake: <ul style="list-style-type: none"> (a) any other duties provided for in legislation for discharge by the Head of Paid Service; and (b) any other functions provided for elsewhere in the Constitution for the discharge by the Head of Paid Service; and
6.	to exercise any other powers provided for in legislation or this Constitution for discharge by the Head of Paid Service.

2.3.4 **The Chief Finance Officer**

The Chief Finance Officer is responsible for discharging the following functions:

	Functions
1.	To exercise the proper administration of the Council's financial affairs as are more fully described in the Finance Procedure Rules;
2.	to report to the Full Council (or to the Cabinet if an executive function) and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully;
3.	to ensure lawfulness and financial prudence in decision-making;
4.	to contribute to the corporate management of the Council through the provision of professional financial advice;
5.	to provide advice and support to all Councillors and Officers on the scope of powers and authority to make decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues;
6.	to appoint a deputy Chief Finance Officer to exercise all powers and duties in their absence;
7.	to ensure that the financial implications associated with proposals are incorporated into any relevant report;

8.	to appoint all finance staff and to be consulted on any proposal to create or delete a post requiring such a qualification for appointment;
9.	to maintain a register of interests, hospitality and gifts declared by Officers;
10.	to act as the Money Laundering Reporting Officer;
11.	to approve the receipt, expenditure and/or allocation (as applicable) of grant funding for existing/ongoing projects or established service areas not currently accounted for in the Council's budget, with a value of less than the key decision threshold. This decision will be made in consultation with the Leader, the Cabinet Member with responsibility for finance and the Chairman of the Finance and Performance Policy and Scrutiny Committee. This applies to the gross amount of such income or expenditure;
12.	to approve the receipt, expenditure and/or allocation (as applicable) of grant funding for new projects or new service areas not currently accounted for in the Council's budget, with a value of no more than £250,000. This decision will be made in consultation with the Leader, the Cabinet Member with responsibility for finance and the Chairman of the Finance and Performance Policy and Scrutiny Committee. This applies to the gross amount of such income or expenditure;
13.	to approve the receipt, expenditure and/or allocation (as applicable) of grant funding for existing/ongoing or new projects or established or new service areas not currently accounted for in the Council's budget where such funding is being provided by a public sector body. This decision will be made in consultation with the Leader, the Cabinet Member with responsibility for finance and the Chairman of the Finance and Performance Policy and Scrutiny Committee. This applies to the gross amount of such income or expenditure;
14.	to make decisions regarding any income or expenditure not accounted for in the Council's budget with a value of no more than £250,000. This decision will be made in consultation with the Leader, the Cabinet Member with responsibility for finance and the Chairman of the Finance and Performance Policy and Scrutiny Committee. This applies to the gross amount of such income or expenditure;
15.	to agree and implement concessions in line with the Council's Parking Services Discount Policy in consultation with the Cabinet Member with responsibility for finance;
16.	to grant concession licences in car parks in line with the Council's Concessions Policy in consultation with the Cabinet Member with responsibility for finance and the relevant Ward Councillor(s);

	(The Head of Parking and Enterprise may also exercise this delegation, as is reflected in the "Officer Scheme of Delegation – Delegations" section.)
17.	to change fees and charges in order to cover the cost of increases imposed by external providers, where such costs are directly passed on to the end consumer;
18.	to change fees and charges in order to cover the cost of providing a service, in consultation with the Cabinet Member with responsibility for finance and the Chairman of the Finance and Performance Policy and Scrutiny Committee;
19.	to undertake: <ul style="list-style-type: none"> (a) any other duties provided for in legislation for discharge by the Chief Finance Officer; and (b) any other functions provided for elsewhere in the Constitution (for example, as are contained in the Finance Procedure Rules) for the discharge by the Chief Finance Officer; and
20.	to exercise any other powers provided for in legislation or this Constitution for discharge by the Chief Finance Officer.

2.3.5 **The Monitoring Officer**

The Monitoring Officer is responsible for discharging the following functions:

Functions	
1.	To report to the Full Council (or the Cabinet if an executive function) on contraventions or likely contraventions on any enactment or rule of law after consulting the Head of Paid Service and the Chief Finance Officer;
2.	to report on maladministration or injustice where the Ombudsman has undertaken an investigation;
3.	to appoint a deputy Monitoring Officer to exercise all powers and duties in their absence;
4.	to maintain and publish a register of Councillors' interests;
5.	to maintain, publish and make available for public inspection the Constitution and make any changes authorised under the terms of this Constitution;
6.	to ensure lawfulness in decision-making;
7.	to:

	<ul style="list-style-type: none"> (a) promote high standards of conduct and ethical conduct for Councillors through the provision of support to the Standards Committee; (b) undertake or appoint a suitably qualified person to conduct a standards investigation if appropriate to do so; and (c) (notwithstanding the duty of confidentiality), to disclose any information required by the Standards Committee to determine a complaint against a Councillor;
8.	to advise whether decisions taken or to be taken by the Cabinet are within the Budget and Policy Framework;
9.	to provide advice and support to all Councillors and Officers on the scope of powers, authority to make decisions, maladministration, financial impropriety, legal matters and the Budget and Policy Framework;
10.	to ensure that the legal implications associated with proposals are incorporated into any relevant report;
11.	<p>to (i) oversee and assess the operation of the Constitution and (ii) propose recommendations or improvements to both the Council and the Constitution, ensuring they more effectively achieve the Council's objectives and purposes.</p> <p>In undertaking this task, they may:</p> <ul style="list-style-type: none"> (a) observe meetings of different parts of the Council; (b) undertake an audit trail of a sample of decisions; (c) record and analyse issues raised with them by Councillors, Officers, the public and relevant stakeholders; and (d) compare practices in the Council with those in comparable authorities, or national examples of best practice;
12.	to grant dispensations relating to pecuniary, sensitive and other interests;
13.	to contribute to the corporate management of the Council through the provision of professional legal advice;
14.	to interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning;
15.	to act as the qualified person under the Freedom of Information Act 2000;
16.	to act as the Data Protection Officer under the Data Protection Act 2018;
17.	to undertake:

	<p>(a) any other duties provided for in legislation for discharge by the Monitoring Officer; and</p> <p>(b) any other functions provided for elsewhere in the Constitution for the discharge by the Monitoring Officer; and</p>
18.	to exercise any other powers provided for in legislation or this Constitution for discharge by the Monitoring Officer.

2.4 **Discharge of duties**

- 2.4.1 The Statutory Officers must personally perform certain reporting duties unless ill or absent, in which case they may be discharged by a nominated deputy.
- 2.4.2 Statutory Officers may, in writing, delegate their powers and responsibilities to another Officer provided that such delegation is permitted by law.
- 2.4.3 The Council must provide the Statutory Officers which such staff, accommodation and other resources as are sufficient (in their opinion) to allow their duties to be performed.

3. Officer Scheme of Delegation – An Explanation

3.1 **Introduction**

3.1.1 This scheme outlines those functions (both executive and non-executive) that may be delegated to and carried out by Officers in the course of their duties.

3.1.2 The Council operates under an executive system in which the majority of decisions are taken by the Leader, the Cabinet and individual Cabinet Members. These members are responsible for making decisions related to “executive functions” and the “local choice functions”.

3.1.3 Decisions relating to “non-executive functions” are the responsibility of the Full Council and the Council’s various committees.

3.1.4 All “non-executive”, “executive” and “local choice functions” can be delegated to Officers, unless specifically prohibited by law.

3.2 **Scope of delegation to Officers**

3.2.1 In order to support the achievement of the objectives outlined in the Council Plan and recognising that Officers are closest to service delivery, the Full Council and the Leader have agreed to:

- (a) delegate to Chief Officers all operational and administrative functions necessary to discharge their responsibilities; and
- (b) delegate to Chief Officers (and in some cases directly to Heads of Service) specific functions.

Both sets of functions are outlined in the next section “Officer Scheme of Delegation – Delegations”.

3.2.2 For the avoidance of doubt, the delegation of any functions encompasses not only the primary function but also any ancillary tasks or activities required to carry out those functions.

3.2.3 This scheme should be interpreted broadly, empowering Officers to exercise their delegations to the greatest extent possible to deliver their services within the Budget and Policy Framework established by the Full Council.

3.3 **Sub-delegations**

3.3.1 Officers who have been delegated authority directly under this scheme will be known as Original Delegates.

3.3.2 Original Delegates may, in writing, delegate their powers and duties to another Officer or Officers.

3.3.3 Those Original Delegates will identify the most appropriate Officers to exercise delegations under their authority.

3.3.4 If a function or activity is delegated to another Officer, that Officer may not further delegate to another Officer without the prior consent of the Original

Delegatee, except in cases where the Original Delegatee is deceased, incapacitated, or in an emergency where the Original Delegatee is absent or otherwise unavailable.

3.3.5 **Sub-delegation scheme**

3.3.5.1 Original Delegatees are responsible for creating a detailed sub-delegation scheme, outlining which Officers are authorised to carry out specific functions. Such scheme will be on a template provided by the Monitoring Officer, will be regularly updated and will be made available for public inspection.

3.3.5.2 Original Delegatees will retain the right to make decisions personally, even when authority has been delegated to another Officer.

3.3.5.3 When Officers act under delegated powers, they do so on behalf of the Original Delegatees who remain responsible for any decisions made.

3.4 **The parameters of delegation**

3.4.1 The "Officer Scheme of Delegation – Delegations" includes a mix of executive and non-executive functions. Generally, the functions that are more specifically defined pertain to non-executive functions (as outlined in law), while those related to broader areas of responsibility are associated with executive functions. Capturing the full scope of activities necessary to fulfil executive functions can be challenging, which is why Officers have been granted delegated authority to discharge certain functions pertaining to their areas of responsibility, pursuant to the provisions contained in this scheme.

3.4.2 Consequently, Original Delegatees may discharge those functions which have been specifically delegated to them, as outlined in the next section "Officer Scheme of Delegation – Delegations" and which are not subject to the terms outlined in this scheme (save that they may be delegated as provided for in this scheme).

3.4.3 Additionally, Original Delegatees may make operational and administrative decisions within their areas of responsibility, as outlined in the next section "Officer Scheme of Delegation – Delegations" and which are subject to the terms outlined in this scheme.

3.4.4 Broadly:

- (a) Only the Full Council may discharge functions that are reserved to it by law;
- (b) only the Cabinet may discharge functions that are reserved to it by law;
- (c) key decisions must be made collectively by the Cabinet; and
- (d) individual Cabinet Members may make non-key decisions related to the discharge of their responsibilities, provided that no other limitations are imposed by this Constitution.

3.5 **The meaning of operational and administrative decisions**

3.5.1 **Operational decisions**

- 3.5.1.1 Typically, operational decisions relate to the daily management of activities and services, including the allocation of resources and ensuring adherence to relevant laws, regulations and Council policies.
- 3.5.1.2 These decisions are primarily focused on ensuring the smooth and efficient operation of activities. They may include, for instance, outsourcing certain tasks or functions to external providers, restructuring teams or reallocating resources to enhance service delivery.

3.5.2 **Administrative decisions**

- 3.5.2.1 Typically, administrative decisions refer to those made by Officers in the course of carrying out their day-to-day duties.
- 3.5.2.2 These decisions either (i) relate to routine tasks, such as processing applications, or (ii) serve to implement or give effect to decisions that have already been made or policies established by the relevant Councillor or decision-making body.

3.6 **Limitations to the scheme**

- 3.6.1 Any exercise of delegated authority in relation to operational and administrative functions is subject to the following:

3.6.1.1 **Councillor consultation:**

- (a) Before exercising any delegated authority, Officers must:
- (i) consult with relevant Councillors (i.e. Cabinet Member, Committee Chairman, Ward Councillors) when appropriate to do so having regard to the nature and scope of the decision to be made;
 - (ii) consider whether it is appropriate to exercise delegated powers or refer the matter to the relevant Councillor or body for consideration; and
 - (iii) have proper regard to any advice given by Councillors.
- (b) Officers should generally avoid making decisions in areas that are likely to:
- (i) involve political sensitivities;
 - (ii) provoke significant public opposition; or
 - (iii) attract media scrutiny.

If an Officer needs to make such a decision, it is essential that the relevant Councillor or body is consulted in advance.

- (c) Following consultation with the Chief Executive and the relevant Officer, the Leader or appropriate Committee Chairman may request that any matter be referred to the relevant Councillor or body for a decision.

Officers will not be required to consult if their actions:

- (a) are intended to implement a decision that has already been made by the Full Council, the Cabinet, a Cabinet Member or a committee;
- (b) amount to a routine task or day-to-day activity; or
- (c) amount to an operational decision where the value of the same is less than £100,000.

3.6.1.2 **Officer consultation:**

- (a) Before exercising any delegated authority, Officers must:
 - (i) consult with other relevant Officers when appropriate to do so having regard to the nature and scope of the decision to be made;
 - (ii) have proper regard to any advice given by Officers; and
 - (iii) seek and adhere to the advice of the Chief Executive, Chief Finance Officer and the Monitoring Officer (or duly authorised representative) when appropriate to do so having regard to the nature and scope of the decision to be made. Consultation should be conducted especially in cases where the matter is unusual or exceptional in relation to the decision being made.

Officers will not be required to consult if their actions:

- (a) are intended to implement a decision that has already been made by the Full Council, the Cabinet, a Cabinet Member or a committee; or
- (b) amount to a routine task or day-to-day activity.

3.6.1.3 **The exclusions:**

3.6.1.3.1 This scheme does not delegate to Officers:

- (a) any function which may not legally be discharged by an Officer;
- (b) the authority to acquire land compulsorily;
- (c) the authority to acquire land in advance of requirements;
- (d) the authority to change fees or charges except in the following cases:
 - (i) adjustments to the pricing for The Capitol, Horsham Museum and seasonal offers related to paid waste services; and
 - (ii) where the Chief Finance Officer (or other Officer) has been authorised to do so;
- (e) the authority to determine policy (excluding those which are inward facing, relate to staffing matters and internal procedures and are capable of being made by Officers) or set budgets; and
- (f) the authority to incur expenditure of £100,000 and more.

3.6.1.4 **Regulatory requirements:**

3.6.1.4.1 Any exercise of any delegated authority is subject to:

- (a) any applicable statutory restrictions;
- (b) the Budget and Policy Framework;
- (c) the relevant provisions of this Constitution;

- (d) any policies set by the relevant Councillor or body;
- (e) consideration of the corporate interests of the Council, adherence to best value principles and the use of the most efficient and effective methods available; and
- (f) decisions made by the relevant Councillor, the Chief Executive, the Monitoring Officer and the Chief Finance Officer regarding whether an Officer should exercise a delegated power.

3.6.1.5 **Specific requirements:**

3.6.1.5.1 Any delegation under this scheme (excluding in relation to routine administrative and operational functions) 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, support, or be conducive or incidental to, the implementation of a policy previously approved or decision previously taken.

3.7 **Taking, recording and publishing Officer decisions**

3.7.1 **Taking decisions**

3.7.1.1 When making decisions Officers must ensure that they:

- (a) possess the necessary authority to make a decision;
- (b) possess the necessary qualifications, where applicable, to make a decision;
- (c) have conducted all required consultations;
- (d) comply with all terms outlined in this scheme, where applicable; and
- (e) accurately record the decision.

3.7.2 **Recording and publishing decisions**

3.7.2.1 Certain executive and non-executive decisions taken by Officers must be formally recorded and published.

3.7.2.2 The significance of decisions made under delegated authority will vary and Officers authorised to make such decisions must exercise judgment in determining whether decisions are substantial enough to warrant formal recording and publishing.

3.7.2.3 However, the following Officer decisions must be published:

- (a) Publishable executive decisions; and
- (b) Publishable non-executive decisions.

3.7.2.4 All other decisions must be recorded within the service area so as to provide an audit trail.

3.8 **The meaning of “Publishable executive decisions”**

3.8.1 Publishable executive decisions refer to those decisions that:

- (a) are not related to day-to-day activities; and/or
- (b) are deemed appropriate for public disclosure; and/or
- (c) incur expenditure in excess of £50,000 excluding VAT; and/or
- (d) relate to the acquisition or disposal of an interest in property with a value in excess of £50,000 excluding VAT; and/or
- (e) relate to the grant of a lease with a minimum term of five years and/or where the annual rent exceeds £50,000 excluding VAT.

3.8.2 Examples of Publishable executive decisions include:

Publishable executive decisions	
1.	A procurement decision that requires the support of the Procurement Team;
2.	a decision to award a contract with a value in excess of £50,000 (excluding VAT);
3.	a decision to acquire or dispose of an interest in property with a value in excess of £50,000 (excluding VAT);
4.	a decision to grant a lease with a minimum term of five years and/or where the annual rent exceeds £50,000 (excluding VAT); and
5.	any other decision where the Chief Executive, the Chief Finance Officer or the Monitoring Officer identify that a record should be retained.

3.9 **The meaning of “Publishable non-executive decisions”**

3.9.1 Publishable non-executive decisions refer to those decisions where:

- (a) the decision has been delegated to an Officer under a **specific express authorisation**; or
- (b) the decision has been delegated to an Officer under a **general authorisation** and the effect of the decision is to:
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which materially affects (in the opinion of the relevant budget holder) the Council's financial position.

3.9.2 Examples of Publishable non-executive decisions include:

Publishable non-executive decisions:	
1.	A decision to license a driver of a hackney carriage or private hire vehicle;
2.	a decision to make or confirm a tree preservation order;
3.	a decision to grant an application for listed building consent;

4.	a decision to award a contract with a value in excess of £50,000 (excluding VAT); and
5.	any other decision where the Chief Executive, the Chief Finance Officer or the Monitoring Officer identify that a record should be retained.

3.10 **Process for recording and publishing decisions**

3.10.1 **Publishable executive decisions**

3.10.1.1 In relation to Publishable executive decisions, Officers must:

- (a) record these decisions on the "Executive Officer Decision Notice" template as soon as is reasonably practicable after the decision has been made;
- (b) provide Democratic Services with a copy of that notice (along with any report and background papers) for publication on the Council's website; and
- (c) retain a copy of the "Executive Officer Decision Notice" for six years and any background papers for four years from the date of the decision.

3.10.1.2 The "Executive Officer Decision Notice" (along with any report and background papers) must be available for inspection at all reasonable hours at the Council's offices and on its website.

3.10.2 **Publishable non-executive decisions**

3.10.2.1 In relation to Publishable non-executive decisions, Officers must:

- (a) record these decisions on the "Non-executive Officer Decision Notice" template as soon as is reasonably practicable after the decision has been made (excluding those decisions where Officers are already required by law to produce a written record which contains details of the decision, the reasons for it and the date it was taken);
- (b) provide Democratic Services with a copy of that notice (along with any background papers) for publication on the Council's website; and
- (c) retain a copy of the "Non-executive Officer Decision Notice" for six years and any background papers for four years from the date of the decision.

3.10.2.2 The "Non-executive Officer Decision Notice" (along with any background papers) must be available for inspection at all reasonable hours at the Council's offices and on its website.

3.11 **Delegations**

3.11.1 **Abolition of and successor posts**

3.11.1.1 If a post is abolished or responsibilities are transferred to another post-holder, either temporarily or permanently, the powers conferred by this scheme will be transferred automatically to and may be exercised by the Officer responsible for the area in which the power falls.

3.11.2 **Previous delegations**

3.11.2.1 Any delegation to an Officer that was in effect prior to the introduction of this scheme will remain valid insofar as it has not been wholly superseded by any delegation (or variation of a delegation) made under this scheme.

3.11.3 **Deemed delegations**

3.11.3.1 If no delegation is in place for a function or activity and an Officer holds management responsibility for the exercise of that function or activity, the authority required to carry out the function or activity will be deemed to have been delegated to that post-holder.

4. Officer Scheme of Delegation – Delegations

4.1 Chief Officer delegations

4.1.1 The Chief Officers have been delegated the following functions:

	Function
	Reserved to the Chief Executive
1.	To: <ul style="list-style-type: none"> (a) act on all matters (save for those reserved to the Cabinet collectively or the Full Council) including those which have been delegated to Officers (unless legally prohibited) after consulting that Officer provided they are available; and (b) in the event of any dispute or uncertainty, to determine which Officer may exercise a delegation under this scheme;
2.	to be the principal adviser to the Council on general policy;
3.	to incur expenditure in the event of a civil emergency;
4.	<p>in cases of emergency, to make any decision that could ordinarily be made by the Full Council, the Cabinet or a committee, in consultation with the Leader.</p> <p>An emergency is defined as a situation that, while not necessarily a declared emergency, either (i) poses a risk of harm to the wellbeing of residents (in the opinion of the Chief Executive) or (ii) would prejudice the interests of the Council (in the opinion of the Chief Executive) if appropriate action is not taken.</p> <p>Any such decision will be subject to a report being presented at the next relevant meeting;</p>
5.	to oversee the organisational structure and implement any necessary adjustments to ensure the effective delivery of the objectives outlined in the Council Plan or otherwise;
6.	to advise and ensure the provision of professional advice to all parties in the decision-making process;
7.	together with the Monitoring Officer, to be responsible for a system of record keeping for all Council decisions;
8.	to consider complaints against or allegations of misconduct by the Chief Finance Officer, the Monitoring Officer and any Directors;
9.	to represent the Council on partnerships and other bodies;
10.	to be responsible for the health and safety of all Officers;

11.	to pay expenses properly incurred by the Electoral Registration Officer;
12.	to publicise the outcome of community governance reviews;
13.	to send copies of orders to the Secretary of State and the Local Government Boundary Commission in respect of community governance reviews;
14.	to execute any document on behalf of the Council whether by signing or seal; and
15.	to use the transformation fund as appropriate in consultation with the Leader, the Cabinet Member with responsibility for finance and the Chief Finance Officer.
	Reserved to the Chief Executive as Returning Officer
1.	To act as the Returning Officer for local government elections and to exercise powers in respect of holding elections;
2.	to fill vacancies in the event of insufficient nominations;
3.	to declare a vacancy in office in certain cases;
4.	to give public notice of a casual vacancy;
5.	to make temporary appointments to parish councils;
6.	to undertake duties relating to publicity; and
7.	to undertake duties relating to notices required by the Electoral Commission.
	Reserved to the Chief Executive as Electoral Registration Officer
1.	To act as the Electoral Registration Officer;
2.	to assign Officers in relation to requisitions of the Electoral Registration Officer;
3.	to divide constituencies into polling districts and designate polling places for parliamentary elections other than as a result of a review of the same undertaken during a compulsory review period;
4.	to divide the District (or any ward of the District) and electoral divisions into polling districts and designate polling places for local government elections other than as a result of a full review of the same; and

5.	after consultation with relevant Ward Councillors, to redesignate new polling places where the same become unavailable or unsuitable prior to an election.
	Reserved to the Director of Resources
1.	<p>To be responsible for:</p> <ul style="list-style-type: none"> (a) Audit (internal and external); (b) Customer and digital services; (c) Finance and performance; (d) Human resources and organisational development; (e) Information governance; (f) Legal, democratic services and elections; (g) Parking; (h) Procurement; and (i) Revenue and benefits <p>and to take all operational and administrative decisions in relation to these service areas; and</p>
2.	to execute any document on behalf of the Council whether by signing or seal.
	Reserved to the Director of Communities
1.	<p>To be responsible for:</p> <ul style="list-style-type: none"> (a) Environmental health and licensing; (b) Housing and community services; (c) Leisure and culture; (d) Recycling and waste; and (e) Sustainability and green spaces <p>and to take all operational and administrative decisions in relation to these service areas;</p>
2.	<p><u>Licensing and registration functions</u></p> <ul style="list-style-type: none"> (a) Power to issue licences authorising the use of land as a caravan site ("site licences"); (b) power to license the use of moveable dwellings and camping sites; (c) power to license hackney carriages and private hire vehicles; (d) power to license drivers of hackney carriages and private hire vehicles; (e) power to license operators of hackney carriages and private hire vehicles; (f) powers and functions relating to late night levy requirements under Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that

	<p>Chapter, with the exception of deciding whether and on what terms to apply, vary or revoke a late night levy requirement which is delegated to the Licensing Committee (Alcohol and Entertainment);</p> <p>(g) power to license sex shops and sex cinemas;</p> <p>(h) power to license performances of hypnotism;</p> <p>(i) power to license premises for acupuncture, tattooing, ear-piercing and electrolysis;</p> <p>(j) power to license pleasure boats and pleasure vessels;</p> <p>(k) power to license market and street trading;</p> <p>(l) power to register and license premises for the preparation of food;</p> <p>(m) power to license scrap yards;</p> <p>(n) power to grant or renew a licence for a licensable activity under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (selling animals as pets, providing or arranging for the provision of boarding for cats or dogs, hiring out horses, breeding dogs or keeping or training animals for exhibition);</p> <p>(o) power to license zoos;</p> <p>(p) power to license dangerous wild animals;</p> <p>(q) power to license the employment of children;</p> <p>(r) power to license persons to collect for charitable and other causes;</p> <p>(s) power to grant consent for the operation of a loudspeaker;</p> <p>(t) power to grant a street works licence;</p> <p>(u) power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway, and related powers;</p> <p>(v) duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980;</p> <p>(w) power to authorise erection of stiles etc. on footpaths or bridleways;</p> <p>(x) power to consent to temporary deposits or excavations in streets;</p> <p>(y) power to consent to construction of cellars etc. under street;</p> <p>(z) power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators;</p> <p>(aa) power to approve meat product premises;</p> <p>(bb) power to approve premises for the production of minced meat or meat preparations;</p> <p>(cc) power to approve dairy establishments;</p> <p>(dd) power to approve egg product establishments;</p> <p>(ee) power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods;</p> <p>(ff) power to approve fish products premises;</p>
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	<p>(gg) power to approve dispatch or purification centres; (hh) power to register fishing vessels on board which shrimps or molluscs are cooked; (ii) power to approve factory vessels and fishery product establishments; (jj) power to register auction and wholesale markets; (kk) duty to keep register of food business premises; (ll) power to register food business premises; (mm) power to register motor salvage operators; and (nn) functions relating to pavement licences.</p> <p><u>Functions relating to health and safety at work</u></p> <p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.</p> <p><u>Functions relating to smoke-free premises, etc</u></p> <p>(a) Duty to enforce Chapter 1 of the Health Act 2006 and regulations made under it; (b) power to authorise Officers; (c) functions relating to fixed penalty notices; and (d) power to transfer enforcement functions to another enforcement authority.</p> <p>The power to discharge the functions in row 2 of this table is subject to the delegations to the Licensing Sub-Committee (Taxi and General) and includes the following:</p> <p>(a) imposing any conditions, limitations or other restrictions on any approval, consent, licence, permission or registration and determining any other terms to which it is subject; (b) determining whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject; (c) amending, modifying or varying any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject; and (d) revoking any approval, consent, licence, permission or registration.</p> <p>The discharge of a function in row 2 of this table includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function.</p>
3.	<u>Licensing Act 2003 functions</u>

- (a) Power to undertake the functions delegated to the Licensing Committee (Alcohol and Entertainment) by virtue of section 7 of the Licensing Act 2003, with the exception of those functions that have been sub-delegated to the Licensing Sub-Committee (Alcohol and Entertainment)¹⁷; and
- (b) power to undertake any functions under the Licensing Act 2003 not delegated to the Licensing Committee (Alcohol and Entertainment) by virtue of section 7 of the Licensing Act 2003, with the exception of the adoption of the statement of licensing policy under section 5 which is reserved to Full Council and the functions of making and varying or revoking an early morning alcohol restriction order under section 172A which is delegated to the Licensing Committee (Alcohol and Entertainment).

Gambling Act 2005 functions

- (a) Power to undertake the functions delegated to the Licensing Committee (Alcohol and Entertainment) by virtue of sections 154, 232 and paragraph 28(1) of Schedule 12 of the Gambling Act 2005, with the exception of those functions that have been sub-delegated to the Licensing Sub-Committee (Alcohol and Entertainment);¹⁸
- (b) duty to comply with requirement to provide information to the Gambling Commission;
- (c) functions relating to exchange of information;
- (d) functions relating to occasional use notices;
- (e) power to designate officer of a licensing authority as an authorised person for a purpose relating to premises;
- (f) power to make an order disapplying section 279 or 282(1) of the Gambling Act 2005 in relation to specified premises;
- (g) power to exchange information;
- (h) functions relating to the registration and regulation of small society lotteries; and
- (i) power to undertake any other functions under the Gambling Act 2005 not otherwise delegated and capable of being delegated, with the exception of the power to institute criminal proceedings under section 346 which is delegated to the Head of Legal and Democratic Services and determining fees under section 212 which is delegated to the Licensing Committee (Alcohol and Entertainment).

The discharge of a function in row 3 of this table includes the doing of anything which is calculated to facilitate, or is conducive or incidental

¹⁷ Delegation to be made by the Licensing Committee (Alcohol and Entertainment) on an annual basis

¹⁸ Delegation to be made by the Licensing Committee (Alcohol and Entertainment) on an annual basis

	to, that function and permitted under the Licensing Act 2003 or the Gambling Act 2005 (as the case may be).
4.	to make adjustments to the pricing for The Capitol, Horsham Museum and seasonal offers related to paid waste services; and
5.	to execute any document on behalf of the Council whether by signing or seal.
	Reserved to the Director of Place
1.	<p>To be responsible for:</p> <ul style="list-style-type: none"> (a) Development and building control; (b) Enterprise; (c) Property and facilities; (d) Street naming and numbering; and (e) Strategic planning <p>and to take all operational and administrative decisions in relation to these service areas;</p>
2.	<p><u>Functions relating to town and country planning and development control</u></p> <ul style="list-style-type: none"> (a) Power to determine applications for planning permission or permission in principle; (b) power to determine applications to develop land without compliance with conditions previously attached; (c) power to grant planning permission for development already carried out; (d) power to decline to determine application for planning permission or permission in principle; (e) duties relating to the making of determinations of planning applications; (f) power to determine application for planning permission or permission in principle made by a local authority, alone or jointly with another person; (g) power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights; (h) power to enter into agreement regulating development or use of land; (i) power to issue a certificate of existing or proposed lawful use or development; (j) power to serve a completion notice; (k) power to grant consent for the display of advertisements; (l) power to authorise entry onto land; (m) power to require the discontinuance of a use of land;

- (n) power to serve a planning contravention notice, breach of condition notice or stop notice;
- (o) power to issue a temporary stop notice;
- (p) power to issue an enforcement notice;
- (q) power to apply for an injunction restraining a breach of planning control;
- (r) power to determine applications for hazardous substances consent, and related powers;
- (s) duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject;
- (t) power to require proper maintenance of land;
- (u) power to determine application for listed building consent, and related powers;
- (v) duties relating to applications for listed building consent;
- (w) power to serve a building preservation notice, and related powers;
- (x) power to issue enforcement notice in relation to demolition of listed building in conservation area;
- (y) powers to acquire a listed building in need of repair and to serve a repairs notice;
- (z) power to apply for an injunction in relation to a listed building;
- (aa) power to authorise stopping up or diversion of highway;
- (bb) power to execute urgent works; and
- (cc) duty to enter land in Part 2 of the brownfield land register.

Miscellaneous functions

- (a) Powers relating to the protection of important hedgerows;
- (b) powers relating to the preservation of trees; and
- (c) powers relating to complaints about high hedges.

The power to discharge¹⁹ the functions in row 2 of this table is subject to the delegations to the Planning Committee and includes the following:

- (a) imposing any conditions, limitations or other restrictions on any approval, consent, licence, permission or registration and determining any other terms to which it is subject;
- (b) determining whether, and in what manner, to enforce any failure to comply with any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject;
- (c) amending, modifying or varying any approval, consent, licence, permission or registration, or any conditions, limitations or terms to which it is subject; and

¹⁹ The discharge of a function includes the doing of anything which is calculated to facilitate, or is conducive or incidental to, that function.

	(d) revoking any approval, consent, licence, permission or registration.
3.	to refer to the Planning Committee and/or the Full Council any matter relating to a planning appeal for determination when they consider it appropriate to do so; and
4.	to execute any document on behalf of the Council whether by signing or seal.
	Reserved to the Director of Place and the Head of Development and Building Control
1.	To refer to the Full Council any matter for determination if they are of the opinion that the Planning Committee is minded to make a decision which will likely have significant cost implications.
	<p>Reserved to the Director of Place and the Head of Property and Facilities</p> <p>(All delegations in this section are subject to the key decision threshold)</p> <p>In this section, the following definitions will apply:</p> <p>(a) <u>Routine disposal</u> – means the disposal complies with best value criteria and all relevant statutory requirements <u>and</u> the asset is surplus to requirements <u>and</u> the disposal is on standard market terms <u>and</u> no inducements are offered that deviate from market norms <u>and</u> there are no unusual or unique complexities involved;</p> <p>(b) <u>Non-routine disposal</u> – means the disposal does not comply with best value criteria and all relevant statutory requirements <u>or</u> the asset is not surplus to requirements <u>or</u> the disposal is not on standard market terms <u>or</u> inducements are offered that deviate from market norms <u>or</u> there are unusual or unique complexities involved;</p> <p>(c) <u>Routine acquisition</u> – means the acquisition is on standard market terms <u>and</u> the asset is required for a legitimate purpose pursuant to an existing policy or to give effect to a political decision <u>and</u> the acquisition does not present any significant legal, financial or operational challenges <u>and</u> there are no unusual or unique complexities involved;</p> <p>(d) <u>Non-routine acquisition</u> – means the acquisition is not on standard market terms <u>or</u> the acquisition presents significant legal, financial or operational challenges <u>or</u> there are unusual or unique complexities involved. The asset must still be required for a legitimate purpose pursuant to an existing policy or to give effect to a political decision;</p>

	(e) <u>Non-routine appropriation</u> – refers to a significant change in the use of land, such as converting a park into a site for development purposes.
	<u>Freehold and leasehold disposals</u>
1.	To manage and execute all activities related to <u>routine freehold disposals</u> with a value of less than £100,000 (exclusive of VAT);
2.	to manage and execute all activities related to <u>routine freehold disposals</u> with a value of £100,000 and more (exclusive of VAT), in consultation with the relevant Cabinet Member;
3.	to manage and execute all activities related to <u>routine leasehold disposals</u> with an annual rent of less than £100,000 per annum (exclusive of VAT);
4.	to manage and execute all activities related to <u>routine leasehold disposals</u> with an annual rent of £100,000 and more (exclusive of VAT), in consultation with the relevant Cabinet Member;
5.	to manage and execute all activities related to <u>non-routine freehold disposals</u> with a value of less than £100,000 (exclusive of VAT) in consultation with the Chief Finance Officer and the Monitoring Officer;
6.	to manage and execute all activities related to <u>non-routine freehold disposals</u> with a value of £100,000 and more (exclusive of VAT) in consultation with the Chief Finance Officer, the Monitoring Officer and the relevant Cabinet Member;
7.	to manage and execute all activities related to <u>non-routine leasehold disposals</u> with an annual rent of less than £100,000 (exclusive of VAT) in consultation with the Chief Finance Officer and the Monitoring Officer; and
8.	to manage and execute all activities related to <u>non-routine leasehold disposals</u> with an annual rent of £100,000 and more (exclusive of VAT) in consultation with the Chief Finance Officer, the Monitoring Officer and the relevant Cabinet Member.
	<u>Freehold and leasehold acquisitions</u>
1.	To manage and execute all activities related to <u>routine freehold acquisitions</u> with a value of less than £100,000 (exclusive of VAT);
2.	to manage and execute all activities related to <u>routine freehold acquisitions</u> with a value of £100,000 and more (exclusive of VAT), in consultation with the relevant Cabinet Member;

3.	to manage and execute all activities related to <u>routine leasehold acquisitions</u> with an annual rent of less than £100,000 (exclusive of VAT);
4.	to manage and execute all activities related to <u>routine leasehold acquisitions</u> with an annual rent of £100,000 and more (exclusive of VAT), in consultation with the relevant Cabinet Member;
5.	to manage and execute all activities related to <u>non-routine freehold acquisitions</u> with a value of less than £100,000 (exclusive of VAT) in consultation with the Chief Finance Officer and the Monitoring Officer;
6.	to manage and execute all activities related to <u>non-routine freehold acquisitions</u> with a value of £100,000 and more (exclusive of VAT) in consultation with the Chief Finance Officer, the Monitoring Officer and the relevant Cabinet Member;
7.	to manage and execute all activities related to <u>non-routine leasehold acquisitions</u> with an annual rent of less than £100,000 (exclusive of VAT) in consultation with the Chief Finance Officer and Monitoring Officer; and
8.	to manage and execute all activities related to <u>non-routine leasehold acquisitions</u> with an annual rent of £100,000 and more (exclusive of VAT) in consultation with the Chief Finance Officer, the Monitoring Officer and the relevant Cabinet Member.
	<u>Lease surrenders</u>
1.	To manage and execute all activities related to lease surrenders where the lease has an annual rent of less than £100,000 (exclusive of VAT); and
2.	to manage and execute all activities related to lease surrenders where the lease has an annual rent of £100,000 and more (exclusive of VAT), in consultation with the Chief Finance Officer and the Monitoring Officer.
	<u>Appropriation</u>
1.	To manage and execute all activities related to the appropriation of land and property in consultation with the Chief Finance Officer and the Monitoring Officer (provided that the relevant Cabinet Member is consulted in relation to the <u>non-routine appropriation</u> of land and property).
	<u>Miscellaneous</u>
1.	To manage and execute all activities related to the property portfolio, including but not limited to, leases, licences, tenancies, wayleaves,

	easements, rent reviews, assignments, property maintenance and variations of terms, subject to the above delegations.
	Reserved to the Head of Leisure and Culture
1.	To grant concession licences at Horsham Museum in line with the Council's Concessions Policy, in consultation with both the Cabinet Member with the responsibility for culture and the relevant Ward Councillor.
	Reserved to the Head of Parking and Enterprise
1.	To grant concession licences in car parks in line with the Council's Concessions Policy in consultation with the Cabinet Member with the responsibility for finance and the relevant Ward Councillor(s). (The Chief Finance Officer may also exercise this delegation, as is reflected in the Statutory Officers section).
	Reserved to the Head of Sustainability and Green Spaces
1.	To grant concession licences in parks and open spaces in line with the Council's Concessions Policy in consultation with both the Cabinet Member with the responsibility for leisure and green spaces and the relevant Ward Councillor.

5. Proper Officer Designations

- 5.1 The Council is required to appoint Proper Officers to undertake certain statutory functions.
- 5.2 The below tables identify which Officers have been designated as “Proper Officers” and outlines the functions for which they are responsible.
- 5.3 Any Statutory Officer may act in the absence of a Proper Officer, or if they are unable to do so. Additionally, any deputies of the Statutory Officers may act in their absence.
- 5.4 Any Statutory Officer may, in writing, delegate their powers and duties to another Officer.

Building Act 1984

Section	Function	Proper Officer
61(2)	To access works being executed in connection with the repair etc of drains	Head of Environmental Health and Licensing
78(8)	To exercise powers conferred by section 78(1) of the Building Act 1984 in connection with dangerous buildings or structures	Head of Development and Building Control
93(1)(a)	To sign on behalf of the Council any notice, order, consent, demand or other document that the Council is authorised or required by or under the Building Act 1984 to give, make or issue	Head of Development and Building Control or Head of Environmental Health and Licensing

Food Safety Act 1990

Section	Function	Proper Officer
49(3)(a)	To sign on behalf of the Council any document which the Council is authorised or required by or under the Food Safety Act 1990 to give, make or issue	Head of Environmental Health and Licensing

Highways Act 1980

Section	Function	Proper Officer
321(1)(a)	To sign on behalf of the Council any notice, consent, approval, order, demand, licence, certificate or other document which the Council is authorised or required by or under the Highways Act 1990 to give, make or issue	Head of Development and Building Control

Housing Act 2004

Section	Function	Proper Officer
4(2)	To inspect premises or an area following an official complaint about the condition of any residential premises in the District where the circumstances indicate that a category 1 or 2 hazard may exist on those premises or that an area in the District should be dealt with as a clearance area	Head of Environmental Health and Licensing
4(6)	To make a report to the Council where, having carried out an inspection under section 4(2) of the Housing Act 2004, the Proper Officer is of the opinion that a category 1 or 2 hazard exists on any residential premises in the District or that an area in the District should be dealt with as a clearance area	Head of Environmental Health and Licensing
239(2) and (3)	To enter premises for the purpose of carrying out a survey or examination where the Proper Officer considers it is necessary in order to carry out an inspection under section 4(2) of the Housing Act 2004	Head of Environmental Health and Licensing
249(2)	To sign certificates on copies of designations made by the Council under section 56	Head of Environmental Health and Licensing

	(designation of an area as subject to additional licensing) and section 80 (designation of an area as subject to selective licensing) of the Housing Act 2004	
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Local Government Act 1972

Section	Function	Proper Officer
83	To witness, and to receive, declarations of acceptance of office	Chief Executive or Monitoring Officer
84(1)	To receive notices of resignation of office	Chief Executive
88(2)	To convene meetings of the Council for the purposes of filling casual vacancies in the office of Chairman	Chief Executive
89(1)(b)	To receive notices by local government electors in relation to casual vacancies in the office of District Councillor	Chief Executive
100B(2)	To decide whether information is likely to be exempt when coming before the Council or a committee or sub-committee of the Council	Monitoring Officer
100B(7)(c)	To decide whether copies of certain documents should be supplied to newspapers	Monitoring Officer
100C(2)	To produce written summaries of proceedings taken by the Council or committees or sub-committees of the Council in private, if required	Chief Executive
100D(1)(a)	To compile lists of background papers for reports to the Council or committees or sub-committees of the Council	The report author for the time being

100D(5)(a)	To decide which documents relating to the subject matter of a report disclose any facts or matters on which the report or an important part of it is based and were relied on to a material extent in preparing the report	The report author for the time being
100F(2)	To decide if requested documents appear to contain exempt information	Monitoring Officer
115(2)	To receive money due from Officers	Chief Finance Officer
137A(5)	To retain on deposit any statements, reports or accounts provided to the Council in connection with financial assistance (equalling or exceeding the relevant minimum amount) provided to voluntary organisations or certain bodies or funds	Chief Finance Officer
146(1)(a)	To make statutory declarations to give effect to the transfer of securities where the name of the Council has changed	Chief Finance Officer
191(2)	To receive applications made by the Ordnance Survey office for assistance in determining boundaries	Chief Executive
210(6) and (7)	To be vested with powers relating to charities in certain circumstances	Chief Executive
225(1)	To receive and retain any document deposited with the Council for custody	Chief Executive
229(5)	To certify, for the purpose of any legal proceedings, photographic copies of documents	Monitoring Officer
234(1)	To sign on behalf of the Council any notice, order or other	Monitoring Officer

	document that the Council is authorised or required by or under any enactment to give, make or issue	
236(9)	To send copies of confirmed byelaws made by the Council to the proper officers of parish councils to which they apply	Monitoring Officer
236(10)	To send copies of confirmed byelaws made by the Council to the County Council	Monitoring Officer
238	To certify copies of byelaws	Monitoring Officer

Schedule	Function	Proper Officer
12(4)	To sign and send to all members of the Council the summons to attend meetings of the Council	Chief Executive
14(25)	To certify resolutions under paragraph 25 of Schedule 14 to the Local Government Act 1972 for the purposes of legal proceedings	Monitoring Officer

Local Government Act 1974

Section	Function	Proper Officer
30(5)	To give public notice of reports on investigations by Local Commissioners of the Commission for Local Administration in England	Chief Executive or Monitoring Officer

Local Government and Housing Act 1989

Section	Function	Proper Officer
2(4)	To retain on deposit a list of politically restricted posts	Head of Paid Service

Local Government Finance Act 1988

Section	Function	Proper Officer
116(1)	To notify the Council's auditor of the date, time and place of a	Chief Finance Officer

	proposed meeting under section 115 of the Local Government Finance Act 1988	
116(1A)	To notify the Council's auditor of the date, time and place of a proposed meeting under section 115B of the Local Government Finance Act 1988 if instructed to do so by the Leader of the Council	Chief Finance Officer
116(2)	To notify the Council's auditor of any decision made at a meeting held under section 115 of the Local Government Finance Act 1988	Chief Finance Officer
116(2A)	To notify the Council's auditor of any decision made at a meeting held under section 115B of the Local Government Finance Act 1988 if instructed to do so by the Leader of the Council	Chief Finance Officer

Local Government (Miscellaneous Provisions) Act 1976

Section	Function	Proper Officer
41	To sign certificates for the purposes of providing evidence of resolutions and minutes of proceedings etc	Monitoring Officer

Localism Act 2011

Section	Function	Proper Officer
33(1)	To receive requests for dispensations from Councillors and Co-optees in connection with section 31(4) of the Localism Act 2011	Monitoring Officer

Public Health Act 1936

Section	Function	Proper Officer
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79(1)	To serve notices requiring the removal of noxious matter	Head of Environmental Health and Licensing
84	To provide certificates in connection with filthy or verminous articles	Head of Environmental Health and Licensing
85(2)	To provide reports that any person, or the clothing of any person, is verminous	Head of Environmental Health and Licensing
85(4)	To authorise women to undertake the cleansing of females under section 85 of the Public Health Act 1936	Head of Environmental Health and Licensing

Public Health (Control of Disease) Act 1984

Section	Function	Proper Officer
48(1)	To provide certificates to Justices of the Peace in connection with dead bodies that pose a danger to health	Head of Environmental Health and Licensing
59(1)	To sign on behalf of the Council any notice, order or other document which the Council is authorised or required by or under the Public Health (Control of Disease) Act 1984 to give, make or issue	Head of Environmental Health and Licensing
61 and 62	To enter premises for certain purposes (including private dwellings if authorised by warrant)	Head of Environmental Health and Licensing

The Byelaws (Alternative Procedure) (England) Regulations 2016

Regulation	Function	Proper Officer
21(4) and (5)	To receive copies of byelaws from parish councils or the County Council and to deposit the same with the public documents of the Horsham District	Monitoring Officer

The Health Protection (Notification) Regulations 2010

Regulation	Function	Proper Officer
2 and 3	To receive notifications of suspected disease, infection or contamination in patients or dead persons from registered medical practitioners	Head of Environmental Health and Licensing
6	To disclose notifications received under Regulations 2 and 3 of The Health Protection (Notification) Regulations 2010 to others in accordance with the provisions of Regulation 6 of those Regulations	Head of Environmental Health and Licensing

The Local Authorities (Conduct of Referendums) (England) Regulations 2012

Regulation	Function	Proper Officer
4	All Proper Officer functions relating to publicity and other information in connection with referendums as set out in Regulation 4 of The Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Executive

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

Regulation	Function	Proper Officer
2 ("Background papers")	To decide which documents relating to the subject matter of a report or part of a report disclose any facts or matters on which the report or an important part of it is based and were relied on to a material extent in preparing the report	The report author for the time being
7(2)	To decide whether copies of reports or parts of reports should not be made available for public inspection where they relate to matters during which	Monitoring Officer

	meetings are likely to be held in private	
7(7)(c)	To decide whether copies of certain documents should be supplied to members of the public or newspapers	Monitoring Officer
10	All Proper Officer functions under Regulation 10 (General exception)	Monitoring Officer
12(1)	To produce written statements of executive decisions made at meetings	Chief Executive
13(1)	To produce written statements of executive decisions made by individual Cabinet Members	Chief Executive
14(1)	To ensure that copies of certain documents are made available for public inspection following the making of executive decisions	Chief Executive
15	To compile lists of background papers for reports to the Cabinet or committees of the Cabinet	The report author for the time being
16(5) and (7)	To decide if requested documents appear to contain exempt information or the advice of a political adviser or assistant	Monitoring Officer
20	To decide if documents or parts of documents contain or may contain confidential information, or contain or are likely to contain exempt information or the advice of a political adviser or assistant	Monitoring Officer

The Local Authorities (Members' Allowances) (England) Regulations 2003

Regulation	Function	Proper Officer
13	To receive notices to forego entitlement to allowances from Councillors or Co-optees	Chief Executive

The Local Authorities (Referendums) (Petitions) (England) Regulations 2011

Regulation	Function	Proper Officer
All	All Proper Officer functions under The Local Authorities (Referendums) (Petitions) (England) Regulations 2011	Chief Executive

The Local Authorities (Standing Orders) (England) Regulations 2001

Provision	Function	Proper Officer
Paragraphs 5 and 6 of Part II to Schedule 1	All Proper Officer functions relating to the appointment and dismissal of certain Officers as set out in paragraphs 5 and 6 of Part II to Schedule 1 of The Local Authorities (Standing Orders) (England) Regulations 2001	The Head of Paid Service unless they are the Officer to be appointed or dismissed in which case the Monitoring Officer

The Local Elections (Parishes and Communities) (England and Wales) Rules 2006

Rule	Function	Proper Officer
All	All Proper Officer functions under The Local Elections (Parishes and Communities) (England and Wales) Rules 2006	Chief Executive

The Local Elections (Principal Areas) (England and Wales) Rules 2006

Rule	Function	Proper Officer
All	All Proper Officer functions under The Local Elections (Principal Areas) (England and Wales) Rules 2006	Chief Executive

The Local Government (Committees and Political Groups) Regulations 1990

Regulation	Function	Proper Officer
8(1)	To receive notices to constitute political groups	Chief Executive
8(5)	To receive notices to change the names of political groups, or to change the names of the leaders or representatives of political groups	Chief Executive
9	To receive notices from Councillors wishing to join political groups	Chief Executive
10	To receive notices in relation to the cessation of membership of political groups	Chief Executive
13	To receive the wishes of political groups	Chief Executive
14	To notify the leaders or representatives of political groups for the purposes of enabling such groups to express their wishes	Chief Executive
17(b),(c) and (d)	To receive notices giving rise to reviews of allocations of seats to political groups	Chief Executive

The Local Government (Parishes and Parish Councils) (England) Regulations 2008

Regulation	Function	Proper Officer
All	All Proper Officer functions under The Local Government (Parishes and Parish Councils) (England) Regulations 2008	Chief Executive

The Neighbourhood Planning (Referendums) Regulations 2012

Regulation	Function	Proper Officer
All	All Proper Officer functions under The Neighbourhood	Chief Executive

	Planning (Referendums) Regulations 2012	
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Openness of Local Government Bodies Regulations 2014

Regulation	Function	Proper Officer
6 ("Background papers")	To decide which documents relating to the subject matter of a decision or part of a decision disclose any facts or matters on which the decision or an important part of it is based and were relied on to a material extent in making the decision	The report author for the time being
9(2)(a)	To decide whether a document or part of a document contains or may contain confidential information	Monitoring Officer
9(2)(b)	To decide whether a document or part of a document contains or is likely to contain exempt information	Monitoring Officer

The Parish and Community Meetings (Polls) Rules 1987

Rule	Function	Proper Officer
All	All Proper Officer functions under The Parish and Community Meetings (Polls) Rules 1987	Chief Executive

- 4.4 Unless otherwise provided in this Constitution, the Chief Executive (or, in their absence, the Monitoring Officer) is the Proper Officer for the purposes of section 270(3) of the Local Government Act 1972 and any other enactment.

6. Officer Employment Procedure Rules

6.1 **Introduction**

6.1.1 These rules contain provisions relating to the recruitment and appointment of, and the dismissal and taking of disciplinary action against, the Council's Officers.

6.2 **General provisions relating to recruitment and appointment**

6.2.1 **Declarations**

6.2.1.1 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 Officer, or the partner of such persons. No candidate so related to a Councillor or an Officer will be appointed without the authority of the Head of Paid Service or an Officer nominated by them.

6.2.2 **Seeking support for appointment**

6.2.2.1 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.

6.2.2.2 No Councillor will seek support for any person for any appointment with the Council.

6.2.2.3 Nothing in paragraphs 6.2.2.1 or 6.2.2.2 will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

6.2.3 **Appointments to be made on merit**

6.2.3.1 Every appointment of a person as an Officer of the Council will be made on merit, subject to (i) qualification requirements for the Chief Finance Officer and (ii) certain provisions in the Equality Act 2010.

6.3 **Recruitment**

6.3.1 **Chief Officers**

6.3.1.1 In this Section:

"the 1989 Act" means the Local Government and Housing Act 1989; and

"Chief Officer" means:

(a) the Head of Paid Service, being the Officer designated under section 4(1) of the 1989 Act;

(b) the Monitoring Officer, being the Officer designated under section 5(1) of the 1989 Act;

- (c) the Chief Finance Officer, being a statutory Chief Officer mentioned in paragraph (d) of section 2(6) of the 1989 Act;
- (d) the Director of Communities, being a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act; or
- (e) the Director of Place, also being a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act;

and any reference to an appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an Officer under a contract of employment.

6.3.1.2 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 Head of Paid Service will:

- (a) draw up a statement specifying (i) the duties of the Officer concerned, and 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 (a) to be sent to any person on request.

6.3.1.3 Where a post has been advertised as provided in paragraph 6.3.1.2(b), the Employment Committee will:

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, the Head of Paid Service will make further arrangements for advertisement in accordance with paragraph 6.3.1.2(b).

6.3.2 **Other Officers**

6.3.2.1 The recruitment of other Officers is the responsibility of the relevant recruiting manager and must be undertaken in accordance with all applicable recruitment policies and procedures.

6.4 **Appointment, dismissal and disciplinary action**

6.4.1 In this section:

“the 1989 Act” means the Local Government and Housing Act 1989;

“Chief Finance Officer” means the Officer having responsibility, for the purpose of section 151 of the Local Government Act 1972, for the administration of the Council's financial affairs;

“disciplinary action” in relation to a member of staff means any action occasioned by alleged misconduct which, if proved, would, according to the

usual practice of the Council, be recorded on the member of staff's personal file and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract;

"Cabinet" and "Leader of the Council" have the same meaning as "executive" and "executive leader" in Part 1A of the Local Government Act 2000;

"Head of Paid Service" means the Officer designated under section 4(1) of the 1989 Act;

"member of staff" means a person appointed to or holding a paid office or employment at the Council;

"Monitoring Officer" means the Officer designated under section 5(1) of the 1989 Act; and

"Proper Officer" means the Head of Paid Service unless they are the Officer to be appointed or dismissed in which case it means the Monitoring Officer.

- 6.4.2 Subject to paragraphs 6.4.3 and 6.4.9, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the Head of Paid Service or by an Officer nominated by them.
- 6.4.3 Paragraph 6.4.2 will not apply to the appointment or dismissal of, or disciplinary action against:
- (a) the Head of Paid Service;
 - (b) the Chief Finance Officer, being a statutory Chief Officer within the meaning of section 2(6) of the 1989 Act;
 - (c) the Director of Communities, being a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act; or
 - (d) the Director of Place, also being a non-statutory Chief Officer within the meaning of section 2(7) of the 1989 Act.
- 6.4.4 Where a committee, sub-committee or Officer is discharging, on behalf of the Council, the function of the appointment of the Head of Paid Service, the Full Council must approve that appointment before an offer of appointment is made to that person.
- 6.4.5 Where a committee, sub-committee or Officer is discharging, on behalf of the Council, the function of the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, the Full Council must approve that dismissal before notice is given to that person.
- 6.4.6 Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of the Head of Paid Service, the Chief Finance Officer, the Director of Communities or the

Director of Place, at least one member of the Cabinet must be a member of that committee or sub-committee.

6.4.7 In this paragraph, “appointor” means, in relation to the appointment of a person as an Officer of the Council, the Full Council or, where a committee, sub-committee or Officer is discharging the function of appointment on behalf of the Full Council, that committee, sub-committee or Officer, as the case may be.

An offer of an appointment as the Head of Paid Service, the Chief Finance Officer, the Director of Communities or the Director of Place must not be made by the appointor until:

- (a) the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
- (b) the Proper Officer has notified every member of the Cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
- (c) either:
 - (i) the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the Proper Officer has notified the appointor that no objection was received by him within that period from the Leader of the Council; or
 - (iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

6.4.8 In this paragraph, “dismissor” means, in relation to the dismissal of an Officer of the Council, the Full Council or, where a committee, sub-committee or another Officer is discharging the function of dismissal on behalf of the Full Council, that committee, sub-committee or other Officer, as the case may be.

Notice of the dismissal of the Head of Paid Service, the Chief Finance Officer, the Director of Communities or the Director of Place must not be given by the dismissor until:

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Proper Officer has notified every member of the Cabinet of:

- (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
- (c) either:
- (i) the Leader of the Council has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the Leader of the Council; or
 - (iii) the dismissor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

6.4.9 Nothing in paragraph 6.4.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
- (b) a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

6.5 **Additional provisions relating to suspension and disciplinary action of the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer**

6.5.1 In this section:

“Chief Finance Officer” means the Officer having responsibility, for the purpose of section 151 of the Local Government Act 1972, for the administration of the Council’s financial affairs;

“disciplinary action” in relation to a member of staff means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff’s personal file and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract;

“Head of Paid Service” means the Officer designated under section 4(1) of the Local Government and Housing Act 1989;

“Independent Person” means a person appointed under section 28(7) of the Localism Act 2011;

“local government elector” means a person registered as a local government elector in the register of electors in the Council's area in accordance with the Representation of the People Acts;

“Monitoring Officer” means the Officer designated under section 5(1) of the Local Government and Housing Act 1989;

“the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer; and

“relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer.

6.5.2 **Suspension**

6.5.2.1 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay.

6.5.3 **Disciplinary action**

6.5.3.1 The Head of Paid Service, the Chief Finance Officer or the Monitoring Officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is followed.

6.5.3.2 The Council must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

6.5.3.3 In paragraph 6.5.3.2 “relevant Independent Person” means any Independent Person who has been appointed by the Council or, where there are fewer than two such persons, such Independent Persons as have been appointed by another council or councils as the Council considers appropriate.

6.5.3.4 Subject to paragraph 6.5.3.5, the Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph 6.5.3.2 in accordance with the following priority order:

- (a) a relevant Independent Person who has been appointed by the Council and who is a local government elector;
- (b) any other relevant Independent Person who has been appointed by the Council;
- (c) a relevant Independent Person who has been appointed by another council or councils.

6.5.3.5 The Council is not required to appoint more than two relevant Independent Persons but may do so.

- 6.5.3.6 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 6.5.3.7 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer, as the case may be.
- 6.5.3.8 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 Person under the Localism Act 2011.

Legal Matters

1. Legal Matters

1. Legal Matters

- 1.1 The Head of Legal and Democratic Services is authorised to undertake the following functions in relation to all legal matters, proceedings, litigation and prosecutions:

Functions relating to legal matters	
1.	To institute criminal proceedings under section 346 of the Gambling Act 2005 in relation to various offences;
2.	to initiate, terminate, defend, settle and take any steps in legal proceedings or matters (excluding those delegated to another Officer) in order to: (i) implement Council decisions or (ii) safeguard the Council's interests;
3.	to authorise Officers or other persons to appear before the courts;
4.	to issue, serve or respond to any statutory notices, consents and other formal documents;
5.	to give approval to take any enforcement action (including action which has been delegated to another Officer);
6.	to grant authorisations under sections 28 (authorisation of directed surveillance) and 29 (authorisation of covert human intelligence sources) of the Regulation of Investigatory Powers Act 2000;
7.	to sign any documents or notices pertaining to informal, formal or legal matters and proceedings; (For the avoidance of doubt, signing can be by signature or under seal).
8.	to authorise other Officers or persons to sign and/or serve any documents and notices in relation to any informal, formal or legal matters and proceedings;
9.	to give approval to consult with and instruct counsel and the procurement of any external legal advice or representation;
10.	to consider complaints against or allegations of misconduct by the Chief Executive; and
11.	to delegate any of the preceding functions to any Officer or person as they deem appropriate.

- 1.2 For the avoidance of doubt, the discharge of functions encompasses not only the primary actions but also any ancillary tasks or activities to effectively carry out those functions.

- 1.3 Any of the functions outlined in the above table may be exercised by any deputy of the Head of Legal and Democratic Services or any deputy Monitoring Officer.

Ethical Governance

1. Councillors' Code of Conduct
2. Officers' Code of Conduct
3. Protocol on Councillor and Officer Relations

1. Councillors' Code of Conduct

1.1 **Introduction**

1.1.1 All Councils are legally required to have a Code of Conduct ("the Code") which establishes the standards of behaviour expected from Councillors.

1.1.2 In December 2020, the Local Government Association developed and published a Model Councillor Code of Conduct ("the LGA Model Code") in association with key partners and following extensive consultation with the sector. This was in response to a recommendation of the Committee on Standards in Public Life's 2019 report on Local Government Ethical Standards.

1.1.3 The Council has adopted the Code, which is based on the LGA Model Code.

1.2 **Objectives of the Code**

1.2.1 The Code helps ensure:

- (a) public confidence in local democracy;
- (b) high standards of conduct in public office; and
- (c) clear guidelines for ethical behaviour.

1.2.2 The principles contained in this Code are fundamental to maintaining the trust and confidence of the public and ensuring that Councillors fulfil their roles ethically and responsibly.

1.3 **Application of the Code**

1.3.1 The Code applies to all Councillors, including co-optees.

1.3.2 A co-optee is a person who is not a Councillor, who is entitled to vote and who is a member:

- (a) of any committee or sub-committee of the Council; or
- (b) represents the Council on any joint committee or joint sub-committee of the Council.

1.3.3 The Code applies whenever Councillors are acting as a Councillor or giving that impression.

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

- (a) in-person and online meetings;
- (b) correspondence conducted in the capacity of a Councillor;
- (c) use of social media in a Councillor's official role;
- (d) written, verbal and non-verbal communications, including telephone conversations; and
- (e) any situation where Councillors refer to their role or utilise knowledge acquired through their position as a Councillor.

1.4 **Core Principles – "The Nolan Principles"**

1.4.1 All Councillors must uphold the Seven Principles of Public Life (“the Nolan Principles”) as set out below:

(a) Selflessness

Councillors must act solely in terms of the public interest;

(b) Integrity

Councillors must:

- (i) avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;
- (ii) not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends; and
- (iii) declare and resolve any interests and relationships;

(c) Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias;

(d) Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this;

(e) Openness

Councillors must:

- (i) act and take decisions in an open and transparent manner; and
- (ii) not withhold information from the public unless there are clear and lawful reasons for so doing;

(f) Honesty

Councillors must be truthful;

(g) Leadership

Councillors must:

- (i) exhibit these principles in their own behaviour and treat others with respect; and
- (ii) actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

1.5 **General principles of Councillor conduct**

1.5.1 Councillors must adhere to the following principles, which are based on the Nolan Principles:

1.5.2 On all occasions, Councillors must:

- (a) act with integrity and honesty in all their dealings;
- (b) ensure that their actions are lawful and within the boundaries of the law;
- (c) treat all individuals fairly and without bias;
- (d) lead by example, acting in a manner that fosters public confidence in the role of a Councillor;
- (e) exercise their responsibilities impartially, always prioritising the interests of the local community; and
- (f) demonstrate reasonable care and diligence in carrying out their duties.

1.6 **General obligations under the Code**

1.6.1 Councillors must uphold the following principles:

(a) Respect

Councillors must treat other Councillors, Officers, members of the public and others with respect and respect the role they play;

(b) Bullying, harassment and discrimination

Councillors must (i) not bully, harass or discriminate against any person and (ii) promote equality;

(c) Impartiality of Officers

Councillors must not compromise, or attempt to compromise, the impartiality of Officers or anyone who works on behalf of the Council;

(d) Confidentiality

Councillors must not:

- (i) disclose information:
 - given to them in confidence;
 - acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature;

[Such information can only be disclosed if:

- they have received the consent of an authorised person;
- they are required to disclose it by law;
- 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
- the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Council; and
- the Monitoring Officer has been consulted prior to its release and the Councillor has had regard to the Monitoring Officer's advice.]

- (ii) improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, their family members, their employer or their business interests; and
- (iii) prevent anyone from getting information that they are entitled to by law;

(e) Disrepute

Councillors must not bring their role or the Council into disrepute;

(f) Use of position

Councillors must not use, or attempt to use, their position to the advantage or disadvantage of themselves or others;

(g) Council resources and facilities

Councillors must:

- (i) not misuse Council resources and facilities; and
- (ii) when using Council resources or facilities or allowing others to do so:
 - act in accordance with the Council's requirements; and
 - ensure that resources and facilities are not used for political purposes unless that use is conducive to the discharge of the Council's functions or the office to which they have been elected or appointed;

(h) Complying with the Code

Councillors must:

- (i) undertake training provided by the Council;
- (ii) cooperate with any Code investigation and/or determination;
- (iii) not intimidate (or attempt to intimidate) any person involved in an investigation or proceedings relating to a Code breach; and
- (iv) comply with any sanction imposed on them following the finding of a Code breach;

(i) Registration and declaration of interests

Councillors must register and declare their interests (in accordance with the provisions contained in this Code);

(j) Gifts and hospitality

Councillors must:

- (i) not accept gifts or hospitality, irrespective of value, which could give rise to a reasonable suspicion of influence on their part to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage;

- (ii) register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt; and
- (iii) register with the Monitoring Officer the offer of any gift or hospitality (with a value of at least £50) which has been refused.

1.7 **Interests**

1.7.1 There are three distinct types of interests which may impact Councillors' roles and responsibilities as outlined below:

- (a) Disclosable Pecuniary Interests;
- (b) Other Registerable Interests; and
- (c) Non-Registerable Interests.

1.7.2 A summary of these interests is contained at paragraph 1.8 below.

1.7.3 Interests are of particular relevance to Councillors as they are required to:

- (a) register certain types of interests; and
- (b) declare interests when dealing with Council business.

1.7.4 Councillors are personally responsible for:

- (a) ensuring they register their interests as required; and
- (b) deciding whether they should disclose an interest in a meeting or when taking a decision as a Cabinet Member.

1.7.5 **Registering interests**

1.7.5.1 The Monitoring Officer is legally required to maintain a register of interests for Councillors which is available for public inspection.

1.7.5.2 Councillors are required to register their interests to ensure transparency, allowing other Councillors, Officers and the public to be aware of any interests that could potentially lead to a conflict of interest. This process helps maintain trust in the Council's decision-making and ensures that any personal interests that may influence a Councillor's actions are clearly disclosed.

1.7.5.3 Within 28 days of election (or appointment to office, if later), Councillors must register all:

- (a) Disclosable Pecuniary Interests; and
- (b) Other Registerable Interests.

1.7.5.4 Councillors must ensure that:

- (a) their register of interests is kept up-to-date; and
- (b) they notify the Monitoring Officer of any changes to their interests inside 28 days of any change.

1.7.5.5 The Monitoring Officer may agree to withhold sensitive interests from the public register. A sensitive interest is one which, if disclosed, could lead to the

Councillor (or a person connected to them) being subject to intimidation or violence.

1.7.5.6 Failure to register a Disclosable Pecuniary Interest is a criminal offence.

1.7.6 **Declaring interests**

1.7.6.1 Councillors are required to disclose the following interests at meetings and when making a decision as a Cabinet Member:

- (a) Disclosable Pecuniary Interests;
- (b) Other Registerable Interests; and
- (c) Non-Registerable Interests.

1.7.6.2 A Councillor must carefully consider:

- (a) the nature of the interest; and
- (b) whether the matter at hand affects (i.e. has implications for) or is directly related to (i.e. is about) that particular interest

in order to determine whether they are able to participate in the decision-making process.

1.7.6.3 Where a matter directly relates to a Councillor's Disclosable Pecuniary Interest, they must:

- (a) declare the interest;
- (b) not participate in the debate or vote; and
- (c) leave the room.

1.7.6.4 Where a matter directly relates to a Councillor's:

- (a) Other Registerable Interest; or
- (b) Non-Registerable Interest,

they must:

- (i) declare the interest;
- (ii) not participate in the debate or vote; and
- (iii) leave the room.

Councillors may speak about the matter under debate if members of the public are able to speak.

1.7.6.5 Where a matter affects:

- (a) the Councillor's finances or wellbeing;
- (b) the finances or wellbeing of a body included as an Other Registerable Interest; or
- (c) the finances or wellbeing of a friend, relative or close associate,

they must:

- (i) declare the interest; and

- (ii) apply the **following test** to establish if they can participate in the decision-making process.

The Test:

A Councillor must consider whether:

- (a) the matter affects the finances or wellbeing (of the relevant interest) to a greater extent than it affects the majority of ward inhabitants affected by the decision; and
- (b) a reasonable member of the public (knowing all the facts) would believe that the Councillor's view of the public interest is affected.

If the response to the test is positive, a Councillor must:

- (i) not participate in the debate or vote; and
- (ii) leave the room.

Councillors may speak about the matter under debate if members of the public are able to speak.

If the response to the test is negative, a Councillor may participate in the decision-making process in the usual way.

1.7.6.6 Failure to disclose a Disclosable Pecuniary Interest is a criminal offence.

1.8 **Description of interests**

1.8.1 **Disclosable Pecuniary Interests**

1.8.1.1 Disclosable Pecuniary Interests refer to interests held by Councillors and/or their spouses as outlined in the table below.

Subject	Description
Employment Office Trade Vocation	Any: (a) employment; (b) office; (c) trade; (d) profession; or (e) vocation carried on for profit or gain.
Sponsorship	Any: (a) payment; or (b) provision of any other financial benefit (other than from the Council) made to a Councillor during the previous 12 month period for: (a) expenses incurred by them in carrying out their duties as a Councillor; or (b) towards their election expenses.

	[This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992].
Contracts	<p>Any contract:</p> <ul style="list-style-type: none"> (a) made between the Council and: <ul style="list-style-type: none"> (i) the Councillor; or (ii) their spouse/civil partner/the person with whom the Councillor is living as if they were spouses/civil partners; or (iii) 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*) (b) under which goods or services are to be provided or works are to be executed; and <p>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>[‘Land’ excludes an easement, interest or right in or over land which does not give the Councillor or their spouse/civil partner/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	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Council Tenancies	<p>Any tenancy where (to the Councillor’s knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the Council; and (b) the tenant is a body that the Councillor or their spouse/civil partner/person with whom the Councillor is living as if they were spouses/civil partners <p>is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <ul style="list-style-type: none"> (a) that body (to the Councillor’s knowledge) has a place of business or land in the area of the Council; and (b) either— <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one per cent 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 their spouse/civil partner/person with whom the Councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one per cent of the total issued share capital of that class.
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* '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.

1.8.2 Other Registerable Interests

1.8.2.1 Other Registerable Interests refer to interests held by Councillors as outlined in the table below.

Subject	Description
Directorships	Unpaid directorships
Bodies	A body of which a Councillor is: (a) a member; or (b) in a position of general control or management; <u>and</u> (c) appointed to/nominated by the Council
Bodies with public or charitable purpose	A body of which a Councillor is: (a) a member; or (b) in a position of general control or management; <u>and</u> that body: (i) is exercising functions of a public nature; or (ii) is directed to charitable purposes; or (iii) has as its principal purpose the influence of public opinion.

1.8.3 Non-Registerable Interests

1.8.3.1 Non-Registerable Interests refer to interests held by Councillors and relatives or associates as outlined in the table below.

Subject	Description
Councillor interest	A matter concerning a Councillor's: (a) financial interest; or (b) wellbeing

Interest of relative or close associate	A matter concerning a relative's/associate's: (a) financial interest; or (b) wellbeing.
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1.9 **Dispensations**

1.9.1 **Dispensations relating to participation**

1.9.1.1 This provision applies when a Councillor or Councillors have an interest that prevents them from participating in a decision, but they believe it is important to take part for proper decision-making.

1.9.1.2 A Councillor may request a dispensation from the restriction on participating in or voting on a matter at a meeting by submitting a request to the Monitoring Officer. If a dispensation is granted, it will allow the relevant Councillor to participate in that matter during the meeting.

1.9.1.3 The Monitoring Officer (or Deputy Monitoring Officer in their absence) may (but is not obliged to) grant a dispensation where they consider, after having had regard to all the relevant circumstances, that:

- (a) not granting the dispensation would result in too many Councillors being prohibited from participating so as to impede the transaction of business;
- (b) not granting the dispensation would disrupt the representation of different political groups, affecting the outcome of a vote;
- (c) granting the dispensation is in the best interests of the people in the Council's area;
- (d) not granting the dispensation would result in each Cabinet Member being prohibited from participating in any particular business to be transacted by the Cabinet; and/or
- (e) granting the dispensation is otherwise deemed appropriate.

1.9.1.4 This process ensures that decisions can be made effectively while maintaining fairness and transparency.

1.9.2 **Dispensations relating to sensitive interests**

1.9.2.1 In cases where a Councillor has an interest and both the Councillor and the Monitoring Officer agree that disclosing the details of the interest could expose the Councillor or anyone connected to them to the risk of violence or intimidation:

- (a) the register of interests will not include the specific details of the interest, but may indicate that the Councillor has an interest, with the details withheld; and
- (b) if the Councillor is required by this Code to declare the interest at a meeting, they may only be required to state that they have an interest in the matter, without providing further details.

1.9.2.2 This provision ensures the safety of Councillors while maintaining transparency in decision-making.

1.10 **Monitoring Officer discretion and interests**

1.10.1 The provisions in this Code do not prevent the Monitoring Officer from:

- (a) allowing Councillors to participate in and vote on matters where they would otherwise be prohibited from doing so; and/or
- (b) allowing Councillors to be present during a debate even though they are not permitted to vote,

provided the Monitoring Officer has considered the nature of the interest, the significance of the issue and any other relevant factors as are determined by them.

1.10.2 The Monitoring Officer may issue any such consent as is required to give effect to the above provision without the need for a formal dispensation to be granted.

1.10.3 Paragraph 1.10.1 will not apply to Disclosable Pecuniary Interests.

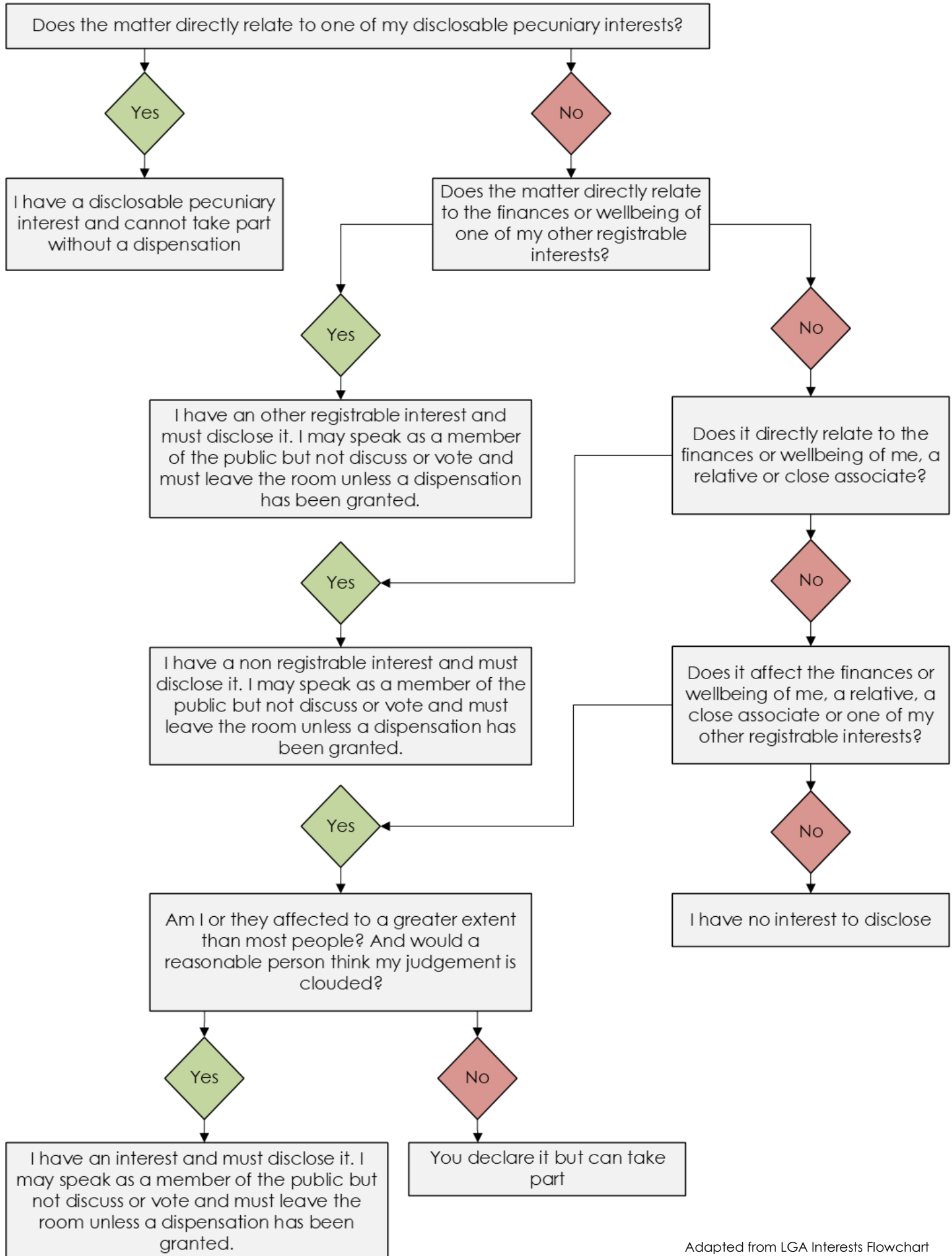
1.11 **LGA guidance on the Code**

1.11.1 The Local Government Association has published supporting guidance to assist in understanding and interpreting the Code.

1.11.2 This guidance can be found by accessing the below link and must be taken into consideration by all Councillors and Officers.

1.11.3 <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Interests Flowchart



2. Officers' Code of Conduct

2.1 **Introduction**

2.1.1 Officers are expected to provide the highest possible standard of service to the public and to provide suitable and impartial advice to Councillors and fellow Officers.

2.1.2 This code outlines the expected standards of behaviour for Officers.

2.1.3 The code applies to all Officers, including temporary staff, consultants, contractors, partner representatives and anyone working on behalf of the Council in either a paid or voluntary basis.

2.2 **The seven principles of public life**

2.2.1 The seven principles of public life (also known as the Nolan Principles) apply to anyone who works as a public office-holder, including all people appointed to work in local government.

2.2.2 As such, in performing their duties, Officers must comply with the following principles:

(a) Selflessness

Officers must act solely in terms of the public interest.

(b) Integrity

Officers must:

- (i) avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work;
- (ii) not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends; and
- (iii) must declare and resolve any interests and relationships.

(c) Objectivity

Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

(d) Accountability

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

(e) Openness

Officers must:

- (i) act and take decisions in an open and transparent manner; and

- (ii) must not withhold information from the public unless there are clear and lawful reasons for doing so.

(f) Honesty

Officers must be truthful.

(g) Leadership

Officers must:

- (i) exhibit these principles in their own behaviour and treat others with respect; and
- (ii) actively promote and robustly support the principles and challenge poor behaviour where it occurs.

2.3 **General provisions governing Officer conduct**

2.3.1 In performing their duties Officers must comply with the following provisions.

2.3.2 **Officers must not:**

- (a) use information obtained in the course of employment for personal gain or benefit;
- (b) disclose confidential information without consent from the appropriate person;
- (c) disclose personal information received from a Councillor without that Councillor's consent;
- (d) discuss employment matters, staffing issues or organisational change issues outside the Council, for example, to the press or via social media;
- (e) become personally familiar with Councillors;
- (f) be involved in the appointment of Officers where they are related to or have a close personal relationship with the applicant;
- (g) be involved in decisions relating to discipline, promotion or pay adjustments for an Officer who is a relative, partner or friend;
- (h) allow personal or political opinions to interfere with their work; and
- (i) participate in any matter or decision-making process where a conflict of interest exists.

2.3.3 **Officers must:**

- (a) serve all Councillors and not just those of any particular political group (unless they are appointed for that purpose);
- (b) ensure that the individual rights of Councillors are respected;
- (c) ensure that they remain politically neutral;
- (d) treat Councillors with respect and courtesy;
- (e) provide impartial objective advice to Councillors and Officers;
- (f) ensure courteous, efficient, impartial service delivery to all groups and individuals;

- (g) declare all current and past relationships of a business or private nature with external or potential contractors and notify their line manager of any relationships;
- (h) declare any inter staff relationships and associated conflicts of interest and take steps to ensure that personal relationships do not affect their duties and responsibilities;
- (i) ensure that Officers are appointed on merit;
- (j) obtain written consent from their line manager to undertake outside employment and ensure that no conflict arises with the Council's interest. (Any consent will take into account additional time demands on their role and the potential for disruption or a negative impact on their Council employment);
- (k) declare any financial interests that could conflict with the Council's interests;
- (l) declare any other interests that could potentially conflict with the Council's interests, such as involvement in an organisation receiving funding from the Council, membership of another public body, participation in a group seeking to influence the Council's policies, or affiliation with an organisation that operates with secretive rules, membership or conduct;
- (m) treat fairly and equally all members of the public, customers and other Officers;
- (n) ensure they use public funds in a responsible and lawful manner and strive to ensure value for money;
- (o) (where an Officer or relative has an interest in a planning application), disclose that interest to the Head of Paid Service and not take part in any such planning application or related process;
- (p) declare any pecuniary interests in contracts and the Head of Paid Service will maintain a complete record which will be available for inspection by all Councillors, in accordance with section 117 of the Local Government Act 1972;
- (q) report to their line manager or Director any deficiency in the provision of the Council's services;
- (r) report to their line manager or Director any impropriety or breach of procedures;
- (s) adhere to the regulations governing intellectual property and copyright, ensuring that all work produced is in compliance with relevant laws and respecting the rights of creators and owners. This includes properly attributing, safeguarding and not misusing any intellectual property or copyrighted material within their work; and
- (t) ensure that they are appropriately qualified for their roles, maintain a high level of competence and continuously update their professional knowledge to remain current with industry standards, best practice and evolving regulations.

2.4.1 **Hospitality**

- 2.4.1.1 Officers may only accept hospitality when there is a genuine need to share information or represent the Council in the course of their duties.
- 2.4.1.2 Attendance at purely social or sporting events should only occur where it is deemed necessary for the Council to be represented.
- 2.4.1.3 Hospitality of a moderate nature, such as a working lunch of reasonable standard, is generally acceptable.
- 2.4.1.4 Officers may accept hospitality through attendance at corporate conferences, subject to prior approval from the relevant line manager, provided that such participation does not compromise any related purchasing decisions. The Council will be responsible for covering any associated travel costs.
- 2.4.1.5 Any hospitality must be approved in advance by the relevant line manager before it is accepted or received.
- 2.4.1.6 If hospitality is offered that does not align with Council guidelines, Officers should politely decline and reference the Council's policies on hospitality and gifts.

2.4.2 **Gifts**

- 2.4.2.1 Officers must politely refuse any gifts offered to them except for gifts of a promotional nature offered to a wide range of people, for example, calendars and diaries.

2.5 **Sponsorship**

- 2.5.1 Where an outside body wishes to sponsor any Council activity, the rules regarding gifts and hospitality will apply.
- 2.5.2 Where the Council wishes to sponsor an event or service, Officers must ensure that:
 - (i) they provide impartial advice;
 - (ii) they (and relatives or associates) do not benefit; and
 - (iii) no conflicts of interest arise.

2.6 **Reporting duty**

- 2.6.1 Officers are required to report any suspicions or knowledge of wrongdoing, including but not limited to:
 - (a) activities they believe to be illegal, improper, unethical or in conflict with this code;
 - (b) any irregularities involving cash or other Council property;
 - (c) any discrepancies in the exercise of the Council's functions; and
 - (d) any instances of fraudulent or corrupt activities, or theft.

- 2.6.2 An Officer should report any concerns directly to their line manager and must not report suspicions of wrongdoing to anyone who may be implicated in the alleged misconduct.
- 2.6.3 If an Officer has legitimate reasons for not reporting a matter to their line manager, they must instead report it to an alternative authority, such as the relevant Director, Internal Audit, or through the Council's whistleblowing policy, to ensure the matter is addressed appropriately.
- 2.7 **Register of interest, hospitality and gifts**
- 2.7.1 The Chief Finance Officer will maintain a register of interests, hospitality and gifts declared by Officers.
- 2.7.2 This register will be confidential but open to inspection by the Monitoring Officer, the Chief Internal Auditor and those sitting on the Council's Corporate Governance Group.
- 2.8 **Corruption**
- 2.8.1 Officers must be fully aware that it is a criminal offence to receive or offer any gift, loan, fee, reward or other advantage in exchange for doing or refraining from doing something, or for showing favour or disfavour to any person in the course of their official duties.
- 2.8.2 In the event that an allegation is made, it is the Officer's responsibility to provide clear evidence that any such gifts or rewards have not been corruptly obtained. Failure to do so could lead to legal consequences and disciplinary action.
- 2.9 **Conflicts of interest and confidentiality**
- 2.9.1 Officers must act with integrity and accountability.
- 2.9.2 Officers must adhere to all legal requirements, rules, procedures and policies when undertaking procurement activities, including the contract award process and the authority to enter into contracts, as outlined in the Contract Procedure Rules and the Council's Procurement Code. It is essential that the required authority is obtained prior to finalising any Council contracts.
- 2.9.3 Officers must declare any personal or financial interest in a contract that may, or be perceived to, compromise their impartiality in recommending or agreeing to a contract award.
- 2.9.4 At the outset of each procurement process, a Conflict of Interest Assessment must be completed. This assessment must be regularly reviewed and updated throughout the procurement process.
- 2.9.5 If any potential or perceived conflicts of interest are identified, steps must be taken in consultation with the Procurement team and the Head of Legal and Democratic Services to mitigate them. A written record of this consultation

should be kept alongside the completed Conflict of Interest Assessment form(s).

2.9.6 Any confidential information submitted by bidders or contractors during the procurement process must not be disclosed to unauthorised parties. Officers must refer any Freedom of Information or Environmental Information Regulation queries to the Council's Information Governance Officer and Data Protection Officer.

2.10 **Breaches of this code**

2.10.1 Any failure by an Officer to comply with this code may result in disciplinary action, which could include formal warnings, suspension or, in more serious cases, dismissal.

2.10.2 The severity of the action taken will be determined based on the nature of the breach and in accordance with the Council's established disciplinary procedures.

3. Protocol on Councillor and Officer Relations

3.1 **Introduction**

3.1.1 This protocol applies to all Councillors and Officers. It provides a framework for the working relationship between Councillors and Officers which must always be observed. This protocol should be read in conjunction with the Councillors' Code of Conduct and Officers' Code of Conduct.

3.1.2 Councillors and Officers are essential partners in the effective governance of the Council and mutual respect between them is vital to ensuring that Council business is conducted efficiently. Together, they combine the necessary skills, experience and knowledge to manage a successful public sector organisation. Councillors bring a democratic mandate to the Council, while Officers provide the professional expertise needed to implement the Policy Framework established by Councillors.

3.1.3 This protocol seeks to ensure that:

- (a) Councillors receive objective, impartial advice;
- (b) Officers are protected from accusations of bias and undue influence from Councillors; and
- (c) good Councillor/Officer relations are established which are founded upon trust, mutual respect and good communication.

3.2 **Councillors and Officers: Their respective roles**

3.2.1 **The role of Councillors:**

3.2.1.1 Councillors perform a wide range of roles, each contributing to the effective governance and representation of their communities.

3.2.1.2 These roles are summarised in the section "Councillors".

3.2.1.3 Through these roles, Councillors play a crucial part in ensuring that the Council's actions are aligned with the needs of the community and the strategic vision of the Council.

3.2.1.4 Councillors must refrain from the following actions:

- (a) instructing Officers directly, except through the formal decision-making process. (The management of staff and the day-to-day operational activities of the Council are the responsibility of senior Officers, not Councillors);
- (b) initiating or certifying financial transactions, or entering into contracts on behalf of the Council. (Such actions fall within the remit of Officers, who are responsible for ensuring compliance with the Council's financial and contractual procedures); and
- (c) taking any actions that could bring the Council or themselves into disrepute, or using their position for personal gain or to benefit or disadvantage any individual or group. (Councillors must always act with

integrity and in the best interests of the public, avoiding conflicts of interest or any behaviour that could undermine public trust in the Council).

3.2.1.5 By adhering to these guidelines, Councillors help maintain the integrity of the Council and uphold the public's confidence in local governance.

3.2.2 **The role of Officers:**

3.2.2.1 Officers undertake a wide range of responsibilities, which include, but are not limited to, the following:

- (a) delivering and managing the services for which they are responsible, ensuring that these services meet the needs of the community and adhere to established standards;
- (b) being accountable for the efficiency, effectiveness and continuous improvement of those services, ensuring that resources are utilised appropriately and outcomes are achieved;
- (c) providing expert advice and guidance to the Council, committees, and individual Councillors on the services they oversee, ensuring informed decision-making based on professional insights;
- (d) proposing and initiating new policies, identifying areas for improvement and developing innovative approaches to address emerging challenges and opportunities;
- (e) implementing agreed policies, ensuring that Council decisions are carried out effectively and that services are delivered in line with strategic objectives; and
- (f) ensuring that the Council operates in full compliance with legal and regulatory requirements, maintaining the highest standards of governance and upholding public trust.

3.2.2.2 Through these roles, Officers play a crucial part in the smooth running of the Council, supporting its strategic direction and ensuring the effective delivery of services to the public.

3.3 **The relationship between Councillors and Officers:**

3.3.1 To ensure a positive and productive working relationship:

3.3.1.1 Councillors and Officers must:

- (a) treat each other with respect, trust and courtesy, fostering a professional and collaborative environment;
- (b) refrain from pressurising or attempting to influence one another inappropriately;
- (c) not abuse their position for personal gain or to unduly affect decision-making;
- (d) maintain a professional distance and avoid personal familiarity that could undermine the professional integrity of their relationship; and

- (e) inform the Monitoring Officer of any relationship that could be perceived as influencing their work or compromising their impartiality in their respective roles.

3.3.1.2 Councillors must:

- (a) address any concerns related to the conduct or performance of an Officer directly with the Officer's line manager, relevant Director or the Head of Paid Service, ensuring that such matters are handled appropriately and in accordance with established procedures; and
- (b) refrain from requesting Officers to undertake tasks beyond their authority or outside of normal working hours, respecting the boundaries of the Officer's responsibilities and work schedule.

3.3.1.3 Officers must:

- (a) provide Councillors with professional, impartial advice, even when it may not align with what the Councillors may wish to hear. Officers should ensure that their advice is based on sound judgment, legal requirements, and best practice, supporting the Council's decision-making process with integrity.

3.3.1.4 These principles are fundamental to maintaining a healthy working relationship that enables both Councillors and Officers to fulfil their roles effectively and in the best interests of the Council and the public.

3.4 **Provision of advice and information to Councillors**

3.4.1 **Requests for information and advice**

3.4.1.1 Councillors may request such information and advice from Officers as reasonably required to support them in fulfilling their duties as Councillors. Such requests can range from general information about the Council's activities to specific details related to a constituent's concern or issue.

3.4.1.2 The legal right of Councillors to access Council documents is governed by statute (as outlined in the Access to Information Procedure Rules) and common law.

3.4.1.3 Under common law, a Councillor must demonstrate a legitimate "need to know" in order to access documents. Councillors do not have an unrestricted right to examine Council documents; mere curiosity is not a valid reason for access. Requests must be relevant and justifiable within the context of their role.

3.4.1.4 Councillors must ensure that their requests for information are reasonable in both quantity and content, ensuring that they do not place undue burden on Officers or disrupt the normal operation of the Council. Requests should be purposeful, proportionate and aligned with the Councillor's responsibilities.

3.4.1.5 It is considered best practice for Councillors to submit questions to Officers in advance of meetings and to engage in collaboration with Officers. This

approach ensures that Councillors receive the most comprehensive and accurate information available, helping to avoid situations where Officers are unable to respond to Councillor requests unannounced. By doing so, it enhances the overall decision-making process, promoting well-informed outcomes and maintains Councillor-Officer relationships founded on trust and confidence.

- 3.4.1.6 By adhering to these guidelines, Councillors can ensure that their requests for information are both legitimate and appropriate, facilitating effective decision-making while maintaining respect for the Council's resources and operations.

3.4.2 **Provision of information and advice**

- 3.4.2.1 Officers will respond to requests for information or advice within five working days, unless it is not practicable to do so. In such cases, the Officer will notify the Councillor, explaining the reasons for any delay.
- 3.4.2.2 Officers will provide information and advice that is relevant to their area of responsibility and within the limits of available resources.
- 3.4.2.3 Officers will keep Councillors informed about significant issues concerning the Council, ensuring they have the information necessary to carry out their roles effectively.
- 3.4.2.4 Officers will ensure that local Councillors are kept up to date with matters affecting their ward and will invite them to attend relevant Council events within their area.
- 3.4.2.5 Officers may, on occasion, need to advise Councillors that certain actions cannot be pursued. In such cases, Officers will offer alternative suggestions or solutions to help Councillors achieve their objectives. The expertise of Officers is invaluable in guiding and supporting the Council's work.
- 3.4.2.6 Officers are encouraged to provide Councillors with any information they are entitled to under the Freedom of Information Act 2000, fostering transparency and access to relevant data.
- 3.4.2.7 These practices help ensure that Councillors are well-supported in their roles while maintaining effective and efficient working relationships between Officers and Councillors.

3.4.3 **Notification of provision of information**

- 3.4.3.1 If a Councillor asks for information which is likely to be raised at a subsequent meeting, the relevant Cabinet Member or Committee Chairman will be notified about the provision of such information.

3.4.4 **Confidentiality of information and advice**

- 3.4.4.1 Officers will clearly indicate to Councillors if the information they are providing is confidential.

- 3.4.4.2 If a Councillor is uncertain whether information is confidential, they must consult the relevant Officer and treat the information as confidential until clarification is provided.
- 3.4.4.3 A Councillor must not disclose:
- (a) confidential information provided to or acquired by them; or
 - (b) confidential information which they ought reasonably to be aware is of a confidential nature;
- Unless:
- (a) they have obtained the consent of the authorised person;
 - (b) they are required to disclose it by law;
 - (c) the disclosure is made to a third party for the purposes of obtaining professional advice provided that third party agrees not to disclose the information further; and
 - (d) the disclosure is both (i) reasonable and in the public interest and (ii) made in good faith and complies with any requirements of the Council. The Councillor must have first consulted and considered the advice of the Monitoring Officer.
- 3.4.4.4 Confidential Council, Cabinet and committee papers must be treated as confidential information unless the relevant body does not exclude the public and press from a relevant meeting.
- 3.4.4.5 Confidential Cabinet Member papers must be treated as confidential information unless the relevant Cabinet Member releases the same for public disclosure.
- 3.4.4.6 The decision as to whether the information remains confidential rests with the decision-maker in consultation with the Monitoring Officer.
- 3.5 **Proper use of information**
- 3.5.1 Any information or advice provided by the Council to a Councillor must be used solely in connection with the fulfilment of the Councillor's duties.
- 3.6 **Provision of support services to Councillors**
- 3.6.1 Officers must only provide Councillors with support services (e.g. stationery, word processing, printing, photocopying, transport etc) in connection with Council business. They should never be provided in connection with party political or campaigning activity or private use.
- 3.7 **Correspondence**
- 3.7.1 Council correspondence will typically be sent in the name of the relevant Officer responsible for the matter.
- 3.7.2 However, there are instances where correspondence may be sent in the name of a Councillor, such as in response to an enquiry or complaint addressed to a Councillor directly.

- 3.7.3 It is important that correspondence which creates obligations or issues instructions should never be sent in the name of a Councillor. Such correspondence should always be issued in the name of the appropriate Officer, ensuring clear accountability and adherence to the Council's operational procedures.
- 3.7.4 These guidelines help maintain proper lines of authority and ensure that communication is handled efficiently and appropriately.
- 3.8 **The media**
- 3.8.1 Communication with the media can play an important role in a Councillor's responsibilities.
- 3.8.2 Typically, Councillors provide commentary and express their views, while Officers are responsible for supplying factual information.
- 3.8.3 If a Councillor is uncertain about the details of a particular issue, they should contact the relevant Director or Head of Service for clarification.
- 3.8.4 Officers must ensure that all media enquiries are directed to the Head of Customer and Digital Services, who is responsible for managing press relations.
- 3.8.5 Officers should keep Councillors informed of any media matters related to their ward or specific area of responsibility. In particular, the Leader and relevant Cabinet Member must be notified if the Council is approached on a high-profile or sensitive issue.
- 3.8.6 If a Councillor contacts or is contacted by the media, they must:
- (a) clearly state in what capacity they are speaking (e.g. personal capacity, local Councillor, Cabinet Member, Chairman, or on behalf of a political party);
 - (b) ensure they are fully informed of the facts related to the issue;
 - (c) seek assistance from the Head of Customer and Digital Services or the appropriate Officer, but not in relation to party political statements;
 - (d) consider the potential impact of their statement on the Council's reputation and operations; and
 - (e) not speak on behalf of the Council unless explicitly authorised to do so.
- 3.8.7 These guidelines help ensure that media communications are managed effectively, maintaining consistency, accuracy and appropriate representation of the Council's position.
- 3.9 **Political activity**
- 3.9.1 It is common for party groups to consider Council business in advance of formal Council Meetings.
- 3.9.2 Officers may be called upon to support and contribute to deliberations and must remain politically neutral and retain political group confidentiality.

- 3.9.3 Support may include providing Councillors with briefings in relation to their roles e.g. as chairman or spokesperson.
- 3.9.4 Any support or advice must relate to Council business and must be offered to all political groups.
- 3.10 **The Council's role as employer**
- 3.10.1 Councillors must be mindful that any inappropriate behaviour on their part could be used by Officers as part of an employment-related grievance or case against the Council.
- 3.10.2 It is essential for Councillors to maintain professional conduct at all times, as their actions may have serious implications not only for the integrity of the Council but also for their relationship with Officers and their overall reputation.
- 3.11 **Breach of this protocol:**
- 3.11.1 **Officer breach of protocol**
- 3.11.1.1 If a Councillor feels they have not been treated with respect and courtesy or has any concern about the conduct or capability of an Officer, they:
- (a) must avoid personal attacks on, or abuse of, the Officer;
 - (b) must ensure that any criticism is constructive and well founded;
 - (c) must never make a criticism in public; and
 - (d) may take up any concerns with the Officer, the Officer's line manager, relevant Director or the Head of Paid Service privately.
- 3.11.1.2 A breach of this protocol may give rise to disciplinary proceedings if warranted but may be capable of informal resolution.
- 3.11.2 **Councillor breach of protocol**
- 3.11.2.1 If an Officer feels that they have not been treated with respect or courtesy or they feel that a Councillor has contravened this protocol, they may consult their line manager, the relevant Director or the Head of Paid Service.
- 3.11.2.2 A breach of this protocol may also constitute a breach of the Councillor's Code of Conduct which may warrant referral to the Monitoring Officer for investigation. Many complaints will be capable of informal resolution.

Other Rules and Codes

1. Access to Information Procedure Rules
2. Contract Procedure Rules
3. Councillor Participation at Meetings Procedure Rules
4. Finance Procedure Rules
5. Public Speaking at Meetings Procedure Rules
6. Planning Code of Good Practice

1. Access to Information Procedure Rules

1.1 **Introduction**

1.1.1 These rules are a written summary of the public's rights to attend meetings and to inspect and copy documents and are available for public inspection at the Council's offices.

1.2 **Scope**

1.2.1 These rules apply to all meetings of the Council, its committees and sub-committees and to all public meetings of the Cabinet and its committees (if any).

1.2.2 These rules should be read in conjunction with the Cabinet Procedure Rules.

1.3 **Additional rights to information**

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

1.4 **Access to meetings**

1.4.1 Members of the public may attend all meetings subject to the exceptions contained in these rules and the exercise of any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

1.5 **Notice of meetings**

1.5.1 The Council will give at least five clear days' notice of the time and place of any meeting by posting details of the meeting at its offices (Albery House, Springfield Road, Horsham, West Sussex, RH12 2GB) and on its website (horsham.moderngov.co.uk) unless the meeting is convened at shorter notice in which case notice will be given at the time it is convened.

1.6 **Access to agenda and reports before the meeting**

1.6.1 The Council will make copies of the agenda and any reports that are open to the public available for inspection at its offices and on its website at least five clear days before the meeting.

1.6.2 If a meeting is convened at shorter notice, copies of the agenda and any reports that are open to the public will be made available for inspection from the time the meeting is convened.

1.6.3 If an item is added to an agenda, copies of the revised agenda and any report relating to that item that is open to the public will be made available for inspection from the time the item is added to the agenda.

1.7 **Access to background papers**

1.7.1 **List of background papers**

1.7.1.1 The report author for the time being will set out a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

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

excluding any published works or documents which disclose confidential or exempt information (as defined in paragraph 1.10 below). In the case of reports to the Cabinet or a committee of the Cabinet, any documents that contain the advice of a political adviser or assistant (if any) will also be excluded from the list of background papers.

1.7.2 **Public inspection of background papers**

1.7.2.1 The Council will make one copy of each of the documents included in a list of background papers available for inspection at its offices and on its website for a period of four years from the date of the meeting.

1.8 **Supply of copies**

1.8.1 The Council will supply to any newspaper (and, in the case of the Cabinet or a committee of the Cabinet, to any person) on request and on payment of postage or other necessary charge, copies of:

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

1.8.2 The Council will make available for members of the public at the meeting a reasonable number of copies of the agenda and any reports that are open to the public.

1.9 **Access to minutes etc after the meeting**

1.9.1 The Council will make copies of the following available for inspection at its offices and on its website for a period of six years from the date of the meeting:

- (a) the agenda for the meeting;
- (b) reports relating to items when the meeting was open to the public;
- (c) the minutes of the meeting (or, in the case of the Cabinet or a committee of the Cabinet, a record of the decisions taken at the meeting), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose confidential or exempt information; and

- (d) 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.

1.10 **Exclusion of public access to meetings**

1.10.1 **Confidential information – requirement to exclude public**

1.10.1.1 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.

1.10.1.2 Confidential information means (i) information given to the Council by a government department on terms which forbid its public disclosure or (ii) information which cannot be publicly disclosed by or under any enactment or court order.

1.10.2 **Exempt information – discretion to exclude public**

1.10.2.1 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.

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

	Category	Condition
1.	Information relating to any individual.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

		<p>Information falling within this category is not exempt by virtue of the category if it is required to be registered under–</p> <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 Co-operative and Community Benefit Societies Act 2014;</p> <p>(e) the Building Societies Act 1986;</p> <p>or</p> <p>(f) the Charities Act 2011.</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
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.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Further condition: Information is not exempt information under any of the above categories if it relates to proposed development for which the Local Planning Authority may grant itself planning permission or permission in principle pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

1.11 **Exclusion of public access to reports**

- 1.11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with paragraph 1.10 above, 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.

2. Contract Procedure Rules

2.1 **Introduction**

2.1.1 The Contract Procedure Rules establish the legal framework governing the procurement of all goods, services and construction works by the Council.

2.1.2 Additionally, the following provisions apply to other contracts and documents entered into by the Council and which do not relate to the procurement regime:

- (a) paragraph 2.9.3 – Execution of Contracts; and
- (b) paragraph 2.13 – The common seal of the Council.

2.1.3 These rules should be regarded as establishing the minimum requirements and standards to ensure transparency, fairness and compliance in all procurement activities.

2.1.4 Where better value for the Council might be achieved by seeking more tenders or quotations, this should be done.

2.1.5 Nothing in the Contract Procedure Rules will prejudice the validity of any actions taken under any previous iteration.

2.1.6 All figures and contract values referred to in these rules are to be calculated exclusive of VAT subject to the specific requirements set out in 2.7, which requires the contract value to be calculated both inclusive and exclusive of VAT to determine the appropriate procurement route in compliance with the Council's Procurement Code ("the Procurement Code").

2.2 **Application**

2.2.1 The Contract Procedure Rules apply to all Councillors and Officers and must be adhered to in conjunction with the Procurement Code which forms part of the Constitution and is available here:

https://www.horsham.gov.uk/_data/assets/pdf_file/0003/144516/Procurement-Code-December-2024.pdf

2.2.2 Every contract made by or on behalf of the Council must comply with:

- (c) the Contract Procedure Rules;
- (d) the Procurement Code;
- (e) the Finance Procedure Rules;
- (f) procurement legislation and guidance;
- (g) the rules on subsidy control; and
- (h) any political direction by the Council, the Cabinet, a Cabinet Member or committee.

2.3 **Non-application**

2.3.1 Save as provided for in paragraph 2.3.2, the Contract Procedure Rules will not apply:

- (a) to the following contracts:
- (i) contracts of employment;
 - (ii) contracts relating to the provision of legal advice;
 - (iii) grant/funding agreements;
 - (iv) contracts excluded under procurement legislation;
 - (v) contracts awarded under a Framework Agreement; and
 - (vi) contracts that allow for an extension or variation, either as specified under the original agreement or permitted under procurement legislation.
- (b) where relevant legislation prescribes otherwise.

2.3.2 The provisions outlined in these rules concerning the requirement to obtain the necessary authority to enter into a contract and the formalities for executing documents will apply.

2.4 **Exceptions to compliance – exemptions**

2.4.1 The Council must comply with all relevant public procurement legislation.

2.4.2 The requirement to seek tenders and quotations may only be waived if:

- (a) the law allows;
- (b) in accordance with the Procurement Code, the circumstances justify an exemption; and
- (c) the appropriate authority has been obtained in accordance with the requirements set out below.

	Value of contract	Authority to vary compliance
1.	Below £100,000	Chief Finance Officer, Monitoring Officer and relevant Head of Service
2.	At and above £100,000	Chief Finance Officer, Monitoring Officer and relevant Head of Service in consultation with the relevant Cabinet Member
3.	At and above £500,000	Cabinet

2.4.3 All variations of and exceptions to these rules must be:

- (a) approved in accordance with the authority requirements contained in the above table; and
- (b) documented in a Procurement Exemption Form detailing the reasons for the exemption.

- 2.4.4 No exemption to these rules can be made retrospectively and no exemption is permitted where the contract is subject to the requirements of the Public Contract Regulations 2015 or the Procurement Act 2023.
- 2.4.5 The estimated value of a contract will be calculated in accordance with the provisions contained in the Procurement Code.
- 2.4.6 Once completed, the Procurement Exemption Form must be retained by the relevant Head of Service and a copy submitted to the Procurement team.
- 2.4.7 If the value of the contract is £100,000 or above, a copy of the completed Procurement Exemption Form must also be sent to Democratic Services for recording in the electronic database of decisions.

2.5 **Legislative framework**

- 2.5.1 Subject to 2.5.2, the procurement of contracts will be carried out in accordance with the Procurement Act 2023, which came into force on 24 February 2025.
- 2.5.2 All procurements already commenced prior to the implementation of the Procurement Act 2023 will continue to be subject to the previous procurement legislation ("the Public Contract Regulations 2015") for the duration of the contract procured.

2.6 **Authority – tenders and entering into contracts**

- 2.6.1 The authority to (i) accept tenders and (ii) enter into contracts is outlined in the table below.

	Value of contract	Authority	Formal Decision Notice required
1.	Less than £100,000	Heads of Service and Chief Officers	Below £75,000 – written record for audit trail purposes At and above £75,000 – relevant Officer Decision Notice
2.	£100,000 and less than £500,000	Relevant Cabinet Member	Yes – Cabinet Member Decision Notice
3.	At and above £500,000	The Cabinet	Yes – Cabinet Decision Notice

2.7 **Minimum procurement requirements**

2.7.1 Officers are required to adhere to the following provisions before entering into contracts on behalf of the Council.

	Value of contract	Minimum procurement requirement
1.	Below £20,000	(i) Head of Service must be satisfied the Council is receiving value for money; and (ii) Financial provision must have been made in the annual budget for such expenditure.
2.	£20,000 and above and below £50,000 for goods and services £20,000 and above and below £100,000 for works	(i) Head of Service must seek a minimum of three written quotes; and (ii) Quote evaluation must be undertaken based on which offer is the most advantageous, taking quality and price into consideration.
3.	£50,000 and above for good and services £100,000 and above for works	(i) Formal tender and contract award procedure must be undertaken in accordance with the provisions contained in the Procurement Code and applicable legislation; (ii) All tenders must be undertaken electronically using the Council's e-tendering portal; and (iii) Tender evaluation must be undertaken based on the offer which meets the conditions of participation and is the most advantageous, taking quality and price into consideration.

2.7.2 The estimated value of the contract for the purposes of 2.7.1 must be calculated exclusive of VAT unless the contract exceeds the current financial threshold set by the Government for application of the full procurement regime under the applicable procurement legislation ("Above Threshold Procurements"). Above Threshold Procurements must be calculated inclusive of VAT. The Procurement Code sets out the current thresholds for Above Threshold Procurements and clarifies the requirements for determining the contract value and procurement route.

2.8 **Framework Agreements**

2.8.1 A Framework Agreement ("Framework") is a contract that has been officially tendered for by another local authority, public sector organisation, purchasing consortium or central Government.

2.8.2 The contract is awarded to one or more suppliers and includes provisions that allow other public sector bodies to utilise the contract without the need for a separate tender process, provided these bodies were clearly identified in the advertisement that led to the creation of the Framework.

2.8.3 The use of Frameworks is permitted for contracts of any value, however, caution is required, as the rules governing which bodies can use them, and the process for doing so, may differ from one Framework to another.

2.9 **Contract formalities**

2.9.1 **Contract commencement**

2.9.1.1 All contracts must be completed before the commencement of any supply, service or construction, unless exceptional circumstances arise. In such cases, the relevant supply, service or work may proceed only with the prior written consent of the Monitoring Officer and the Chief Finance Officer.

2.9.2 **The form of the contract**

2.9.2.1 The relevant Procurement Officer must obtain approval from the appropriate solicitor in the Legal Services team regarding the form of the contract to be used in any tender process.

2.9.2.2 The form of the contract and the essential clauses to be included will be determined by the relevant solicitor ensuring compliance with applicable laws, Council policies and the requirements of the Procurement Code.

2.9.3 **Execution of contracts**

2.9.3.1 Subject to any legal obligation to execute a contract under seal, all contracts will be executed in accordance with the following provisions:

	Value of the contract	Method of execution	Authorised signatory
1.	Below £50,000	Signed by one authorised signatory	Head of Service or Chief Officers (and designated deputies of Chief Officers)
2.	At and above £50,000	Signed by two authorised signatories; or Under seal and signed by one authorised signatory	Chief Officers (and designated deputies)

2.9.3.2 Any lease or finance agreement will be signed by one of the Chief Officers (or their designated deputy).

- 2.9.3.3 Each contract document will be clearly dated to indicate the date on which it was finalised and completed.
- 2.9.4 **Electronic signatures and seals**
- 2.9.4.1 Contracts and other agreements may only be signed and sealed electronically with the prior written approval of the relevant solicitor in the Legal Services team who is responsible for ensuring full legal compliance.
- 2.10 **Contract performance and management**
- 2.10.1 The relevant Head of Service must ensure the contractor's performance is monitored against the terms and conditions contained in the contract and in accordance with the Council's contract management guidance which is available on the Council's intranet.
- 2.11 **Record retention and contracts register**
- 2.11.1 All contracts will be retained by the relevant Head of Service for a period of six years if executed under hand or 12 years if executed as a deed.
- 2.11.2 All procurement documentation will be retained by the Procurement team for a period of six years.
- 2.11.3 Immediately following the completion of every purchase order or contract of £5,000 and above, the relevant Head of Service will ensure that the details of the purchase order or contract is placed on the Council's Contracts Register.
- 2.12 **Community right to challenge**
- 2.12.1 The community right to challenge ("the CRC") was introduced under the Localism Act 2011 and forms part of the Government's drive to decentralise public services and to give communities the opportunity to deliver them.
- 2.12.2 It allows certain "relevant bodies" to challenge a "relevant authority" by expressing an interest in running a "relevant service".
- 2.12.3 When such a challenge is made and accepted by a relevant authority, this will trigger a procurement process. This process must comply with any applicable public procurement requirements. The relevant body will then be able to bid to provide the relevant services alongside any other bidders (including, potentially, an in-house department of the relevant authority).
- 2.12.4 Receipt of an expression of interest made in accordance with the CRC provisions must be considered by the Chief Finance Officer in accordance with the provisions contained in the Procurement Code.
- 2.12.5 Any related procurement process or contract award will be completed in accordance with the provisions contained in these rules and the Procurement Code.
- 2.13 **The common seal of the Council**

- 2.13.1 The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer.
- 2.13.2 A decision of the Council will be sufficient authority for sealing any document necessary to give effect to a decision.
- 2.13.3 A record will be kept of the sealing of any document.

3. Councillor Participation at Meetings Procedure Rules

3.1 **Introduction**

3.1.1 These rules set out:

- (a) the rights of non-Cabinet Members to attend and participate at meetings of the Cabinet; and
- (b) the rights of Councillors to attend and participate at meetings of committees and sub-committees of which they are not a member.

3.1.2 These rules should be read in conjunction with:

- (a) the Council Procedure Rules; and
- (b) the Cabinet Procedure Rules.

3.2 **Attendance at meetings of the Cabinet by non-Cabinet Members**

3.2.1 Subject to paragraph 3.2.2 below, non-Cabinet Members may attend all meetings of the Cabinet.

3.2.2 Non-Cabinet Members may not attend meetings of the Cabinet when confidential or exempt information is being considered, save in exceptional circumstances with the consent of the Leader (or, in their absence, the Deputy Leader) where the Councillor can demonstrate a bona fide "need to know".

3.3 **Participation at meetings of the Cabinet by non-Cabinet Members**

3.3.1 Subject to paragraph 3.3.2 below, non-Cabinet Members may only speak at meetings of the Cabinet that they are entitled to attend at the discretion of the Leader (or, in their absence, the Deputy Leader).

3.3.2 The Chairmen of the Policy and Scrutiny Committees may always speak at meetings of the Cabinet where the Cabinet is receiving reports or recommendations from the Policy and Scrutiny Committees or where a decision has been referred back to them for reconsideration as a result of a call-in.

3.4 **Attendance at meetings of committees by non-committee members**

3.4.1 Subject to paragraph 3.4.2 below, Councillors may attend all meetings of committees and sub-committees.

3.4.2 Councillors may not attend meetings of committees and sub-committees of which they are not members when confidential or exempt information is being considered, save in exceptional circumstances with the consent of the Chairman (or, in their absence, the Vice-Chairman) of the relevant committee or sub-committee where the Councillor can demonstrate a bona fide "need to know".

3.5 **Participation at meetings of committees by non-committee members**

- 3.5.1 Subject to paragraph 3.5.2 to 3.5.4 below, Councillors may only speak at meetings of committees and sub-committees that they are entitled to attend and of which they are not members at the discretion of the Chairman (or, in their absence, the Vice-Chairman) of the relevant committee or sub-committee.
- 3.5.2 At meetings of the Planning Committee, all Ward Councillors are entitled to speak on applications within their ward. Each Ward Councillor is permitted to speak for up to five minutes unless the Chairman (or, in their absence, the Vice-Chairman) of the Planning Committee consents to a longer period.
- 3.5.3 At meetings of the Licensing Committee (Alcohol and Entertainment), the Licensing Committee (Taxi and General) and sub-committees thereof, all Ward Councillors are entitled to speak on applications directly affecting their ward. Each Ward Councillor is permitted to speak for up to five minutes unless the Chairman (or, in their absence, the Vice-Chairman) of the relevant Licensing Committee or sub-committee (as the case may be) consents to a longer period.
- 3.5.4 At meetings of the Policy and Scrutiny Committees, all Ward Councillors are entitled to speak on call-in requests directly affecting their ward. Each Ward Councillor is permitted to speak for up to five minutes unless the Chairman (or, in their absence, the Vice-Chairman) of the relevant Policy and Scrutiny Committee consents to a longer period.
- 3.6 **Discretion**
- 3.6.1 Where these rules provide that the decision whether a Councillor can speak at a meeting is at the discretion of another person, that permission will be deemed not to be unreasonably withheld.

4. Finance Procedure Rules

4.1 **Introduction**

4.1.1 The Finance Procedure Rules provide the framework for governing the Council's financial management, ensuring compliance with statutory obligations, accountability and transparency in the use of public funds.

4.1.2 The Council is responsible for ensuring the proper management of its financial affairs and has designated one of its Officers, known as the Chief Finance Officer ("CFO"), to oversee these matters. The Director of Resources has been appointed as the CFO to carry out these duties.

4.1.3 In this section, the terms:

- (a) "Budget Holder" refers to Officers with budget responsibility and includes Chief Officers; and
- (b) Officer will include anyone acting on the Council's behalf.

4.2 **Compliance**

4.2.1 These rules apply to all Councillors and Officers who must ensure that consideration is given to the financial implications of any decision.

4.2.2 Waivers of these rules are rare and can only be approved by the CFO in exceptional circumstances when it is demonstrated that the waiver will not pose unnecessary financial risk or loss. All requests to vary or waive these rules must be directed to the CFO.

4.3 **Key principles**

4.3.1 Councillors and Officers must have regard to the following principles:

- (a) budgets should not be overspent;
- (b) money should be spent wisely and achieve best value;
- (c) only goods, works and services legitimately required by the Council should be procured;
- (d) assets should be managed appropriately;
- (e) all income must be collected, held securely and banked promptly;
- (f) all council decisions should be made on a well informed and reasonable basis;
- (g) the requirement to secure continuous improvement in the way the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness; and
- (h) the requirement to consult where applicable.

4.4 **Scope**

4.4.1 These rules set out the Council's requirements in respect of:

- (a) financial management roles and responsibilities;
- (b) financial planning and budgeting;

- (c) budget transfers (virements);
- (d) financial reporting;
- (e) financial monitoring and control;
- (f) internal control, risk management and fraud;
- (g) audit and review;
- (h) financial controls (systems and procedures);
- (i) external arrangements;
- (j) external funding; and
- (k) training and compliance.

4.5 **Roles and responsibilities**

4.5.1 **Councillors**

4.5.1.1 Councillors are responsible for managing the Council's financial affairs through:

- (a) **The Full Council:** which is responsible for establishing the Budget and Policy Framework, setting prudential indicators for the Capital Strategy, investment and treasury management, determining virement limits and approving the Medium-Term Financial Strategy, Treasury Management Strategy, Capital Strategy and Investment Strategy;
- (b) **The Cabinet:** which is responsible for proposing the Budget and Policy Framework to the Full Council, ensuring alignment with the objectives outlined in the Council Plan and maintaining financial discipline to stay within budget;
- (c) **The Audit Committee:** which is responsible, broadly, for approving the Annual Statement of Accounts and Annual Governance Statement for publication, monitoring the effectiveness of the Council's procedures and overseeing governance, audit, risk and anti-fraud activities; and
- (d) **The Finance and Performance Policy and Scrutiny Committee:** which is responsible for overseeing the budget-setting process, monitoring its progress and ensuring its implementation.

4.5.2 **The Chief Finance Officer**

4.5.2.1 The CFO has overall responsibility for the proper administration of the Council's financial affairs in accordance with statutory requirements.

4.5.3 **Budget Holders**

4.5.3.1 Budget Holders are responsible for managing budgets within their departments and ensuring expenditure remains within allocated limits, reporting any variances to the CFO.

4.5.4 **Officers**

4.5.4.1 Officers must comply with these rules and act with integrity, transparency and responsibility in the use of public funds.

4.6 **Financial planning and budgeting**

- 4.6.1 Financial planning involves the allocation of financial resources across services and projects to enable the Council to achieve its objectives.
- 4.6.2 **The annual budget**
- 4.6.2.1 The Council must prepare an annual budget which is balanced, meaning that the total income must be equal to the total expenditure. The budget outlines the Council's expected income, expenditure and funding requirements for the financial year.
- 4.6.2.2 The budget must be approved by the Full Council.
- 4.6.3 **The capital programme**
- 4.6.3.1 The capital programme comprises part of the budget and outlines the allocation of funds for investments in physical assets, such as buildings, infrastructure and equipment.
- 4.6.3.2 It specifies the projects the Council intends to undertake and the estimated costs associated with those projects.
- 4.6.4 **The revenue budget**
- 4.6.4.1 The revenue forecast comprises part of the budget and focuses on the day-to-day costs of running the Council. It includes spending on things like staff salaries, utilities, maintenance of public spaces, waste collection and other ongoing operations.
- 4.6.5 **Preparation of the annual budget and related plans**
- 4.6.5.1 The Cabinet, in consultation with the CFO, is responsible for presenting a budget, along with a suite of financial related strategies, to the Full Council for approval.
- 4.6.5.2 Those strategies comprise:
- (a) the Medium-Term Financial Strategy – the minimum three yearly preparation of a revenue and capital plan for all services which is linked to the Council Plan and budget forecasts;
 - (b) the Capital Strategy – a long-term plan that outlines how the Council will manage its capital investments and resources. The strategy covers the acquisition, development and maintenance of physical assets such as buildings, infrastructure and land;
 - (c) the Investment Strategy – a plan that outlines how the Council will manage its investments; and
 - (d) the Treasury Management Strategy – a plan that outlines how the Council will manage its cashflow, investments and borrowing.
- 4.6.5.3 In formulating budget and strategy proposals, the Cabinet will take account of:
- (a) Council Plan priorities;
 - (b) spending pressures;

- (c) the availability of future funding and reserves;
- (d) the affordability, sustainability and prudence of capital investment and revenue plans;
- (e) value for money and other relevant government guidelines; and
- (f) future revenue commitments and income generation opportunities.

4.6.5.4 The CFO is responsible for:

- (a) the preparation and presentation of the budget and making associated determinations;
- (b) ensuring the budget proposal takes account of the Policy Framework;
- (c) ensuring the annual preparation and monitoring of a revenue budget and capital programme;
- (d) ensuring that the level of Council reserves is adequate to meet financial risks facing the Council over the medium-term;
- (e) advising the Full Council on the accuracy and robustness of estimates made for the purposes of the budget calculation;
- (f) advising the Full Council on the proposed financial reserves and the adequacy or inadequacy of those reserves; and
- (g) developing and monitoring the Medium-Term Financial Strategy, the Capital Strategy, the Investment Strategy and the Treasury Management Strategy as provided for more fully under the heading below "Financial controls – systems and procedures".

4.6.5.5 Budget Holders must ensure budget estimates align with Cabinet guidance and reflect approved service plans.

4.7 **Budget transfers (virements)**

4.7.1 The Cabinet, individual Cabinet Members and Budget Holders may adjust budgets during the year to reflect changing service needs or priorities within the financial limits set by the Full Council.

4.7.2 The Full Council determines the limits within which the Cabinet, individual Cabinet Members and Budget Holders can reallocate budget funds.

4.7.3 The following limits apply for authorising budget transfers:

Revenue budgets

- (a) **Budget Holders:** up to (and excluding) £100,000 between budget heads they are responsible for, with written approval from the CFO, limited to five transfers per year;
- (b) **Cabinet Member:** up to (and excluding) the key decision threshold between budget heads, with written approval from the Cabinet Member with responsibility for finance, limited to five transfers per year; and
- (c) **Cabinet:** transfers exceeding the key decision threshold require a joint report from the CFO and responsible Chief Officer, detailing the impact for the current and future financial years.

Capital budgets

- (a) **Budget Holders:** up to (and including) £50,000 between budget heads they are responsible for, provided they notify the CFO, limited to five transfers per year;
- (b) **Budget Holders:** above £50,000 and up to (and excluding) £100,000 between budget heads they are responsible for with written approval from the CFO, limited to five transfers per year;
- (c) **Cabinet Member:** up to (and excluding) the key decision threshold between budget heads, with written approval from the Cabinet Member with responsibility for finance, limited to five transfers per year; and
- (d) **Cabinet:** transfers exceeding the key decision threshold require a joint report from the CFO and responsible Chief Officer, detailing the impact for the current and future financial years.

4.7.4 The CFO is authorised to release funds from earmarked reserves.

4.7.5 Budget Holders are responsible for:

- (a) notifying the CFO of any budget transfer made under delegated powers; and
- (b) informing and consulting with other Budget Holders in advance of any transfers affecting their service area, along with an explanation.

4.7.6 Full Council approval is required for any budget transfer that alters policy, introduces a new service or ends an existing one.

4.7.7 A capital budget cannot be transferred to a revenue budget head.

4.8 **Financial reporting**

4.8.1 Councils are required by law to publish annual accounts and a governance statement to demonstrate compliance with relevant standards and best practice.

4.8.2 The CFO is responsible for:

- (a) publishing a timetable for closing the accounts;
- (b) preparing and publishing on the Council's website (i) the Statement of Accounts (and signing thereof) and (ii) a narrative (which must include comment by the Council on its financial performance and economy, efficiency and effectiveness in its use of resources over the financial year); and
- (c) preparing and publishing on the Council's website the Annual Governance Statement in advance of approving the Statement of Accounts.

4.8.3 Budget Holders are responsible for:

- (a) ensuring arrangements are in place to meet the Council's closure timetable each year; and
- (b) assisting with the production of the Annual Governance Statement.

4.9 **Financial monitoring and control**

- 4.9.1 Regular monitoring of budget performance is essential to ensure that expenditure remains within budget limits.
- 4.9.2 The CFO is responsible for:
- (a) developing an effective framework of budgetary management and control;
 - (b) monitoring the performance of the budget;
 - (c) providing appropriate financial information to enable budgets to be monitored;
 - (d) reporting quarterly to the Finance and Performance Policy and Scrutiny Committee on the overall budget and financial position;
 - (e) determining the carry forward of unspent funds from one financial year to the next; and
 - (f) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- 4.9.3 Budget Holders are responsible for:
- (a) monitoring budget performance taking account of financial information provided by the CFO;
 - (b) reporting spending variances within their service areas to the CFO; and
 - (c) taking corrective action to prevent overspending.
- 4.10 **Internal controls, risk management and fraud**
- 4.10.1 **Internal controls**
- 4.10.1.1 The Council must maintain a sound system of internal control that:
- (a) supports the effective delivery of its functions and goals;
 - (b) ensures efficient financial and operational management; and
 - (c) includes effective risk management.
- 4.10.1.2 The CFO is responsible for:
- (a) advising on effective internal control systems to safeguard public funds and ensuring compliance with statutory requirements whilst ensuring public funds are used economically, efficiently and effectively;
 - (b) advising on the key financial controls necessary to secure sound financial management;
 - (c) reporting on compliance with financial controls and regulations; and
 - (d) conducting an annual review of the effectiveness of internal control and publishing the findings in the Annual Governance Statement, which is reviewed and approved by the Audit Committee prior to the approval of the Statement of Accounts.
- 4.10.1.3 Budget Holders are responsible for:
- (a) complying with these rules and relevant procedures;

- (b) taking appropriate corrective measures in response to non-compliance by staff;
- (c) implementing robust internal controls, including ensuring proper segregation of duties, establishing clear authorisation levels and providing effective supervision to safeguard against errors, fraud and to ensure compliance with financial procedures; and
- (d) planning, appraising and controlling operations to achieve continuous improvement, efficiency and effectiveness.

4.10.1.4 The Chief Internal Auditor is responsible for evaluating the effectiveness of the Council's systems of internal control and recommending improvements.

4.10.2 **Risk management**

4.10.2.1 The Council must maintain a risk management framework, ensuring that financial risks are identified, assessed and mitigated. This includes the management of key financial risks such as fraud, financial misreporting and financial compliance failures.

4.10.2.2 The CFO is responsible for preparing the Council's risk management strategy, promoting its adoption throughout the Council and advising on the management of risks.

4.10.2.3 The Audit Committee is responsible for overseeing and reviewing the effectiveness of any risk management strategy and overseeing the corporate risk register.

4.10.2.4 Budget Holders are responsible for:

- (a) implementing the Council's risk management strategy;
- (b) integrating risk management into business and performance planning;
- (c) mitigating, monitoring and reporting risks; and
- (d) maintaining and testing business continuity plans.

4.10.3 **Fraud and corruption**

4.10.3.1 The Council must have procedures in place for detecting, reporting and investigating any instances of fraud or other irregularities.

4.10.3.2 The CFO is responsible for:

- (a) developing and maintaining an anti-fraud and corruption strategy for preventing, detecting and investigating fraud;
- (b) advising on fraud prevention and detection controls; and
- (c) acting as the Money Laundering Reporting Officer to manage money laundering risks and ensuring proper reporting.

4.10.3.3 All Officers are responsible for:

- (a) complying with the anti-fraud and corruption strategy;
- (b) ensuring effective internal controls for fraud prevention and detection;
- (c) reporting suspected fraud to the CFO and/or internal audit function; and

- (d) reporting potential money laundering risks in accordance with guidance issued by the Money Laundering Reporting Officer.

4.11 **Audit and review**

4.11.1 **Internal audit**

- 4.11.1.1 The Council must maintain an effective internal audit function to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards and guidance.

4.11.2 **External audit**

- 4.11.2.1 The Council's external audit function provides an independent and objective review of the financial statements, ensuring they are accurate, complete and compliant with relevant accounting standards and regulations. Additionally, it evaluates the Council's use of public resources by assessing value for money and examines whether services are being delivered efficiently, effectively and economically.

- 4.11.2.2 The CFO is responsible for:

- (a) maintaining an effective internal audit service in line with relevant law and guidance;
- (b) ensuring compliance with statutory external audit requirements and enabling effective scrutiny of records; and
- (c) reporting audit plans and results to the Audit Committee.

- 4.11.2.3 All Officers are responsible for:

- (a) providing auditors with access to necessary information, documents, records and explanations as are considered necessary by those conducting an audit;
- (b) assisting in the production of annual audit plans by highlighting areas of risk; and
- (c) implementing audit recommendations within agreed timelines.

4.12 **Financial controls (systems and procedures)**

- 4.12.1 Effective financial systems and procedures are essential for managing and controlling the Council's financial affairs, including:

- (a) **Accounting:** the Council must have an accounting system to record, process and report the Council's financial transactions;
- (b) **Income and debt recovery:** the Council must have clear procedures for the collection and receipt of income, ensuring that all income is accurately recorded and promptly collected. Debts owed to the Council must be pursued in accordance with the Council's debt recovery procedures;
- (c) **Expenditure:** the Council's expenditure must comply with budget provisions, the Contract Procedure Rules, the Procurement Code and

approved payment processes. Purchase orders must be raised to record commitments;

- (d) **Banking:** the Council must have appropriate systems in place to ensure bank transactions are properly processed, recorded and reconciled;
- (e) **Capital Strategy, Investment Strategy and Treasury Management Strategy:** the Council must have effective strategies for investing monies, commercial property and borrowing for the capital programme, in keeping with the Medium-Term Financial Strategy;
- (f) **Taxation:** the Council must have systems to ensure proper reporting and accounting of tax liabilities and avoid fines or penalties;
- (g) **Asset management:** the Council must ensure that assets are recorded, safeguarded and used effectively, with controlled disposals; and
- (h) **Insurance:** the Council must ensure adequate cover is in place to protect the Council from financial claims.

4.12.2 **Accounting**

4.12.2.1 The CFO is responsible for:

- (a) determining the main accounting system for preparing accounts and monitoring income and expenditure;
- (b) determining accounting policies and procedures and ensuring they are applied consistently;
- (c) ensuring any external financial systems are sound, integrated and interfaced with the main system;
- (d) issuing guidance on the use and maintenance of financial systems, ensuring records are retained;
- (e) ensuring regular reconciliation of holding accounts;
- (f) preparing consolidated accounts, the balance sheet, the Statement of Accounts and related narrative and the Annual Governance Statement for the Audit Committee and publication, including a detailed timetable to meet statutory deadlines;
- (g) ensuring that accounting records are kept up-to-date;
- (h) ensuring that accounting records include (i) daily entries of all money received and spent, along with details of what the income and expenses relate to and (ii) a record of the Council's assets and liabilities;
- (i) ensuring that financial transactions are recorded accurately and as soon as reasonably practicable; and
- (j) ensuring the prevention and detection of inaccuracies and the reconstitution of lost records.

4.12.2.2 Budget Holders are responsible for:

- (a) accurately recording transactions in the main accounting system and ensuring records are up-to-date;
- (b) ensuring an adequate audit trail and compliance with document retention policies;
- (c) gaining approval from the CFO for any service financial systems and ensuring proper documentation and testing; and

- (d) adhering to timetables set by the CFO for the preparation of accounts, budgets and statutory reporting requirements.

4.12.3 **Income and debt recovery**

4.12.3.1 The CFO is responsible for:

- (a) establishing arrangements for income collection and debt recovery;
- (b) administering invoicing and credit notes;
- (c) ensuring timely and accurate claims for Government grants and other funds;
- (d) ensuring all receipts are properly recorded and banked promptly;
- (e) maintaining records of debts and the preparation and implementation of the Council's debt recovery procedures;
- (f) authorising the write-off of bad debts up to (and including) £100,000 (exclusive of VAT);
- (g) administering debt write-offs and monitoring write-off levels; and
- (h) devising and implementing the Council's debt management policy.

4.12.3.2 Budget Holders are responsible for:

- (a) reviewing fees and charges annually, consulting with the CFO and Cabinet Members, and obtaining approval for new charges;
- (b) controlling income within their service areas;
- (c) collecting payments at the point of sale to improve cash flow;
- (d) managing the administration of invoices, overseeing income collection and ensuring the implementation of debt recovery procedures;
- (e) providing accurate and timely data to support the efficient submission of claims for Government grants and other funding sources;
- (f) ensuring the implementation of effective systems to accurately identify amounts owed to the Council;
- (g) ensuring that debtor accounts are generated promptly and correctly, with thorough records maintained to support the debt and any subsequent recovery actions;
- (h) assisting in the debt collection process by providing essential information and monitoring outstanding debts; and
- (i) ensuring that proper approvals are obtained before writing off any debts.

4.12.4 **Expenditure**

4.12.4.1 Procurement

4.12.4.1.1 The CFO is responsible for:

- (a) issuing guidance on ordering and payment for works, goods and services;
- (b) processing payments upon receipt of valid invoices for works, goods and services;
- (c) approving exceptions to the requirement for purchase orders; and
- (d) ensuring an effective procurement framework and related guidance is in place.

4.12.4.1.2 Budget Holders are responsible for:

- (a) controlling expenditure within their service areas;
- (b) ensuring that all expenditure is authorised and supported by a purchase order;
- (c) receipting all goods and services in the financial system;
- (d) ensuring payments are made in accordance with contract terms; and
- (e) ensuring the procurement of goods, services and works comply with relevant procurement legislation.

4.12.4.2 Payroll

4.12.4.2.1 The CFO is responsible for:

- (a) overseeing all payments to employees, Councillors and creditors;
- (b) making emergency staff payments in cases of payroll failure;
- (c) ensuring proper payroll arrangements for salaries and expenses;
- (d) completing HMRC returns and providing advice on employment taxation; and
- (e) maintaining an up-to-date record of the Council's establishment.

4.12.4.2.2 Budget Holders are responsible for:

- (a) managing resources and staff numbers within approved levels;
- (b) ensuring all payments to employees are properly authorised; and
- (c) reviewing and authorising expenses claims before payment.

4.12.5 **Banking**

4.12.5.1 The CFO is responsible for:

- (a) co-ordinating banking, borrowing and other credit requirements including leasing;
- (b) managing all Council bank accounts and ensuring appropriate authorisations for all payment methods;
- (c) implementing controls over payment methods including cheques, covering access, ordering, custody, signing and dispatch;
- (d) ensuring regular reconciliations between bank accounts and financial records; and
- (e) approving the operation of petty cash accounts.

4.12.6 **Capital Strategy, Investment Strategy, Treasury Management Strategy, Medium-Term Financial Strategy and setting the Minimum Revenue Provision**

4.12.6.1 The CFO is responsible for:

- (a) preparing and presenting the Capital Strategy, Investment Strategy, Treasury Management Strategy, Medium-Term Financial Strategy and the Minimum Revenue Provision to the Cabinet for adoption by the Full Council;
- (b) ensuring the provision of effective capital, investment and treasury management;

- (c) implementing, reviewing and reporting on the performance of these strategies and recommending any necessary changes;
- (d) reporting quarterly and annually to the Audit Committee on treasury, investment and capital strategy activities;
- (e) effecting investments, lending and borrowings within approved limits and reporting on funding methods;
- (f) approving finance leases and ensuring the proper use and risk assessment of financial derivatives;
- (g) ensuring compliance with laws and regulations regarding treasury management and capital finance; and
- (h) implementing cash flow forecasting and monitoring systems.

4.12.6.2 Budget Holders are responsible for:

- (a) assisting cash flow with timely billing, considering contract payment terms, and minimising advance payments;
- (b) supporting cash flow forecasting and informing the Finance team of high-value receipts or payments; and
- (c) ensuring no finance leases or borrowings are entered into without approval from the CFO.

4.12.7 **Taxation**

4.12.7.1 The CFO is responsible for:

- (a) ensuring compliance with statutory tax requirements;
- (b) managing the Council's partial exemption position and submitting Voluntary Disclosure Notices to HMRC;
- (c) providing taxation advice and guidance on all matters affecting the Council; and
- (d) maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

4.12.7.2 Budget Holders are responsible for:

- (a) ensuring correct VAT liability on income and the recovery of VAT on purchases;
- (b) seeking tax advice for new initiatives and services;
- (c) identifying tax implications of land and building acquisitions/sales; and
- (d) ensuring contractor compliance with the Construction Industry Scheme.

4.12.8 **Asset management**

4.12.8.1 The CFO is responsible for:

- (a) maintaining asset registers for fixed assets and ensuring valuations follow accounting standards;
- (b) recording all asset acquisitions and disposals; and
- (c) approving the write-off of deficiencies in stocks.

4.12.8.2 Budget Holders are responsible for:

- (a) providing relevant documentation to maintain an up-to-date asset register;
- (b) managing local inventories of moveable assets;
- (c) reporting destroyed assets to relevant teams;
- (d) complying with any asset disposal guidance; and
- (e) ensuring assets are used solely for Council business unless approved otherwise by the CFO.

4.12.9 **Insurance and indemnities**

4.12.9.1 The CFO is responsible for:

- (a) effecting and ensuring the Council has appropriate insurances in place;
- (b) determining insurance cover levels;
- (c) processing claims; and
- (d) approving and providing the terms of any indemnity in consultation with the Monitoring Officer.

(For the avoidance of doubt, indemnities which are incorporated into any of the Council's standard terms and conditions, or equivalent indemnities incorporated into a third party agreement which have been subject to a review by the legal services team, do not require authorisation from the CFO).

4.12.9.2 Budget Holders are responsible for:

- (a) managing risks, properties or vehicles requiring insurance;
- (b) notifying the CFO of any changes which may impact on or alter insurance arrangements;
- (c) reporting any loss, damage or claim; and
- (d) obtaining consent from the CFO in relation to the provision of any indemnity.

4.13 **External arrangements**

4.13.1 **Joint arrangements and partnerships**

4.13.1.1 The Council must ensure that joint working and partnership arrangements are appropriate and have proper governance arrangements in place.

4.13.1.2 The CFO is responsible for:

- (a) advising on financial viability, risk management, resourcing, taxation and audit controls for partnerships and external arrangements;
- (b) ensuring satisfactory accounting arrangements for partnerships and joint ventures;
- (c) ensuring that corporate governance standards for partnerships and joint arrangements align with those of the Council; and
- (d) appraising risks thoroughly before entering into agreements with external bodies.

4.13.1.3 Budget Holders are responsible for:

- (a) ensuring relevant arrangements are appropriate, do not negatively affect Council services and are supported by comprehensive risk assessments;
- (b) ensuring necessary approvals are in place and that all arrangements are properly documented; and
- (c) ensuring mechanisms are in place to monitor and report on the performance of relevant arrangements.

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

4.13.2 **External funding**

4.13.2.1 The Council must ensure that external funding arrangements are appropriate, properly managed, legally compliant and are aligned with strategic priorities.

4.13.2.2 The CFO is responsible for:

- (a) ensuring that all funding is appropriate; and
- (b) ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

4.13.2.3 Budget Holders are responsible for:

- (a) ensuring that any external funding bids are made in consultation with the CFO; and
- (b) ensuring that no project funded by external sources commences until the funding is confirmed by the awarding body and approval is granted to include the funds in the Council's budget, unless specifically authorised by the CFO.

4.14 **Training and compliance**

4.14.1 **Training and development**

4.14.1.1 The CFO is responsible for:

- (a) providing appropriate training to Officers and Councillors to ensure they understand their responsibilities regarding financial management; and
- (b) leading the finance profession and overseeing the standards, performance and development of finance staff.

4.14.2 **Review and compliance**

4.14.2.1 The CFO is responsible for:

- (a) ensuring that the Council's financial systems, procedures and Finance Procedure Rules are regularly reviewed and updated as needed to comply with changing legislation, best practices and relevant guidance; and
- (b) ensuring that these rules (including the Financial controls (systems and procedures) are consistently followed.

5. Public Speaking at Meetings Procedure Rules

5.1 **Council Meetings**

5.1.1 **General**

5.1.1.1 Members of the public may ask questions of Cabinet Members or Committee Chairmen at Ordinary Council Meetings in relation to matters which in the opinion of the Chief Executive (conferring with the Chairman of the Council where deemed appropriate) the Council has responsibility for and/or which affect the District.

5.1.1.2 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.

5.1.1.3 Questions can only be asked by residents of the District or from anyone who satisfies the Chief Executive that they work wholly or substantially in the District.

5.1.2 **Order of questions**

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

5.1.3 **Notice of questions**

5.1.3.1 A question may only be asked if it has been delivered in writing or by email to the Chief Executive no later than 5pm three clear working days before the day of the meeting (email: committeeservices@horsham.gov.uk). Each question must give the name and address of the questioner.

5.1.3.2 Questioners are registered on a first come, first served basis.

5.1.4 **Number of questions**

5.1.4.1 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.

5.1.5 **Scope of questions**

5.1.5.1 The Chief Executive may reject a question if it:

- (a) is not about a matter for which the Council has responsibility or which specifically affects the District;
- (b) is frivolous, offensive, vexatious or out of order;
- (c) is about legal proceedings;
- (d) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a statement which has been made at a meeting or special meeting of the Cabinet in the past six months;

- (e) is about a specific planning application, licensing matter or standards determination;
- (f) is about staffing matters;
- (g) is about the conduct of Councillors or Officers;
- (h) requires the disclosure of, or references, exempt and/or confidential information;
- (i) seeks to pursue a complaint against the Council where other channels exist for the determination of complaints; or
- (j) in the opinion of the Chief Executive, relates to personal and/or inappropriate matters of the speaker.

5.1.6 **Record of questions**

- 5.1.6.1 The Chief Executive 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.

5.1.7 **Asking the question at the meeting**

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

5.1.8 **Response to the question**

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

5.1.9 **Supplementary question**

- 5.1.9.1 A speaker who has put a question may also put one supplementary question without notice to the Councillor who has replied to their original question. A supplementary question must arise directly out of the original question or the reply.
- 5.1.9.2 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 paragraph 5.1.5 above.

5.1.10 **Written answers**

- 5.1.10.1 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.
- 5.1.10.2 Any supplementary question which cannot be answered during the public question time, either because of lack of time, or the Councillor not having the knowledge or access to the information at the time, will be dealt with by a written answer.

5.1.10.3 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.

5.1.11 **Reference of question to the Cabinet or a committee**

5.1.11.1 Any Councillor 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.

5.1.12 **Statements**

5.1.12.1 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.

5.2 **Extraordinary Council Meetings**

5.2.1 **General**

5.2.1.1 Members of the public may ask questions of Cabinet Members or Committee Chairmen at Extraordinary Council Meetings, in relation to matters which in the opinion of the Chief Executive (conferring with the Chairman of the Council where deemed appropriate) are relevant to the business of the meeting.

5.2.1.2 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.

5.2.1.3 Questions can only be asked by residents of the District or from anyone who satisfies the Chief Executive that they work wholly or substantially in the District.

5.2.2 **Order of questions**

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

5.2.3 **Notice of questions**

5.2.3.1 A question may only be asked if it has been delivered in writing or by email to the Chief Executive no later than 5pm three clear working days before the day of the meeting (email: committeeservices@horsham.gov.uk). Each question must give the name and address of the questioner.

5.2.3.2 Questioners are registered on a first come, first served basis.

5.2.4 **Number of questions**

5.2.4.1 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.

5.2.5 **Scope of questions**

5.2.5.1 The Chief Executive may reject a question if it:

- (a) is not about a matter which is relevant to the business of the meeting;
- (b) is frivolous, offensive, vexatious or out of order;
- (c) is about legal proceedings;
- (d) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a statement which has been made at a meeting or special meeting of the Cabinet in the past six months;
- (e) is about a specific planning application, licensing matter or standards determination;
- (f) is about staffing matters;
- (g) is about the conduct of Councillors or Officers;
- (h) requires the disclosure of, or references, exempt and/or confidential information;
- (i) seeks to pursue a complaint against the Council where other channels exist for the determination of complaints; or
- (j) in the opinion of the Chief Executive, relates to personal and/or inappropriate matters of the speaker.

5.2.6 **Record of questions**

5.2.6.1 The Chief Executive 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.

5.2.7 **Asking the question at the meeting**

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

5.2.8 **Response to the question**

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

5.2.9 **Supplementary question**

5.2.9.1 A speaker who has put a question may not ask a supplementary question at an Extraordinary Council Meeting.

5.2.10 **Written answers**

5.2.10.1 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.

5.2.10.2 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.

5.2.11 **Reference of question to the Cabinet or a committee**

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

5.2.12 **Statements and supplementary questions**

5.2.12.1 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.

5.3 **Cabinet Meetings**

5.3.1 **General**

5.3.1.1 Members of the public may make statements at ordinary meetings of the Cabinet in relation to matters which in the opinion of the Leader of the Council are relevant to the business of the meeting.

5.3.1.2 Each speaker will be limited to two minutes in which to make their statement. Subject to the Leader's discretion, there will be an overall limit of 15 minutes for public statements, or a total of six statements, whichever is the greater.

5.3.1.3 Statements can only be made by residents of the District or from anyone who satisfies the Chief Executive that they work wholly or substantially in the District.

5.3.2 **Order of statements**

5.3.2.1 Statements will be made in the order notice of them was received, except that the Leader may group together similar statements.

5.3.3 **Notice of statements**

5.3.3.1 A statement may only be made if notice of it has been delivered in writing or by email to the Chief Executive no later than 5pm three clear working days before the day of the meeting (email: committeeservices@horsham.gov.uk). Each notice of statement must give the name and address of the speaker.

5.3.3.2 Speakers are registered on a first come, first served basis.

5.3.4 **Number of statements**

5.3.4.1 At any meeting no person may submit more than one statement and no more than one statement may be made on behalf of an organisation.

5.3.5 **Scope of statements**

5.3.5.1 The Leader may reject a statement if it:

- (a) is not about a matter which is relevant to the business of the meeting;
- (b) is frivolous, offensive, vexatious or out of order;
- (c) is about legal proceedings;
- (d) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a statement which has been made at a meeting or special meeting of the Cabinet in the past six months;
- (e) is about a specific planning application, licensing matter or standards determination;
- (f) is about staffing matters;
- (g) is about the conduct of Councillors or Officers;
- (h) requires the disclosure of, or references, exempt and/or confidential information;
- (i) seeks to pursue a complaint against the Council where other channels exist for the determination of complaints; or
- (j) in the opinion of the Leader, relates to personal and/or inappropriate matters of the speaker.

5.3.6 **Record of statements**

- 5.3.6.1 The Chief Executive will immediately send a copy of the notice of statement to the Leader.

5.3.7 **Making the statement at the meeting**

- 5.3.7.1 The Leader will invite the speaker (who must be present) to make the statement, as submitted, to the Cabinet.

5.3.8 **Questions**

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

5.4 **Special Cabinet Meetings**

5.4.1 **General**

- 5.4.1.1 Members of the public may make statements at special meetings of the Cabinet in relation to matters which in the opinion of the Leader of the Council are relevant to the business of the meeting.
- 5.4.1.2 Each speaker will be limited to two minutes in which to make their statement. Subject to the Leader's discretion, there will be an overall limit of 20 minutes for public statements, or a total of six statements, whichever is the greater.
- 5.4.1.3 Statements can only be made by residents of the District or from anyone who satisfies the Chief Executive that they work wholly or substantially in the District.

5.4.2 **Order of statements**

5.4.2.1 Statements will be made in the order notice of them was received, except that the Leader may group together similar statements.

5.4.3 **Notice of statements**

5.4.3.1 A statement may only be made if notice of it has been delivered in writing or by email to the Chief Executive no later than 5pm three clear working days before the day of the meeting (email: committeeservices@horsham.gov.uk). Each notice of statement must give the name and address of the speaker.

5.4.3.2 Speakers are registered on a first come, first served basis.

5.4.4 **Number of statements**

5.4.4.1 At any meeting no person may submit more than one statement and no more than one statement may be made on behalf of an organisation.

5.4.5 **Scope of statements**

5.4.5.1 The Leader may reject a statement if it:

- (a) is not about a matter which is relevant to the business of the meeting;
- (b) is frivolous, offensive, vexatious or out of order;
- (c) is about legal proceedings;
- (d) is substantially the same as a question which has been put at an ordinary or extraordinary meeting of the Council and/or a statement which has been made at a meeting or special meeting of the Cabinet in the past six months;
- (e) is about a specific planning application, licensing matter or standards determination;
- (f) is about staffing matters;
- (g) is about the conduct of Councillors or Officers;
- (h) requires the disclosure of, or references, exempt and/or confidential information;
- (i) seeks to pursue a complaint against the Council where other channels exist for the determination of complaints; or
- (j) in the opinion of the Leader, relates to personal and/or inappropriate matters of the speaker.

5.4.6 **Record of statements**

5.4.6.1 The Chief Executive will immediately send a copy of the notice of statement to the Leader.

5.4.7 **Making the statement at the meeting**

5.4.7.1 The Leader will invite the speaker (who must be present) to make the statement, as submitted, to the Cabinet.

5.4.8 **Questions**

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

5.5 **Committee Meetings**

5.5.1 **Planning Committee**

5.5.1.1 Members of the public, representatives of parish and neighbourhood councils and representatives of neighbourhood forums may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman.

5.5.1.2 Speakers must give notice by no later than noon two working days before the date of the meeting of their intention to speak (email: committeeservices@horsham.gov.uk). Speakers are registered on a first come, first served basis.

5.5.1.3 Subject to paragraphs 5.5.1.4 to 5.5.1.6 below, the time limits for statements on each item and the order in which statements will be made are as follows:

	Speaker	Time limit
1.	Objectors (up to three)	Three minutes each
2.	Applicants, agents and supporters (up to three)	Three minutes each
3.	Parish or neighbourhood council representative	Five minutes
4.	Neighbourhood forum representative	Five minutes

5.5.1.4 Where an application site is situated in more than one parish or neighbourhood council area, a representative from each affected parish or neighbourhood council may speak for five minutes each.

5.5.1.5 Where an adjacent parish or neighbourhood council would (in the opinion of the Chairman) be affected by an application site which is not situated in its area, a representative from each affected parish or neighbourhood council may speak for five minutes each.

5.5.1.6 The Chairman may at their discretion vary the time limits where they consider it reasonable to do so in the interests of fairness.

5.5.2 **Other Committees**

5.5.2.1 Members of the public and representatives of parish and neighbourhood councils and representatives of neighbourhood forums may make a statement on any item on the agenda when the matter arises for debate and at the time appointed by the Chairman.

5.5.2.2 Speakers must give notice by no later than noon two working days before the date of the meeting of their intention to speak (email:

committeeservices@horsham.gov.uk). Speakers are registered on a first come, first served basis.

- 5.5.2.3 Subject to paragraph 5.5.2.4 below, each speaker will be limited to two minutes in which to make their statement and the total time for statements will be limited to 12 minutes per item.
- 5.5.2.4 The Chairman may at their discretion vary the time limits where they consider it reasonable to do so in the interests of fairness.

6. Planning Code of Good Practice

6.1 **Introduction**

6.1.1 The Planning Code of Good Practice ("the Code") is based on the revised Members' Planning Code of Good Practice published by Lawyers in Local Government in January 2024.

6.1.2 The aim of the Code is to ensure that planning decisions are made impartially, without bias or improper influence and are well-founded.

6.1.3 While Councillors are elected to make decisions that align with their political views and policies, they must take into account all material considerations and ensure that relevant points are fairly considered.

6.2 **Application**

6.2.1 The Code applies to Councillors at all times when involved in the planning process, including formal meetings, meetings with Officers or the public and consultative discussions. It covers not only planning applications but also enforcement matters and site-specific policy issues.

6.2.2 If Councillors have any doubts about how this Code applies to their circumstances, they should consult the Monitoring Officer, ideally well in advance of any relevant meeting.

6.3 **Compliance with relevant rules**

6.3.1 Councillors must always comply with:

- (a) the Councillors' Code of Conduct; and
- (b) the rules contained in this Code.

6.3.2 Failing to adhere to this Code could:

- (a) put the Council at risk of legal challenges or claims of maladministration; and
- (b) put Councillors at risk of being subject to a standards or police investigation or criminal proceedings.

6.4 **Planning proposals and Councillors' interests**

6.4.1 Councillors must:

- (a) disclose the existence and nature of any relevant interests in planning matters at any relevant meeting and/or as appropriate;
- (b) act with integrity and not allow themselves to be inappropriately influenced;
- (c) not make decisions for personal, family or friends' gain;
- (d) avoid seeking or accepting preferential treatment or putting themselves in a position which gives that impression. (This includes using their position

- to discuss a proposal with Officers or Councillors when others would not have the same opportunity, especially if they have a personal interest);
- (e) disclose (either orally or in writing) any relevant interests or conflicts to an appropriate Officer; and
 - (f) notify the Monitoring Officer in writing when they have a disclosable pecuniary interest or other interest. (In relation to any application submitted by them, Councillors must:
 - (i) send the notification no later than submission of that application;
 - (ii) note that the proposal will always be reported to the Planning Committee as a main item and not be dealt with by Officers under delegated powers;
 - (iii) not get involved in the processing of the application; and
 - (iv) note that it is advisable that they employ an agent to act on their behalf in respect of the proposal when dealing with Officers and in public speaking at the Planning Committee).

6.5 **Fettering discretion in the planning process**

6.5.1 Councillors:

- (a) must not limit their ability to make planning decisions by approaching them with a closed mind. (Doing so and still participating could expose the Council to risks of maladministration, legal challenges and claims of bias or failure to properly consider all relevant factors);
- (b) must remember that they are entitled to express views on planning issues but must never approach a decision with a closed mind;
- (c) must remember, when making decisions, that they:
 - (i) must keep an open mind and hear all of the evidence before them, including the Officers' presentation of the facts and their advice and the arguments from all sides;
 - (ii) are not required to cast aside views on planning policy they held when seeking election or when otherwise acting as a Councillor in giving fair consideration to points raised;
 - (iii) are only entitled to take account of a material considerations and the legal context and must disregard considerations irrelevant to the question; and
 - (iv) must come to a decision after giving what they feel is the right weight to those material considerations;
- (d) must be aware that they can be seen as biased if the Council is the landowner, developer or applicant and they have played a major role in preparing or advocating the proposal. (This goes beyond being a member of both the Cabinet and Planning Committee – it means their involvement may prevent them from acting impartially or making decisions based solely on planning merits);

- (e) must 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 a parish or county council), provided:
 - (i) the proposal does not affect the wellbeing or financial standing of the consultee body; and
 - (ii) they make it clear to the consultee body that their views are expressed on the limited information before them only;
 - (iii) they keep an open mind and make their own decision on the proposal, considering their duty to the entire community, not just their area, ward or parish;
 - (iv) they do not in any way commit themselves as to how they (or others) may vote when the proposal comes before the Planning Committee;
- (f) must disclose interests and not participate in the decision-making process where stipulated by the Councillors' Code of Conduct or this Code;
- (g) must not vote on applications within their ward, noting that this does not preclude them from speaking to a relevant proposal; and
- (h) can take the opportunity to exercise their separate speaking rights as a Ward Councillor where they have represented their views or those of local electors and fettered their discretion, but do not have a disclosable or other personal conflict of interest. (In such circumstances, Councillors must:
 - (i) advise the Chairman that they wish to speak in this capacity before commencement of the item;
 - (ii) if practicable, move away from the committee seating area for that item; and
 - (iii) ensure that their actions are recorded).

6.6 **Contact with applicants, developers and objectors**

6.6.1 Councillors must:

- (a) refer those who approach them for planning, procedural or technical advice to Officers;
- (b) not agree to formal meetings with applicants, developers or groups of objectors unless necessary. (If Councillors think such a meeting would be helpful, they must request it through the Head of Development and Building Control. Officers will then make arrangements to ensure the meeting is properly recorded, attendees are informed that discussions are not binding and the record is shared when the application is reviewed by the Planning Committee);
- (c) follow the rules on lobbying;
- (d) consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- (e) report to the Head of Development and Building Control 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.

6.7 **Presentations by applicants and developers**

6.7.1 Councillors must:

- (a) not attend a planning presentation without requesting an Officer to be present;
- (b) ask relevant questions for the purposes of clarifying their understanding of the proposals;
- (c) remember that the presentation is not part of the formal process of debate and determination of any subsequent application as this will be carried out by the Planning Committee; and
- (d) 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 Councillors) intend to vote at the relevant meeting.

6.8 **Lobbying of Councillors**

6.8.1 Councillors must:

- (a) explain to anyone lobbying them that, while they can listen to their views, expressing a firm intention to vote or taking a strong position could compromise their impartiality and ability to participate in the Planning Committee's decision-making;
- (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 must not favour, or appear to 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, they must ensure it is of a minimum and that its acceptance is declared to the Monitoring Officer and reflected in the Gifts and Hospitality Register);
- (d) copy or pass on any lobbying correspondence they receive to the Head of Development and Building Control at the earliest opportunity;
- (e) promptly refer to the Monitoring Officer any offers made to them of planning gain or constraint through a proposed section 106 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), who will in turn advise the appropriate Officers to follow the matter up; and
- (g) note that, unless they have a disclosable or other relevant interest, they will not have fettered their discretion or breached this Code through:
 - (i) listening or receiving viewpoints from residents or other interested parties;

- (ii) making comments to residents, interested parties, other Councillors or relevant Officers (making clear that they must keep an open mind);
- (iii) seeking information through appropriate channels; or
- (iv) being a vehicle for the expression of opinion of others in their role as a Ward Councillor.

6.9 **Lobbying by Councillors**

6.9.1 Councillors:

- (a) must not become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. (If they do, they will be seen to have fettered their discretion on the grounds of bias);
- (b) can join general interest groups that align with their interests (like the Victorian Society or CPRE) but they should disclose their membership if the group has made representations on a specific proposal. (In this case, Councillors must inform the group and the Planning Committee that they have reserved judgment and will make their own decision on each proposal);
- (c) must not lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of any relevant decision-making meeting;
- (d) must be aware of the power of social media posts or re-posting and be careful not to give the impression that they will vote in a certain way; and
- (e) must not decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Councillor to do so. (Political group meetings should never dictate how Councillors should vote on a planning issue).

6.10 **Site visits and inspections**

6.10.1 Councillors:

- (a) must familiarise themselves with a site ahead of Planning Committee by reviewing the submitted plans, using other tools such as Google Maps and Street View and reviewing Officer photos;
- (b) must try to visit sites relating to planning applications on the agenda where possible if they deem it appropriate. (Many sites can be viewed from public vantage points such as the public highway or a public footpath);
- (c) must not enter a site without an Officer present;
- (d) must try to attend organised site visits. (These will be undertaken at the direction of either (i) the Head of Development and Building Control or (ii) the Head of Development and Building Control and the Chairman of the Planning Committee);
- (e) can request a site visit if they feel it is necessary because:

- (i) particular site factors are significant in terms of the weight attached to them relative to other factors or they are having difficulty in assessing the proposal in the absence of a site inspection; or
 - (ii) there are significant policy or precedent implications and specific site factors need to be carefully addressed;
- (f) must ensure that they report back to the Planning Committee any information gained from the site visit that they feel would benefit all members of the Planning Committee;
- (g) must ensure that they treat the site visit only as an opportunity to seek information and to observe the site;
- (h) can ask Officers questions or seek clarification on matters relevant to the site inspection;
- (i) must not hear representations from anyone other than the Ward Councillor(s), whose comments should focus on site-specific issues. (If the applicant or a third party approaches them, they must tell them to submit their representations in writing to the Council and direct them to the Officer present);
- (j) must not express opinions or views; and
- (k) must 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 the Head of Development and Building Control about their intention to do so and why (which will be recorded on the file); and
 - (iii) they ensure they will comply with the rules on site visits.

6.11 **Public speaking at meetings**

6.11.1 Councillors must:

- (a) not allow members of the public to communicate with them during the Committee's proceedings (orally, in writing or by social media) other than through the scheme for public speaking or through the Chairman, as this may give the appearance of bias;
- (b) not participate in social media or exchanges by texting as a member of the Planning Committee during the Committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias; and
- (c) ensure that they comply with the Council's procedures in respect of public speaking.

6.12 **Officers**

6.12.1 Councillors must:

- (a) not pressurise Officers to make a specific recommendation. (However, they can ask questions or share their views with the Head of Development and Building Control, which may be included in the committee report);
- (b) recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Councillor level; and
- (c) recognise that Officers handling planning matters must adhere to the Officers' Code of Conduct and their professional standards, such as the Royal Town Planning Institute's Code of Professional Conduct. (Their views and recommendations are based on professional independence, which may sometimes differ from the views or decisions of the Planning Committee).

6.13 **Decision-making**

6.13.1 Councillors must:

- (a) come to meetings with an open mind and demonstrate that they are open-minded;
- (b) comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise;
- (c) come to their decision only after due consideration of all the information reasonably required to make 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);
- (d) not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the Officers' introduction to the matter;
- (e) have recorded the reasons for the Planning Committee's decision to defer any proposal;
- (f) ensure that, where a matter is deferred and its consideration recommences at a subsequent meeting, that they are apprised of and understand the outcome of the previous meeting; and
- (g) make sure that, if they are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan, they clearly identify and understand the planning reasons leading to this conclusion/decision. (Councillors must give their reasons before the vote. If needed, they must seek advice from Officers. If they are unable to do this before the meeting, they must consider requesting a short adjournment. Ultimately, Councillors must be aware that they may need to justify their decision if it is challenged).

6.14 **Training**

6.14.1 Councillors must:

- (a) not participate in decision-making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Director of Place or the Head of Development and Building Control. (Councillors on the Planning Committee will be provided with regular interactive training designed to enhance and test their understanding of planning law principles);
- (b) not request that an application be considered by the Planning Committee unless they have attended the mandatory planning training prescribed by the Director of Place or the Head of Development and Building Control. (Councillors not on the Planning Committee will be provided with basic planning training (at such times and frequency as determined by these Officers) designed to ensure that they are aware of the factors that are and are not relevant to the determination of planning applications);
- (c) make an effort to attend any additional training sessions, as they will help expand their knowledge of planning law, regulations, procedures and the Development Plan, supporting them in performing their role effectively; and
- (d) participate in the annual review of a sample of planning decisions to ensure that Councillors' judgements have been based on proper planning considerations.

Outside Bodies

1. Outside Bodies

1. Outside Bodies

1.1 **Introduction**

1.1.1 Outside bodies are external organisations to which Councillors are appointed whose work typically affects the District or residents of the District.

1.2 **Appointments**

1.2.1 Appointments to outside bodies are made by the Leader of the Council.

1.3 **Termination of appointments**

1.3.1 The Leader of the Council may terminate appointments to outside bodies at any time.

1.4 **Outside bodies**

1.4.1 Typically, the Leader makes appointments to the following outside bodies:

- (a) Court of the University of Sussex;
- (b) Gatwick Airport Consultative Committee;
- (c) Gatwick Greenspace Group;
- (d) High Weald Joint Advisory Committee;
- (e) Horsham Community Safety Partnership;
- (f) Horsham in Bloom Committee;
- (g) iESE;
- (h) Local Government Association General Assembly;
- (i) PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee;
- (j) Police and Crime Panel;
- (k) South Downs National Park Authority;
- (l) South East Employers' Association;
- (m) South East Reserve Forces Cadets Association;
- (n) Springboard Project;
- (o) West Sussex Rural Partnership and Forum;
- (p) Wey and Arun Canal Trust Liaison Group; and
- (q) West Sussex County Council Health and Adult Social Care Scrutiny Committee.

Schemes

1. Councillors' Allowances Scheme
2. Petition Scheme

1. Councillors' Allowances Scheme

1.1 **Introduction**

1.1.1 Horsham District Council, in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003, has made the following Scheme having had regard to the recommendations of an Independent Remuneration Panel.

1.1.2 This Scheme may be cited as the Councillors' Allowances Scheme and has effect from 1 April 2025, as amended with effect from 23 April 2025.

1.2 **Definitions**

1.2.1 In this Scheme:

"Council" means Horsham District Council;

"Councillor" means a member of Horsham District Council who is an elected Councillor;

"Co-optee" means a non-Councillor member of the Council's Audit Committee, Standards Committee or Unparished Area Committee;

"Regulations" means The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended); and

"Year" means the 12 months ending with 31 March.

1.3 **Basic allowance**

1.3.1 Subject to paragraph 1.10, for each year a basic allowance of £6,786.00 will be paid to each Councillor.

1.4 **Special responsibility allowances**

1.4.1 Subject to paragraph 1.10, for each year a special responsibility allowance will be paid to those Councillors who hold special responsibilities in relation to the Council as set out below:

Special responsibility	Allowance
Leader of the Council	£18,661.00
Deputy Leader of the Council	£10,134.55
Leader of each Minority Group with three or more Councillors	£250 per Councillor
Cabinet Member (excluding the Leader and Deputy Leader of the Council)	£8,272.35
Chairman of the Council	£6,029.66

Vice-Chairman of the Council	£2,021.22
Chairman of Finance and Performance Policy and Scrutiny Committee	£6,029.66
Vice-Chairman of Finance and Performance Policy and Scrutiny Committee	£2,015.59
Chairman of Communities and Place Policy and Scrutiny Committee	£2,878.54
Chairman of Planning Committee	£7,000.00
Vice-Chairman of Planning Committee	£2,333.00
Chairman of Audit Committee	£2,878.54
Chairman of Licensing Committee (Alcohol and Entertainment)	£1,439.27
Chairman of Licensing Committee (Taxi and General)	£1,439.27
Chairman of Governance Committee	£2,878.54
Chairman of Standards Committee	£2,878.54
Chairman of Unparished Area Committee	£2,878.54
Members and substitute members of the Planning Committee (excluding the Chairman and Vice-Chairman of the Planning Committee)	£50 per meeting attended
Representatives on Outside Bodies	£55 per meeting attended (not payable where an allowance is already paid by the outside body)

- 1.4.2 Subject to paragraphs 1.4.3 and 1.4.4, no Councillor will be entitled to more than one special responsibility allowance.
- 1.4.3 Councillors are entitled to the 'per meeting' special responsibility allowance for attending meetings of the Planning Committee and/or outside bodies on which they are the Council's representative notwithstanding that they may be in receipt of another special responsibility allowance.
- 1.4.4 Where the same Councillor is the Chairman of the Licensing Committee (Alcohol and Entertainment) and the Licensing Committee (Taxi and General)

they may receive the special responsibility allowances attributable to the Chairmen of both Committees.

1.4.5 Where there is more than one political group (one of which has a majority), at least one Councillor who is not on the controlling group and who has special responsibilities by virtue of being (a) a leader or deputy leader or (b) a spokesman on a committee or sub-committee will be paid a special responsibility allowance.

1.5 **Dependants' carers' allowance**

1.5.1 A Councillor will be entitled to be paid a dependants' carers' allowance to enable them to provide for the care of their children or dependants whilst they are engaged on any of the duties set out in paragraph 1.14.

1.5.2 The following limitations apply:

- (a) the allowance will not be paid in respect of carers who are parents, spouses, cohabitees or members of the same household as the Councillor;
- (b) carers should be aged 18 or over;
- (c) the allowance is claimable in respect of children aged 15 or under or in respect of other dependants where there is a disability or medical or social work evidence that care is required; and
- (d) the amount payable is limited to the actual cost of care if less than the allowance.

1.5.3 The allowance for childcare is set at the National Living Wage rate (£12.21 per hour from 1 April 2025).

1.5.4 The allowance for specialist dependant care is set at the Homecare Association annual rate (£32.14 per hour from 1 April 2025).

1.5.5 The Chief Executive is authorised to permit claims in excess of the set rates in such special circumstances as they may determine.

1.6 **Travelling and subsistence allowances**

1.6.1 **Travelling allowances**

1.6.1.1 Councillors and Co-optees will be entitled to be paid travelling allowances at the same rates as the Council's staff in respect of travelling undertaken in connection with or relating to the duties set out in paragraph 1.14. These rates are as follows:

Mode of transport	Amount
Car or van	The HMRC rate (45p per mile for the first 10,000 miles in the tax

	year and 25p per mile thereafter)
Motorcycle	The HMRC rate (24p per mile)
Bicycle	The HMRC rate (20p per mile)
Public transport	The second class rail fare and/or bus fare

1.6.1.2 The above HMRC approved mileage rates also apply to hybrid or electric vehicles.

1.6.2 **Subsistence allowances**

1.6.2.1 Councillors and Co-optees will be entitled to be paid subsistence allowances at the same rates as the Council's staff in respect of subsistence in connection with or relating to the duties set out in paragraph 1.14. These rates are as follows:

Meal	Amount
Breakfast	£6.45
Lunch	£8.91
Tea	£3.53
Evening meal	£11.03

1.6.2.2 The following limitations apply:

- (a) for breakfast the absence must commence before 7am;
- (b) for lunch the absence must commence before 11am and finish after 3pm;
- (c) for tea the absence must be of more than four hours in duration and finish after 6.30pm;
- (d) for evening meal the absence must be of more than four hours in duration and finish after 8.30pm;
- (e) tea and evening meal allowances cannot be claimed on the same day;
- (f) the rates for subsistence will be reduced by a corresponding amount in respect of any meal provided free of charge by the Council or a third party; and
- (g) the rates for subsistence will be reduced to the actual cost of the meal if less than the allowance.

- 1.6.2.3 Light refreshments will be provided for meetings of the Full Council, the Cabinet, committees and sub-committees that start at 5pm or later and are expected to last longer than two hours.

1.7 **Co-optees' allowances**

- 1.7.1 Subject to paragraph 1.10, for each year a co-optees' allowance will be paid to Co-optees as set out below:

Co-optee	Allowance
Audit Committee – Independent Member	£826.64
Standards Committee – Independent Persons	£1,554.44 each
Standards Committee – Parish Representative	£500.00
Unparished Area Committee – Neighbourhood Council Representatives	£500.00 each

1.8 **Election to forgo allowances**

- 1.8.1 A Councillor or Co-optee may by notice in writing given to the Chief Executive elect to forego any part of their entitlement to an allowance under this Scheme.

1.9 **Membership of other authorities**

- 1.9.1 Where a Councillor is also a member of another authority within the meaning of the Regulations, they will not be entitled to receive allowances from more than one authority in respect of the same duties.

1.10 **Part-year entitlements**

- 1.10.1 The provisions of this subsection will regulate the entitlements of a Councillor or Co-optee to basic, special responsibility and co-optees' allowances where, in the course of a year, this Scheme is amended or that individual becomes, or ceases to be, a Councillor or Co-optee, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- 1.10.2 If an amendment to this Scheme changes the amount of basic, special responsibility or co-optees' allowance to which a Councillor or Co-optee is entitled, their entitlement to an allowance for each of the following periods will be calculated as a proportion of the total allowance:

- (a) From the start of the year until the day before the first amendment in that year takes effect; and
- (b) From the day an amendment takes effect until the day before the next amendment takes effect or, if no further amendment occurs, until the end of the year.

This proportion will be based on the number of days in the relevant period compared to the total number of days in the year.

- 1.10.3 If a Councillor or Co-optee's term of office starts or ends at a time other than the beginning or end of a year, their entitlement to a basic or co-optees' allowance will be calculated as a proportion of the total allowance. This proportion will be based on the number of days their term of office lasts compared to the total number of days in that year.
- 1.10.4 If this Scheme is amended as mentioned in paragraph 1.10.2, and the term of office of a Councillor or Co-optee does not cover the full period mentioned in sub-paragraph (a) of paragraph 1.10.2, their entitlement to a basic or co-optees' allowance will be a proportion of the allowance that applies to the relevant period. This proportion will be based on the number of days their term of office lasts within that period compared to the total number of days in that period.
- 1.10.5 If a Councillor holds special responsibilities for part of a year that entitle them to a special responsibility allowance, their entitlement will be a proportion of the allowance. This proportion will be based on the number of days they held those responsibilities compared to the total number of days in that year.
- 1.10.6 If this Scheme is amended as mentioned in paragraph 1.10.2, and a Councillor holds special responsibilities for part of, but not the entire, period mentioned in sub-paragraph (a) of paragraph 1.10.2, their entitlement to a special responsibility allowance will be a proportion of the allowance that applies to the relevant period. This proportion will be based on the number of days they held those responsibilities compared to the total number of days in that period.
- 1.11 **Claims and payments**
- 1.11.1 Claims by Councillors in respect of dependants' carers' allowance, and claims by Councillors or Co-optees in respect of travelling and subsistence allowances, should be made monthly and must be made within three months of the expense being incurred. Any claims outstanding at the end of a financial year (31 March) must be made within 7 days of the end of that financial year. Proof of payment will be required for dependants' carers' allowance and subsistence allowance claims.
- 1.11.2 Co-optees should claim their co-optees' allowance for the municipal year (or part thereof) within that municipal year.
- 1.11.3 Payments of basic, special responsibility and co-optees' allowances will be payable monthly in arrears through the Council's payroll.
- 1.11.4 Where a monthly payment of the amount specified in this Scheme in respect of a basic, special responsibility or co-optees' allowance would result in the Councillor or Co-optee receiving more than the amount to which, by virtue of paragraph 1.10, they are entitled, the payment will be restricted to such

amount as will ensure that no more is paid than the amount to which they are entitled.

- 1.11.5 Where a Councillor or Co-optee has been paid any allowance in respect of any period during which they ceased to be a Councillor or Co-optee, or were in any other way not entitled to receive the allowance in respect of that period, the Councillor or Co-optee will repay to the Council such part of the allowance as relates to any such period.

1.12 **Indexation**

- 1.12.1 The levels of basic allowance, special responsibility allowance and co-optees' allowance specified in this Scheme will be varied with effect from and in accordance with the same percentage change in the levels of the Council's staff remuneration. Where the change in the levels of the Council's staff remuneration is not the same percentage at all pay points, a percentage increase will be applied at the percentage pay award received at the median pay point.

- 1.12.2 The above-mentioned index will be applied for a maximum period of four years from 1 April 2025.

1.13 **Records of allowances**

- 1.13.1 A record of payments made under this Scheme will be retained, made available and publicised as required by the Regulations.

1.14 **Approved duties**

- 1.14.1 Councillors may claim a dependants' carers' allowance, and Councillors and Co-optees may claim travelling and subsistence allowances, in relation to the following:

1.14.2 **Statutory approved duties**

- 1.14.2.1 The statutory approved duties, as provided for in the Regulations, are:

- (a) attendance at a meeting of the Council or of any committee or sub-committee of the Council, or of 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 at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that:
 - (i) where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited;

- (c) attendance at a meeting of any association of authorities of which the Council is a member;
- (d) attendance at a meeting of the Cabinet or a meeting of any of its committees;
- (e) performance of any duty in pursuance of any standing order made requiring a Councillor or Councillors to be present while tender documents are opened; and
- (f) performance of any duty 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.

1.14.3 **Other approved duties**

1.14.3.1 The other approved duties, as permitted by the Regulations and determined by the Council, are:

- (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 Cabinet Office Emergency Planning College;
- (c) duties in connection with emergency planning including training and attendance at rest centres;
- (d) attendance at conferences approved by the Chief Executive;
- (e) attendance at seminars and training courses approved by the Chief Executive;
- (f) attendance at briefing meetings;
- (g) attendance at the offices to receive petitions;
- (h) attendance at liaison meetings with West Sussex County Council;
- (i) attendance at meetings of the West Sussex Leaders' Board; and
- (j) consultation with constituents.

2. Petition Scheme

2.1 **Introduction**

2.1.1 The Council wishes to enable all people resident, working or studying in the District to petition the Council.

2.1.2 The Council provides a number of ways in which petitions may be considered, depending on the subject, the actions sought and the number of signatories.

2.1.3 Before considering whether or not to petition the Council, individuals may wish to discuss the issue with their local Councillor. Contact details for all Horsham District Councillors are available on the Council's website:

<https://horsham.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>

2.2 **Scope**

2.2.1 The petition must refer to a matter that is relevant to the functions of the Council. If the petition is about something over which the Council has no direct control (for example, the local railway or hospital), the Council will consider whether it can still deal with the matter. The Council works with a large number of local partner organisations and, where possible, it will work with those partners to respond to the petition. Information on the Council's services can be found on the Council's website:

<https://www.horsham.gov.uk/>

2.2.2 If the petition is about something that a different council is responsible for, the Council will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other council, but could involve other steps.

2.2.3 A petition will not be accepted where:

- (a) in the opinion of the Chief Executive or Monitoring Officer, it is vexatious, abusive or otherwise inappropriate;
- (b) it refers to a development plan, specific planning or licensing matter;
- (c) it refers to a decision for which there is an existing right of appeal; or
- (d) it is a statutory petition (for example, requesting a referendum on having an elected mayor).

2.2.4 If a petition is not within scope, the Council may decide not to do anything further with it. In that case, the Council will write to the petition organiser to explain their reasons for rejecting the petition.

2.3 **Submission**

2.3.1 Petitions submitted to the Council must include:

- (a) a clear and concise statement of the subject of the petition;

- (b) a statement about what action the petitioners wish the Council to take; and
- (c) the name, address (home or place of work/study if located within the District) and signature of any person supporting the petition.

2.3.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person the Council will contact to explain how it will respond to the petition. If the petition does not identify a petition organiser, the Council will contact the first three signatories to the petition to agree who should act as the petition organiser.

2.3.3 To submit a petition by post please send it to:

Democratic Services
Horsham District Council
Albery House
Springfield Road
Horsham
West Sussex RH12 2GB

2.3.4 To present a petition in person please contact Democratic Services:

Telephone: 01403 215465
Email: committeeservices@horsham.gov.uk

2.3.5 To submit an e-petition please do so via the Council's website:

<https://horsham.moderngov.co.uk/mgEPetitionListDisplay.aspx>

2.4 **Acknowledgement**

2.4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receipt. It will let them know what the Council plans to do with the petition and when they can expect to hear from the Council again.

2.4.2 If the Council can do what the petition asks for, the acknowledgement may confirm that it has taken, or will take, the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior Officer giving evidence, then the acknowledgement will confirm this and tell the petition organiser when and where the meeting will take place. If the petition needs more investigation, the Council will tell the petition organiser the steps it plans to take.

2.4.3 If the petition is valid, it will be published on the Council's website (all personal details will be removed unless it is an e-petition in which case the name of the petition organiser will be visible).

2.5 **Response**

2.5.1 Once the petition has been published, the Council will let people know what it is doing in response by publishing a response on its website. The Council's

response to a petition will depend on what the petition asks for and how many people have signed it, but may include one or more of the following:

- (a) taking the action requested in the petition;
- (b) considering the petition at a Full Council meeting;
- (c) holding an inquiry into the matter;
- (d) undertaking research into the matter;
- (e) holding a public meeting;
- (f) consulting residents about the matter;
- (g) holding a meeting with petitioners;
- (h) referring the petition for consideration by one of the Policy and Scrutiny Committees;
- (i) referring the petition for consideration by any non-Cabinet committee; and/or
- (j) writing to the petition organiser setting out the Council's views about the request in the petition.

2.5.2 Where the petition does not have the prescribed number of signatures to trigger a debate or Officer attendance before a committee (see below), the Monitoring Officer will determine the most appropriate course of action following discussion with the relevant Cabinet Member and the senior Officer responsible for the service which is the subject of the petition.

2.6 **Full Council debates**

2.6.1 If a petition contains a minimum of 1,000 signatures of persons resident, working or studying in the District, the Full Council will debate it unless it is a petition asking for a senior Officer to give evidence at a public meeting (see below). The Full Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

2.6.2 If the petition organiser would like to present their petition to the Full Council, or would like their Ward Councillor to present it on their behalf, please contact Democratic Services at least 10 working days before the meeting.

2.6.3 At the Full Council meeting and subject to the Chairman's discretion:

- (a) the petition organiser will be given a maximum of five minutes to present the petition;
- (b) the relevant Cabinet Member will be given a maximum of five minutes to respond to the petition; and
- (c) Councillors will debate the petition for a maximum of 30 minutes with each Councillor being allowed to speak for a maximum of three minutes.

2.6.4 The Full Council will decide how to respond to the petition at the meeting. It may, for example, recommend a relevant Cabinet Member to take certain action or to commission further investigation into the matter. Where the issue is one on which a Cabinet Member is required to make the final decision, the Full Council will decide whether to make recommendations to inform that

decision. The petition organiser will receive written confirmation of this decision. The decision will also be published on the Council's website.

2.6.5 Dates and times of Full Council Meetings can be found on the Council's website:

<https://www.horsham.gov.uk/council-democracy-and-elections/council-meetings-calendar>

2.7 **Officer evidence**

2.7.1 The petition may ask for a senior Officer to give evidence at a Policy and Scrutiny Committee meeting about something for which the Officer is responsible as part of their job. For example, the petition may ask a senior Officer to explain progress on an issue or to explain the advice given to Councillors to enable them to make a particular decision.

2.7.2 If the petition contains a minimum of 250 signatures of persons resident, working or studying in the District, and the petition clearly states the specific issue the petitioners wish to raise, the relevant senior Officer will give evidence at a public meeting of the appropriate Policy and Scrutiny Committee.

2.7.3 The senior Officers that can be called to give evidence are:

- (a) the Chief Executive;
- (b) the Director of Communities;
- (c) the Director of Place; and
- (d) the Director of Resources.

2.7.4 The Chairman of the relevant Policy and Scrutiny Committee may decide that it would be more appropriate for another Officer to give evidence instead of any Officer named in the petition – for instance, if the named Officer has changed jobs. The Chairman may also decide to call the relevant Cabinet Member or another Councillor to attend the meeting.

2.7.5 The Policy and Scrutiny Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting Democratic Services no later than five working days before the meeting.

2.8 **E-petitions**

2.8.1 The Council welcomes e-petitions which are created and submitted through the Council's website. As with paper petitions, e-petitions must be within scope and include the information referred to in paragraph 2.3.1.

2.8.2 The petition organiser will need to provide the Council with their name, postal address and email address. The petition organiser will also need to decide how long they would like the petition to be open for signatures, which must not exceed a period of four months.

- 2.8.3 When a petition organiser creates an e-petition, it may take up to five working days before it is published online. This is because the Council has to check that the content is suitable before it is made available for signature. If the Council cannot publish the petition, it will contact the petition organiser within this time to explain why. The petition organiser may change and resubmit the petition if they wish. The name of the petition organiser will be visible on the Council's website.
- 2.8.4 Those wishing to sign an e-petition will be required to register on the Council's website. They will be asked to provide their name, email address and postal address, and to specify whether they live, work or study within the District. The names and contact details of signatories will not be visible on the Council's website.
- 2.8.5 Once an e-petition has closed for signature, an acknowledgement will be sent to the petition organiser within 10 working days.
- 2.8.6 If the e-petition has the minimum number of signatures required for a Full Council debate, or for a senior Officer to be called to give evidence, please also see the relevant sections above.
- 2.8.7 The Council's response to the e-petition will be published on its website.
- 2.9 **Right of appeal**
- 2.9.1 If a petition organiser considers that the Council has not dealt with the petition properly, they have the right to request that the relevant Policy and Scrutiny Committee reviews the steps that the Council has taken in response to the petition. It is helpful to everyone and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
- 2.9.2 The relevant Policy and Scrutiny Committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should that committee determine that the petition has not been dealt with adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and making recommendations to the relevant Cabinet Member.
- 2.9.3 Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on the Council's website as part of the minutes of the meeting. There is no further right of appeal through the Council.