

LEICESTER CITY COUNCIL

CONSTITUTION

**THIS EDITION OF THE CONSTITUTION INCLUDES CHANGES APPROVED BY
COUNCIL ON THE 24 March 2011 (to take effect on 8 May 2011)**

NEW CONSTITUTION

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PART 1: SUMMARY AND EXPLANATION

The Council's Constitution

Leicester City Council has agreed to a new Constitution which governs and shows how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others have been chosen by the Council. Further developments in the law may require the Council to make further changes to the Constitution.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

How the Council operates

The Council is composed of an elected City Mayor and 54 Councillors. The City Mayor is directly elected by the electors of the City, normally for a four-year term of office. The Mayoral Election will be held on the same day as the ordinary Council Elections, at which two or three Councillors are elected to represent each of 22 wards every four years, or such alternative arrangements as may be determined by the Electoral Commission. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Following public consultation, the Council has decided to adopt a City Mayor and Cabinet form of Executive as set out in this Constitution.

The City Mayor and all Councillors meet together as the Council. These meetings are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The City Mayor appoints the Cabinet which has, as a main role, the task of developing and implementing policy on behalf of the Council. It comprises between two and nine Councillors and the City Mayor.

A number of Scrutiny Committees monitor the decisions of the Cabinet and the implementation of policy. They can also recommend policies to the Cabinet and Council. They allow citizens to have a greater say in Council matters and are consulted by the Cabinet on developing policies.

Scrutiny Committees can "call-in" a decision which has been made by the City Mayor and Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.

The Council also appoints Regulatory Committees to perform the Council's regulatory functions such as development-control and licensing. Other specialist committees are appointed by the Council from time to time.

The Council has established a Standards Committee to advise on the adoption and implementation of a Code of Conduct and Political Conventions for elected and co-opted Members. All Members have agreed to follow these so as to ensure high standards in the way they undertake their duties. The Standards Committee ensures there is appropriate training and advice on the code.

How Decisions Are Made

The City Mayor and Cabinet have to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the full Council to decide.

Key decisions which are to be made are published in the Cabinet's Forward Plan in so far as they can be anticipated. The form of the Forward Plan is as contained in the Access to Information rules shown in Part 4-B.

Meetings of the Cabinet are open for the public, except where personal or confidential matters are being discussed.

The Council's Employees

The Council's employees, "officers", give advice to the City Mayor and Councillors, implement decisions and manage the day to day delivery of its services. All officers must ensure that they act within the law when doing so, although some officers have a specific duty to ensure that the Council acts within the law and uses its resources properly. Political Conventions govern the relationship between officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others are offered by the Council. Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights, not covered in this Constitution.

Citizens' rights (which are set out in more detail in Article 3) include the right to:

- Vote at Mayoral and local elections if they are registered.
- Contact their local Councillors about matters of concern to them.
- Obtain a copy of the Constitution.
- Attend meetings of the Council, the Cabinet and committees except where personal or confidential matters are being discussed.
- Petition for a referendum on a mayoral form of Executive.

- Participate in the Council's question time and in certain parts of Scrutiny Committee business.
- See reports, background papers and records of decisions made by the Council, the Cabinet and committees (except for personal and confidential matters).
- Complain to the Council about service delivery (schools and colleges having their own complaints procedures).
- Complain to the Ombudsman (who normally expects the Council to be given the chance to deal with the complaint first).
- Complain to the Council's Standards Committee or the Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct and Conventions.
- Inspect the Council's accounts during a statutory period and make their views known to the external auditor.

PART 2 – ARTICLES OF THE CONSTITUTION

ARTICLE 1 - THE CONSTITUTION

1.01 Powers of the Council

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

1.02 The Constitution

The Constitution, including all its various parts, is the Constitution of Leicester City Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to provide a framework and set of principles which govern the way the Council operates. It explains how decisions are made and who is responsible for making them with a view to:

- Enabling the Council to provide clear, democratic leadership to the community in partnership with citizens, businesses, voluntary and other organisations.
- Supporting the active involvement of citizens in the process of local authority decision making.
- Helping Councillors represent their constituents more effectively.
- Enabling decisions to be taken efficiently and effectively and transparently.
- Creating a powerful and effective means of holding decision makers to public account.
- Ensuring that no-one will review or scrutinise a decision in which they were directly involved.
- Ensuring that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- Providing a means of improving the delivery of services to the community.

1.04 Interpretation and review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution, as set out in Article 15.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01. Composition and Eligibility

- (a) **Composition.** The Council will comprise a directly elected City Mayor and 54 Councillors. The City Mayor will be elected by the voters of the whole City and the Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission. Two or three Councillors will be elected for each ward.
- (b) **Eligibility.** Eligibility is determined by legislation. Only registered voters of the city of Leicester or those living and working there will be eligible to hold the office of City Mayor or Councillor.

2.02. Election and Terms of Councillors

Election and Terms. Election arrangements and terms of office are determined by legislation and the Electoral Commission. Currently, the regular election of the City Mayor and Councillors will be held on the first Thursday in May every four years beginning in 2011. The terms of office of the City Mayor and Councillors will start on the fourth day after being elected and will finish on the third day after the date of the next regular election.

2.03. Roles and Functions of all Councillors

(a) Key Roles

All Councillors:-

- (i) are collectively the ultimate policy-makers and carry out a number of strategic and corporate functions;
- (ii) contribute to the good governance of the city, by representing their communities and bringing their views into the Council's decision-making process and encouraging community participation and citizen involvement;
- (iii) represent the whole community, with a special responsibility to represent the interests of their ward and its individual constituents, whether or not they voted for them.
- (iv) participate in the governance and management of the Council;
- (v) *are* available to represent the Council on other bodies; and,
- (vi) will maintain the highest standards of conduct and ethics.

(b) Rights and Duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are reasonably necessary for the proper discharge of their functions as a Councillor and in accordance with the law.
- (ii) Councillors will not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (iii) For these purposes “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Election of the Lord Mayor

Leicester has a Lord Mayor who performs a number of civic and ceremonial duties, and also chairs full Council meetings. The Lord Mayor is chosen and appointed by the full Council at its annual Council meeting. The term of office for the Lord Mayor is one year until his/her successor is elected and appointed at the next annual meeting, unless he/she ceases to hold the office of Lord Mayor in the meantime for any other reason, for example if they are no longer a Councillor.

2.05 Conduct

Councillors will, at all times, observe the Members’ Code of Conduct and the Conventions on Member/Officer Relations as set out in Part 5 of this Constitution.

2.06 Allowances

The City Mayor and Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part 6 of this Constitution.

2.07 Honorary Aldermen

The City Council may confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent services to the Council as past members of that Council but who are not then Councillors of the Council.

Such a decision must be made by a resolution passed by not less than two thirds of the members voting thereon at a special meeting of the Council. The title can only be conferred upon past members of the Council who are not councillors at the date of that meeting.

An Honorary Alderman may attend and take part in such civil ceremonies as the Council may from time to time decide, but shall not, as such, have the right:

- to attend meetings of the Council or a Committee of the Council, or

- to receive any allowance or other payment under the Members Allowances Scheme.

Those appointed as Honorary Aldermen are invited to major civic events and other events where the Honorary Aldermen's personal knowledge and interests would add value to the occasion.

ARTICLE 3 - CITIZENS AND THE COUNCIL

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

- (a) **Voting.** Citizens on the electoral register for the area have a right to vote and they also have a right to petition to request a referendum for an Elected Mayor form of Constitution.
- (b) **Information.** Citizens have the right to:-
 - (i) attend meetings of the Council, the Cabinet and its Committees except when confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
 - (iii) see reports, background papers, and records of decisions made by the Council, the Cabinet and Committees except where they contain confidential or exempt information.
 - (iv) inspect the Council's accounts during a period each year, specified by law, and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to submit petitions to the Council or a Scrutiny Committee and to participate in the question time at both full Council and Scrutiny Committees.
- (d) **Complaints.** Citizens have the right to complain to:-
 - (i) the Council itself under its complaints/compliments scheme;
 - (ii) the Ombudsman preferably after giving the Council the opportunity to deal with the matter;
 - (iii) the Council's Standards Committee about a breach of the Councillors' Code of Conduct.
 - (iv) Standards Board for England about a breach of the Councillors' Code of Conduct.

3.02 Citizens' Responsibilities

In return for their rights, the Council hopes that citizens will conduct themselves in a reasonable way when dealing with Council officers or elected members, or when using Council facilities. They are asked to:

- i. have regard to the rules and procedures which Council staff must follow.
- ii. Recognise that the Council has obligations to all its citizens and has to strike a balance between them.
- iii. Behave with due courtesy, tolerance and respect.

ARTICLE 4 - THE FULL COUNCIL

4.01 Functions of the full Council

The following functions are the responsibility of full Council:

- (a) adopting and changing the Constitution, and any corporate rules, Protocols and the Council's Political Conventions which form part of the Constitution..
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- (c) subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.
- (d) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them.
- (e) adopting an allowance scheme under Article 2.
- (f) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City.
- (g) confirming the appointment of the Head of Paid Service.
- (h) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills.
- (i) agreeing to accept delegation of any function from another local authority.
- (j) all other matters, in addition to the above, which, by law, must be reserved to full Council.
- (k) establishment of formal twinning links
- (l) all local choice functions, as set out in Part 3 of the Constitution: which the Council decides should be undertaken by itself rather than the Cabinet; although full Council will be able to delegate such functions to a committee or officer. Delegations are shown in Part 3 of this Constitution.
- (m) appointing representatives to outside bodies, unless the appointment is an executive function, or has been delegated by full Council as shown in Part 3 of this Constitution.
- (n) substantial Council decisions relating to the preparation and maintenance of the electoral register and the conduct of local elections.

And such other Council functions as the Council decides to reserve to itself, either to comply to the law or as a matter of local choice.

4.02 Council Meetings

There are three types of Council Meeting:

- (a) the Annual Meeting
- (b) ordinary meetings
- (c) extraordinary meetings

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

4.03 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

4.04 Meanings

(a) **Policy Framework.** The Policy Framework means those plans and strategies which are reserved to full Council by law or which the Council decides from time to time to reserve to itself as a matter of local choice. Currently these are:

- (i) reserved to full Council as required by law:
 - Annual Library Plan
 - Best Value Performance Plan
 - Children's Services Plan
 - Community Care Plan
 - Community Strategy
 - Crime and Disorder Reduction Strategy
 - Early Years Development Plan
 - Education Development Plan
 - Local Transport Plan
 - Plans and strategies which together comprise the Development Plan (e.g. City of Leicester Local Plan)
 - Youth Justice Plan
- (ii) reserved to full Council as a matter of local choice:
 - Health Improvement Plan
 - Equal Opportunities Strategy

 - Food Law Enforcement Service Plan

- Environmental Strategy (e.g. EMAS, Local Agenda 21).
- Adult Learning Plan
- Quality Protects Management Action Plan
- Community learning plans
- Housing Strategy (including Council housing rents, establishment of renewal areas, housing investment plan, Housing Improvement Programme).
- Joint Investment Plans
- Local cultural strategy
- Leicester regeneration strategy
- Waste Management Strategy

Council can, from time to time, add or change the above list of plans and strategies reserved to full Council so as to comply with the law or as a matter of local choice where discretion is available.

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirements, arrangements for the control of its capital expenditure and the setting of strategies for the control over the Authority's borrowing, investments and capital expenditure, including the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 and 43 of the Housing Act 1985.

ARTICLE 5 - THE LORD MAYOR

5.01 Role and Function of the Lord Mayor

The Lord Mayor and, in his/her absence, the Deputy Lord Mayor or High Bailiff performs the following key roles:

Ceremonial Role

The Lord Mayor has the civic and ceremonial role of being Leicester's "First Citizen", and acts as a symbol of authority, a symbol of an open society and provides an expression of social cohesion. The Lord Mayor's responsibilities are:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
- to chair meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- to ensure that the Council Meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet Members to account.
- to promote public involvement in the Council's activities.
- to attend such civic and ceremonial functions for the Council as he/she determines appropriate.

Chairing the Council Meeting

Meetings of the Council will be chaired by the Lord Mayor, or in his/her absence, the Deputy Lord Mayor (or in the absence of the Deputy Lord Mayor as well, the High Bailiff). Should all three be absent the Council will elect a chair for the Meeting.

5.02 Appointment of the Lord Mayor

The Lord Mayor, Deputy Lord Mayor and High Bailiff will be elected at each Annual Meeting of the Council for a term of office expiring with the election of the next office holder. Casual vacancies arising during any year may be filled by election at a Council meeting.

In relation to any future consideration of this matter it is the Council which has the power to decide whether or not the City Mayor shall assume the functions of the Lord Mayor (apart from chairing the Council meeting which may not be undertaken by the City Mayor.)

ARTICLE 6 - SCRUTINY COMMITTEES

6.01 Appointment of Scrutiny Committees

The Council will appoint Scrutiny Committees in accordance with the requirements of legislation, currently Section 21 of the Local Government Act 2000.

At each Annual Meeting the Council will review and determine the number, membership and terms of reference of its Scrutiny Committees. The Council may decide to vary these from time to time.

The full current terms of reference of the Council's Scrutiny Committees are detailed in Part 3 of the Constitution.

6.02 General role

Within their terms of reference, Scrutiny Committees will:-

- i. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- ii. as appropriate, make reports and/or recommendations to the full Council, Cabinet or any committee in connection with the discharge of any functions.
- iii. consider any matter affecting the area or its inhabitants and
- iv. exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Cabinet.

6.03 Specific functions

(a) Policy development and review:

Scrutiny Committees may:-

- i. assist the Council and the Cabinet in development of its budget and policy framework by in-depth analysis of policy issues.
- ii. conduct research, community and other consultation in the analysis of policy issues and possible options.
- iii. consider mechanisms to encourage and enhance community participation in the development of policy options.
- iv. question members of the Cabinet, committees and Directors about their views on issues and proposals affecting the City; and

- v. liaise with other external organisations operating in the City, whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny:

Scrutiny Committees may:-

- i. review and scrutinise the decisions made by and performance of the Cabinet , Committees and Council officers both in relation to individual decisions and over time.
- ii. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- iii. question members of the Cabinet, committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- iv. make recommendations to the Cabinet, committees and the Council arising from the outcome of the scrutiny process.
- v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- vi. question and gather evidence from any person (with their consent).

(c) Finance. Scrutiny Committees may exercise overall responsibility for the finances made available to them.

(d) Annual report. Scrutiny Committees may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

(e) Work programme. Scrutiny Committees may determine and exercise overall responsibility for their work programme.

6.04 Proceedings of Scrutiny Committees

- (a) Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.
- (b) Any Scrutiny Committee member is able to place a matter relevant to the Scrutiny Committee's functions on its agenda for discussion, in accordance with the Scrutiny Rules.
- (c) A Scrutiny Committee does not have executive powers and may not discharge any functions of the Council other than its overview and scrutiny role set out above.

ARTICLE 7 - THE CITY MAYOR AND CABINET

7.01 The role of the Cabinet

The City Mayor is responsible for all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

The current terms of reference of the Cabinet are as shown in detail in Part 3 of the Constitution.

The Terms of Reference for the Cabinet are decided by the City Mayor. The Terms of Reference for each Cabinet portfolio can be varied from time to time by the City Mayor.

7.02 Form and composition

The Cabinet will consist of the City Mayor and between two to nine Councillors appointed by the City Mayor, called Cabinet Members. The City Mayor will appoint those Cabinet Members from among serving Councillors and may allocate to each Member a portfolio of responsibilities. One of the Cabinet Members will be appointed by the City Mayor as deputy City Mayor. When the City Mayor and Cabinet Members meet together formally to make executive decisions this is known as a meeting of Cabinet.

7.03 City Mayor

The City Mayor will be a person elected to that position by the electors of the City in the Mayoral Election. In the event that a serving Councillor of the Leicester City Council is elected as City Mayor, a vacancy shall be declared in that person's council seat and a by-election shall be held (if required) in accordance with the relevant legislation..

The term of office of the City Mayor will normally be four years. S/he will take office on the fourth day after his/her election and will continue in office until the fourth day after his/her successor is elected, unless s/he dies, is disqualified or resigns.

7.04 Deputy City Mayor

The Deputy City Mayor will be a Councillor appointed to that position by the City Mayor from among the Cabinet Members.

The City Mayor may replace the Deputy City Mayor at any time but otherwise the Deputy Mayor shall remain in post for the duration of the City Mayor's term of office unless:

- a) s/he resigns from office;
- b) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension; or
- c) c) s/he is no longer a councillor.

The Deputy Mayor shall have authority to exercise the City Mayor's powers only in the event that the City Mayor is unable to act at any time.

7.05 Other Cabinet members

The City Mayor may replace or remove a Cabinet Member and /or may vary or delete their portfolio responsibilities at any time. The City Mayor will report his/her appointments to Full Council and the Monitoring Officer as and when they are made.

7.06 Casual vacancies

The City Mayor may appoint a Councillor to fill any position or vacancy which may arise in the Cabinet from time to time.

7.07 Proceedings of the Cabinet

Proceedings of the Cabinet will take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this constitution.

7.08 Responsibility for functions

The City Mayor will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements, are responsible for the exercise of particular Cabinet functions.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.01 Regulatory and other committees

The Council will, at its Annual Meeting, review and determine the Regulatory and Other Committees it considers necessary, together with their Terms of Reference. The Council may amend these from time to time. The current terms of reference of these committees are detailed in Part 3 of the Constitution.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council will establish a Standards Committee. Sub-Committees will also be established as required.

9.02 Role and Function

The Standards Committee will be responsible for promoting and maintaining high standards of conduct by Councillors and co-opted members and officers. It will have roles and functions as set out in Part 3 of this Constitution.

9.03 Composition

Membership. Membership will be determined by the Council each year at this Annual Meeting. This may be varied by the Council from time to time. It will be composed of at least:

- Three Councillors (other than the Lord Mayor); and,
- Two persons who are not Councillors or officers of the Council or any other body having a Standards Committee (Independent Members), who shall be appointed for any period as decided on by the Council.

Membership will not include the City Mayor.

Quorum. The quorum of the Standards Committee is three members, including an independent member.

9.04 Independent Members. Independent members will be entitled to vote at meetings.

9.05 Chairing the Committee. The Committee will be chaired by one of the Independent Members.

ARTICLE 10 - AREA COMMITTEES AND FORUMS

10.01 Area Forums

The Council may appoint Area Forums for consultation purposes where the Council is satisfied that their creation will improve service delivery in the context of Best Value and more efficient transparent and accountable decision making. Area Forums will not have decision making powers. Guidance on Area Forum objectives will be shown in Part 3 of this Constitution.

10.02 Area Committees

The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

10.03 Area Committees – composition and function

The Council and the Cabinet will include details of the delegations to any Area Committees appointed in Part 3 of this Constitution, including the functions delegated, showing which are the responsibility of the Cabinet and which are not, the composition and membership of the committees, budgets and any limitations on delegation.

The Council will ensure that the composition of the Area Committees established is appropriate to reflect current law on co-optees and political balance according to their Terms of Reference.

10.04 Conflicts of interest – membership of Area Committees and Scrutiny Committees

a. Conflict of interest

If a Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of an Area Committee of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Scrutiny Committee meeting unless a dispensation to do so is given by the Standards Committee.

b. General policy reviews

Where the Scrutiny Committee is reviewing policy generally, the member must declare his/her interest before the relevant agenda item is reached, but may, as long as the interest is not prejudicial, participate in the debate and vote.

10.05 Area Committees – access to information

Area Committees will comply with the access to information rules in Part 4 of this Constitution.

Agendas and notices for Area Committee meetings which deal with both functions of the Cabinet and functions which are not the responsibility of the Cabinet will state clearly which items are which.

10.06 Cabinet members on Area Committees

A member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a Councillor.

10.07 Rules of Procedure

Rules of Procedure may be set by the Council to suit the forum or committee established.

ARTICLE 11 - JOINT ARRANGEMENTS

11.01 Arrangements to promote well being

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

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

11.02 Joint arrangements

- a. the Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions, in any of the participating authorities or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. the City Mayor / Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. except as set out below, the City Mayor/Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. the City Mayor / Cabinet may appoint non-Cabinet members to a joint committee where the joint committee has functions for only part of the area of the Council, and that area is smaller than two fifths of the authority by area of population. In such cases the City Mayor/Cabinet may appoint to the joint committee any councillor who is a member of a Ward which is wholly or partly contained within the area. Political balance requirements do not apply to such appointments.
- e. The City Mayor / Cabinet may also appoint non-Cabinet members to a joint committee discharging executive functions in relation to five or more local authorities, or in circumstances where the executive function is required by statute to be discharged by a joint committee.
- f. Details of any joint arrangements including any delegations to joint committees will be included in Part 3 of the Constitution.

11.03 Access to information

- a. The Access to Information Rules in Part 4 of this Constitution apply to joint committees.
- b. If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

- c. If the joint committee contains members who are not on the executive of any participating authority then the Access to Information Rules in Part VA of the Local government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- a. the Council may delegate non-executive functions to another local authority or, within legal constraints, the executive of another local authority.
- b. the City Mayor / Cabinet may delegate executive functions to another local authority or the executive of another local authority where the law permits.
- c. the decision whether or not to accept such delegation from another local authority shall be reserved to the Council.

11.05 Contracting out

The Council and Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, subsequent enabling legislation or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.01 Management structure

- a. **Officers:** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The current respective functions and areas of responsibility of its most senior officers are shown in Parts 3 and 7 of this Constitution.
- b. **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** These roles are currently:-

STATUTORY ROLE	POST
Head of the Paid Service (Section 4(1) of the Local Government and Housing Act, 1989)	Chief Executive
Monitoring Officer (Section 5(1) of the Local Government and Housing Act, 1989)	Director of Corporate Governance
Chief Finance Officer (Section 151 of the Local Government Act, 1972)	Chief Finance Officer

Such posts will have the functions described in Article 12.02-12.04 below.

The Council may, subject to legal constraints, designate other officers to perform the above statutory roles.

As required by law, full Council must approve the designation of the Head of Paid Service, in accordance with the Council's Officer Employment Procedure Rules and all other legal requirements.

Further to Section 101 of the Local Government Act, 1972, Council has delegated to its Employees Committee the function of designating the Monitoring Officer and appointing a Chief Finance Officer, in accord with the Council's Officer Employment Procedure Rules and all other legal requirements.

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

12.02 Functions of the Head of Paid Service

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

12.03 Functions of the Monitoring Officer

- a. **Maintaining the Constitution.** The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by Councillors, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Council's Standards Committee.
- d. **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers appointed on behalf of the Standards Board for England and decisions of any case tribunals.
- e. **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- f. **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g. **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.
- h. **Providing advice.** The Monitoring Officer will provide advice on the scope and powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all councillors.
- i. **Restrictions on functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

12.04 Functions of the Chief Finance Officer

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

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

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

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

12.06 Proper Officer appointments

Section 270(3), Local Government Act, 1972.

The Council is required by law to designate an officer as the Proper Officer to carry out other duties in addition to the above statutory roles. It may vary these from time to time within legal constraints. Its current designations are:

- (i) **The Chief Finance Officer** is the Proper Officer for the acceptance of payment of all money due from an officer under Section 115(2) of the Local Government Act 1972.
- (ii) **The Team Leader (Commercial Standards)** in the Environment, Regeneration and Development Department is the Proper Officer for the purposes of the "Chief Inspector of Weights and Measures" under the Weights and Measures Act 1985.
- (iii) **Monitoring Officer:**

In addition to being the Council's Monitoring Officer in accord with Section 5 of the Local Government and Housing Act, 1989, the Director of Corporate Governance shall perform the following Proper Officer functions:

<u>Statute</u>	<u>Function</u>
Local Government Act 1972	
S83(1) to (3)	The taking and acceptance of declaration of acceptance of office from Councillors.
S84	The acceptance of registration of office of Councillors.

S96(1) and (2)	The acceptance of general notice of pecuniary interest of Councillor.
100B(2)	Circulation of reports and agendas.
S100B(7)(c)	Supply of papers to the press.
S100D(5)(a)	Identification of background papers.
S100F(2)	Identification of exempt information not available for members.
Schedule 12, para 4(2)(b)	The issue of the summons to the Council meetings.
The Local Election (Principal Areas) Rules 1986, rules 46-48	Receipt of documents from Returning Officer after election and safe custody of same.
Representation of the people Act 1983, Part II	Receipt and publication of names and addresses of election agents; receipt and custody of returns and declarations of election expenses from candidates and their agents.
S225(1)	The receipt of documents for deposit.
Registration Service Act 1953	Appointed for the purpose of the Act within powers detailed in the Leicestershire Registration Scheme 1997.
Local Government Act 1972	
S229(5)	Giving a certificate in relation to a photographic copy of a document.
S234(1)	The authentication of documents.
S238	The giving of a certificate in relation to evidence of bye-laws.

And be the Authority's Proper Officer for all other statutory functions not specified above.

In the absence of the Monitoring Officer, the Deputy Monitoring Officer shall deputise and perform the Monitoring Officer's functions.

12.07 Conduct

Officers will comply with the Officers' Code of Conduct and the Political Conventions set out in Part 5 of this Constitution.

12.08 Employment

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

ARTICLE 13 - DECISION MAKING

13.01 Responsibility for decision making

The Council will determine and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas of functions. This record is referred to as the Council's Scheme of Delegation, and the current record is shown in detail in Part 3 of this Constitution.

13.02 Principles of decision making

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

- a. proportionality (i.e. the action must be proportionate to the desired outcome).
- b. reasonableness (i.e. decisions must be properly reasoned to take into account all relevant matters and ignore all irrelevant factors).
- c. due consultation and the taking of professional advice from officers.
- d. respect for human rights.
- e. a presumption in favour of openness
- f. clarity of aims and desired outcomes
- g. clarity of options considered and the reasons for a decision.

13.03 Types of decisions

- a. **Council:** Part 3 of the Constitution shows the allocation of functions between Council and the City Mayor / Cabinet. Full Council has reserved certain matters to itself for decision making either because of legal requirements or as a matter of local choice. Decision making on matters other than those reserved to Council as a matter of law can be delegated to committees or officers. Matters not reserved are delegated.
- b. **Cabinet:** the City Mayor can also delegate decision making to an individual Cabinet member or to a Committee or Officer. As in the case of Council, matters not reserved are delegated.
- c. **Officers:** most day to day Council decisions are made by officers on its behalf within the scope of officers' delegated authority. In practice the Chief Executive and Directors can make arrangements for the discharge of responsibilities delegated to them by other persons on their behalf.
- d. **Key decisions:** A Decision maker, whether it is the Cabinet, an individual Cabinet member, a committee or an officer, may only make a Key Decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4D of this Constitution.

The definition of Key Decision will be as determined by the Council from time to time, having regard to the law and relevant guidance. The current definition of Key Decision is set out in the Cabinet Procedure Rules.

Key Decisions will normally feature in the Forward Plan which is described in the Access to Information Procedure Rules in Part 4B of this Constitution.

13.04 Decision making procedure rules

The Council, Cabinet, Scrutiny and other committees must follow the relevant set of procedure rules as set out in Part 4 of this Constitution when considering any matter. Scrutiny Committees cannot make executive decisions.

13.05 Decision making by Council bodies acting as tribunals

If the Council, a Committee or an officer is acting as a tribunal or in a quasi judicial manner or determining / considering [other than for the purposes of giving advice] the civil rights and obligations or the criminal responsibility of any person, they will follow a proper procedure which accords with the requirements of natural justice and the rights to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.01 Financial management

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

14.02 Contracts

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

14.03 Legal proceedings

The Monitoring Officer, The Director of Legal Services, the Head of Commercial and Property Law, the Head of Environment and Advocacy Law and the Head of Community Services Law and other such persons as Council or the Monitoring Officer may nominate, are authorised to institute, prosecute, defend, participate in or settle any proceedings in any case where such action is necessary to give effect to decisions of the Council, or in any case where the authorised officers consider that such action is necessary to protect the Council's interests.

The Monitoring Officer can authorise any officer to appear on behalf of the Council in legal proceedings in accordance with Section 223 of the Local Government Act 1972.

14.04 Authentication of documents in legal proceedings

Where a document is necessary in any legal procedure and proceedings on behalf of the Council, it will be signed by the Monitoring Officer, Director of Legal Services, Head of Commercial and Property Law, Head of Environment and Advocacy Law or Head of Community Law, unless any enactment otherwise authorises, or requires, or the Council has given the requisite authority to some other person.

14.05 Authority to sign contracts and other documents

The Chief Executive, the Monitoring Officer, Director of Legal Services, the Head of Commercial and Property Law, the Head of Environment and Advocacy Law and the Head of Community Services Law and such other persons as the Council or the Monitoring Officer may nominate are authorised to sign the following on behalf of the Council:

- a. any contract/ agreement under seal; and
- b. any contract/ agreement not under seal;
- c. any document necessary to give effect to a decision of the Council or any part of it.

Corporate Directors or such other officers as Corporate Directors may nominate, are authorised to sign small contracts/ agreements as defined in the Contract Procedure Rules where the contract/ agreement is on a Council Order Form or is in a standard

form which has been endorsed as approved by the Director of Legal Services or other authorised officer for use in such circumstances.

14.06 Executive function contracts

Any large contract/ agreement, as defined in Contract Procedure Rules, entered into on behalf of the local authority in the course of the discharge of an executive function, shall be made in writing. Such contracts must either be signed by at least 2 officers of the authority or made under the common seal of the Council attested by at least one officer.

14.07 Common Seal of the Council

The Common seal of the Council will be kept in a safe place in the custody of the Director of Legal Services or other authorised officer. The decision of the Council, or any part of it, will be sufficient authority for sealing of any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Director of Legal Services or other authorised officer, should be sealed.

14.08 Changes to arrangements

The Council can change the authorisations in this article to meet the needs of future organisational needs.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.01 Duty to monitor and review the Constitution

The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Council will perform this role with support of such officers and Councillor working parties as the Council considers necessary.

15.02 Changes to the Constitution

- a. **Approval.** Changes to the Constitution will only be approved by the full Council.
- b. **Changing the form of the executive.** Before drawing up a proposal for a different form of executive, the Council must take reasonable steps to consult with local electors and other interested parties in Leicester.
- c. **Other changes.** Before the Council draws up proposals for different executive arrangements which have previously been subject to consultation, and which involve any changes other than a change in the form of executive, the Council must consult local electors, and other interested parties. Consultation will be proportionate in scale, scope and extent to the scale of the proposed changes to the executive arrangements.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION

16.01 Suspension of the Constitution

- a. **Limit to suspension.** The Articles of this Constitution may not be suspended. Any of the Rules of Procedure set out in Part 4 of this Constitution may be suspended, where the law permits, by the full Council or by the body to which they apply, to the extent permitted within those Rules.
- b. **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors on the Council or other body as the case may be, are present. The extent and duration of the suspension must be specified and will be proportionate to the *result* to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.02 Interpretation

The ruling of the Lord Mayor or chair of the meeting, as to the construction or application of this Constitution or as to any proceedings of the Council or other body to which it applies, shall not be challenged at any meeting of the Council, Cabinet or Committee. Such ruling will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- a. The Monitoring Officer will give a printed copy of this Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- b. The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c. The Monitoring Officer will ensure that a summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE 1 DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the executive arrangements:

1. Article 6: Scrutiny Committees and the Scrutiny Procedure Rules
2. Article 7: the Cabinet and the Cabinet Procedure Rules.
3. Article 10: Area Forums.
4. Article 11 : Joint Arrangements.
5. Article 13: Decision Making and the Access to Information Procedure Rules
6. Part 3: Responsibility for Functions.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

Part 3 of this Constitution sets out the Scheme of Allocation of the City Council's functions between the Council and its Cabinet Executive, and incorporates the Council's Scheme of Delegation to the Cabinet, Committees and Officers. The Scheme contains current Terms of Reference and is set out in the following order:

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FULL COUNCIL FUNCTIONS

The current list of matters which the Council has reserved to itself for decision is shown below. This includes the Policy Framework and Budget which are defined in Article 4.04 of the Constitution. Matters currently reserved to Council are as follows:

- (a) adopting and changing the Constitution, and any corporate rules, Protocols and the Council's Political Conventions which form part of the Constitution.
- (b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- (c) subject to the urgency procedure contained in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget.
- (d) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them.
- (e) adopting an allowance scheme under Article 2.
- (f) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the City.
- (g) confirming the appointment of the Head of Paid Service.
- (h) making, amending, revoking, re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or personal Bills.
- (i) agreeing to accept delegation of any function from another local authority.
- (j) all other matters, in addition to the above, which, by law, must be reserved to full Council.
- (k) establishment of formal twinning links
- (l) all local choice functions, as set out in Part 3 of the Constitution: which the Council decides should be undertaken by itself rather than the Cabinet; although full Council will be able to delegate such functions to a committee or officer. Delegations are shown in Part 3 of this Constitution.
- (m) substantial Council decisions relating to the preparation and maintenance of the electoral register and the conduct of local elections.

And such other Council functions as the Council decides to reserve to itself, either to comply with the law, or as a matter of local choice.

OTHER COUNCIL FUNCTIONS

1. Council functions which are not reserved to full Council can be delegated to committees and/or officers.
 2. The Council has established Regulatory Committees to oversee regulatory functions and responsibilities; a Development Control Committee to perform its planning and highways functions and responsibilities and a Licensing Committee, together with Sub-Committee to perform its licensing functions and responsibilities.
 3. The Council has established an Employees Committee to perform a range of Council functions and responsibilities set out in its Terms of Reference, detailed below.
 4. The Council may, from time to time, vary the above Committee arrangements to meet current needs and/or legal requirements.
 5. Committees can delegate to Officers. Where matters are not specifically reserved to Council or a Committee, they are delegated to the Chief Executive or *Director who has responsibility for the relevant function. Even where the Chief Executive or Director has delegated authority, they may feel it is appropriate, because of the sensitivity of a particular matter, to report the matter to the relevant Committee for consideration and decision.
 6. All Council functions which have not been placed within the remit of one of its committees, and which have not been reserved to full Council are delegated to the Chief Executive or Director who has responsibility for the relevant function.
 7. Even where the Chief Executive or a Directors has delegated authority, they should consider if it is appropriate to consult relevant lead members; that is where the circumstances are particularly sensitive or if the decision in question involves significant changes to policy or strategy. Following consultation it may be considered appropriate to report the matter to Council or an appropriate committee.
- * "Director" means Strategic and Divisional Directors

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Terms of Reference

1. To keep under review and be responsible for the implementation of all new legislation relating to the discharge of its functions.
2. To keep under review, comment and advise on policies proposed or made by the Cabinet.
3. To carry out the development control function of the Council as local planning authority.
4. To carry out the non-executive highways function of the Council.
5. To promote and secure a pattern of development in the City which is sustainable in terms of use of local and global resources.
6. To examine all proposals to acquire land for the purpose of securing planning objectives.
7. To enforce all legislation, relevant to the Committee's terms of reference, which the Council is required or empowered to enforce except matters which are executive functions.
8. To exercise the Council's power to take legal proceedings in the public interest, in respect of matters within the Committee's terms of reference.
9. To make, vary or revoke any order, regulation, plan or scheme relating to the Committee's functions.
10. To consider and make recommendations on opposed Traffic Regulation Orders.
11. To comment upon development briefs for development sites.
12. To promote and secure high standards of design in new development.
13. To deal with all non-executive matters concerning conservation areas and buildings of architectural or historic interest or buildings of local significance and sites of archaeological interest.
14. To give directions to prevent demolition of a building in a conservation area.
15. To make Building Preservation Orders.
16. To serve notices stating that the City Council do or do not intend to acquire land to which a planning permission relates.
17. To make Tree Preservation Orders.

18. To deal with:-

- (a) enforcement notices and stop notices;
- (b) discontinuance, revocation and modification orders;
- (c) directions to prevent demolition of a building in a conservation area;
- (d) provision of recommendations to the County planning authority on behalf of the unitary planning authority in respect of applications to be determined by the County authority; and
- (e) any other similar regulatory procedures.

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE:-

- 1. All relevant matters reserved for Member level decision as detailed in the Rules of Procedure.
- 2. Matters of strategic significance relating to the Committee's Terms of Reference.
- 3. To recommend to Council the making of bye-laws.
- 4. Making opposed regulations, order, plans and schemes within the Committee's terms of reference.
- 5. Such other matters as the Committee may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Development Control Committee which are not reserved to full Council or this Committee are delegated to the Director of Planning and Economic Development.

LICENSING COMMITTEE

Terms of Reference

1. To secure the health and comfort of the persons living or working in or visiting the City by requiring the observance of proper standards by persons owning or occupying property in or using the streets or other public places in the City.
2. To determine the issue of all statutory licences, approvals, certificates and consents and the maintenance of all statutory registers except in any case where a specific matter is referred to another Committee.
3. All licensing and registration functions of the Council with regard to the following:-

Licensing Act 2003.
Gambling Act 2005
Hairdressers and barbers.
Killers of and dealers in game.
Sale of pet animals.
Caravan sites.
Conduct of animal boarding establishments.
Conduct of riding establishments.
Hackney carriages and private hire cars and operators and their drivers.
House to house collections.
Street collections.
Pool Promoters.
Amusements with prizes.
Societies lotteries.
Exposure of goods for sale in streets (Street Trading).
Scrap metal dealers.
Dog Breeding establishments.
Track Betting.
Sex Establishments.
Dangerous Wild Animals.
Leicester Doorwatch Scheme
4. To enforce any other non-executive licensing legislation which the Council is required or empowered to enforce.
5. To exercise the Council's power to take legal proceedings in the public interest in relation to matters within the Committee's terms of reference.
6. To keep under review, comment on and provide advice to Cabinet on policies relating to licensing and registration functions of the Council.

MATTERS RESERVED TO THE LICENSING COMMITTEE:-

1. All relevant matters reserved for Member level decision as detailed in the Rules of Procedure.

2. Policy developments of strategic significance relating to the above Terms of Reference.
3. Such other matters as the Committee may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Licensing Committee which are not reserved to full Council, or this Committee as stated above, or to the Licensing Sub-Committee are delegated to the Director of Environmental Services.

LICENSING SUB-COMMITTEE

Terms of Reference

The Terms of Reference of the Licensing Sub-Committee shall be identical to those of the Licensing Committee with the exception of the consideration of policy issues, which the Licensing Committee has reserved to itself.

MATTERS RESERVED TO THE LICENSING SUB-COMMITTEE:-

1. All relevant matters reserved for Member level decision as detailed in the Rules of Procedure.
2. Applications for a licence or permit within the terms of reference of the Sub-Committee where an objection has been received.
3. Applications for a licence or permit within the Terms of Reference of the Sub-Committee where the Director of Environment, Regeneration and Development considers that an application should be refused or suspended or revoked, or has made a decision to that effect, but the applicant wishes to make representations.

All matters within the Terms of Reference of the Licensing Sub-Committee which are not reserved to full Council, the Licensing Committee or this Sub-Committee as stated above, are delegated to the Director of Environmental Services.

N.B. The City Council's Constitution [Council Procedure Rules 44 (j)(iv)] states that decisions which, in the opinion of the Monitoring Officer, are of a quasi-judicial nature, which includes the decisions of Licensing Sub-Committee may not be the subject of an Objection.

EMPLOYEES COMMITTEE

Terms of Reference

1. To determine the terms and conditions of service on which staff hold office (including procedures for their dismissal).
2. To determine formal disciplinary, grievance, harassment and discrimination, capability, grading and sickness procedure appeals.
3. To determine the cases in which recruitment benefits (including staff houses) are to be provided.
4. In respect of all officers, when a member level decision is required, exercise discretion in relation to superannuation benefits and contributions, extensions of service, gratuities and applications to serve after retirement age.
5. To undertake the recruitment of and oversee the appointment, training, transfer between departments, promotion, relegation and dismissal (all subject to legislative constraints regarding statutory officers) in respect of:
 - * The Chief Executive
 - * Strategic Directors
 - * Divisional Directors
 - * And any officer who reports directly to a Strategic Director, Chief Operations Officer or Chief Executive for all or most of their duties (excluding anyone whose duties are solely secretarial or clerical or otherwise in the nature of support services)
6. To designate one of the Council's officers as the Monitoring Officer as required by section 5(1) of the Local Government and Housing Act, 1989, in accord with the Council's Officer Employment Procedure Rules and all other legal requirements.
7. To appoint one of the Council's officers as Chief Finance Officer, being an officer responsible for the proper administration of the Council's financial affairs as required by section 151 of the Local Government Act, 1972, the appointment to be made in accord with the Council's Officer Employment Procedure Rules and all other legal requirements.
8. To appoint Proper Officers on behalf of the Council for all statutory purposes further to Section 270(3), Local Government Act, 1972.

Membership

1. Membership of the Employees Committee must be politically balanced;
2. Membership of the Committee will be five made up of members appointed by the Monitoring Officer in consultation with the political group whips;
3. The Committee will elect one of their number to be the chair.

4. The Committee's quorum shall be three.

AUDIT & RISK COMMITTEE

Terms of Reference for the Audit and Risk Committee

1. Constitution

The Council has established a Committee of the Council to be known as the Audit and Risk Committee to report to the Council. This supports the Council's Corporate Governance responsibilities in relation to internal control, risk management and governance.

2. Membership

The Audit and Risk Committee shall consist solely of non-Executive Councillors. The Chair (who should not be the Leader of the Council) and Vice Chair of the Committee shall be appointed by the Council from amongst the non-Executive Councillors.

The membership of the Committee should, wherever possible, reflect the political representation of the Council as a whole.

3. Attendance at Meetings

The Head of Internal Audit & Governance and the Corporate Risk Manager shall normally be invited to attend meetings. All Councillors are entitled to attend meetings, should they choose to do so. All such attendees shall have the right to speak but not vote at meetings.

4. Frequency of Meetings

Meetings shall be held not less than three times a year. Additionally, special meetings may be convened if an issue arises that cannot wait until the next scheduled meeting.

5. Duties

The duties of the Committee shall be as set out in the annexed schedule to these Terms of Reference.

6. Authority

The Committee approves, on behalf of the Council, the Council's accounts and its internal control, risk management and governance frameworks and any such aligned policies and arrangements.

The Committee is authorised by the Council to investigate any activity within its terms of reference. It is authorised to seek any information it requires from any employee and all employees are directed to co-operate with any request made by the Committee. The Committee will

advise the Chief Executive Officer if it has exercised this authority to seek information (other than routine information) from any employee, setting out the information required and the circumstances underlying the request.

The Committee is authorised by the Council, if considered necessary, to secure the attendance of third parties with relevant experience and expertise provided that the Committee shall notify the Chief Executive Officer before any fees for such attendance are agreed.

7. Communications

The Secretary of the Committee will normally circulate the agenda and papers for meetings at least five clear days before the meeting.

The Chair will provide the approved minutes of the Committee to be considered by the Council following each meeting of the Committee.

The Committee's Terms of Reference will be made available on the Council's website. They will be reviewed and, where necessary, updated at least annually.

An annual report of the Committee's activity should be submitted to the Council each year.

Annexed Schedule to the Audit and Risk Committee Terms of Reference

Duties of the Audit and Risk Committee

1. Audit Framework

1.1 Internal Audit

- On behalf of the Council approve the Head of Internal Audit and Governance's annual report and opinion, considering the level of assurance given over the Council's corporate governance arrangements and decide on appropriate actions.
- To consider, challenge and approve (but not direct) Internal Audit's strategy and plan and monitor performance on an annual basis.
- Receive summaries of Internal Audit reports and the main issues arising and review and challenge management's responsiveness to the internal audit findings and recommendations, seeking assurance that appropriate action has been taken where necessary.
- Monitor and assess the role and effectiveness of the Internal Audit function.

1.2 External Audit

- On behalf of the Council, review with the external auditor and inspection agencies the findings of their work including any major issues which are unresolved; key accounting and audit judgments; and the levels of errors identified during the audit. The committee should obtain explanations from management and from external auditors, where necessary, as to why errors might remain unadjusted.
- To consider the scope and depth of external audit work and to assess whether it gives value for money.
- To facilitate effective relationships between external and internal audit, inspection agencies and other relevant bodies and the value of these audit relationships is actively promoted.

2. Risk Management Framework

- On behalf of the Council consider and challenge the effectiveness of the Council's Risk management Strategy and Framework, including the Risk Management and Insurance Services function.
- To consider and approve, on behalf of the Council, the Council's Risk Management Strategy and its key risk management policies including the Council's statement of overall risk appetite.
- To approve, on an annual basis, the Risk Management and Insurance Services function terms of reference and its annual plan.
- To review (and take any actions as a consequence of) reports from the Corporate Risk Manager in respect of the status of key current and emerging risks and internal controls relating to those risks (the Operational and Strategic Risk Registers).

3. Internal Control and Governance Framework

- To review the adequacy of the Council's Internal Control Framework through review of its system of Internal Control and system of Internal Audit and overseeing the production and approval of the Council's

Annual Governance Statement prepared under the Local Code of Conduct Governance.

- To review and approve, on an annual basis, the Council's anti-fraud, anti-corruption and whistle-blowing policies and procedures.
- Annually assess all significant risk issues considering:-
 - Changes since the last annual assessment and the Council's response;
 - The scope and quality of management's ongoing monitoring of risks and the system of internal control;
 - The incidence of significant control failings in relation to all significant risks and their impact.
- To regularly review reports from Internal Audit and Risk Management on risk and internal controls, considering:-
 - The effectiveness of systems of internal control across the Council
 - Reports on major control issues and their impact on the Council's risk profile.
- To consider and decide on appropriate actions relating to the Council's compliance with its own, and other published, regulatory policies, standards and controls, including:
 - Data Protection Act;
 - Freedom of Information Act;
 - Health & Safety at Work; and
 - Others as appropriate.

4. Financial Reporting Framework

- To review and approve the Council's published financial statements, external auditor's opinion and reports to Members and monitor management action in response to issues raised.
- To review and approve the annual statement of accounts, giving particular attention to critical accounting policies and practices, decisions requiring a significant element of judgement, how any unusual transactions should be disclosed and the clarity of the disclosures.
- To bring to the attention of the Council any concerns arising from the financial statements or from the audit.

5. Other Matters

- To consider, approve or make recommendations in respect of any other matters at the request of the Council.
- To consider any relevant matters reserved for Member level decision as detailed in Rules of Procedure.

1. .

STANDARDS COMMITTEE

Terms of Reference

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise full Council and Cabinet on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. In accordance with the relevant legislation and associated Guidance, to hear and determine any allegation that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. To oversee the process and, through its Sub-Committees, initially assess and review as necessary written allegations submitted to the Council that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
8. In the event of there being a local investigation of an allegation in accordance with the relevant legislation and associated Guidance, to determine whether a hearing is necessary, and to conduct these hearings as necessary.
9. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
 - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
 - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
10. Temporary appointments of Independent Members from another Standards Committee may be made as permitted under the relevant Regulations. The Independent Members will be entitled to vote at meetings.

Matters Reserved to the Committee:

1. All matters of significance are reserved to the Committee save as set out in the Terms of Reference of its established Sub-Committees.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to full Council or this Committee, either by legislation, regulation or local determination, are delegated to the Director of Corporate Governance.

STANDARDS SUB-COMMITTEE (INITIAL ASSESSMENT)

Terms of Reference.

1. In accordance with the relevant legislation and associated Guidance, the Sub-Committee is empowered to initially assess and decide upon all written complaints received by the Council's Monitoring Officer which allege that an Elected or Co-opted Member of the Council has failed or may have failed to comply with the City Council's Code of Conduct for Members.
2. To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the Member concerned of that decision.
3. In carrying out an initial assessment the Standards Sub-Committee (Initial Assessment) shall determine, with clear reasons, whether:-
 - i) To refer the complaint to the Monitoring Officer for investigation;
 - ii) To refer the complaint to Standards for England;
 - iii) To refer the complaint to the Monitoring Officer for action other than investigation;
 - iv) To decide that no action should be taken in respect of the complaint.
4. Composition – The Standards Sub-Committee (Initial Assessment) shall comprise three Members, one of whom shall be an Independent Member of the Standards Committee (who will also Chair the Sub-Committee). The membership is to be drawn from all members of the Standards Committee by the Director of Corporate Governance. Although not required by law, the Sub-Committee will, wherever possible, reflect the political balance of the Council.
5. Quorum – The quorum for a meeting of the Standards Sub-Committee (Initial Assessment) shall be three Members (with an Independent Member as Chair) and at least one Elected Member.
6. Frequency of Meetings –The Standards Sub-Committee (Initial Assessment) will meet as and when required.

STANDARDS SUB-COMMITTEE (REVIEW)

Terms of Reference

1. In accordance with the relevant legislation and associated Guidance, to review, as necessary, a decision by the Standards Sub-Committee (Initial Assessment) to take no further action on a complaint against an Elected or Co-opted Member of the Council.
2. To authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the Member concerned of that decision.
4. In carrying out a review the Standards Sub-Committee (Review) shall determine, with clear reasons, whether:-
 - i) To uphold the decision of the Assessment Sub-Committee not to refer the complaint for investigation or other action
 - ii) To refer the complaint to the Monitoring Officer for investigation;
 - iii) To refer the complaint to Standards for England;
 - iv) To refer the complaint to the Monitoring Officer for action other than investigation;
2. Composition – The Standards Sub-Committee (Review) shall comprise three Members of the Standards Committee. One of the Members of the Standards Sub-Committee (Review) shall be an Independent Member of the Standards Committee (and Chair of the Sub-Committee). The membership is to be drawn from all members of the Standards Committee by the Director of Corporate Governance. Although not required by law, the Sub-Committee will, wherever possible, reflect the political balance of the Council.
3. Quorum – The quorum for a meeting of the Standards Sub-Committee (Review) shall be three Members (with an Independent Member as Chair of the Sub-Committee).
4. Frequency of Meetings – The Standards Sub-Committee (Review) shall meet as and when required.

STANDARDS SUB-COMMITTEE (HEARING)

Terms of Reference

Subject to relevant legislation and taking into account any guidance issued by Standards for England with regard to hearings:

1. Should a hearing of the Standards Committee be required, the Standards Hearing Sub-Committee shall be convened to hear and determine any allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
2. **Composition** - The sub-committee shall comprise three members of the Standards Committee. One of the members of the Standards Hearing Sub-Committee shall be an independent member (and Chair of the Sub-Committee) and two shall be elected members. Although not required by law, efforts will be made, where possible, to provide political balance in the membership. Membership will be drawn from the Standards Committee membership by the Director of Corporate Governance.
3. **Quorum** - The quorum for a meeting of the Standards Hearing Sub-Committee shall be all three members.
4. **Frequency of Meetings** - The Sub-Committee shall meet as and when required to consider or to hear and determine any allegation(s) against a member of the Council.

LOCAL CHOICE FUNCTIONS

The Law provides that the Council has discretion whether to allocate certain functions and responsibilities to the City Mayor/ Cabinet or to the Council. These functions are referred to as “Local Choice” Functions. Below is a Schedule showing how the Council has currently decided to allocate these functions between the Council and the City Mayor / Cabinet.

ALLOCATION OF “LOCAL CHOICE” FUNCTIONS BETWEEN COUNCIL AND THE CITY MAYOR/ CABINET

FUNCTION	RESPONSIBLE BODY
1. Leicestershire Act 1985: Section 10 (control of floodlighting) Section 16 (consent to projections) Section 18 (pedal cycles) (DC and RC) Section 48 (buildings used for storage of flammable substances)	Planning & Development Control Committee
2. Leicestershire Act 1985: Section 4 (interference with traffic signals etc) Section 5 (statutory undertakers apparatus etc) Section 9 (recovery of expenses of fencing etc) Section 11 (vesting of former highway land) Section 12 (damage to footways etc) Section 13 (plans etc of new streets) Section 14 (temporary prohibition of traffic etc) Section 17 (provision of trees and shrubs) Section 41 (defacing of streets) Section 59 (provision of parking places in parks etc) Section 60 (contribution towards provision of recreational facilities) Section 80 (insurance of visiting pupils) Section 83 (power to provide information) Section 84 (publication of bulletins etc) Section 85 (certain particulars to be furnished in writing) Section 86 (evidence of confirmation of committee decisions etc) Section 87 (training arrangements) Section 88 (recording of documents) Section 89 (microfilming of documents) Section 90 (restriction on use of armorial bearings)	City Mayor/Cabinet
3. Leicestershire Act 1985: Making of byelaws Any other matter under the Leicestershire Act not covered above.	Full Council
4. Making arrangements for appeals against exclusion of pupils – section 67 of the School Standards and Framework Act 1998 (<i>“the 1998 Act”</i>).	City Mayor/Cabinet

FUNCTION	RESPONSIBLE BODY
5. Appointment of review panels established under regulations made under Sub-Section 4 of Section 34 (determination of claims and reviews) of the Social Services Act 1998	City Mayor/Cabinet
6. Making arrangements for admission appeals – section 94 of the 1998 Act	City Mayor/Cabinet
7. Making arrangements for appeals by governing bodies – section 95 of the 1998 Act.	City Mayor/Cabinet
8. Making of arrangements for questions on police matters at meetings of the Council	Council
9. Appointments to the Police Authority (the Council makes nominations to a Joint Appointing Committee)	City Mayor/Cabinet
10. Conducting Best Value Reviews.	City Mayor/Cabinet
11. Any function relating to contaminated land, other than policy matters reserved for full Council.	City Mayor/Cabinet
12. Control of pollution and the management of air quality	City Mayor/Cabinet
13. Control, inspection and investigation in relation to noise and other statutory nuisances.	City Mayor/Cabinet
14. Obtaining information under section 330 of the Town and Country Planning Act 1990 as to interests in land; Obtaining information under section 16 of the Local Government (miscellaneous Provisions) Act 1976 as to persons interested in land. a. in connection with functions which are the responsibility of the City Mayor. b. in connection with functions which are not the responsibility of the City Mayor.	a. City Mayor/Cabinet b. Planning & Development Control Committee
15. Making agreements for execution of highways works.	City Mayor/Cabinet
16. Making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	City Mayor/Cabinet
17. Making and revocation of appointments a. in connection with functions which are the responsibility of the City Mayor/Cabinet. b. in connection with functions which are not the responsibility of the City Mayor./Cabinet.	a. City Mayor/Cabinet b. Council Both Cabinet and Council have delegated this function to the Monitoring

FUNCTION	RESPONSIBLE BODY
	Officer in consultation with the Group Whips.

CABINET FUNCTIONS

THE CITY MAYOR

The City Mayor is responsible for the allocation and discharge of all executive functions.

CABINET

The City Mayor will submit the names and portfolios of Cabinet Members to the Monitoring Officer prior to Annual Council and notify any changes in writing to the Monitoring Officer and subsequently reported to Council.

Functions and responsibilities are currently allocated to Cabinet as detailed below for each of its current ten portfolios:

- Strategy, Finance, Communications and Property
- Community Cohesion and Human Resources
- Adults
- Children and Schools
- Culture and Leisure
- Environment and Sustainability
- Frontline Service Improvement and Neighbourhoods
- Health and Community Safety
- Regeneration and Transport
- Housing.

The City Mayor may arrange for the delegation of executive functions to Cabinet collectively and to individual Cabinet Members.

INDIVIDUAL CABINET MEMBER DECISIONS

- 1) Individual Cabinet members may be given delegated authority, as directed by the City Mayor, to take decisions within their portfolios which would otherwise need to be made by the City Mayor;
- 2) Each decision will be subject to the City Mayor indicating written support for each decision;
- 3) Cross-portfolio decisions will be subject to approval by all relevant Cabinet Leads;
- 4) The report on which each such decision is based will be published five clear days in advance as for other decision making reports.

The procedure and proforma is available from Democratic Support.

For each of Cabinet's portfolios, certain matters within the scope of the portfolio's terms of reference are reserved for consideration and decision by the City Mayor whereas all other matters are delegated to relevant Directors as indicated. Any Committees established by the Cabinet will have clear Terms of Reference and be incorporated into this Scheme, as will delegations to individual Cabinet Members. The City Mayor may review and vary its Scheme of Delegation from time to time.

Even if Directors * have delegated authority, they must consult the relevant Cabinet Lead where the circumstances are particularly sensitive or if the decision in question involves changes to policy or strategy and, following consultation, they must report to Cabinet where the Cabinet Lead indicates a preference for this.

In order to ensure clarity where the City Mayor takes an individual decision this process will also be followed.

GENERAL RESPONSIBILITIES

1. To recommend to the Council its Policy Framework and Budget and any amendments thereto.
2. To make all executive decisions within and in furtherance of the Policy Framework and Budget and variations authorised by the Council.
3. To contribute to the development of and subsequent implementation and monitoring of the Sustainable Community Strategy.
4. To recommend to Council the making of bye-laws
5. The granting of any approval under Section 85 of the Local Government Act 1972 which enables the authority to approve a member's absence from a meeting of the Authority for a period in excess of 6 consecutive months for some appropriate reasons. This responsibility is delegated to the Monitoring Officer to perform in consultation with the Council.

*"Director" means Strategic and Divisional Directors.

CABINET: STRATEGY, FINANCE, COMMUNICATIONS AND PROPERTY

Terms of Reference

1. To be responsible for the Corporate Plan and all Strategic Planning
2. To keep under review and be responsible for the implementation of all new legislation, circulars and directives relating to the discharge of the portfolio's functions.
3. Oversight of Corporate Governance and Standards Committee arrangements.
4. To be responsible for any matter requiring consideration in the interests of the citizens of Leicester which is not the responsibility of any other portfolio.
5. By drawing up regulations and securing their observance to ensure that resources are maintained and safeguarded.
6. To co-ordinate the consideration of large schemes of development including those which concern more than one portfolio and to advise Cabinet about the way in which they should exercise their responsibilities for such schemes.
7. To provide premises and major equipment for the transaction of Council business (not including operational premises and equipment).
8. To make Orders temporarily prohibiting the holding of processions when requested by the Police.
9. To make grants and contributions to other bodies (except where one portfolio area only is affected and the matter falls to be dealt with within that portfolio).
10. To determine the City Council's marketing policy.
11. To co-ordinate research commissioned by the Council.
12. To make, vary or revoke any order, regulation, plan or scheme not otherwise allocated to a Cabinet portfolio.
13. To co-ordinate and determine issues with regard to the development of information and communications technologies across the Council.
14. To provide information and communications technology services.
15. To provide support and legal services.
16. To discharge all functions relating to a Births, Marriages and Death registration service.
17. To determine all matters relating to corporate commissioning and procurement.
18. To make nominations to any organisations on which the Cabinet has a right to make appointments (except the appointment of governors of schools and colleges).

19. To determine all matters relating to the official duties of the Lord Mayor, the Lord Mayor's Appeal, civic hospitality and the use of the Council Chamber and Town Hall parking facilities.
20. To provide accommodation and services for members of the Council.
21. To oversee all electoral matters in the City and the compilation of the register of electors.
22. To oversee the Council's press and public relations function, and to formulate policies for external and internal communication.
23. To consider all matters relating to the Council's corporate identity.
24. To co-ordinate the publication of information about the discharge of the Council's functions and other matters as required by legislation or other provision.
25. To oversee the Council's emergency planning function.
26. To ensure effective business continuity plans for the Council.
27. To consider the admission of honorary freemen and aldermen.
28. To agree annual plan and targets and to monitor all matters relating to Leicester Shire Promotions Ltd.
29. To ensure Customer Care policies are in place and effective.
30. To undertake the responsibilities of the Council and all related issues in respect of the Leicestershire Constabulary, the Leicester, Leicestershire and Rutland Combined Fire Authority, the Leicestershire Probation Service, the Leicestershire Magistrates Courts Committee, the Rent Office Service, and the Coroners' Service.
31. To safeguard and promote the corporate and financial interests of the City of Leicester in relation to the management of and transactions affecting land in public ownership.
32. To oversee the acquisitions, disposals and appropriations of property.
33. To monitor the Council's land transactions with particular regard to market trends and their financial and other effects upon the City Council.
34. To oversee the management, staffing and control of any buildings used for the business of the Council.
35. To oversee the acquisition and disposal of land by Compulsory Purchase Order or designated for that purpose.
36. To manage, improve and develop the non-operational estate of the City as an investment, including the acquisition and disposal of properties and the carrying out of works.
37. To oversee the acquisition, conversion, development and disposal of land and buildings for the purpose of securing planning objectives and for occupation for industrial and commercial purposes, including the management of buildings so

occupied by small firms (except where this is being done in relation to Housing Revenue Account properties)

38. To agree terms for and authorise the acquisition and disposal of interests in land and property.
39. To determine all policy matters concerning the services which are operating within the remit of this portfolio.
40. To maximise income and returns from investment in all of the Authority's commercial activities.
41. To control and manage the operation of the trading units and other services, within the remit of this portfolio.
 - (i) to define the operational objectives for those trading units and other services.
 - (ii) to monitor their objectives and their implementation by means of pre-determined measures and targets of performance;
 - (iii) to define and subsequently review policy aims and objectives and business plans for those trading units and services;
 - (iv) to determine broad operational practices;
 - (v) to monitor financial performance and trading accounts to ensure effective financial control, competitiveness and value for money;
 - (vi) to accept tenders/quotations from contractors/sub-contractors providing goods and/or services to the Department's trading units; and
 - (vii) to submit tenders/quotations for work both inside and outside the Council for work by those trading units.
42. To ensure that a performance management framework is in place and working effectively.
43. To examine and review the Council's performance as disclosed by the Audit Commission's Performance Indicators.
44. To oversee the development and implementation of the Council's performance management framework.
45. To co-ordinate the production and implementation of the Council's performance plan.
46. To oversee preparations for and responses to the Audit and inspection processes.
47. To develop and implement the Council's challenge, consultation, comparator and procurement strategies.
48. To ensure that revenue and capital financial strategies are in place and implemented.
49. To be responsible for exercising discretion to waive charges and disregard debts under relevant legislation.

50. To be responsible for Corporate Management.
51. To be responsible for partnering arrangements.
52. To be responsible for voluntary sector and Compact.
53. To be responsible for the power of Community Well Being.
54. To ensure that the Council has effective arrangements for the management of its financial affairs.
55. To manage the Council's corporate finances, and hold to account those responsible for the use of resources allocated to them.
56. To collect, recover and monitor the recovery of Local Tax.
57. To oversee the collection of all other income.
58. To determine applications for relief from Local Tax.
59. To make any determinations required by legislation relating to the Council's capital expenditure and financing.
60. To keep under review, consider and recommend to full Council Finance Procedure Rules.
61. With the Leader to make representations to central government about matters affecting the Council's corporate finances.
62. Consideration of the Annual Statement of Accounts for approval by Full Council, and to oversee any amendments required by Audit.
63. To oversee the Council's treasury, banking and risk management policies.
64. To consider and discuss with the District Audit Service the annual audit letter.
65. To administer Housing and Council Tax benefit.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Recommending the promotion or opposition of a personal or local Bill in Parliament.
4. Determining policy for the granting of rate relief.
5. A decision as to whether the Council should act as an accountable body in relation to any project or funding programme, subject to a de minimus level of £100,000
6. Granting pension fund admissions or otherwise supporting admission agreements.
7. Determining discretions available under pension fund regulations.
8. Review, consideration and recommendation to full Council relating to Finance Procedure Rules.
9. Declaration of any Compulsory Purchase Order.

10. Freehold acquisitions, disposals and appropriations of property (excluding Right to Buy and Leasehold Reform Act sales) but, in all cases, only where the market value exceeds £500,000. If the property in question is to be disposed or acquired by the means of an auction, then the market value should be estimated in advance by the responsible Director for the purpose of this reservation. **See note below**+
11. Entering into or granting of leases for any term where the annual rent exceeds £100,000 or the premium exceeds £500,000. **See note below** +
12. Disposals of land and property at less than best consideration.
13. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Strategy, Finance, Communications and Property portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

+ the Director Strategic Asset Management will ensure that the City Mayor, relevant Cabinet lead, Overview and Scrutiny Management Board Chair and Vice -and Ward Members are informed in advance of all freehold and long lease property disposals

*"Director" means Strategic and Divisional Directors.

CABINET: COMMUNITY COHESION & HUMAN RESOURCES

Terms of Reference

1. To formulate and monitor the implementation of a strategic corporate and co-ordinated strategy for the development and management of Human Resources, including employment equalities.
2. To establish, review and monitor corporate policies and arrangements for securing the promotion of equality of opportunity for all disadvantaged groups in the provision of service delivery.
3. To develop and monitor corporate policies and arrangements for securing equality of opportunity in relation to employment and for tackling issues of racial and sexual discrimination, disabilities and harassment.
4. To ensure the effectiveness and efficient provision of corporately resourced human resource and employment equalities provision, including the Management Development, Occupational Health and Health and Safety functions.
5. To establish and maintain local consultation arrangements between the City Council and employees' representative bodies.
6. Matters relating to Social Inclusion.
7. The establishment and review of the Council's overall officer structure.
Note: the Employees Committee, not Cabinet, is responsible for deciding on the terms and conditions of service on which staff hold office.
8. Any function to secure community cohesion, including if the function is specifically allocated to another portfolio, subject to the other portfolio Member being consulted and having no objection.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Amendments and additions to equal opportunities policies.
3. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
4. Such other matters as the City Mayor/Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Community Cohesion and Human Resources portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: ADULTS

Terms of Reference

1. To oversee the adult social services function of the Council, including all matters specifically referred to in the Local Authorities (Social Services) Act 1970, personal social services and community care, together with responsibilities under associated and ancillary legislation.
2. To have responsibility for all the services and functions delegated to statutory Panels within the remit of this portfolio.
3. To determine matters of strategy and operational procedures and practices and to major initiatives and reviews within services to adults and older people.
4. To exercise an overview and co-ordinate the work of services to adults and older people, to establish general service guidelines and relevant eligibility criteria.
5. To keep under review and be responsible for the implementation of all new legislation relating to the discharge of its functions.
6. To be responsible for the discharge, at operational level, of all services to adults and older people functions for which the Council is responsible under statute and associated ancillary legislation.
7. To approve appointments of Lay Persons, independent investigators and other statutory appointees of the Director.
8. To make and review loans and grants to voluntary and other organisations in pursuit of the body's service objectives.
9. To have responsibility for arrangements, including joint arrangements, with health authorities entered into under health legislation.
10. To provide advice services other than those relating to advice on business and employment matters.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Approving key schemes and programmes and the rationalisation or closure of residential and day care facilities for adults and older people.
4. Matters reserved to Members under statutory provisions.
5. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Adults portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: CHILDREN AND SCHOOLS

Cabinet Terms of Reference

1. To be responsible for the discharge of all the statutory functions of a Local Education Authority not reserved to Full Council.
2. To promote schools at the heart of the community they serve as high achieving, valued schools which children want to attend.
3. To promote the use of resource which ensures that standards trend upwards year on year.
4. To review and be responsible for the implementation of all new legislation relating to the discharge of this portfolio.
5. To make appointments to school and college governing bodies.
6. To ensure arrangements are in place to ensure Safeguarding responsibilities are met.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Determining the policy and financial framework for delegated management by schools.
4. To consider proposals for establishing, enlarging, closing or changing the character of schools.
5. Approving key schemes and programmes and the rationalisation or closure of residential and day care facilities for children and young people.
6. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Children and Schools portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director * who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: CULTURE & LEISURE

TERMS OF REFERENCE

1. To promote participation and equality of access to culture, arts and leisure opportunities for all, to develop policies and practices to promote arts and culture to individuals experiencing social and/or economic exclusion.
2. To provide arts and leisure input to the regeneration of the City through initiatives in relation to health, community involvement and community information.
3. To work with the Health & Community Safety portfolio to promote health and well being through the provision, management and development of facilities for physical recreation, training and play including leisure centres, sports halls, swimming pools, parks and playing fields, and cultural and community facilities.
4. To attract visitors and inward investment to the City through events and activities of local, regional and national significance.
5. To promote arts and cultural activities through the management operation, development and commissioning of Museums, archives, arts, entertainment, cultural and heritage services.
6. To encourage and support the development of community groups and organisations through the provision of advice, encouragement and resources and to establish criteria for the allocation of grants to voluntary organisations providing arts and leisure activities.
7. To develop and strengthen partnerships with the voluntary and commercial sectors and with other Agencies to maximise the range of arts and leisure opportunities and activities provided to vulnerable groups in the community and more generally to residents and visitors to the City.
8. To promote and value cultural diversity and raise the profile of communities and the City through a year round programme of events, activities and festivals.
9. To allocate grants recommended by the Grants Panel towards voluntary organisations dealing with arts and leisure activities.
11. To be responsible for the registration of commons and village greens and rights over them.
12. To manage cemeteries and crematoria and the maintenance of disused burial grounds.
13. To publish works of scholarship and works about the development and history of the City.
14. To encourage a greater understanding and awareness of arts, public art, heritage, culture and sciences through the promotion of events, exhibitions, activities and concerts.

15. To oversee the acquisition, management and maintenance of ancient monuments, public monuments and statutory and the placing of commemorative plaques on buildings.
16. To determine matters relating to allotments, allotment gardens and cottage holdings.
17. To enforce all legislation, relevant to the portfolio's terms of reference.
18. To be responsible for the development and maintenance of play facilities
19. To be responsible for parks and their management
20. To ensure the availability of seats for the convenience of persons using parks in the City.

MATTERS RESERVED WITHIN THIS PORTFOLIO TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. To consider proposals for establishing, enlarging, closing or changing libraries and information services.
4. Allocating grants.
5. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Culture and Leisure portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: ENVIRONMENT & SUSTAINABILITY

1. To promote and enhance environmental quality, physical regeneration and quality of life by contributing to initiatives arising from Environmental policies, Local Agenda 21, City Centre Action Plan and EMAS (Eco Management and Audit Scheme).
2. To protect the heritage of the natural environment for future generations by the conservation of open spaces, sustaining wildlife and natural habitats.
3. To secure the health and comfort of the persons living or working in or visiting the City by requiring the observance of proper standards by persons owning or occupying property or using the streets or other public places in the City.
4. To develop and monitor policies relating to environmental and “green” issues affecting the City.
5. To secure optimum enhancement of the City's environment by means of services delivered directly by the City Council and liaison/joint working with outside agencies to protect the good features of the environment as it exists and to foster its improvement. Also to encourage the formation of environmental groups and agencies where it would be beneficial to do so.
6. To supervise and co-ordinate the promotion of environmental issues including networking at national and international level.
7. To provide a service for the removal of refuse and waste and for street cleaning.
8. To secure the optimum levels of waste recycling within the city and further develop policies to maximize the levels of recycling.
9. To develop and monitor policies to ensure that energy consumption is both minimised and accords with environmental best practice.
10. To develop and implement policies to tackle problems of Air and Pollution of Air Quality within the city, including the declaration of Air Quality Management Areas
11. To require that work to be carried out for ensuring that sanitary accommodation, water supply and cleanliness of existing buildings is satisfactory.
12. To undertake the disinfestation of persons and property and to work to keep the City free from rats and mice.
13. To provide a consumer advice and protection service.
14. To provide a building control service.
15. To oversee the investigation and remediation of contaminated land.
16. To supervise all actions relating to promoting responsible dog ownership and to oversee the provision of a dog warden service.
17. To monitor the safety of the public water supply and bathing water.
18. To enforce all legislation, relevant to the portfolio's terms of reference.

19. To exercise all the Council's functions and powers to take legal proceedings in the public interest in relation to matters within the portfolio, including
- Health and Safety at Work
 - Movable dwellings (including tents, vans and sheds)
 - Canal boats
 - Public water supply and bathing water (except in Council premises)
 - Food hygiene and safety
 - Slaughterhouses and knackers' yards
 - Animal feeding stuffs
 - Statutory nuisances
 - Prevention of danger from the condition of land, buildings and trees
 - Compliance with Building Regulations
 - Noise and vibration
 - Purity of water supply
 - House numbering
 - Exposure of goods for sale in streets
 - Weights and Measures
 - Consumer Protection
 - Fair Trading
 - Animal Welfare
 - Petroleum Licensing
 - Safety of Sports Grounds
 - Section 47 of the National Assistance Act 1948
 - Food and water borne infectious diseases
20. To designate noise abatement zones.
21. To determine policy and exercise all executive functions of the Council with regard to the following:
- Licensing Act 2003
 - Gambling Act 2005
 - Hairdressers and barbers
 - Killars of and dealers in game
 - Sale of pet animals
 - Conduct of animal boarding establishments
 - Conduct of riding establishments
 - Hackney carriages and private hire cars and operators and their drivers
 - House to house collections
 - Street collections
 - Poole promoters
 - Amusements with prizes
 - Societies lotteries
 - Exposure of goods for sale in streets (street trading)
 - Scrap metal dealers
 - Dog breeding establishments
 - Track betting
 - Sex establishments
 - Dangerous wild animals
 - Leicester Doorwatch scheme
22. To exercise any function to secure an environmental improvement, notwithstanding that the function is specifically allocated to another portfolio, subject in such a case to the other portfolio Member being consulted and having no objection.

23. To make loans and grants for improving the environment and/or amenities.
24. To require that work to be carried out for ensuring that the drainage of existing buildings is satisfactory.
25. To keep under review and be responsible for the implementation of all new legislation relating to the discharge of its functions.
26. To approve all key implementation and bidding documents relating to the portfolio's functions.
27. To enforce all legislation relevant to the portfolio's terms of reference, which the Council is required or empowered to enforce.
28. To make, vary or revoke any order, regulation, plan or scheme relating to the portfolio's functions.
29. To ensure the availability of facilities for the convenience of persons using the roads of the City such as public conveniences, clocks, and litter bins.
30. To exercise the following functions under the Housing Act, 2004:
 - * Part 1 Enforcement of housing standards
 - * Part 2 Licensing of houses in multiple occupation
 - * Part 3 Selective licensing of other residential accommodation

MATTERS RESERVED WITHIN THIS PORTFOLIO TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Environment and Sustainability portfolio which are not reserved to the City Mayor Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: FRONTLINE SERVICE IMPROVEMENT & NEIGHBOURHOODS

Terms of Reference

1. To develop and implement Community Meeting arrangements.
2. To oversee the Council's customer service and complaint function and—develop Customer Care policies and practices across the Authority.
3. The implementation of policy relating to neighbourhood management and renewal.
4. To ensure performance improvement across the Authority.
5. To manage and oversee implementation of policy relating to neighbourhood management and renewal.
6. To establish mechanisms for the development of community capacity.
7. Any function to secure a frontline service improvement / improvement in neighbourhoods, including if the function is specifically allocated to another portfolio, subject to the other portfolio Member being consulted and having no objection
9. To promote the development of local communities through the provision of community centres, facilities, activities and opportunities.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Frontline Service Improvement and Neighbourhoods portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: HEALTH AND COMMUNITY SAFETY

Terms of Reference

1. To manage and oversee the implementation of the Council's Crime and Disorder Strategy and the Council's response to issues of domestic violence.
2. To review and monitor the opportunities in promoting better health gain to the citizens of Leicester.
3. To work with the Culture and Leisure portfolio holder, who leads on health promotion, to promote health and well being through the provision, management and development of facilities for physical recreation, training and play including leisure centres, sports halls, swimming pools, parks and playing fields, and cultural and community facilities.
4. Any function to secure health and community safety, including if the function is specifically allocated to another portfolio, subject to the other portfolio Member being consulted and having no objection.
5. To be responsible for Community safety issues.
6. To pursue the Council's health and community safety policies through partnerships such as the Leicester Crime and Disorder Reduction Partnership and with the National Health Service.
7. To promote policies and take action which will promote public health and maximise quality of life for all in conjunction with the National Health Service.
8. To provide a Health Promotion Service including Home Safety.
9. To exercise all the Council's functions and powers to take legal proceedings in the public interest in relation to matters within the portfolio, including
 - Public Health (Control of Disease) Act 1984
 - Notifiable and other infectious diseases

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Health and Community Safety portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: REGENERATION & TRANSPORT

Terms of Reference

1. To develop, approve and monitor all key policy documents relating to this portfolio, such as the Leicester and Central Leicestershire Transport Policy the Local Transport Plan, and the Local Development Framework Regeneration Masterplan.
2. To approve all key implementation and bidding documents relating to the portfolio's functions.
3. To enforce all legislation relevant to the portfolio's Terms of Reference which the Council is required or empowered to enforce.
4. To exercise the Council's power to take legal proceedings in the public interest in respect of matters within the portfolio's terms of reference.
5. To provide and maintain trees, grass verges and other ornamental areas in streets.
6. To undertake all functions to improve and protect the roads, street lighting, and bridges of the City.
7. To maintain footpaths, bridleways and urban roads within the meaning of the Local Government Act 1972.
8. To provide and maintain footway, footpath and cycleway lighting and floodlighting within the City.
9. To name streets.
10. To control the provision of new streets by developers and the advance payments code and to recommend adoption under Section 38 of the Highways Act 1980 and section 104 of the Water Resources Act 1990.
11. To be responsible for the private street works code.
12. To enforce legislation intended to protect the physical fabric of the street.
13. To co-ordinate the Cabinet's activities in relation to traffic, reconciling at local level so far as lies in the power of the City Council the potentially conflicting requirements of the public for reliable public transport, for vehicular traffic circulation, for parking facilities, for high environmental visual standards and for provision for cyclists and pedestrians.
14. To work with the portfolio holder for the Environment on matters relating to Environmental Protection and Air Pollution.
15. To regulate the relationship between road space and road users and between the various kinds of road users.
16. To advise passenger transport operators on the public passenger transport facilities needed to enable persons who live work in or visit the City at reasonable cost and convenience.

17. To make provisions for and regulate public on and off street parking places including bus stations.
18. To develop and maintain schemes that help people access the City Centre.
19. To approve the grant of travel concessions to persons using public transport.
20. To determine grants for transport facilities and services.
21. To provide and maintain bus shelters and hard standings for the use of public service vehicles.
22. To provide information on traffic and transport service facilities.
23. To consider and make representations on proposals for traffic and transport facilities including observations on planning applications as highway authority and securing appropriate investment in transport facilities and infrastructure by developers in relation to development proposals.
24. To deal with all matters under the Transport Act 2000, other than reserved to full Council.
25. To be responsible for the construction of new roads and modifications of transport infrastructure e.g. roads, footways, cycleways and railways.
26. To make and rescind regulations for the use of roads by traffic and pedestrians and to issue licenses for the use of the highway.
27. To promote and implement road safety and road safety education measures.
28. To develop and review policies for strategic planning and regeneration within the City.
29. To provide information and commentary on emerging legislation and guidance at the national and international level on planning and planning related matters.
30. To approve all key policy documents relating to the work of this portfolio such as Regional Planning Guidance and Local Development Framework, except for those reserved to Council.
31. To carry out the function of the Council as local and strategic planning authority, including the preparation of Development plans.
32. To promote and secure a pattern of development within the city, county and region which is sustainable in terms of use of local and global resources.
33. To oversee the production of land use data to meet the requirements of Government.
34. To take the lead in the development and formulation of Supplementary Planning Guidance, eg Development Briefs and Design Guides the City Centre Action Programme and review subsequent progress.
35. To consider major development proposals in and around the city in terms of the city's wider objectives and the impact they may have on the city.

36. To take the lead on all matters concerning conservation areas and buildings of archeological and historic interest or buildings of local significance and sites of archeological interest other than development control issues.
37. To co-ordinate and supervise the submission of bids for funds from Government, National Lottery and other sources for regeneration purposes.
38. To secure the strategic planning and regeneration of the City by direct action on behalf of the Council and by liaison/partnership working with outside agencies, including East Midlands Development Agency and other Regeneration companies and also including central government.
39. To prepare short/long term strategies for developing the economy of Leicester and relieving unemployment through support for training and other initiatives.
40. To formulate policies to strengthen local industry and commerce.
41. To make grants for altering existing commercial and industrial buildings and for converting other buildings for use as such.
42. To formulate policies to ensure the strategic management and programming for the regeneration and redevelopment of the Leicester riverside, including the Leicester Riverside Park policy area.
43. To oversee research on the local economy and review the impact of the Council's policies and initiatives on the local economy, employment and income generation, and ensuring their consistency.
44. To develop and implement the City Council's policy on European issues, including issues with regard to the Committee of the Regions, European assistance, projects and initiatives.
45. To develop and implement policies relating to European networks.
46. To monitor issues emerging from the European Community and supervise responses and related action by the City Council.
47. To determine all matters relating to overseas links and twinning arrangements, including European East/West links, except the establishment of formal twinning links referred to Council.
48. To provide an anti-poverty service and to implement anti-poverty measures in accordance with approved policies and strategies.
49. To develop and implement policies for and monitoring of inward investment/urban regeneration.
50. To be responsible for the authority's youth training and training for work programmes.
51. To approve and monitor the City Council's partnership working in relation to the National Space Centre / Prospect Leicestershire and other such partnerships relating to regeneration and / or transport entered into from time to time, with particular reference to:-
 - (i) approving and overseeing the implementation of the City Council's plans;

- (ii) considering and implementing action necessary on behalf of the Council;
 - (iii) considering and implementing action necessary to protect the Council's interest as a partnership member
 - (iv) ensuring that the benefits and links to the surrounding areas in Leicester are maximised.
52. To develop and prepare funding bids and other similar regeneration schemes, and to ensure that approved schemes are implemented, outputs are achieved to the required standards, and liaison takes place with the Partnership bodies to achieve the programme and the project is co-ordinated with other City Council responsibilities, having particular regard, as appropriate to the City Council's role as the Accountable Body.
 53. To provide advice services (related to this portfolio) concerning advice on business and employment matters, either directly or in partnership with other organisations.
 54. To oversee the Council's activities as 'Accountable Body' when acting on behalf of partnership organisations.
 55. To undertake all functions to improve and protect the land drainage systems of the City.
 56. To implement measures to conserve and improve water courses and take measures to control flooding from them.
 57. To be responsible for all aspects of the City Council's input into New Deal for Communities and associated community developments.
 58. To oversee the monitor the implementation of the Council's Fair Debt Policy.
 59. To be responsible for City Centre Management.
 60. To organise and provide festive decorations.
 61. To ensure the availability of seats for the convenience of persons using the roads of the City.
 62. To develop and promote services and facilities to ensure the opportunity for lifelong learning for all citizens of the City.
 63. To promote lifelong learning, community development and social inclusion by way of capacity building and other appropriate means.
 64. To ensure that rights of way can be used by the public, administer the law relating to them and review and update the Definitive Map of Public Rights of Way.

MATTERS RESERVED WITHIN THIS PORTFOLIO TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.

2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Approving development briefs.
4. Approving key policy and bidding documents within the portfolio's terms of reference.
5. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Regeneration & Transport portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director *who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

CABINET: HOUSING

Terms of Reference

1. To secure the availability for all persons, living or wishing to live in the City, within their means, of living accommodation of an adequate standard.
2. To oversee the management of all houses controlled by the Council which are not in use for a statutory purpose.
3. To oversee tenant participation and consultation with tenants and residents within the landlord function of the authority.
4. To monitor the condition of existing housing accommodation in the City and determine appropriate action to be taken.
5. To order the demolition or closing up of individual houses unfit for human habitation.
6. The control of rents and the eviction of tenants from housing accommodation.
7. To undertake the Council's responsibilities in respect of the improvement of houses and the repair of houses.
8. To exercise the Council's duty to consider the needs of the City for the provision of further housing accommodation.
9. To oversee the provision of housing accommodation for which the Council is required to keep a Housing Revenue Account, and in connection therewith, to make arrangements for the construction of roads, sewers, grass verges and open spaces, the lighting of such roads and the provision of shops and garages.
10. To oversee the control, management and letting of such housing accommodation, shops and garages on housing estates.
11. To provide financial assistance to voluntary organisations and the public for the purpose of facilitating the construction, conversion, improvement and acquisition of housing accommodation within the limits of policies approved by and resources made available by the Council.
12. To undertake the declaration of renewal areas and the carrying out of work in those areas.
13. To fulfil the obligations of the Council towards homeless persons.
14. To oversee and arrange for the sale and acquisition of residential property within the limits of policies approved by the Council.
15. To undertake joint assessment with other agencies, of housing need in relation to social and care needs in line with legislation, for example, Community Care Act and Children Act.
16. To assess and work to improve the energy efficiency of all housing stock.
17. To oversee the provision of Leicestercare Emergency Alarm Service.

18. To work in partnership with housing associations, the Housing Corporation and the private sector to achieve the Council's aims and objectives.
19. To recommend the annual rent rise for Council tenants.
20. To monitor and make recommendations on the annual Housing Investment Programme and Housing Capital Programme.
21. To develop, implement and monitor policies to address the issues related to unauthorised Gypsy and Traveller encampments.
22. To oversee the provision of suitable and adequate sites for travellers and gypsies.
23. To exercise the following functions under the Housing Act, 2004:
 - * Part 4 Interim and final management orders (excluding interim and final empty dwelling management orders – which are managed by the Housing Department).

 - Part 7 Supplementary and final provisions in particular with regard to information provision / enforcement and authorisation
24. To determine policy and exercise all executive functions of the Council with regard to the following:
 - Caravan sites
25. To consider and, if appropriate, approve adaptations to housing.
26. To issue licenses etc., maintain registers and enforcement legislation regarding hostels.
27. To control and manage the operation of the Council's Trading Organisations and other services within the portfolio, particularly:-
 - (i) to define the operational outcomes for those Trading Organisations and other services;
 - (ii) to monitor their outcomes and their implementation by means of pre-determined measures and targets of performance;
 - (iii) to define and subsequently review policy aims and objectives and business plans for those Trading Organisations and services;
 - (iv) to determine broad operational practices;
 - (v) to monitor financial performance and trading accounts to ensure effective financial control, competitiveness and value for money;
 - (vi) to accept tenders/quotations from contractors/sub-contractors providing goods and/or services to those Trading Organisations; and
 - (vii) to submit tenders/quotations for work both inside and outside the Council for which the Department is responsible.

28. To be responsible for the operation and development of Markets including the Markets Charter
29. To be responsible for Council Combined Heat and Power schemes.
30. To make, vary or revoke any Order, regulation, plan or scheme relating to the portfolio's functions.

MATTERS WITHIN THE PORTFOLIO RESERVED TO THE CITY MAYOR/CABINET:-

1. All relevant matters reserved for Member level decision as detailed in Rules of Procedure.
2. Policy developments of strategic significance relating to the portfolio's Terms of Reference.
3. Approving key schemes, programmes, strategies and bidding documents.
4. To recommend to Council in respect of establishing renewal areas.
5. Recommending rent levels to Council.
6. Recommending to Council the making of bye-laws.
7. Such other matters as the Cabinet may from time to time reserve to itself for decision.

All matters within the Terms of Reference of the Housing portfolio which are not reserved to the City Mayor/Cabinet as stated above, are delegated to the Director* who has responsibility for the relevant function.

*"Director" means Strategic and Divisional Directors.

COMMUNITY MEETINGS

1. Terms of Reference

1.1 The Purpose of a Community Meetings is:

To bring people together to take action to improve the quality of life for people living in the ward.

1.2 Roles of the Community Meeting

- a) Involve residents in local decision-making.
- b) Work with residents to find solutions to local issues.
- c) Work with local partners.
- d) Express views when consulted by the council and partners.
- e) Develop, monitor and review plans affecting the neighbourhood.
- f) Recommend the allocation of the neighbourhood budget in accordance with plans for the neighbourhood.
- g) Monitor quality and performance of services in the neighbourhood provided by the Council and its partners.
- h) Assist the Council's scrutiny committees with the development of policy and scrutiny of Cabinet decisions.
- i) Refer issues to the Council.
- j) Exercise functions, powers and duties delegated to the Community Meeting by the Council or Cabinet.

2 How the Community Meeting Operates

2.1 Number of Committees

- a) There will be 22 Community Meetings, one in each ward.
- b) Community Meetings may agree to form joint committees or hold joint community meetings with other wards as appropriate.
- c) Cabinet members may attend Community Meetings without invitation.
- d) The Community Meeting may set up working groups to identify and achieve the priorities within the ward.

2.2 Membership

Community Meeting members will be the Councillors for the ward.

2.3 Invitees

- a) Individuals and groups will be encouraged to attend and participate in the meetings, including:
- b) Local residents
- c) Housing Associations
- d) Primary Care Trusts
- e) Police
- f) Fire and Rescue Services
- g) Tenant and Residents forum
- h) Young Peoples Network
- i) Older Peoples Network
- j) Community Groups
- k) Others as decided by the Committee

People who attend should work or live in the ward.

A Community Meeting can appoint a number of non-voting community partners. One of their roles would be to run informal meetings when there is not a quorum for a formal meeting. (Additional guidance will be developed on this issue).

2.4 Budget

- a) A Community Meeting within a ward will have a budget allocated to it by Cabinet
- b) The principle for allocating resources would be to implement priorities within the ward as set out in the ward action plans
- c) Up to one third will be allocated to a community chest to fund projects to be run by voluntary and community groups.
- d) Two thirds will be allocated to service improvements, as identified in the ward action plan
- e) Additional funding may be attracted from other sources.

2.5 Working with Services

In phase one Environmental Services will work with community meetings by:

- a) Responding to local issues raised at community meetings.
- b) Proactive dissemination of ward based information.
- c) Service Planning and prioritisation.

This will be extended to other services in subsequent phases.

2.6 Voting and Decision-Making

- a) As far as possible, Community Meetings should seek to reach agreement by consensus rather than vote.
- b) It is for the chair of the meeting to decide whether a matter should be decided by a vote. Each Councillor shall have one vote. Issues put to the vote shall be

decided by a majority of the Councillors present at a quorate meeting of the Community Meeting. In the case of equal votes, the chair of the meeting shall have the second or casting vote.

- c) Budget expenditure decisions must be in accordance with Council's Budget and Policy Framework, Contract and Finance Procedure rules. Legal and financial implications must be considered and taken into account.
- d) Expenditure must be authorised by the Cabinet based on recommendations by the community meeting and the views of the ward councillors. In cases of demonstrated emergency, expenditure can be authorised by the Chief Executive, or a Director in consultation with the City Mayor and the Cabinet Lead, with the decision being reported to the next scheduled meeting of the Cabinet. No action or expenditure should be incurred contrary to officer advice without referral to Cabinet.

2.7 Quorums

Two councillors from the ward constitute a quorum. Both must be present to hold a formal meeting. Where there is no quorum a community partner (where present) will be elected as chair (see 2.3 above), however no formal decisions could be taken in the meeting (additional guidance will be developed on this issue).

2.8 Meetings

- a) Meetings will take place in three monthly cycles.
- b) At least one meeting should be held per cycle.
- c) Where the Community Meeting needs to meet to conduct formal business, the Council's committee procedure rules will apply including those relating to access to information, notice of meetings etc.

2.9 Agendas

- a) The Community Meeting must set an agenda for each meeting by agreement between the ward councillors where possible, otherwise at the discretion of the person chairing the meeting.
- b) The meeting will be in 2 parts.
- c) The format of part 1 will encourage the engagement of local people and partner organisations on local issues. The style of the meeting will facilitate the expression of views of local people.
- d) Part 2 will operate in a more structured way in accord with the Council's committee procedure rules and deal with business items, for example allocation of the ward neighbourhood budget.

2.10 Chairing

The Committee will normally elect a Chair on an annual basis. Arrangements for chairing will be confirmed at each agenda meeting. If the Chair is not present at a community meeting, another councillor for the ward shall chair. In the absence of a Councillor for the ward, a community partner will be appointed as a chair for the meeting. If a number of community partners are present they will agree which one of them will chair the meeting. In this case the meeting will be able to work informally and not make any decisions.

* “Director” means Strategic and Divisional Directors.

SCRUTINY COMMITTEES: TERMS OF REFERENCE

TERMS OF REFERENCE

SCRUTINY COMMITTEES - INTRODUCTION

Each Scrutiny Committee will perform the role as out in Article 6 in relation to the functions set out in its terms of reference.

Scrutiny Committees may:-

- i. review and scrutinise the decisions made by and performance of the City Mayor, Cabinet , Committees and Council officers both in relation to individual decisions and over time.
- ii. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- iii. question the City Mayor, members of the Cabinet, committees and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- iv. make recommendations to the City Mayor, Cabinet, committees and the Council arising from the outcome of the scrutiny process.
- v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- vi. question and gather evidence from any person (with their consent).

Finance: Scrutiny Committees may exercise overall responsibility for the finances made available to them.

Annual report: Scrutiny Committees may report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

Work programme: Scrutiny Committees may determine and exercise overall responsibility for their work programme.

The Scrutiny Committees which have currently been established by the Council in accordance with Article 6 of the Constitution are:

- Overview and Scrutiny Management Board
- Health Overview and Scrutiny Committee

- Children and Young People Scrutiny Committee
- Performance and Value for Money Select Committee

Task groups have been established by Council as an informal mechanism to support the above Scrutiny Committees in dealing with detailed work.

SCRUTINY ROLE: BEST VALUE

Each Scrutiny Committee will perform its role as set out in Article 6 in respect of the Best Value functions of the authority in relation to the functions set out in its terms of reference.

SCRUTINY COMMITTEE: OVERVIEW AND SCRUTINY MANAGEMENT BOARD

The Overview and Scrutiny Management Board is a Scrutiny Committee with a general remit to perform the scrutiny role and functions as set out in Article 6 of the Constitution.

Within this remit the Overview and Scrutiny Management Board will:

- Decide on issues that are to receive overview and scrutiny (e.g. an area of significant policy or service change or underperformance, or an area of public or local interest)
- Directly scrutinise policy or service changes
- Set the work programme for the Task Groups
- Request that an Overview and Scrutiny Task Group scrutinises a change to policy/service delivery
- Request an Area or Ward Committee to undertake the scrutiny of a local issue
- Monitor and evaluate the work of the Overview and Scrutiny Task Groups
- Oversee and monitor training programmes for Overview and Scrutiny
- Oversee the overall use of financial resources allocated to support the overview and scrutiny process

SCRUTINY COMMITTEE: CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

The Children and Young People Scrutiny Committee is a Committee with a specific remit to perform the scrutiny role and functions as set out in Article 6 of the Council's Constitution.

Within this remit the Committee will:

- * Decide on children and young people issues that are to receive overview and scrutiny (e.g. on areas of significant policy or service change or performance or an area of public or local interest).
- * Directly scrutinise policy or service changes.
- * Make recommendations to the City Mayor and Cabinet on service delivery and improvement.
- * Set its own work programme.
- * Request that a sub-committee "working group" scrutinise a change to policy / service delivery or a particular performance issue.
- * Monitor and evaluate the work of the Committee's researcher / rapporteur.
- * Oversee and monitoring training programmes for members of the Children and Young People Scrutiny Committee, in particular at the start of their tenure as members of this Committee.
- * Act as the Council's statutory education committee and include as members the statutory education co-optees.

The Committee will consider petitions and questions from members of the public in relation to CYPS issues.

PERFORMANCE AND VALUE FOR MONEY SELECT COMMITTEE

The Performance and Value for Money Select Committee will scrutinise the performance of service delivery within Leicester City Council and its partners.

The Select Committee will:-

- Monitor and hold to account the service delivery performance of the Council and its partners with particular reference to performance indicators and the performance management framework, and also to key documents such as the Local Area Agreement and the Council's Corporate Plan
- Monitor the efficiency of the Council
- Scrutinise the annual budget setting and monitoring process
- Identify areas for in depth scrutiny for referral to the Overview and Scrutiny Management Board where performance is weak
- Scrutinise issues identified as requiring improvement by external assessors
- Scrutinise the performance of the Council's scrutiny function (including members' participation in overview and scrutiny at Task Group level)

HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The committee will scrutinise Leicester's Primary Care Trusts and other health care bodies to ensure that health care services are provided. It will also seek to ensure that local people are involved as appropriate under the NHS Reform Act and that matters referred by patients' fora are addressed.

The Committee will scrutinise:

- Provision and operation of hospital and community health services
- Public health, health promotion and health improvement
- Planning of health services to improve health and the provision of health care
- Community engagement by the PCTs and other NHS bodies in the city
- The Council's functions as they impact on health
- Matters referred by patients' fora

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PART 4A COUNCIL PROCEDURE RULES

(Note: rules in this section shown in bold are required by law)

For the purposes of the Council Procedure rules, all rights and obligations of Councillors will also apply to the City Mayor.

1. ANNUAL MEETING

- (a) The Annual Meeting of the Council shall be held on the third Thursday in May in any year when there are no City Council Elections.
- (b) In a year where there are City Council Elections, the Annual Meeting shall be held on the first Thursday after the tenth day after the election.
- (c) The Cabinet may change these provisions within the limits of legislation.

(The statutory limits on the holding of the annual council meeting are:

- (i) In election years, on the eighth day after the retirement of Councillors or on any other day within the 21 days immediately following the retirement of Councillors as the Council may fix.**
- (ii) In other years within the month of March, April or May.)**

2. ORDINARY MEETINGS

- (a) Ordinary meetings of the Council shall be held on dates fixed by the Council at its Annual Meeting.
- (b) Any dates agreed can be varied by the Monitoring Officer in consultation with the Lord Mayor, City Mayor and Leaders of each of the Council's political groups.

3. SPECIAL MEETINGS

- (a) Special meetings can be called as follows:-
 - (i) By the Lord Mayor.
 - (ii) Five Councillors may sign a requisition to the Lord Mayor requesting the calling of a special meeting of the Council.
- (b) If, following receipt of a requisition, the Lord Mayor does not issue a meeting summons within seven days of receipt of the requisition or actually refuses before the seven days, any five Councillors, on that refusal or on the expiration of seven days, may call a special meeting.

- (c) Where the Lord Mayor agrees to call a meeting, this meeting must be held within 21 days of receipt of the requisition unless the Councillors who requisitioned the meeting agree on a later date.

4. PLACE AND TIME OF MEETING

- (a) Ordinary meetings of the Council shall be held at 5.00pm at the Town Hall.
- (b) The place and time of Council meetings can be varied by the Monitoring Officer in consultation with the Lord Mayor and Leaders of each of the Council's political groups.

5. CHAIR OF MEETING

- (a) The Chair of the Council shall be the Lord Mayor or in his/her absence, the Deputy Lord Mayor. If the Deputy Lord Mayor is also absent the High Bailiff will perform this role. In the absence of all three, the Council shall choose a Councillor who is not a Member of the Cabinet to Chair the meeting.
- (b) Any power or duty of the Lord Mayor contained in these Council Procedure Rules may or shall be exercised by any other councillor chairing the meeting in place of the Lord Mayor.

6. PUBLIC NOTICE OF MEETINGS

- (a) Notice of the time and place of a Council meeting shall be published at the Council's Offices, at least five clear days before the meeting, unless a special meeting is called within five days. In the case of a special meeting called within five days, the required notice must be given as soon as the special meeting is called. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays).
- (b) Where the meeting is a special one called by Councillors, the notice must be signed by those Councillors and specify the business to be transacted.

7. SUMMONS TO MEETING

A summons to attend a Council meeting must be delivered to each Councillor, giving at least five clear days notice (unless the meeting is called within five days), specifying the business to be transacted and signed by the Proper Officer. In the case of a special meeting called within five days, the notice must be delivered as soon as is practically possible. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays).

8. AGENDA FOR ORDINARY MEETINGS

- (a) Subject to the provisions of Rule 11, (Variation of Order of Business), the order of business at ordinary meetings of the Council shall be as follows:-

- (i) Lord Mayor's announcements.
- (ii) Position Statements.
- (iii) Declarations of interests and declarations under Section 106 of the Local Government Finance Act.
- (iv) Minutes of the last meeting for approval of accuracy.
- (v) (a) Petitions presented by Members of the Public
(b) Petitions presented by Councillors.
- (vi) Questions of which notice has been given
(a) From Members of the Public.
(b) From Councillors.
- (vii) Business (if any) remaining from the last meeting.
- (viii) Reports of The City Mayor or Cabinet.
- (ix) Reports of Working Parties.
- (x) Reports of Scrutiny Committees
- (xi) Reports of Regulatory and Standards Committees
- (xii) Authority to seal documents other than referred to in reports of Committees.
- (xiii) Reports of the Monitoring Officer and/or Chief Executive, if any.
- (xiv) Appointment of Councillors to Cabinet, Scrutiny and Regulatory Committees.
- (xv) Notices of Motion.
- (xvi) Any Other Urgent Business.
- (b) Items (i), (ii), (iii) (iv) and (xii) above must not be displaced.

9. AGENDA FOR ANNUAL MEETING

- (a) The agenda for the Annual Meeting shall include the following:-
 - (i) Lord Mayor's announcements.

- (ii) Election of Lord Mayor.
 - (iii) Election of High Bailiff.
 - (iv) Election of Deputy Lord Mayor.
 - (v) Appointment of Lord Mayor's Religious Adviser.
 - (vi) Other Speeches.
 - (vii) Establishment of Scrutiny Committees and Regulatory Committees
 - (viii) The City Mayor to inform Council of Cabinet Members and scheme of delegation for executive functions.
 - (ix) Annual calendar of meetings of Cabinet, Scrutiny Committees and Regulatory Committees
 - (x) Dates of Council meetings.
- (b) No other business shall be transacted except that the City Mayor or Cabinet can authorise the consideration of a Cabinet Report if it considers it necessary.

10. POSITION STATEMENTS

- (i) One or more verbal Position Statements may be presented to the Council by the City Mayor and any member of the Cabinet at the discretion of the City Mayor.
- (ii) The discussion of Position Statements shall not exceed ten minutes but the Lord Mayor, at his or her discretion, may permit an extension of such length as he or she considers appropriate.

11. AGENDA FOR SPECIAL MEETINGS

The agenda for special meetings of the Council shall include items (i) and (ii) of Rule 8 plus the item(s) for which the special meeting has been called. Matters of Other Urgent Business may be transacted at the discretion of the Lord Mayor

12. VARIATION OF ORDER OF BUSINESS

At meetings of the Council, the order of business may be varied by the Lord Mayor or by resolution of the Council at that meeting. A motion to vary the order of business shall be moved, seconded and put to the vote without discussion.

13. MINUTES

- (a) **The Minutes of each meeting of the Council shall be made available for public inspection in the offices of the Monitoring Officer, shall be sent to each Member of the Council together with or before the issue of the summons to attend the meeting at which the Minutes are to be submitted for approval and shall be published within two working days of such approval on the Council's Internet site.**
- (b) **The Lord Mayor will sign the minutes of the proceedings at the next suitable meeting. The Lord Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.**
- (c) **Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(i)(ii) of schedule 12 relating to signing of minutes.**

14. PETITIONS

- (a) The Council shall only receive petitions which comply with this Rule and which comply with the Council's Scheme for Petitions as at Appendix 6 of the Political Conventions.
- (b) Petitions may be presented at an ordinary meeting and shall be relevant to some question over which the Council has authority or which affects the City.
- (c) The address of each person signing the petition shall be shown.
- (d) Petitions to be presented by Councillors must be received by the Monitoring Officer not later than three clear days before the meeting. Petitions to be presented by members of the public shall be received by the Monitoring Officer no later than five clear days before the meeting. (Clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays).
- (e) A petition to be presented by a member of the public shall indicate which one of the signatories is to present the petition.
- (f) Petitions shall be presented to the Council in the order in which they have been received, except that petitions presented by members of the public shall take precedence.
- (g) The reading of the subject matter shall not be of excessive length and speeches or additional remarks shall not be permitted.

- (h) Petitions shall be referred without debate to the Monitoring Officer who, in consultation with relevant Members, will determine whether the Petition shall be considered by the appropriate Committee(s) or sub-Committee(s) or dealt with by an officer.
- (i) If the petition is presented at the same Council meeting at which there is a report on the agenda on the same subject, the Lord Mayor may exercise their discretion and may decide that the petition be considered with the report.
- (j) Where a petition has been referred to a Committee or Sub-Committee, a report shall be submitted to the Committee or Sub-Committee on the action taken as soon as practicable and, in any case, not later than the third ordinary meeting after the Council meeting at which the petition was presented. Where the petition was presented by a member of the public, the petitioner shall be informed of the response. If the report on the petition requires an executive decision, the report will also be referred to the appropriate Director or the Cabinet for consideration.

15. QUESTIONS AT COUNCIL

(a) Questions from Councillors

- (i) Only questions which comply with this Rule shall be asked.
- (ii) A member of the Council may, at any ordinary meeting of the Council, ask the Lord Mayor or the City Mayor or the relevant Cabinet member any question relating to the business of the Council or of the Cabinet or relating to any matter which affects the City. He / she may also may ask the duly nominated member of the Police Authority a question/s regarding the Police Authority.
- (iii) Notice of the question(s), in writing, must be received by the Monitoring Officer not later than 10 o'clock in the morning on the day before the meeting.
- (iv) No question from a Councillor shall be accepted
 - (a) which contains abusive, defamatory or offensive language or relates to a specific and identifiable person;
 - (b) at the Annual Meeting of the Council, a Special Meeting of the Council, or at any meeting of the Council summoned for the purposes of considering the budget;
- (v) Questions shall be asked in the order in which they have been received, subject to, at the Lord Mayor's discretion, a number of

questions on the same or related subject being answered by way of one consolidated reply.

- (vi) At the meeting, after a question has been given a reply (including by way of a consolidated reply), the person who asked the question may ask one supplementary question for the purposes of clarifying the reply and, in the following paragraphs of this part of this Rule the word 'question' shall include such a supplementary question.
- (vii) Every question shall be asked and answered without discussion.
- (viii) No discussion shall be permitted nor any resolution moved with reference to any question or reply to a question.
- (ix) The Lord Mayor or the City Mayor may authorise a Cabinet Member or any other Councillor to answer any question.
- (x) The name of the Councillor asking the question, the text of the question and a summary of the response shall be recorded in the Minutes.

(b) Questions from Members of the Public

- (i) Only questions which comply with this Rule shall be asked.
- (ii) A question shall be one main question about a particular topic and not include a series of sub-questions.
- (iii) An adult resident of the City of Leicester or the Chair or Vice-Chair (or his/her nominee) of the Leicester Young People's Council may ask the Lord Mayor or the City Mayor any question relating to the business of the Council or of the Cabinet or relating to any matter which affects the City.
- (iv) No question from a member of the public shall be accepted:-
 - (a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation, or from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
 - (b) in relation to an individual's particular circumstances;
 - (c) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;
 - (d) about any matter which has been the subject of an issue raised by a petition or question or of a decision of Council, the Cabinet

or any Committee or Sub-Committee within the previous six months;

- (e) at the Annual Meeting of the Council, a Special Meeting of the Council or at any meeting of the Council summoned for the purposes of considering the budget;
 - (f) which contains abusive, defamatory or offensive language or relates to a specific and identifiable person.
- (v) Notice of the question(s), in writing, must be received by the Monitoring Officer not later than five clear days before the meeting. (Five clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). The notice shall be signed and shall include the questioner's address.
 - (vi) Questions shall be asked in the order in which they have been received, except that where a member of the public wishes to ask more than one question (not including a supplementary question), s/he may only ask a second question when the first questions of all the other questioners have been disposed of, and so on for any subsequent questions.
 - (vii) In the event of more than one question being asked on the same or a related subject by one or more members of the public, subject to the discretion of the Lord Mayor, these questions may be answered by way of one consolidated reply.
 - (viii) Where the person who gave notice of the question does not wish personally to ask the question s/he may have a friend ask the question on his/her behalf, provided that the Monitoring Officer shall be notified of such an arrangement at the time notice of the question is given.
 - (ix) Where the person who is to ask the question is not present at the meeting when the question is reached on the agenda, the question shall not be asked, except that where the question is to be asked by a friend under (vi) above if the friend is absent, the person who gave notice may ask the question.
 - (x) At the meeting, after a question has been given a reply, the person who gave notice of the question may ask one supplementary question for the purposes of clarifying the reply and, in the following paragraphs of this part of this Rule, the word 'question' shall include such a supplementary question. Where a friend has asked the first question, s/he may also ask a supplementary question on behalf of the person who gave notice.
 - (xi) Every question shall be put and answered without discussion.

- (xii) No discussion shall be permitted nor any resolution moved with reference to any question or reply to a question.
- (xiii) The Lord Mayor or the City Mayor may authorise a Cabinet Member or any other Councillor to answer any question.
- (xiv) The name of the person who gave notice of the question, the text of the question and a summary of the response shall be recorded in the Minutes.
- (xv) The time taken in asking and answering all questions from members of the public shall not exceed twenty minutes, subject to that time being extended at the discretion of the Lord Mayor. Any questions not disposed of at the expiry of the allotted period shall be answered in writing. The time taken in asking and answering one question shall not exceed three minutes.
- (xvi) No member of the public may ask more than 6 main questions in any one municipal year.

16. REPORTS TO COUNCIL

- (a) The City Mayor, Cabinet, Scrutiny or other Committees **may** report to the Council on any issue which they have considered and **must** report on matters reserved to Council as detailed in Article 4 and Part 3 of the Constitution. The Monitoring Officer can apply this provision to Council working parties where appropriate. There may also be circumstances where the Monitoring Officer and/or Chief Executive consider it appropriate to report direct to Council.
- (b) A Cabinet report to Council shall be submitted in the name of the City Mayor
- (c) All reports to be considered at a Council Meeting shall be sent to every Councillor five clear days before the meeting. (Five clear days excludes the day of despatch, the day of the meeting, Bank Holidays, Saturdays and Sundays).
- (d) Any plan referred to in a report to be considered at Council shall be available for inspection by any Member of the Council for at least five clear days before the Council meeting at which the report is to be considered and shall be displayed in the Council's Tea Room during the afternoon of the day of the Council Meeting.
- (e) Any reports and their associated appendices/plans shall be available for public inspection five clear days before the meeting at which they are to be discussed, unless it is proposed that they are to be considered on the private agenda.

- (f) The Member of Council whose name in which a report is submitted shall propose any necessary motion to either:
- obtain approval by the Council of the recommendations as contained within the report, or
 - any other proposal relevant to the content of the report, or
 - the withdrawal of the report (unless a decision is legally required), or
 - the referral back to the City Mayor, Cabinet or Committee for further consideration of the report.

(A proposal to withdraw a report or refer a report back to the Cabinet or a Committee shall be voted on without debate).

- (g) The Councillor who would otherwise move a motion to secure approval of the report may authorise another Councillor to move the motion, subject to notice of the authorisation being given to the Monitoring Officer before 12 noon on the day of the Council meeting.
- (h) A motion to secure approval of the report shall, in the absence of the Member of Council who would otherwise move it, be proposed by some other Member of the reporting body designated by the Lord Mayor.
- (i) Two or more Scrutiny Committees may submit a joint report. In such cases the relevant Committee Chairs shall agree by 12 noon on the day of the meeting and notify to the Monitoring Officer by that time which Councillor will propose the appropriate Motion. In the event of a failure to agree by the Scrutiny Chairs who should propose the associated motion, the decision shall be left to the discretion of the Lord Mayor.
- (j) Reports shall not be considered at the Annual Meeting of the Council. Reports other than the City Mayor or Cabinet report and associated Scrutiny comments on the budget shall not be considered at any meeting designated as summoned for the purposes of considering the budget. However, the City Mayor or Cabinet may authorise the submission of any report at either of these meetings if exceptional circumstances make this desirable in its opinion.

17. NOTICES OF MOTION

- (a) Apart from the exceptions outlined in Rule 18, notice must be given of every motion.
- (b) Every notice shall be in writing, signed by the Councillor giving the notice and delivered at the office of the Monitoring Officer at least six clear days before the next meeting of the Council. (six clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays). The Monitoring Officer shall date, number in the order in which it was received and enter in a book all notices of motion. The book shall be open to inspection by Councillors.

- (c) The Monitoring Officer shall insert in the summons and notice for every meeting of the Council all notices of motion given as outlined above, in the order in which they have been received, unless the Councillor giving such a notice has indicated in writing that s/he proposes to move it at some later meeting or wishes to withdraw it.
- (d) If a motion of which notice has been given and not withdrawn is not moved by the Councillor who gave the notice, it may be moved by another Councillor. If it is not moved, it shall, unless postponed by consent of the Council, such determination being without debate, be treated as abandoned and shall not be moved again without new notice being given.
- (e) Notice of any motion which would have the effect of materially increasing the expenditure or reducing the revenue of the Council may not be submitted except in the form of referring such a proposal to the Cabinet and, if appropriate, to a Scrutiny Panel for consideration and report.

18. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

- (a) The following motions may be moved without notice:-
 - (i) Appointment of a Chair for the meeting.
 - (ii) Motions relating to the approval of accuracy of the Minutes of the Council.
 - (iii) Variation of order of business.
 - (iv) Motions for resolutions to be reconsidered within six months and inserted in the summons for the next ordinary meeting.
 - (v) Giving the consent of the Council where consent of the Council is required by the Constitution's Rules.
 - (vi) To withdraw or alter a report.
 - (vii) That a Councillor be not further heard or leave the meeting.
 - (viii) Adoption of reports and recommendations of the City Mayor, Cabinet, Scrutiny Committees and Regulatory Committees.
 - (ix) Confirmation of City Mayor, Cabinet and Regulatory Committee decisions.
 - (xi) Any motions arising out of consideration of a report at Council or of a decision of the Cabinet or a Regulatory Committee submitted for separate confirmation.
 - (xii) Authorising the sealing of documents.

- (xiii) Any other motions listed in Rule 19 (amendments) whether or not moved whilst another motion is under debate.
 - (xiv) Business required by or under statute to be transacted at the Annual Meeting.
 - (xiv) Appointment of Members to serve in the Cabinet, or on a Scrutiny Committee or on Regulatory Committees and Sub-Committees and their Chairs and Vice-Chairs.
- (b) The Lord Mayor **may** require motions of which notice is not given to be put in writing and given to the Monitoring Officer immediately upon being seconded.

19. MOTIONS GENERALLY

- (a) All motions and amendments must be proposed and seconded before any discussion is allowed.
- (b) A Councillor may not propose or second a motion or an amendment on an issue on which s/he is disqualified from voting.
- (c) As long as s/he has the consent of the seconder and the Council, a proposer of a motion or an amendment may alter the motion/amendment, if the alteration is such that it could be achieved by an amendment. The Lord Mayor may require that the altered motion or amendment be written down and handed to the Monitoring Officer before the consent of the Council is sought.
- (d) The proposer of a motion or an amendment may, with the consent of the Council, withdraw the motion or amendment and no other Councillor may speak on the motion or amendment, unless permission for its withdrawal has been refused.
- (e) The giving or refusal of the approval of the Council to the alteration or withdrawal of a motion or amendment shall be done without discussion.
- (f) When a motion is under debate no other motion shall be moved except the following:-
 - (i) To amend the motion.
 - (ii) To adjourn the meeting.
 - (iii) To go to the next business.
 - (iv) To adjourn the debate.
 - (v) That the question under consideration be put to the vote immediately (known as 'the closure motion').

- (vi) That a Councillor not be heard further.
- (vii) That a Councillor leave the meeting .
- (viii) That the subject of debate be referred to a Committee.
- (ix) To extend the time limit for speeches.
- (x) That a Councillor be invited to remain in the meeting.
- (xi) To exclude the public and press.
- (xii) That a Procurement Rule be suspended .
- (xiii) That consent be given to alter or withdraw a motion or amendment.

20. AMENDMENTS

- (a) The Lord Mayor may request that amendments be written down and handed to the Monitoring Officer before being discussed or put to the vote. However, amendments which merely refer an issue back to the Cabinet, a Scrutiny Committee or a Regulatory Committee need not be written down.
- (b) Each amendment to a motion shall be dealt with in turn and a further amendment shall not be moved until the Council has disposed of every amendment previously moved and seconded.
- (c) If an amendment is rejected, other amendments may be moved on the original motion but a further amendment must not have the same effect as an earlier rejected amendment.
- (d) If an amendment is carried, the motion as amended will take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- (e) An amendment shall be directly relevant to the motion to which it is moved and shall be either to leave out words or insert or add others or a combination of both. It must not be a direct negative of the motion.

21. WHEN A COUNCILLOR MAY SPEAK

- (a) A Councillor may only speak once on any motion and shall not speak again while it is the subject of debate except:-
 - (i) On a point of order.

- (ii) To give a personal explanation.
 - (iii) To propose or second any of the motions referred to in paragraphs (ii)-(xiii) of paragraph (f) of Rule 18.
 - (iv) To second or speak once on an amendment moved by another Councillor.
 - (v) If the motion has been amended since s/he last spoke, to move a further amendment.
 - (vi) If her/his first speech was on an amendment, to speak on the main issue after the amendment has been disposed of.
 - (vii) To exercise the right of reply of the proposer of a motion.
- (b) A Councillor, when seconding a motion or an amendment, may reserve her/his right to speak until later in the debate, as long as s/he indicates that this is her/his intention.

22. SPEECHES BY COUNCILLORS

- (a) Any Councillor when speaking to the Council Meeting in a debate shall stand in his/her place and address the Lord Mayor.
- (b) No speech shall exceed five minutes in length except where a motion for extension of time has been carried under the provisions of Rule 22.
- (c) A Councillor shall confine her/his speech to the matter under discussion, to a point of order or to a personal explanation.
- (d) Where a Councillor moves an amendment part way through his/her speech, the amendment shall be taken to be part of the same speech for the purposes of calculating the length of time for which a Councillor is permitted to speak.

23. EXTENSION OF TIME

- (a) A motion for an extension of time shall be moved, seconded and put to the vote without discussion.
- (b) The motion shall specify the length of the extension but no extension shall exceed ten minutes, and in the absence of any lesser period being specified, any extension shall be presumed to be for five minutes.
- (c) No more than two extensions of time may be moved in relation to a single speech.

24. POINT OF ORDER

- (a) A Councillor, whether s/he has spoken on the matter under discussion or not, and even if another Councillor is speaking, may stand to raise a point of order, and with the consent of the Lord Mayor, be entitled to be heard immediately.
- (b) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitution or conduct of the meeting.
- (c) The Councillor must make the point immediately s/he notices it and state the rule or procedural rule in question and how s/he alleges it has been broken.
- (d) A ruling on the point must be given by the Lord Mayor before the debate continues. No discussion shall be allowed on the Lord Mayor's ruling.

25. PERSONAL EXPLANATION

- (a) If a Councillor makes a statement which is misunderstood or misquoted by another Councillor at that meeting, the Councillor may stand to make a personal explanation and with the consent of the Lord Mayor, be given the opportunity to correct the misunderstanding, either immediately or at the end of the speech then in progress.
- (b) The ruling of the Lord Mayor on the admissibility of a personal explanation shall not be open to discussion.

26. RIGHT OF REPLY

- (a) The proposer of a motion shall have the right to reply to the debate at the following times:-
 - (i) At the close of the debate on the motion.
 - (ii) At the close of the debate on an amendment to the motion.
 - (iii) Before a motion to proceed to the next business is put to the vote.
 - (iv) Before a motion to adjourn the debate or refer the item to a Committee is put to the vote.
 - (v) After a closure motion is carried.
- (b) The proposer of an amendment to a motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.
- (c) A Councillor exercising the right of reply shall confine her/himself to answering previous speakers to whom s/he has not already had the opportunity of replying and shall not introduce any new matter.

- (d) After every reply to which this Rule applies a decision shall be taken immediately on the motion or amendment under discussion.

27. NEXT BUSINESS

- (a) A Councillor who wishes to avoid a decision on the matter under debate, or to adjourn or close the debate may, at the conclusion of a speech of another Councillor, move either:
 - (i) That the Council proceed to the next business (which would have the effect of dropping the original motion); or
 - (ii) That the debate be adjourned to a specified hour or occasion (or to the next ordinary meeting of the Council if no other occasion is specified) and treated as continuous; or
 - (iii) That the question now be put (which would cause the question under discussion to be voted on immediately).
- (b) Such motions shall be proposed and seconded without speeches.
- (c) The Lord Mayor may consider that the matter under debate requires further discussion, or may without further discussion, put to the vote the motion to proceed to the next business, adjourn or to put the question.
- (d) If a motion that the question now be put is carried, the mover of the original motion shall have the right of reply. The motion or amendment under debate shall then be put to the vote.

28. RECONSIDERATION OF COUNCIL RESOLUTIONS

- (a) The proposal of a motion to reconsider any resolution of the Council passed within the preceding six months or to the same effect as one which has been rejected within that period shall not be allowed unless it is part of a Committee report to Council or, at a meeting of the Council, a Councillor moves for such a motion to be included in the agenda for the next ordinary meeting of the Council and the motion is seconded and carried.
- (b) When any motion to reconsider an issue is disposed of, no Councillor shall move for leave to propose a similar motion, that is, with reference to the same subject, within a further six months.

29. VOTING

- (a) Every proposition shall, unless otherwise required by law, be determined by votes recorded by electronic means, or a show of hands, or at the discretion of the Lord Mayor, by voices .

- (b) In taking the votes on any proposition, only those councillors who are not disqualified from voting, and are present in the Council Chamber, to cast their vote shall be entitled to vote.
- (c) In the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.

30. RECORDING OF VOTES

- (a) After a proposition is put from the Chair but before the vote is taken, any three Councillors who stand in their places may request that the names of Councillors voting for or against the proposition be recorded by the Monitoring Officer in the minutes of the meeting and any such record shall, on request, be supplied to the Members of the Council or to the press.
- (b) Immediately after a vote is taken any Councillor may require that the Minutes record how s/he voted if at all on the proposal.**

31. MISCONDUCT BY COUNCILLORS

- (a) If a Councillor, in the opinion of the Lord Mayor, misconducts her/himself by persistently disregarding the ruling of the Chair, or behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Council, or by excessive repetition or unbecoming language in her/his speech, the Lord Mayor may name that Councillor and another Councillor may move that the Councillor named not be heard further and such a motion, if seconded, shall be put to the vote without discussion.
- (b) If the Councillor named continues her/his misconduct after a motion outlined above has been carried, the Lord Mayor may either:-
 - (i) Move that the Councillor named leave the meeting and such motion shall be put to the vote without seconding or discussion; or
 - (ii) If, in the opinion of the Lord Mayor, misconduct or obstruction renders the due and orderly dispatch of business impossible, s/he may, without taking a vote, suspend the sitting of the Council for a period not exceeding 30 minutes, to be specified by the Lord Mayor.
- (c) Whenever the Lord Mayor stands during a debate, a Councillor who is standing shall sit down and the Council shall be silent.

32. DISTURBANCE BY MEMBERS OF THE PUBLIC

- (a) If a member or members of the public interrupt the proceedings at a Council meeting, the Lord Mayor may warn them. If they continue the

interruption, the Lord Mayor may order their removal from the Council Chamber.

- (b) In cases of general disturbance in any part of the Chamber open to the public, the Lord Mayor may order that part to be cleared.
- (c) The Lord Mayor shall in the case of misconduct or obstruction by a member or members of the public have the same power of suspending the sitting of the Council as outlined under Rule 30.

33. URGENT BUSINESS

The Lord Mayor / Chair can decide to accept an urgent item on to the agenda where, in his/her opinion, the item should be considered as a matter of urgency because of special circumstances which shall be specified in the minutes.

34. QUORUM

- (a) If during any meeting of the Council the Lord Mayor, after counting the number of Members present, declares that there is not a quorum present the meeting shall be adjourned.
- (b) The consideration of any business not transacted shall be adjourned to a time fixed by the Lord Mayor at the time the meeting is adjourned, or if no time is fixed, to the next ordinary meeting of the Council.

(NOTE: It is not permissible to transact any business at a Council meeting unless at least one quarter of the whole number of Members of the Council are present. In the event of more than one third of the Members of the Council becoming disqualified at the same time, the quorum shall be determined by reference to the number of Members remaining qualified - Local Government Act 1972, Schedule 12, Paragraphs 6 and 45. The quorum of Leicester City Council while it has a membership of 56 is, therefore, 14.)

35. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

(a) Suspension

All of these Council Procedure Rules, except those required by law and shown in bold, may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

(b) Amendment

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

36. COUNCIL COMMITTEES

(a) Appointment of Committees and Sub-Committees

(i) At the Annual Meeting, the Council shall appoint such Committees as are necessary to carry out the non-executive functions allocated to Council, and Scrutiny Committees to perform the Council's Scrutiny role. The Council shall, subject to the requirements in this Constitution, determine the following in each case of each Committee or Sub-Committee appointed:-

- (a) The number of Members.
- (b) The Chair and Vice-Chair(s).
- (c) The Terms of Reference.
- (d) The date and time of the first meeting in the municipal year.

(ii) The majority of the members of a Committee shall be Councillors.

(b) Political Balance of Committees and Sub-Committees

At its Annual Meeting, the Council shall determine the allocation of Committee and Sub-Committee places to political groups to ensure, so far as is practicable:-

- (i) that the number of places each political group has on each ordinary Committee or Sub-Committee is in proportion to that group's share of the total Council membership; and
- (ii) that each political group has the same proportion of seats as it holds on the Council as a whole.

(c) Appointment of members to Committees and Sub-committees

Appointment of members to fill places on committees or sub-committees, or any vacancies which may arise, shall be by the Monitoring Officer in consultation with the political group whips, and with the consent of any member being appointed.

(d) The Council may vary these arrangements from time to time.

37. CHAIRS AND VICE-CHAIRS OF COUNCIL COMMITTEES

(a) Committees

- (i) At its annual meeting the Council shall appoint, and may, from time to time appoint and remove, the Chairs and Vice-Chairs of Committees, and Chairs and Spokespersons of Scrutiny Committees.
- (ii) Chairs and Vice-Chairs or Party Spokesperson may resign by giving notice in writing to the Monitoring Officer. Such notice shall take effect from the time of its receipt by the Monitoring Officer unless the resignation states that it is to take effect at a later date. In that event, the resignation shall be effective from the date stated in the resignation letter.
- (iii) Unless otherwise stated in the Constitution, the Chair, Vice-Chair and Spokesperson of a Committee shall be Members of the Council.

(b) Sub-Committees

- (i) The parent Committee shall appoint, and may remove, the Chairs and Vice-Chairs of any Sub-Committees it appoints.
- (ii) Chairs and Vice-Chairs may resign by giving notice in writing to the Monitoring Officer, in accordance with the procedure for the resignation of Chairs and Vice-Chairs of Committees (Paragraph (a)(ii) of this rule refers).
- (iii) Unless otherwise stated in the Constitution, the Chair and Vice-Chair of a Sub-Committee shall be Members of the Council.

(c) Duration of Appointment

Appointments under this Rule shall be for a period ending with the point in the next annual meeting of the Council when such appointments are made.

38. QUORUM OF COUNCIL COMMITTEES

(a) Committees

The quorum of every Standing Committee shall be three.

The quorum of the Standards and Audit Committee shall be three including an independent member.

(b) Sub-Committees

The quorum of a Sub-Committee with 11 or more Members shall be three. The quorum of a Sub-Committee with less than 11 Members shall be two; except that the quorum of the Licensing Sub-Committee shall be three.

39. DATES OF COUNCIL COMMITTEE MEETINGS

(a) Cycle of Meetings

At its Annual Meeting, the Council shall confirm the cycle of Committee and Sub-Committee meetings for the next municipal year in terms of their frequency and sequence.

(b) Committees or Sub-Committees

The dates of Committees and Sub-Committees shall be set by the Monitoring Officer in consultation with Group Leaders and the Chief Executive and an agreed programme of dates shall be presented to Annual Council for confirmation.

(c) Variation of Dates

The date and/or time of any ordinary meeting of a Committee or Sub-Committee may be varied or cancelled by the Monitoring Officer in consultation with the Chair of the Committee/Sub-Committee, provided that any variation shall be reasonable and compatible, so far as is practicable, with the cycle of meetings as agreed by the Council

40. SPECIAL MEETINGS

(a) In addition to the dates of meetings agreed by the Monitoring Officer in consultation with the City Mayor, Group Leaders and Chief Executive, any Committee or Sub-Committee may be summoned specially if so required by either:-

- (i) The Lord Mayor; or
- (ii) The Chair, after consultation with the Party Spokespersons; or
- (iii) A written request to the Monitoring Officer signed by three members of the Committee.

(b) A special meeting shall consider such business as detailed on the agenda.

41. NOTICE OF MEETINGS

Notice of the time and place of a Committee meeting shall be published at the Council's offices at least *five* clear days before the meeting unless a special meeting is called within *five* days in which case the required notice must be

given as soon as the special meeting is called. (*Five* clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

42. ABSENCE OF CHAIR FROM MEETING

- (a) Where the Chair is absent from a meeting the Vice-Chair shall take the Chair's place.
- (b) Should the Chair arrive at a meeting which is in progress with the Vice-Chair in the Chair, the Chair shall from a convenient point preside over the meeting.
- (c) Where there is no Chair or Vice-Chair present, the Committee shall elect one of their number to preside over the meeting. If at such a meeting, the Chair (or the Vice-Chair, if the Chair is absent) arrives after the meeting has started s/he shall from a convenient point preside over the meeting.
- (d) For the purposes of this Rule, where there are two Vice-Chairs, the nominated first Vice-Chair shall take precedence over the second Vice-Chair.

43. ATTENDANCE AT MEETINGS BY COUNCILLORS WHO ARE NOT MEMBERS OF THAT COMMITTEE

- (a) A Councillor may attend a meeting of a Committee of which s/he is not a Member, and s/he may be invited to speak by the Committee but not vote on any item on the agenda, subject to the following:-
 - (i) Where a Councillor has an interest in any item of business, s/he shall declare his/her interest, s/he may not speak on that item, and may be permitted to remain, or required to withdraw, under the same procedures as if s/he were a member of the Committee.
 - (ii) The right to attend shall not apply to any part of a meeting during which a report is considered which contains exempt or confidential information of a description which does not require the report to be open to inspection in accordance with the Access to Information Procedure Rules, unless the councillor requires access to the meeting during consideration of such an item in order to properly carry out his/her duties as a councillor, in accordance with this Constitution.

44. PROCEDURE AT COUNCIL COMMITTEE AND SUB-COMMITTEE MEETINGS

- (a) The procedure to be followed at Council Committee or Sub-Committee meetings which are responsible for decision making, shall be in accordance with these Council Procedure Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting.

- (b) This Rule shall not apply to Scrutiny Committees which are subject to the Scrutiny Procedure Rules or Standards Committee which also has its own set of Procedure Rules.

45. OBJECTIONS TO DECISIONS

- (a) Subject to the exceptions and other provisions in this Rule, any five members of the Council may object to decisions taken by a Committee or Sub-Committee by giving notice in writing to the Monitoring Officer. The deadline for receipt of such notice is 5.00pm on the fifth working day after the decision (or third day after publication of the decision, if later).
- (b) A notice under this Rule requesting call-in of a decision must:
 - i. Be in writing
 - ii. Specify a sponsor and a seconder
 - iii. Specify reasons for the call-in
- (c) Where the decision in question is that of a Sub-Committee, the matter shall be reconsidered at the next ordinary meeting of its Committee.
- (d) Where the decision in question is that of a Committee, the matter shall be reconsidered at the next ordinary meeting of the Council.
- (e) Where a decision of a Sub-Committee has been objected to and referred to its Committee, there shall be no right of objection to the decision of the appointing Committee on the matter.
- (f) Where the decision of a Committee has been objected to and the Council has referred the matter back to the Committee for reconsideration there shall be no right of objection to the subsequent decision of the Committee on the matter.
- (g) Where a decision has been called-in in accordance with this Rule, no further action shall be taken on it until it has been reconsidered by a Committee or Council, as appropriate or unless the objection has been withdrawn by the sponsor and seconder via the Monitoring Officer in the meantime.
- (h) A Committee or Sub-Committee may decide that any matter is of such urgency that no objection may be made.
- (i) No objection shall be made in respect of the following decisions:
 - (i) Procedural decisions to include:
 - (a) election of Chair / Vice-chair;
 - (b) exclusion of the press and public;
 - (c) dates and/or times of meetings;
 - (d) approval of minutes for accuracy and the confirmation of Sub-Committee decisions, but not the confirmation of Working Party minutes;

- (e) matters relating to the membership, functions and terms of reference of Committees and Sub-Committees;
 - (f) a decision that no objection may be made on grounds of urgency.
- (ii) Items submitted for information only.
- (iii) Decisions of the Employees Committee.
- (iv) Decisions which, in the opinion of the Monitoring Officer, are of a quasi-judicial nature, which includes the decisions of the Licensing Sub-Committee and the Development Control Committee.

46. URGENT ACTION BETWEEN MEETINGS

The Chief Executive, a Strategic Director or a Divisional Director may, after consultation with the Chair and Vice-Chair of the appropriate Committee(s) or Sub-Committee(s), take any urgent action which s/he considers it necessary to take prior to the next meeting of the Committee or Sub-Committee. Any such action shall be reported for information to the Committee or sub-Committee at its next meeting specifying the grounds for urgency, and if there has been an avoidable delay, indicating steps to avoid recurrence.

47. RECORDING OF PROCEEDINGS

No video, film, sound recording photographic or like equipment shall be used during any Council, Council Committee or Sub-Committee meeting without the consent of the Chair of the meeting.

PART 4B

ACCESS TO INFORMATION

PROCEDURE RULES

PART 4B - ACCESS TO INFORMATION - PROCEDURE RULES

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Future variations:

- a) These Rules may be changed by the Council to meet future legal requirements.
- b) The Council may designate alternative officer(s) to perform the duties and responsibilities referred to in these rules.

RULE 1

Scope

Rules 1-11 apply to all meetings of the Council, the Cabinet and any of its committees, Scrutiny Committees, area committees (if any), the Standards Committee, Regulatory and other committees and sub-committees of the Council. Rule 12 onwards apply to meetings and decisions of the Cabinet, any of its committees and of the City Mayor and individual Cabinet members. The requirements do not apply to meetings, the sole purpose of which is for officers to brief members.

RULE 2

Additional rights to information

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

RULE 3

Rights to attend meetings

Members of the public may attend all meetings subject only to the exceptions in these Rules.

RULE 4

Notices of meeting

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council's New Walk Centre Offices.

RULE 5

Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available at New Walk Centre at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to the City Mayor and Councillors.

RULE 6
Supply of copies

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

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

RULE 7
Access to minutes etc after the meeting

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

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

RULE 8
Background papers

- (1) The officer writing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
 - (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report; and
 - (c) do not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political adviser (if any has been appointed).
- (2) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

RULE 9
Summary of the public's rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at New Walk Centre. These Rules constitute the written summary.

RULE 10
Exclusion of access by the public to meetings

- (1) The public **must** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- (2) The public **may** be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- (3) "Confidential information" means given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- (4) "Exempt information" means information falling within the statutory categories (subject to any condition) described in the Schedule to these Rules. Information is not exempt by virtue of falling within any of the statutory categories if the information relates to proposed developments for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (5) Guidance has been produced: see Appendix 1.

RULE 11
Exclusion of access by the public to reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

RULE 12

Procedure before taking Key Decisions

Subject to Rule 14 (general exception) and Rule 15 (special urgency), a Key Decision may not be taken unless:

- (a) a Forward Plan has been published in connection with the matter in question;
- (b) at least five clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees (if any), notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

Meaning of Key Decision:

The Council's current definition of Key Decision is an executive decision which is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in any one Ward in the City.

Expenditure or savings will be regarded as being significant if:

- in the case of revenue, the expenditure / savings are outside the approved revenue budget and are £250,000 or more.
- In the case of capital, the capital expenditure / savings are £1,000,000 or more.

RULE 13

The Forward Plan

- (1) Forward Plans will be prepared by the City Mayor on a rolling basis to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding Plan.
- (2) The Forward Plan will contain matters which the City Mayor has reason to believe will be subject of a Key Decision to be taken by the City Mayor, Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, area committees or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained.

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

Key Decision	Reason	Decision maker	Date decision to be taken	Those to be consulted and how	Relevant reports	To whom representation should be made
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- (3) The Forward Plan must be published at least 14 days before the start of the period covered.
- (4) The Monitoring Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
 - (a) that Key Decisions are to be taken on behalf of the Council;
 - (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (c) that the Plan will contain details of the Key Decisions to be made for the four month period following its publication;
 - (d) that each Plan will be available for inspection at reasonable hours free of charge at New Walk Centre;
 - (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Plan;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
 - (g) that other documents may be submitted to decision takers;
 - (h) the procedure for requesting details of documents (if any) as they become available; and
 - (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at New Walk Centre.

- (5) Exempt information need not be included in a Forward Plan and confidential information cannot be included.

RULE 14 **General Exception**

- (1) If a matter which is likely to be a Key Decision has not been included in the Forward Plan, then subject to Rule 15 (special urgency), the decision may still be taken if:
- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
 - (b) the Monitoring Officer has informed the Chair and Group Spokespersons of a relevant scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter on which the decision is to be made;
 - (c) The Monitoring Officer has made copies of that notice available to the public at New Walk Centre; and
 - (d) at least five clear days have elapsed since the Monitoring Officer complied with (b) and (c).
- (2) Where such a decision is taken collectively, it must be taken in public.

RULE 15 **Special Urgency**

- (1) If, by virtue of the date by which a decision must be taken Rule 14 (General Exception) cannot be followed, then the decision can only be taken if the Chair of the relevant Scrutiny Committee(s) agree(s) that the taking of a decision cannot be reasonably deferred.
- (2) If there is no Chair of the relevant scrutiny committee(s), or if the Chair of each relevant scrutiny committee is unable to act, then the agreement of the Lord Mayor, or in his/her absence the Deputy Lord Mayor or High Bailiff will suffice.
- (3) Any urgent decision made in accordance with this Rule 15 must be recorded and published in the Forward Plan.

RULE 16 **Report to Council**

- (1) If it is believed that a Key Decision has been taken which was not:
- (a) included in the Forward Plan; or
 - (b) the subject of the general exception procedure; or

- (c) the subject of an agreement with a relevant scrutiny committee Chair(s) or the Lord Mayor / Deputy Lord Mayor / High Bailiff under Rule 15;

a Scrutiny Committee, or any five members of the Council, may require the City Mayor or Cabinet to submit a report to the Council within such reasonable time as specified in the request.

- (2) A request for call-in of a Cabinet decision under this Rule by a Scrutiny Committee can also be made on its behalf by the Committee's Chair and Spokespersons, if unanimous. Technically this method of call-in will be via the Monitoring Officer who has delegated authority for this purpose.
- (3) Any request under this Rule for call-in of a Cabinet decision must:
 - (a) be in writing
 - (b) specify a sponsor and seconder
 - (c) specify reasons for the call-in
 - (d) specify a reasonable deadline for reporting to Council, and
 - (e) be submitted to the Monitoring Officer within five working days of the decision, the deadline for receipt being 5pm on the fifth working day after the Cabinet decision (or the third day after publication of the decision, if later).
- (4) Pending Council consideration of the report in accordance with this Rule, a call-in of a decision can be withdrawn by:
 - (a) the sponsor and seconder, via the Monitoring Officer, where the call-in has been by five members of the Council, or
 - (b) resolution of the relevant Scrutiny Committee, or
 - (c) unanimous agreement of the Scrutiny Committee's Chair and Spokespersons, via the Monitoring Officer
- (5) The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will be set out particulars of the decision, the individual or body making the decision, and if the City Mayor is of the opinion that it was not a Key Decision the reasons for that opinion.
- (6) In any event the City Mayor will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.
- (7) Call-in of a decision in accordance with this Rule does not freeze its implementation.

RULE 17
Record of decisions

After any meeting of the Cabinet or any of its committees, a record of every decision taken at that meeting will be produced as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

RULE 18
Notice of meetings of the Cabinet

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

RULE 19
Attendance by Councillors who are not members of the Cabinet (or Committee)

A councillor may attend a meeting of the Cabinet (or a Committee meeting of the Council or Cabinet) in accordance with this Rule.

The right to attend a Part B item requires a “need to know” and 24 hours notice to the Monitoring Officer, with reasons, and a declaration of any interest.

The Cabinet (or Committee) must decide whether to allow attendance, taking into account the nature of the “need to know”, any interest declared and the nature and sensitivity of the confidential business.

The Councillor must declare any interest in an item of business and follow the relevant procedure as if a member of the Cabinet (or Committee)

The councillor may not vote on any item.

The Chair may, at his/her discretion, invite the councillor to speak.

RULE 20
Decisions by individual members of the Cabinet

- (1) Where the City Mayor or an authorised individual member of the Cabinet receives a report which he/she intends to take into account in making any Key Decision, then he/she will not make the decision until at least five clear days after receipt of that report.
- (2) On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair and spokespersons of every relevant scrutiny committee as soon as reasonably practicable, and, unless confidential or exempt, make it publicly available at the same time.

- (3) As soon as reasonably practicable after an executive decision has been taken by the City Mayor or an individual member of the Cabinet or a Key Decision has been taken by an officer, he/she will prepare, or instruct the Monitoring Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.
- (4) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by the City Mayor and individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).

RULE 21

Scrutiny committees access to documents

- (1) Subject to Rule 22 below, a Scrutiny Committee will be entitled to copies of any documents which are in the possession or control of the Cabinet or its Committees and which contains material relating to:
 - a) any business transacted at a meeting of the Cabinet or its Committees;
or
 - b) any decision taken by an individual member of the Cabinet

- (2) Limit on rights.

A Scrutiny Committee will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- c) advice of a political adviser.

- (3) Political Conventions

Practical application of these and members' other rights to access information are supported by the Council's Political Conventions for the time being which are included in Part 5 of this Constitution.

RULE 22
Additional rights of access for members

(1) Material relating to previous business

All members will be entitled to inspect any document which is in the possession, or under the control of the Cabinet or its committees and contains material relevant to any business previously transacted at a meeting, unless;

- a) it contains exempt information falling within paragraphs 1-6, 9, 11, 12 and 14 of the categories of exempt information; or
- b) it contains the advice for a political adviser.

(2) Material relating to key decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which relates to any key decision unless paragraph a) or b) above applies.

(3) Nature of rights

These rights of a member are additional to any other right she/he may have.

(4) Political Conventions

Practical application of Members' rights set out in this Rules is supported by the Council's Political Conventions for the time being which are included in Part 5 of this Constitution.

APPENDIX 1

GUIDANCE: ACCESS TO INFORMATION

NEW ACCESS TO INFORMATION RULES CAME INTO FORCE ON THE 1ST MARCH, 2006.

Rules contained in Schedule 12A of the Local Government Act, 1972 describe the categories of information which may be considered exempt from the requirement to provide the public with papers relating to local authority meetings and access to those meetings.

Schedule 12A has been amended to rationalise and simplify categories of exempt information and to harmonise the rules with data protection law and the Freedom of Information Act, 2000. Fourteen categories of exempt information have been reduced to just seven.

NEW PUBLIC INTEREST TEST

The most significant change is that in all cases information can be treated as exempt information if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The term 'public interest' is not defined but, put simply, the test is whether it "serves the interests of the public better to maintain the exemption or to disclose the information".

There is a presumption running through the Freedom of Information legislation; that openness is in itself to be regarded as something which is in the public interest. The Information Commissioner has identified a number of public interest factors which encourage the disclosure of information, including the following:

- Furthering the understanding of and participation in the public debate of current issues
- Promoting accountability and transparency by public authorities for decisions taken by them.
- Promoting accountability and transparency in the spending of public money.

There may be other factors to be taken into account when considering whether it is in the public interest for an exemption to be maintained.

Report authors must first identify if information falls within an exempt category and then apply the Public Interest Test. Democratic Support must be notified so as to ensure that an appropriate exempt category has been identified and applied.

The Public Interest Test must also be applied by the Council Committee / Sub-Committee / Cabinet when considering whether or not to move into closed session. The decision making body must be satisfied that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information and the resolution should include words to reflect this.

This Authority has already adopted the convention that as much information as possible should be disclosed unless there is a good public interest reason for not doing so.

EXEMPT INFORMATION

(NB: Paragraph numbers of the categories mirror those contained in Schedule 12A of the Local Government Act 1972)

NOTE: all categories are subject to the application of a Public Interest Test
- see note at the end of this Schedule

CATEGORY	QUALIFICATIONS/DEFINITIONS
1 Information relating to any individual.	
2 Information which is likely to reveal the identity of an individual.	
3 Information relating to <u>the financial or business affairs</u> of any particular person (<u>including the authority</u> holding that information).	<p>Information is not exempt information if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993 <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</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.	<p>'employee' means a person employed under a contract of service</p> <p>'labour relations matter' means –</p> <ul style="list-style-type: none"> (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or (b) any dispute about a matter falling within paragraph (a) above;
CATEGORY	QUALIFICATIONS/DEFINITIONS

	<p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>'office-holder', in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;</p>
5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6 Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	
7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
7A Information which is subject to any obligation of confidentiality.	Applies to Standards Committee only
7B Information which relates in any way to matters concerning national security.	Applies to Standards Committee only

CATEGORY	QUALIFICATIONS/DEFINITIONS
<p>7C The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.</p>	<p>Applies to Standards Committee only</p>
<p>Generally.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

Public Interest test

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

PART 4C BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

RULE 1 – THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its Budget and Capital Programme, and the adoption of each of the plans and strategies which comprise the Policy Framework as set out in Article 4. Once a Budget and Policy Framework is in place, it will be the responsibility of the City Mayor / Cabinet to implement it.

RULE 2 - PROCESS FOR APPROVING THE BUDGET, CAPITAL PROGRAMME AND POLICY FRAMEWORK

- (1) The City Mayor will publicise by including in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy, Budget or Capital Programme that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The chairs of Scrutiny Committees will also be notified. A consultation period will be set.
- (2) Following the consultation period, the City Mayor will then draw up firm proposals having regard to the responses to that consultation. If a relevant Scrutiny Committee wishes to respond during that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The City Mayor will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council.
- (3) Once the City Mayor has approved the firm proposals, the Monitoring Officer will refer them at the earliest opportunity to the Council for decision.
- (4) Where the City Mayor has submitted proposals to Council for consideration and, following consideration, the Council has any objections to the City Mayor's final proposals, the Council must inform the City Mayor of those objections and give him/her instructions requiring the City Mayor to reconsider, in the light of those objections, the proposals submitted to it.
- (5) Within five working days beginning on the day after the date on which the City Mayor receives the instructions, the City Mayor may submit a revision of the proposals with reasons for any amendments to the Council for the Council's consideration; or inform Council of any disagreement that the City Mayor has with any of the Council's objections and the City Mayor's reasons for any such disagreement.
- (6) When the five working days period has expired the Council must, when amending the proposals or, if there is one, revised proposals or approving or adopting any proposals take into account any amendments made to the proposals that are included in any revised proposals, the City Mayor's

reasons for those amendments, any disagreement the City Mayor has with any of the Council's objections and the City Mayor's reasons for that disagreement which the City Mayor has submitted to the Council within five working days.

- (7) Where the Council proposes to amend the proposals, or, as the case may be, revised proposals, or approve or adopt with modifications proposals not in accord with the proposals or, as the case may be, revised proposals, the question whether to amend, or approve or to adopt the proposals must be decided by a two thirds majority of the members of the Authority present and voting on the question at a meeting of the Authority.
- (8) In approving anything which is part of the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the City Mayor / Cabinet, in accordance with these Rules. Any other changes to the Budget and Policy Framework are reserved to the Council.

RULE 3 - VIREMENT

- (1) City Mayor / Cabinet has the authority to vire sums between budgets up to a maximum determined by the Council.
- (2) This authority is further delegated to officers up to maximum limits specified in Finance Procedure Rules.

RULE 4 – IN-YEAR CHANGES TO THE BUDGET AND POLICY FRAMEWORK

- (1) The responsibility for agreeing the Budget and Policy Framework (together with the limits of any permitted virement and in-year policy changes) lies with the Council. Decisions by the City Mayor/ Cabinet or officers must be in line with it (and any variation permitted by the Council). No other change to any policy and strategy which makes up the Budget and Policy Framework may be made other than by Council, except those changes which are necessary to ensure compliance with the law, or any ministerial direction.

RULE 5 – DECISIONS MADE OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) Subject to rule 6, the City Mayor and any one else discharging executive functions may only take decisions which are in line with the Budget and Policy Framework, and any virement and in-year policy changes permitted by the Council.
- (2) A decision taker should where appropriate take advice from the Monitoring Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget

or Capital Programme. If the advice given is that the decision would not be in line with the existing Budget and/or Capital Programme and/or Policy Framework then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in rule 6 shall apply.

RULE 6 – URGENT DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) The City Mayor, or anyone discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget or Capital Programme approved by Council (and any permitted variation), if the decision is a matter of urgency and is taken in accordance with this Rule.
- (2) The decision may not be taken unless:
 - i. it is not practical to convene a quorate meeting of the full Council; and
 - ii. the chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency. In the absence of the Chair of a relevant Scrutiny Committee, the consent of the Lord Mayor, or in their absence the Deputy Lord Mayor or High Bailiff will be sufficient.
- (3) The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Scrutiny Committee's or other member's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (4) Following the decision the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

RULE 7 – CALL-IN OF DECISIONS OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) Call-in rights under this Rule can be exercised by:
 - a. A Scrutiny Committee, or
 - b. Any five members of the Councilwho shall be termed an "objector" for the purpose of this Rule.
- (2) Where an objector is of the opinion that an executive decision is, or if made, would be, contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's budget, or capital programme then the objector shall seek advice from the Monitoring Officer (who will consult the Chief Finance Officer where appropriate).
- (3) An Objector can give notice requesting that an executive decision be called-in on the grounds that it is contrary to the Budget and Policy Framework by giving notice in writing to the Monitoring Officer, the deadline for receipt of

such objection being 5pm on the fifth working day after the decision (or the third day after the publication of the decision, if later).

- (4) Any notice made under this rule for call-in of an executive decision must:
 - a. be in writing
 - b. specify a sponsor and a seconder, and
 - c. specify reasons for the call-in

- (5) In addition to providing advice to the objector, the Monitoring Officer will facilitate discussions between the objector and the City Mayor / Cabinet with a view to reaching agreement, and the decision may be taken if either:
 - a. the objector accepts that the executive decision is within the Budget and Policy Framework; or
 - b. the executive decision receives the support of the objector.

Agreement by an objector under this provision must be by:

- a. the sponsor and seconder if the objection has been made by five Council members, or
 - b. unanimous decision of the Chair and Spokespersons, if the objection has been made by a Scrutiny Committee.
- (6) If the objector remains of the view that an executive decision is contrary to the Budget and Policy Framework, and agreement cannot be reached, then the matter will be referred to the Council as follows:

 - (7) If the decision has yet to be made or has been made but not yet implemented, no further action will be taken in respect of the decision or its implementation until the Council has considered the matter. The Council shall meet as soon as practical. At the meeting the Council will receive a report on the decision or proposals which will include the views of the City Mayor / Cabinet and the Objector, if any, and the advice of the Monitoring Officer (and Chief Finance Officer if appropriate).

 - (8) The Council may either:
 - i. determine that the decision or proposal of the Executive decision taker falls within the existing Budget and Policy Framework. In this case the decision may be taken by the decision taker and implemented; or
 - ii. determine that the decision or proposal is contrary to the Policy Framework or contrary or not wholly in accordance with the Budget. It may then either:
 - require the City Mayor / Cabinet to take the decision in accordance with the Budget and Policy Framework; or
 - take the decision itself.
 - iii. Where the Council has determined that the decision or proposal is contrary to the Policy Framework or contrary or not wholly in

accordance with the Budget or capital programme, it may also amend the Budget and Policy Framework in consequence.

PART 4D - CABINET PROCEDURE RULES

RULE 1 – The discharge of Executive Functions

- a. The arrangements for the discharge of executive functions are set out in the Executive Arrangements as decided by the City Mayor. The City Mayor may decide how executive functions are to be exercised, and may provide for their discharge by:
 - i. the City Mayor
 - ii. the Cabinet as a whole;
 - iii. a committee of the Cabinet;
 - iv. an individual member of the Cabinet;
 - v. an officer;
 - vi. an area committee;
 - vii. joint arrangements or
 - viii. another authority
- b. Where a Committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function they may delegate further to an officer.
- c. Where an executive function has been delegated, that does not prevent the discharge of the function by the person or body who delegates.

RULE 2 – The delegation of Executive Functions

The City Mayor / Cabinet will maintain a written record of any delegations made from time to time by the Cabinet for inclusion in Part 3 of this Constitution, and will present the current record to the annual meeting of the Council. The record will contain the following information about executive functions:

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

RULE 3 – The Council’s Scheme of Delegations and Executive Functions

- a. Subject to b. below the Council’s Scheme of Delegation will be subject to adoption by the Council, and may only be amended by the Council. It will contain the details required by this Constitution.

- b. The City Mayor may amend the Scheme of Delegation relating to executive functions any time of the year. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out any such changes.

RULE 4 – Conflicts of Interest

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

RULE 5 – Cabinet meetings

- a. The meetings of the Cabinet and any of its Committees will be conducted in accordance with these Rules, but where any point of procedure is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting.
- b. The Cabinet will observe those requirements of the Access to Information Procedure Rules in Part 4B of this Constitution.

RULE 6 – Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget, must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

RULE 7 – Cabinet Agenda

- a. The City Mayor will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, Committee of it or any member of officer in respect of that matter. The Monitoring Officer will comply with the City Mayor's request in this respect.
- b. Any member of the Cabinet may, with support from the City Mayor, require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- c. The Monitoring Officer and/or Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting, for the consideration of a report from an officer.

- d. Urgent business –the Chair of a meeting can decide to accept an urgent item onto the agenda where, in their opinion, the item should be considered as a matter of urgency because of special circumstances which shall be specified in the minutes.

RULE 8 – Dates of meetings

a. Cycle of Meetings

At its Annual Meeting, the City Mayor shall inform Council of the date and time of the first meeting of the Cabinet. The Cabinet, as soon as is practicable, will publish its programme of meetings for the next municipal year.

b. Variation of Dates

The date and/or time of any ordinary meeting of the Cabinet may be varied by the City Mayor.

c. Cancellation

The City Mayor may cancel any ordinary meeting of the Cabinet as s/he thinks fit.

RULE 9 – Special meetings

In addition to the dates of meetings agreed by the Cabinet at its first ordinary meeting in the municipal year, the Cabinet may be summoned specially if so required by either:-

- (i) The City Mayor; or
- (ii) A written request to the Monitoring Officer signed by three members of the Cabinet, or
- (iii) The Monitoring Officer or Chief Finance Officer in performance of their statutory duties; or
- (iv) Any two of the Head of the Paid Service, the Monitoring Officer or the Chief Finance Officer, if of the opinion that a meeting needs to be called to consider a matter that requires a decision.

RULE 10 – Notice of meetings

Notice of the time and place of a Cabinet meeting shall be published by the Monitoring Officer at the Council's offices at least *five* clear days before the meeting unless a special meeting is called within *five* days in which case the required notice

must be given as soon as the special meeting is called. (*Five* clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

RULE 11 – Absence of Chair from meetings

- a. Where the City Mayor is absent from a meeting the Deputy City Mayor shall take the Chair's place.
- b. Should the City Mayor arrive at a meeting which is in progress with the Deputy City Mayor in the Chair, the City Mayor shall from a convenient point preside over the meeting.
- c. Where neither the City Mayor or Deputy City Mayor are present, the Cabinet shall elect one of their number to preside over the meeting. If at such a meeting, the City Mayor (or the Deputy City Mayor, if the City Mayor is absent) arrives after the meeting has started s/he shall from a convenient point preside over the meeting.

RULE 12 – Call-in of Cabinet Decisions

- a. This Rule applies to executive decisions by the City Mayor or Cabinet, any committee of the Cabinet or any individual Cabinet member.
- b. After such an executive decision has been taken by the City Mayor or Cabinet, the decision will be published within two working days. Subject to the exceptions within this Rule, a Scrutiny Committee or any five members of the Council may request formally that the decision be called-in for a further review by giving notice in writing to the Monitoring Officer within three working days of the decision being published; the deadline for receipt of such call-ins normally being 5.00pm on the fifth working day after the Cabinet decision (or on the third working day after the publication of the decision if later).
- c. A request under this Rule for call-in of a Cabinet decision must:
 - i. be in writing
 - ii. specify a sponsor and a seconder
 - iii. specify reasons for the call-in
- d. No call-in may be made if the Cabinet decides when making a decision that the matter is urgent for specified reasons.
- e. No call-in shall be made in respect of the following decisions:-
 - (i) Matters of procedure, to include:-
 - (a) election of Chair/Vice-Chair;
 - (b) exclusion of the press and public;
 - (c) dates and/or times of meetings;

- (d) matters relating to the membership, functions and terms of reference of the Cabinet or the delegation of executive decisions.
 - (e) a decision that no objection may be made on grounds of urgency.
- (ii) Items submitted for information only.
- f. Where a decision of the Cabinet has been called-in, no further *legally binding* action shall be taken on it and it shall stand referred to the next ordinary meeting of the Council, unless either:
- The Cabinet and the relevant Scrutiny Committee (or, via the Monitoring Officer, the Scrutiny Committee Chair and Spokespersons unanimously) come to an agreement; or
 - The call-in is withdrawn.
- A decision called-in under this Procedure Rule must be referred to the next ordinary meeting of the Council, but shall prior to this be referred to the relevant Scrutiny Committee(s) if programmed, or Special Scrutiny Committee(s) if summoned in accordance with Scrutiny Procedure Rule 4.
- g. Withdrawal of a call-in under this Rule can be by:
- i. The sponsor and seconder, via the Monitoring Officer, where there has been call-in by five members of the Council, or
 - ii. By a resolution of the relevant Scrutiny Committee, or
 - iii. By unanimous agreement of the Scrutiny Committee's Chair and Spokespersons, via the Monitoring Officer who shall have delegated authority for this purpose.
- h. When considering a matter called-in, the Council may either:
- Support the Cabinet's decision, in which case it shall be confirmed with immediate effect; or
 - Recommend a different decision to the Cabinet.
- i. The Cabinet's decision after considering a Council recommendation may not be subject of a further call-in.

RULE 13 – Emergency Procedure

- a. If, in the opinion of the Lord Mayor, City Mayor or the Chief Executive, an emergency situation has arisen or is likely to arise, s/he may summon an Emergency Committee meeting of the Cabinet.

- b. The Emergency Cabinet Committee shall be authorised to declare an emergency and, subject to statutory restrictions, to discharge with full delegated power, such functions of the Council as the Cabinet chooses to exercise.
- c. The decision of the Emergency Cabinet Committee in declaring an emergency may be revoked by the Council but that decision, and any decisions made by the Emergency Committee thereunder, shall not be invalid merely as a result of this revocation.
- d. The Emergency Cabinet Committee membership shall be identical to the membership of the Cabinet with the addition of the Leader of each of the other political groups on the Council in an advisory (non voting) capacity.
- e. The Emergency Cabinet Committee shall be identical to the Cabinet in respect of:-
 - (i) Chair and Vice-Chair.
 - (ii) Quorum.
- f. Any restrictions imposed on the discharge of functions by the Cabinet under this Constitution shall not apply, so far as is lawful, to decisions of the Emergency Cabinet Committee during an emergency.
- g. A declaration that an emergency has ended shall be made by the Emergency Cabinet Committee, or the Council. At the end of an emergency, the Emergency Cabinet Committee shall report to the Council on any action taken.

RULE 14 – Urgent action between meetings

Subject to the Budget and Policy Procedure Rules in this Constitution, a Director may, after consultation with the Cabinet Member with the appropriate portfolio and Chair and Party Spokespersons of the appropriate Scrutiny Committee take any urgent action which s/he considers it necessary to take prior to the next meeting of the Cabinet Any such action shall be reported for information to the Cabinet at its next meeting, specifying the grounds for urgency and, if there has been an avoidable delay, indicating steps to avoid recurrence.

RULE 15 – Quorum

A quorum for a meeting of the Cabinet or a Cabinet Committee shall be three.

RULE 16 – Procedure at meetings

- a. The procedure to be followed at meetings of Cabinet shall be in accordance with these Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the City Mayor or other person presiding at the meeting. Such rulings shall not be challenged at any meeting.

- b. In determining procedure, the person presiding at the meeting shall have regard to the Council Procedure Rules for the conduct of meetings and debate.

RULE 17 – RECORDING OF PROCEEDINGS

No video, film, sound recording, photographic or like equipment shall be used during any Cabinet or Cabinet Committee meeting without the consent of the Chair of the meeting.

PART 4E - SCRUTINY PROCEDURE RULES

RULE 1 – The number and arrangements for Scrutiny Committees

The Council will have Scrutiny Committees as set out in Article 6 appointed in accordance with this Constitution.

RULE 2 – Quorum

The quorum of every Scrutiny Committee shall be three.

RULE 3 – Dates of meetings

a. Cycle of meetings

At its annual meeting the Council shall confirm the cycle of Scrutiny Committee meetings for the next municipal year in terms of their frequency and sequence.

b. Scrutiny Committees

The dates of Committees and Sub-Committees shall be set by the Monitoring Officer in consultation with Group Leaders and the Chief Executive and an agreed programme of dates shall be presented to Annual Council for confirmation.

c. Variation of dates

The date and/or time of any ordinary meeting of a Scrutiny Committee may be varied or cancelled by the Monitoring Officer in consultation with the Chair and Vice-Chair of the Committee, provided that any variation shall be reasonable and compatible, so far as is practicable, with the cycle of meetings as agreed by the Council.

RULE 4 – Special meetings

In addition to the dates of meetings agreed by a Committee at its first ordinary meeting in the municipal year, any Scrutiny Committee may be summoned specially if so required by either:-

- (i) The Chair after consultation with the Vice-Chair; or
- (ii) A written request to the Monitoring Officer signed by three members of the Committee.

The agenda of a special meeting shall include declaration of interests, plus the item(s) for which the special meeting has been called. Matters of other urgent business may be transacted at the discretion of the Chair and Vice-Chair.

RULE 5 – Notice of meetings

Notice of the time and place of a Scrutiny Committee meeting shall be published by the Monitoring Officer at the Council's offices at least *five* clear days before the meeting unless a special meeting is called within *five* days in which case the required notice must be given as soon as the special meeting is called. (*Five* clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

RULE 6 – Absence of Chair from a meeting

- a. Where the Chair is absent from a meeting the Vice-Chair shall take the Chair's place.
- b. Should the Chair arrive at a meeting which is in progress with the Vice-Chair presiding over the meeting, the Chair shall, from a convenient point, preside over the meeting.
- c. Where there is no Chair or Vice-Chair present, the Committee shall elect one of their number to preside over the meeting. If at such a meeting, the Chair or Vice-Chair arrives after the meeting has started s/he shall, from a convenient point, preside over the meeting.

RULE 7 – Attendance at meetings by Councillors and other who are not members of that Committee

- a. A Councillor may attend a meeting of a Scrutiny Committee of which s/he is not a Member, and s/he may be invited to speak by the Committee but not vote on any item on the agenda, subject to the following:-
 - (i) Where a Councillor has an interest in any item of business, s/he shall declare his/her interest, s/he may not speak on that item, and may be permitted to remain, or required to withdraw, under the same procedures as if s/he were a member of the Committee.
 - (ii) The right to attend shall not apply to any part of a meeting during which a report is considered which contains exempt or confidential information of a description which does not require the report to be open to inspection, in accordance with the Access to Information Procedure Rules unless the Councillor requires access to the meeting during consideration of such an item in order to properly carry out his/her duties as a Councillor, in accordance with this Constitution.
- b. The Committee may also invite other persons to attend a Scrutiny Committee meeting to provide information, opinion or expert advice where the Committee considers that to do so will assist in performance of the Committee's functions.

RULE 8 – Petitions and questions at Scrutiny Committee Meetings

(a) PETITIONS

(i) Referred from Council

Where a petition has been referred to a Scrutiny Committee by the Council that Committee shall consider a report on the action taken as soon as practicable and in any case not later than at the second ordinary meeting after the Council meeting at which the petition was presented.

(ii) Petitions Presented to Committee

- (a) The Committee shall only receive petitions which comply with this Rule and the Council's Scheme for Petitions, as at Appendix 6 of the Political Conventions.
- (b) Petitions may be presented by a Councillor, an adult resident of the City of Leicester (or who works or studies in the City) or the Chair or Vice-Chair (or his/her nominee) of the Leicester Young People's Council and shall be relevant to some question which is included in the Committee's Terms of Reference.
- (c) Petitions to be presented by Councillors must be received by the Monitoring Officer not later than three clear days before the meeting. Petitions to be presented by members of the public shall be received by the Monitoring Officer no later than five clear days before the meeting. (Clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). The Monitoring Officer shall decide which Committee the petition shall be referred to.
- (d) A petition to be presented by a member of the public shall indicate which one of the signatories is to present the petition.
- (e) Petitions shall be presented to the Committee in the order in which they have been received, except that petitions presented by members of the public shall take precedence.
- (f) The reading of the subject matter shall not be of excessive length and speeches or additional remarks shall not be permitted. There shall be no debate.
- (g) If, subsequent to the meeting, it becomes apparent that the petition is more relevant to some other Committee, it may instead or also be submitted by the Monitoring Officer to that Committee.
- (h) If the petition is presented at the same Committee meeting at which there is a report on the agenda on the same subject, a

Councillor may propose that the petition be considered with the report.

- (i) Further to the presentation of a petition, a report shall be submitted to the Committee on the action taken as soon as practicable and, in any case, not later than the third ordinary meeting after the Committee meeting at which the petition was presented. Where the petition was presented by a member of the public, the petitioner shall be informed of the response.

(iii) Petitions Presented to a Director

A petition received by a Director shall be referred to the appropriate Committee.

RULE 9 – Questions, representations and statements of case

- (i) Only matters which comply with this Rule shall be asked.
- (ii) An adult resident of the City of Leicester or the Chair or Vice-Chair (or his/her nominee) of the Leicester Young People's Council may at an ordinary meeting of a Committee ask the Chair of the relevant Committee any question or ask that they may present their representations and / or statement of case relating to a matter over which the Committee has authority.
- (iii) Notice of the questions in full or representations / statement of case in outline form, in writing must be received by the Monitoring Officer not later than five clear days before the meeting. (Five clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). The notice shall be signed and shall include the questioner's address. The Monitoring Officer shall decide at which Committee an issue shall be addressed.
- (iv) At the meeting, matters shall be discussed in the order in which they have been received, except that where a member of the public wishes to raise more than one topic, s/he may only raise a second topic when the first issues of all the other members of the public have been disposed of, and so on for any subsequent topics.
- (v) Where the person who gave notice of the topic does not wish personally to address the Committee /he may have a friend do so on his/her behalf, provided that the Monitoring Officer shall be notified of such an arrangement at the time notice of the topic was given.
- (vi) Where the person who is to address the committee is not present at the meeting when the appropriate point is reached on the agenda, the topic shall not be raised, except that where the matter is to be

raised by a friend under (vi) above if the friend is absent, the person who gave notice may address the committee.

- (vii) At the meeting, the Chair shall notify the member of the public the extent to which they may participate in the meeting. This may take the form of:
 - (a) Asking a question. After the questioner has been given a reply, the person who gave notice of the question may ask one supplementary question for the purposes of clarifying the reply and, in the following paragraphs of this part of this Rule, the word 'question' shall include such a supplementary question. Where a friend has asked the first question, s/he may also ask a supplementary question on behalf of the person who gave notice.
 - (b) presenting a representation or statement of case. After such representations have been made the Chair may give the Committee the opportunity of asking the member of the public any questions to clarify their submission.
 - (c) participating in the discussion concerning an item under deliberation, but not voting thereon.
- (xiii) The name of the person who gave notice of the topic, the text of the question and a summary of the representation, statement of case or response shall be recorded in the Minutes.
- (ix) The time taken in total in addressing all matters raised by members of the public shall not exceed thirty minutes. The Chair of the Scrutiny Committee shall have discretion to extend the time allocated for questions over the thirty minutes period. Any matters not disposed of at the expiry of thirty minutes or extended time as specified by the Chair, shall be answered in writing. The time taken in addressing one issue (unless as part of the consideration of an item under deliberation), shall not exceed five minutes.
- (x) No topic raised by a member of the public shall be accepted:-
 - (a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation, or from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
 - (b) in relation to an individual's particular circumstances;
 - (c) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;

- (d) which contains abusive, defamatory or offensive language or relates to a specific and identifiable person.
- (xi) This Rule 9 applies to Councillors who are not members of the relevant Scrutiny Committee.

RULE 10 – Procedure at meetings

- a. The procedure to be followed at a Scrutiny Committee meeting shall be in accordance with these Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting.
- b. In determining procedure, the person presiding shall have regard to the Council Procedure Rules for the conduct of meetings and debate.

RULE 11 – Joint Committees

- a. A joint committee of two or more Scrutiny Committees may be established by the Monitoring Officer in consultation with the Chairs and Vice-Chairs of the respective Committees. The Terms of Reference of the Joint Committee must fall within the combined terms of reference of the separate committees and must be confirmed at the first meeting of the Joint Committee.
- b. At its first meeting the Joint Committee may determine dates of future meetings. Otherwise dates may be determined in accordance with Rule 3.
- c. Where a Joint Committee is to continue for more than six months, the Council shall formally constitute it in accordance with Article 6.
- d. For a meeting of a Joint Committee to be quorate there shall be present a quorum of each of the Committees forming the Joint Committee. A Member present who is a Member of more than one of the Committees concerned shall elect to represent one of the Committees only for the purposes of the quorum.

RULE 12 – Education representatives

Each relevant Scrutiny Committee dealing with education matters shall include in its membership such co-opted voting members as are required by statute. The Council shall determine such membership from time to time and review this at its annual meeting.

A relevant Scrutiny Committee in this paragraph is a Scrutiny Committee of the Council where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the Council's executive. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, although they may stay in a meeting and speak.

RULE 13 – Working Programme

Each Scrutiny Committee will be responsible for setting its own work programme, and in doing so they shall take into account the wishes of members of all political groups represented on the Council.

RULE 14 – Agenda items

- a. Any member of a Scrutiny Committee may place an item within its terms of reference on its next agenda by giving at least three weeks notice to the Monitoring Officer of the item and why the Committee is being asked to consider it.
- b. This right does not apply when the matter has been considered and determined by the Council or a Scrutiny Committee has decided not to further pursue the matter, within the preceding six months.
- c. The item shall be considered in accordance with the Political Conventions in Part 5 of the Constitution.

RULE 15 – Urgent business

The Chair of a meeting can decide to accept an urgent item on to the agenda where, in their opinion, the item should be considered as a matter of urgency because of special circumstances which shall be specified in the minutes.

RULE 16

No video, film, sound recording, photographic or like equipment shall be used during any Scrutiny Committee or Sub-Committee meeting without the consent of the Chair of the meeting.

**PART 4F:
FINANCE PROCEDURE RULES**

A. *Introduction and Guide*

- 1.1 Finance Procedure Rules (FPRs) exist to regulate the way in which the Council manages its financial affairs. This is a necessary discipline in any large organisation and particularly in the public sector where there are expectations for the proper use and management of public money. Under the 1972 Local Government Act, the Council has a specific statutory responsibility, through the Chief Finance Officer (CFO), for the “.....proper administration of its financial affairs.”
- 1.2 Essentially these rules set out the framework of responsibilities and requirements across the whole range of the Council’s financial affairs and in doing so their content inevitably covers a range of audiences of Council employees. In addition to those that relate to the CFO, responsibilities can be broadly split into three main groups;
 - Strategic and Divisional Directors (A)
 - Corporate and service finance staff (B)
 - Cost Centre Managers (CCMs) and other non-finance employees (C)
- 1.3. To help users of these rules find the sections most relevant to their responsibilities the detailed FPRs in section B are marked to show which rules relate to which broad group of employees.
- 1..4 Whilst all employees, at whatever level in the Council, should be aware of FPRs, category A and B employees should have a fairly good knowledge of the detail. Category C employees will probably need to consult FPRs less often. For this reason a series of Frequently Asked Question (FAQ) sheets have been compiled to provide a quick way of understanding what FPRs really mean in the most common areas of finance. These are available separately on INSITE..
- 1.5 The rules cover a number of areas and these are listed in the index at the start of section B.
- 1.6 The Chief Finance Officer is, for the purposes of Section 151 of the Local Government Act 1972, the ‘designated officer’ responsible for the proper administration of the Council’s financial affairs.
- 1.7 Within these rules, the term Strategic Director includes the Chief Executive. The term “member” includes the elected City Mayor.
- 1.8 These Finance Procedure Rules must be adhered to at all times. All Directors are accountable to the Chief Finance Officer for compliance with these Rules. The Chief Finance Officer is, in turn, accountable to the Council. All Officers with delegated responsibility for undertaking financial duties are accountable to their Divisional Director for compliance with these Rules.

- 1.9 Any waiver of the application of these Rules must be approved by the City Mayor/Cabinet or by the Chief Finance Officer in consultation with the relevant Cabinet member(s). Decisions made by the Chief Finance Officer shall be reported to the City Mayor/Cabinet for information.
- 1.10 Should a material unauthorised breach of these Rules come to light then it must be reported immediately to the Chief Finance Officer.
- 1.11 These Rules assign responsibilities to Directors and to the Chief Finance Officer, and generally do not assign responsibilities to individual nominated postholders (except, occasionally, where it is helpful to do so). The Chief Finance Officer and Directors may delegate responsibilities assigned to them under these Rules. In particular, the Chief Finance Officer may delegate responsibilities to Heads of Finance in service areas.
- 1.12 Reference in these Rules to “Scrutiny / Select Committee” or “the relevant Scrutiny / Select Committee” means the appropriate Scrutiny Committee as determined by the Chief Finance Officer in consultation with such Members as he believes appropriate. Where consideration by a specific Scrutiny / Select Committee is required under these Rules, this is mentioned by name within the Rules.
- 1.13 For the purpose of these Rules, whenever a matter is referred to a Scrutiny / Select Committee for consideration that Committee may resolve to refer the matter to the City Mayor/Cabinet for a decision. Such referral may contain such recommendations as the Scrutiny / Select Committee sees fit.
- 1.14 Reference (**in bold letters in the right hand column**) is made in these rules to Finance Procedure Notes (FPNs). These are produced and amended/updated as required and provide more detailed instructions and guidance for staff on the subject matter. An updated list and archive of all FPNs is maintained within the Corporate Accountancy Section.
- 1.15 Divisional Directors have delegated financial responsibility in respect of their services, which is reflected in FPRs.

Mark Noble
Chief Finance Officer

B. FPR contents Index

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FINANCIAL SYSTEMS

Definition

- 2.1 In this section of Finance Procedure Rules, a **financial system** means any system (computerised or otherwise) and associated procedures for making or recording any financial transaction of the Authority.

Accounting Systems

- 2.2 The Chief Finance Officer is responsible for the provision of a corporate system for the preparation of the Council's accounts and for monitoring expenditure and income. This is currently provided by means of the Council's Resource Management System, (RMS) which is Agresso Business World

A & B

- 2.3 Divisional Directors are responsible for ensuring RMS accurately records the financial transactions of their functions, and for complying with any guidance issued by the Chief Finance Officer. Divisional Directors shall ensure that transactions are recorded in a manner which complies with proper accounting practices, enables returns to be made to taxation authorities, and complies with other legal requirements. The Chief Finance Officer shall give whatever guidance is necessary to ensure that this obligation can be fulfilled.

A & B

FM10

- 2.4 Divisional Directors shall use RMS as the prime means of monitoring expenditure and income in their services and for comparing spending against budget, except where the Chief Finance Officer advises or agrees that alternative arrangements can apply. Divisional Directors shall keep such subsidiary information and records as are necessary to effectively monitor expenditure, income and commitments, and to support returns made to the taxation authorities.

- 2.5 Divisional Directors shall provide all relevant information deemed necessary to compile the Council's final accounts in accordance with guidance issued by the Chief Finance Officer.

A & B

All Financial Systems

- 2.6 Divisional Directors may not make changes to financial systems without the agreement of the Chief Finance Officer. Proposals for changes in staffing and organisational arrangements relating to financial systems shall also be agreed with the Chief Finance Officer prior to implementation. The Chief Finance Officer may waive these requirements for consultation in circumstances where he or she is satisfied that change will not prejudice the proper administration of the

A & B

	<p>Council's financial affairs. The Chief Finance Officer will normally delegate such permissions to heads of finance.</p>	
2.7	<p>Each Divisional Director shall be responsible for the effective operation of financial systems to the extent that they are operated or controlled within their services and shall ensure proper security and confidentiality including adherence to the requirements of Data Protection and other information legislation.</p>	A & B
2.8	<p>Each Head of Finance shall monitor the effectiveness of financial systems in his or her supported services and shall in particular ensure that financial systems discharge the Chief Finance Officer's duty to ensure that there is proper administration of the Council's financial affairs. Where Heads of Finance believe that systems are ineffective, they shall report the matter to the relevant Divisional Director in the first instance (as a breach of regulation 2.7 above) but shall also report the matter to the Chief Finance Officer if it appears that the matter cannot be satisfactorily resolved.</p>	A & B

FINANCIAL ADMINISTRATION

3.1 In the following sub-sections 3.2, 3.3, 3.4 and 3.6 references are made to the use of RMS. Where RMS is not used, alternative arrangements must be approved by the Chief Finance Officer.

3.2 Authorised Officers

A & B

3.2.1 Divisional Directors shall authorise appropriate officers to undertake the following duties;

(a) Raising purchase requisitions, normally on RMS, for works, supplies or services to the extent that contractual arrangements already exist, as described below;

(b) Certifying, normally on RMS, the receipt of works, supplies or services

(c) Approving purchase requisitions, normally on RMS, or other orders, both those for work procured by approved procuring officers, where the person authorising will need to ensure that the order complies with Contract Procedure Rules, and those that relate to existing contractual arrangements

(d) Approving personnel variations, time sheets, officer expense claims, petty cash, imprest accounts, change floats, cash advance forms, debtors accounts, internal recharges and end of year stock certificates.

A, B & C

(e) Certification for cheques, BACs authorisation, CHAPs authorisation and grant claims

3.2.2 Officers authorised to raise purchase requisitions under rule 3.2.1 (a) above are (subject to rule 3.2.1.(c) above) authorised to:

(a) Purchase from existing ESPO catalogues or direct dealing contracts.

A, B & C

(b) Buy internally from in-house services.

(c) Purchase from pre-priced framework contracts, which have been made available through corporate procurement.

A & B

3.2.3 Only officers authorised to procure under arrangements contained within Contract Procedure Rules are entitled to test the market or purchase from select lists. No other officer is entitled to obtain quotations or run a tendering exercise.

A & B

3.2.4 Divisional Directors shall ensure that approved officers have appropriate seniority and expertise to ensure that they are able to discharge the functions assigned to them for the purposes of these rules. Approved officers are accountable to their Divisional Directors for the exercise of these functions.

3.2.5 Divisional Directors shall ensure that arrangements are made for effective separation of duties when designating approved officers, in order to provide adequate internal check over all transactions, and comply with any guidance given by the Chief Finance Officer. Divisional Directors shall ensure that the arrangements for approved officers are consistent with the budgetary control framework for their division (see Section 4 of these Rules) and that in particular cost centre managers' ability to manage their budgets is safeguarded.

A & B

3.2.6 Divisional Directors shall maintain, in a single place, an up-to-date record of all approved officers, together with specimen signatures where appropriate, and shall ensure that no employee other than an approved officer carries out the function of an approved officer. Lists of approved officers can be found at:

<http://insite.council.leicester.gov.uk/resources-department/financial-services/corporate-procurement-support-and-income-ser/the-procurement-team/approved-officer-list>

3.2.7 References to **Authorised Officers** in the rest of this section of Financial Procedure Rules shall be read in the context of the above.

3.3 Orders for Works, Supplies and Services

Definitions

3.3.1 In this sub-section of the Council's Finance Procedure Rules the following definitions apply:

A **purchase requisition** is a priced and itemised request, normally created on RMS by an authorised officer, for an official order to be raised.

An **official order** is an order for works, supplies or services, normally created on RMS following the approval of a purchase requisition by an authorised officer.

A & B

A **payments register** is a formal record of routine payments for recurring charges.

RulesT

3.3.2 The Chief Finance Officer is responsible for providing a corporate

C

<p>system for raising purchase requisitions and creating official orders. (RMS) . This system shall be used for all official orders, except in emergencies, or in accordance with other arrangements specifically approved by the Chief Finance Officer. In giving such approval, the Chief Finance Officer shall ensure the alternative arrangements provide for effective financial control, and shall have regard to the continuing viability of the corporate arrangements.</p>	
<p>3.3.3 Official orders shall be issued for all purchases, excluding the following items:</p> <ul style="list-style-type: none"> i. Purchases through petty cash and imprest accounts. ii. Recurring charges such as gas, electricity and telephone charges and other charges for which a payments register or other method of recording/monitoring payments is more appropriate than an order. 	<p>C</p> <p>A & B</p> <p>C</p>
<p>3.3.4 Purchase requisitions shall only be raised and approved by authorised officers. This approval process shall be used to create an official order.</p>	<p>C</p>
<p>3.3.5 In those exceptional circumstances in which the corporate system is not used, Divisional Directors shall only obtain official order forms in accordance with arrangements approved by the Chief Finance Officer and shall be responsible for their control and use.</p>	
<p>3.3.6 Where urgent orders are given orally, they shall be confirmed immediately by an official order.</p>	<p>C</p>
<p>3.3.7 Official orders should be specific, e.g. they should state quantity, weight, size, grade, quality, and where practicable, price. Where supplies are ordered under contract, it is particularly important that the order and contract have the same specification of supplies required.</p>	<p>C</p>
<p>3.4 Payments for Works, Supplies and Services</p>	<p>C</p>
<p>3.4.1 Payment for works, supplies and services may only be made:</p> <ul style="list-style-type: none"> (a) On receipt of an invoice or contract certificate which satisfies VAT regulations; or (b) Where liability for payment by the Council is clearly established. 	<p>A, B & C</p>
<p>3.4.2 No payment for works, supplies or services shall be made unless the works, supplies or services have been certified as received by an authorised officer. This certification will normally be done using RMS</p>	<p>B & C</p>
<p>3.4.3 The Chief Finance Officer is responsible for providing a corporate system for the payment of accounts (RMS) Divisional Directors shall</p>	

<p>use this system for all payments except in accordance with other arrangements specifically approved by the Chief Finance Officer. In giving such approval, the Chief Finance Officer shall ensure that the alternative arrangements provide for effective financial control, and shall have regard to the continuing viability of the corporate arrangements.</p>	
<p>3.4.4 Authorised officers shall ensure that payments for works, supplies or services are not made unless:</p>	
<p>(a) Works, supplies or services have been supplied in accordance with an official order, and the amount invoiced is correctly payable. The official order number should be quoted on the invoice..</p>	<p>A & B</p>
<p>(b) Payment is in respect of a service regularly supplied (e.g. gas and electricity), and the amount invoiced is properly payable; or</p>	
<p>(c) Payment is made for works, supplies or services under contract, and the amount is properly payable under the terms of that contract.</p>	
<p>3.5 Salaries and other payments to employees</p>	<p>A, B & C</p>
<p><u>Rules</u></p>	
<p>3.5.1 The Chief Finance Officer is responsible for approving a corporate payroll system for recording payroll data and for generating payments to employees. The Chief Finance Officer is also responsible for ensuring that National Insurance, Income Tax and any other such liabilities are properly determined and that deductions due are made and properly accounted for.</p>	<p>A, B & C T1</p>
<p>3.5.2 Divisional Directors shall use the corporate payroll system for all payments to employees.</p>	
<p>3.5.3 Where payments are made for services in which the relevant taxation authorities deem that a contractor is “employed” by the Council, Divisional Directors are responsible for ensuring that National Insurance, Income Tax and any other such liabilities are properly determined, and deductions due are made and properly accounted for.</p>	
<p>3.5.4 Except where employees are responsible for providing data directly themselves, Divisional Directors are responsible for ensuring that all information affecting an employee’s entitlement to pay, or rate of pay, and all other information required for the smooth operation of the corporate payroll, shall be notified to the Employee Service Centre. This shall be done by means of direct input to the corporate payroll system or by means of a form, in either case following procedures approved by the Chief Finance Officer. In either case, Divisional Directors shall make arrangements for data supplied to be verified</p>	

and authorised by an authorised officer. In particular the following shall be notified:	
i. Appointments, resignations, dismissals, suspensions, secondments and transfers;	B & C
ii. Changes to standing data held on the payroll system;	
iii. Absences from duty for sickness or other reason, apart from approved leave;	
iv. Changes in remuneration, other than normal increments, pay awards and any agreements generally reached, and notified separately to the Chief Finance Officer;	A, B & C
v. Information necessary to maintain records of service for superannuation, Income Tax, National Insurance and related purposes.	
3.5.5 All time records or other paper documents affecting entitlement to salaries and wages on any specific occasion shall be in a form approved by the Chief Finance Officer and shall be processed in accordance with procedures specified by the Chief Finance Officer. These documents shall be signed by the employee and certified as correct by an authorised officer. Alternatively, the Chief Finance Officer may require such documents to be submitted electronically.	
3.5.6 All claims for payment of car allowances, travelling and subsistence allowances, removal expenses and the like shall be submitted in an approved form to the Chief Finance Officer for payment and be certified as correct by an authorised officer. Alternatively, the Chief Finance Officer may require such documents to be submitted electronically.	B & C
3.5.7 All claims for the payment of Councillors' allowances and expenses shall be submitted in a form specified by the Chief Finance Officer which complies with statutory requirements, and certified as correct by an authorised officer. Alternatively, the Chief Finance Officer may require such documents to be submitted electronically.	
3.5.8 The Chief Monitoring Officer has discretion to make monetary advances to Councillors and officers on account of expenses to be incurred, at the request of a Director. Councillors and Officers who receive advances on account of expenses shall repay them in accordance with the terms of the advance.	
3.5.9 Any other benefits provided to employees, in particular benefits in kind rather than in cash, but also including such things as payments received by staff for Jury Service, may/will also be taxable and/or liable to National Insurance contributions, and may also be subject to	A & B

	a deduction from pay. The responsibility for identifying any liabilities in this respect is with each Divisional Director who should seek advice from the Chief Finance Officer where appropriate.	
3.6	Income	
3.6.1	In this sub-section of the Finance Procedure Rules, money means all cash, cheques, or other forms of payment including credit/debit cards.	A, B & C
	Credit Income	
3.6.2	The Chief Finance Officer is responsible for approving a corporate invoicing system. (RMS) Divisional Directors shall use this system for all credit income except in accordance with other arrangements specifically approved by the Chief Finance Officer. In giving such approval, the Chief Finance Officer shall ensure that the alternative arrangements provide for effective financial control, meet with the requirements of the appropriate taxation authorities.	A & B
3.6.3	Divisional Directors are responsible for ensuring that all debts due to the Council are promptly and accurately raised and either collected in money (or other forms of immediate payment) or invoiced.	A & B
3.6.4	The Chief Finance Officer is responsible for collecting all income invoiced via the corporate invoicing system, or for writing-off debt as non-collectable under the provisions of these Rules	A, B & C
3.6.5	Divisional Directors are responsible for making changes to fees and charges in order to fulfil their obligations under FPR 4.4.3 below Such changes only need to be referred to the relevant Scrutiny Committee for consideration and comment.at the discretion of the relevant Strategic Director.	C
3.6.6	Divisional Directors shall advise the Chief Finance Officer of any new sources of income which are exempt from VAT, and of material change to existing sources of income which are exempt from VAT.	B & C
	Cash Income	
3.6.7.	Officers responsible for the collection of money shall ensure that money collected is recorded and banked without undue delay.	
3.6.8	Subject to the following Rules, all receipt forms, tickets and other types of controlled stationery by which income is acknowledged shall be ordered and supplied to divisions by the Chief Finance Officer; and Divisional Directors shall be responsible for the safe custody of such documents.	A & B
3.6.9	Receipts and other forms of controlled stationery which are specific to a particular function may be ordered and controlled by the appropriate Divisional Director, in accordance with arrangements approved by the	C

Chief Finance Officer.	
3.6.10 All cash received must be acknowledged at once by the issue of an official receipt or ticket, or an entry on a payment card provided for the purpose. No officer or agent of the Council shall give a receipt for cash received on behalf of the Council in any form other than an official receipt. No acknowledgement need be given for payment by cheque, however, unless requested by the debtor. Cheques should be endorsed with a valid cheque guarantee card number.	C
3.6.11 All money received must be accounted for and paid into an approved bank account, either directly, or via Cash Collection centres at New Walk Centre or the Area Housing Offices, on the day of the receipt, or as soon as practicable thereafter, dependent on the values involved and arrangements for the safe custody of cash (i.e. ensuring insurance value limits are not exceeded). An officer may on <u>no</u> account borrow any money temporarily for their own use, nor should they, except in the case of expenses they incur whilst travelling on Council business, make payments on behalf of the Council from their own pocket. Arrangements may be made with the Chief Finance Officer for an officer who is handling small sums to bank less frequently.	C
3.6.12 An officer is responsible for the safe custody of any money she or he has received until it has been balanced and banked or handed over to another officer for banking. If the money is handed over to another officer, a receipt should be obtained from the officer receiving it. If the money is in a sealed container, the officer should obtain a receipt for the container.	C
3.6.13 Whilst money is in their custody, officers should, at no time, leave it unattended unless it is locked in a safe place, to which the officer alone has access, and which fulfils insurance requirements.	C
3.6.14 All officers who pay money into any of the Council's bank accounts shall list the amount of every cheque on the paying-in slip and the counterfoil or duplicate, together with some reference, such as an account number, which will connect the payment with the debt; or failing this, the name and address of the debtor.	C
3.6.15 Cash received by officers on behalf of the Council shall not be used to cash postal orders, personal or other cheques.	
3.6.16 The Chief Finance Officer is responsible for approving all systems for the processing of payments by debit, credit and top up payment cards.	B & C
3.7 Write-Off of Debts	
3.7.1 No debt properly due to the Council shall be discharged otherwise	

<p>than by:</p> <ul style="list-style-type: none"> i. payment in full; ii. write-off. 	<p>A & B</p>
<p>3.7.2 Subject to conditions set out below, all debts which a Divisional Director or the Chief Finance Officer has been unable to recover at reasonable effort and expense and for which normal recovery processes have been exhausted, shall be referred without delay to the Head of Legal Services.</p>	<p>A & B</p>
<p>3.7.3 Debts may be written off as follows:</p> <ul style="list-style-type: none"> i. By the relevant Divisional Director or Chief Finance Officer for debts up to £2,000; ii. By the Head of Legal Services for debts above £,2000, subject to periodic reporting of such action to the Performance and Value For Money Select Committee. <p>provided that: there is a properly established, enforceable debt, which remains unpaid in whole or in part, and is irrecoverable at reasonable effort and expense, or is remitted by a competent court. In the event that there is reason to believe that the cause of any debt being irrecoverable is attributable to fraud, theft, irregularity or the negligence of an employee, the Strategic or Divisional Director shall refer the matter to the Head Of Audit (HoA) under FPR 7.3.3. The debt shall not be written off until any necessary investigative or other action has been agreed by the Strategic or Divisional Director and the HoA.</p>	<p>B</p>
<p>3.7.4 The Chief Finance Officer or Head of Legal Services may also write down to £1 any debt subject to insolvency proceedings pending resolution of the case, provided that s/he shall report periodically such actions to the Performance and Value For Money Select Committee.</p>	<p>A & B</p>
<p>3.8 Monitoring of Income Collection</p>	
<p>3.8.1 The Chief Finance Officer shall report twice a year to the Performance and Value For Money Select Committee on progress with the collection of the Council's income, with particular reference to the arrears outstanding in respect of each main class of income, debts written-off and action being taken to recover or reduce those arrears.</p>	
<p>3.9 Banking Arrangements</p>	
<p>3.9.1 In this sub-section of the Finance Procedure Rules, the Council's main bank accounts are all bank accounts maintained by the Council other than those operated solely for specific establishments</p>	<p>A & B</p>

	or purposes.	
3.9.2	The Chief Finance Officer is responsible for operating the Council's main bank accounts. Divisional Directors may open and maintain other Council bank accounts for specific purposes in accordance with arrangements specifically approved by the Chief Finance Officer, or, for schools, in accordance with the Scheme for Financing Schools.	A & B
3.9.3	The Chief Finance Officer is responsible for ensuring that regular and complete reconciliations are carried out, for all the main bank accounts, of balances held to financial records maintained. Divisional Directors are responsible for ensuring that regular and complete reconciliations are carried out of all other Council bank accounts maintained by them. Arrangements for carrying out such reconciliations shall be in a form specifically approved by the Chief Finance Officer.	A & B
3.9.4	All cheques (except imprest cheques) for the Council's main bank accounts shall be produced directly from RMS in a format approved by the Chief Finance Officer, who shall make proper arrangements for the preparation and despatch of the cheques, and for the custody of blank cheques.	A & B
3.9.5	Imprest cheques shall be ordered and controlled by the Chief Finance Officer who shall make proper arrangements for the safe custody of blank cheques and the preparation, signing and despatch of the cheques. Divisional Directors shall ensure that for all other Council bank accounts cheques are held, prepared, signed and despatched in a form approved by the Chief Finance Officer.	
3.9.6	All cheques drawn on the Council's main bank accounts shall bear the pre-printed signature of the Chief Finance Officer or, in the case of imprest cheques, be signed by the Chief Finance Officer or signatory authorised by him or her. Cheques drawn on any other Council bank accounts should be signed by an authorised officer.	A & B
3.9.7	The Chief Finance Officer is responsible for ensuring that all payments made from the main bank accounts by way of Clearing House Automated Payments (CHAPs) and Bankers Automated Credits (BACs) transactions are properly controlled and suitably authorised.	FM1
3.9.8	The Chief Finance Officer is responsible for sanctioning the issue of Corporate Credit Cards to staff and members and for reconciling expenditure incurred to the main bank accounts. Divisional Directors are responsible for ensuring that staff use the cards in accordance with procedures issued, including the provision of valid receipts to support the expenditure incurred. Where Corporate Credit Cards are not used in accordance with stipulated procedures then the Chief Finance Officer may withdraw the arrangement.	

3.10 Cash Advances, Petty Cash floats and Imprest accounts

Definitions

3.10.1 For the purposes of this sub-section of the Finance Procedure Rules the following definitions shall apply:

A **cash advance** is a specific cash loan made to an employee to enable them to purchase appropriate items/services in connection with their employment by the City Council.

A **petty cash float / imprest account** is an amount of money provided for the purpose of funding small cash payments incurred on behalf of the City Council.

A **petty/imprest cash book** is a record of cash payments made from a petty cash /imprest account.

A **cash voucher** is a receipt or other document evidencing the making of a payment from petty cash float / imprest account, supplied by the vendor.

A & B

A **petty cash float / imprest account holder** is an officer authorised by their Divisional Director to hold a petty cash float or imprest account.

Rules

FM5

3.10.2 The Chief Finance Officer may provide cash advances from the main Cash Office, or other designated distribution points, to employees for such amounts as are considered necessary by Divisional Directors for the purpose of meeting expenses. Divisional Directors are responsible for ensuring that employees promptly return any unused advances together with valid receipts to support monies expended, to the appropriate distribution point. Where this does not occur the Chief Finance Officer may authorise deduction of the appropriate sum from the employee's next salary payment.

A & B

A & B

3.10.3 The Chief Finance Officer may provide petty cash floats / imprest accounts of such amounts as are considered necessary by Divisional Directors for the purpose of meeting minor expenses.

A, B & C

3.10.4 Divisional Directors are responsible for making arrangements for the safe keeping and proper use of all petty cash /imprest accounts.

3.10.5 Each petty cash float /imprest account must be in the sole charge of a single petty cash float /imprest account holder, who is responsible for the proper use and safety of the sums held. Divisional Directors shall ensure that petty cash float /imprest account holders sign a document

<p>to confirm receipt when first acquiring a petty cash float / imprest account. The petty cash float / imprest account holder may use the account to make payments in respect of expenditure legitimately incurred for Council purposes, and must record payments made in a petty cash / imprest cash book. The petty cash float / imprest account holder shall obtain cash vouchers for all payments made, and such cash vouchers shall adequately record any VAT incurred and have VAT receipts attached. The person receiving the cash sum shall sign the voucher.</p>	<p>A, B & C</p>
<p>310.6 When a petty cash float / imprest account needs replenishing, the petty cash float / imprest account holder shall summarise payments made on a record in a form approved by the Chief Finance Officer. The record must be certified as correct by an authorised officer, who must check the petty/imprest cash book, the cash vouchers and any cash held. The completed record, and such other documentation as the Chief Finance Officer shall require, shall be presented to the Chief Finance Officer for reimbursement.</p>	<p>C</p>
<p>310.7 Each petty cash float / imprest account must be kept in a lockable box to which the petty cash/imprest account holder alone has access. The box shall be kept securely, for example in a lockable cupboard or safe, in accordance with arrangements specified by the Chief Finance Officer (Specific requirements for Insurance cover must be met).</p>	<p>C</p>
<p>3.10.8 On ceasing to hold a petty cash float / imprest account, the petty cash / imprest account holder must produce the petty/imprest cash book, vouchers and any unspent balance to an authorised officer for checking and retention. The advance will then be handed over to a successor nominated by the Divisional Director, or returned to the Chief Finance Officer.</p>	<p>C</p>
<p>3.10.9 Petty cash float / imprest account should only be used for small transactions where it is quicker and more efficient to buy the goods locally rather than by official order. .</p>	<p>C</p>
<p>3.10.10 Travelling, subsistence and post-entry training expenses should be reimbursed through the appropriate allowance payment systems, and not from petty cash float / imprest account.</p>	<p>C B & C</p>
<p>3.10.11 No income should be paid into a petty cash float/imprest account.</p>	
<p>3.10.12 For the purposes of closure of the Council's accounts each financial year end, the Chief Finance Officer will require a certificate from each petty cash float / imprest account holder, which should be countersigned by an authorised officer, providing such details as the Chief Finance Officer shall specify.</p>	<p>A & B</p>
<p>3.9.13 Divisional Directors shall keep up-to-date records of petty cash float / imprest account holders.</p>	<p>A & B</p>

3.11 Stocks and Stores

3.11.1 Divisional Directors may hold stocks of consumable items; materials; and equipment for use in the maintenance of assets under their control and the provision of services. They are responsible for the receipt, custody and issue of stock items for their functions and for maintaining suitable records which comply with any guidance given by the Chief Finance Officer. Divisional Directors shall ensure that arrangements to operate their own stores continue to represent value for money to the Council as compared to obtaining materials direct from suppliers.

A & B

A, B & C

3.11.2 Divisional Directors shall ensure that stock items are effectively safeguarded from loss, theft or damage.

3.11.3 Divisional Directors shall arrange for a periodic stock-take to be undertaken independently of the employees responsible for the custody of those stocks, such that the existence and value of all items are checked at least once a year. The write-off of deficiencies or adjustments related to individual stock items may be authorised as follows:

i. By the relevant Divisional Director for write-offs which do not exceed £2,000, subject to an overall limit equivalent to 5% of total opening stock;

ii. By the Chief Finance Officer for write-offs in excess of £2,000 subject to periodically reporting the write-offs to the Performance and Value For Money Select Committee.

A & B

3.11.4 The value of stocks held at 31st March each year shall be certified by an authorised officer and supplied to the Chief Finance Officer in such form and at such time as may be decided by the Chief Finance Officer.

3.11.5 Surplus and obsolete stocks and stores must be disposed of by Divisional Directors on the best terms possible. Divisional Directors shall comply with any guidance given by the Chief Finance Officer in respect of identification of the fact that stock is surplus or obsolete. Where such items are not disposed of and or sold to a company under contractual terms, they may, when judged best, and, subject to independent check, be offered for sale to staff, provided that permission to proceed is first obtained from the Risk Management Section (x 297465) and that subject to that permission, the sale is advertised to as many staff as possible (e.g. using the intranet) for a reasonable length of time (i.e. no less than 4 weeks).

A, B & C

B & C

3.11.6 All devices that could contain data (e.g. PCs, laptops, mobile phones, hand held communication devices, memory sticks etc.) **must** be

disposed of through ICT.	B & C
3.11.7 Any disposals shall be recorded by the Divisional Director concerned and records maintained.	
<p>3.12 Asset Register and inventories</p> <p><u>Definition</u></p>	
<p>3.12.1 In this sub-section of the Council's Finance Procedure Rules, the following definitions shall apply:</p> <p>An asset register is a register of all significant assets owned by the Council, which is maintained by the Chief Finance Officer for statutory accounting purposes.</p> <p>An inventory is a record of all plant, machinery, vehicles, equipment and other assets under the custody of Divisional Directors, including assets the Council does not own outright. It should aid effective control of such assets and can support the management of risk of loss or damage.</p> <p><u>Rules</u></p>	A & B
3.12.2 The Chief Finance Officer shall have access to all inventories and other records maintained by Divisional Directors for the purposes of compiling and maintaining an asset register in accordance with the relevant accounting regulations.	A & B
3.12.3 Divisional Directors will maintain inventories and other records to support the asset register in a format agreed by the Chief Finance Officer. Any individual items of plant, machinery, equipment and other assets that are capitalised will be included in the asset register.	A & B
3.12.4 The Chief Finance Officer will also specify what other inventories and records need to be maintained by Divisional Directors in order to help safeguard the items recorded in it from loss, theft or damage.	A & B
<p>3.12.5 Divisional Directors shall be responsible for carrying out an annual check of all items on all inventories and other records of equipment maintained. Based on original cost, the write-off of deficiencies may be authorised as follows:</p> <p>i. By the relevant Divisional Director for amounts not exceeding £2,000</p> <p>ii. By the Chief Finance Officer for amounts exceeding £2,000 subject to periodically reporting the write-offs to the Performance & Value For Money Select Scrutiny Committee.</p>	A & B

<p>3.12.6 Any significant variations should be investigated and reported to the Chief Finance Officer for insurance purposes, with consideration given to reporting the matter to the Chief Finance Officer as a suspected irregularity, under Section 7 of the Finance Procedure Rules.</p>	<p>A, B & C</p>
<p>3.12.7 With the exception of portable IT and communication devices issued to individual officers to assist them in undertaking their duties, assets in the custody of the City Council shall not be removed from Council premises, other than in accordance with the ordinary course of the Council's business, or used otherwise than for the Council's purposes, except where specifically authorised by the appropriate Divisional Director.</p>	<p>A, B & C</p>
<p>3.12.8 Surplus or obsolete items should initially be offered for use elsewhere in the Council, and where not required, disposed of by Divisional Directors on the best possible terms. Where items are to be disposed of for a sum which is less than current value, by an amount which exceeds £2,000, then this shall be authorised by the Chief Finance Officer, subject to periodically reporting the disposals to the Performance & Value For Money Select Committee. Where such items are not disposed of and or sold to a company under contractual terms, they may, when judged best, and, subject to independent check, be offered for sale to staff, provided that permission to proceed is first obtained from the Risk Management Section (x 297465) and that subject to that permission, the sale is advertised to as many staff as possible (e.g. using the intranet) for a reasonable length of time (i.e. no less than 4 weeks).</p>	<p>A & B</p>
<p>3.12.9 All devices that could contain data (e.g. PCs, laptops, mobile phones, hand held communication devices, memory sticks etc.) must be disposed of through ICT.</p>	
<p>3.12.10 Any disposals shall be recorded by the Divisional Director concerned and records maintained.</p>	<p>A, B & C</p>
<p>3.12.11 Divisional Directors shall advise the Chief Finance Officer of the disposal of items for which an adjustment is required to an asset register.</p>	<p>A, B & C</p>
<p>3.13 Buildings and Land</p>	<p>A & B</p>
<p>3.13.1 The Divisional Director responsible for housing shall maintain records of all dwellings and other buildings erected or acquired under the Housing Acts, and the Divisional Director (Strategic Asset Management) shall maintain records of all other land and properties owned or occupied by the Council.</p>	
<p>3.13.2 The Divisional Director responsible for housing shall maintain records</p>	<p>A & B</p>

<p>of tenancies granted in respect of premises managed by the Housing Service, and the Divisional Director (Strategic Asset Management) shall maintain records of all other tenancies.</p>	
<p>3.13.3 The Head of Legal Services shall have custody under secure arrangements of all title deeds, land certificates, leases, tenancy agreements and contracts and associated bonds under seal (and any other such documents). The Divisional Director responsible for housing shall have custody of agreements relating to the tenancy of premises managed by the Housing Revenue Account.</p>	<p>A & B A</p>
<p>3.13.4 Terms of disposal should not be finalised without the benefit of a current valuation undertaken by the Divisional Director (Strategic Asset Management) or a suitable firm of valuers appointed under arrangements approved by that Director. The terms of disposal must also take account of the taxation implications to the Council of the disposal.</p>	<p>A, B & C</p>
<p>3.13.5 Except in the case of dwellings within the Housing Revenue Account, no property should be disposed of without the prior consultation and agreement of the Divisional Director (Strategic Asset Management) or their designated representative.</p>	<p>A & B</p>
<p>3.13.6 Where disposal to an existing tenant takes place, the relevant Divisional Director shall ensure that all outstanding rent and local taxes have been discharged before the transfer takes place. Where purchase of building and land takes place, any sums owed to the Council can, subject to approval by Legal Services Division, be deducted from the purchase price.</p>	<p>A & B</p>
<p>3.14 Risk Management and Insurance</p>	
<p>3.14.1 The Chief Finance Officer is responsible for ensuring that the Council's risks are adequately assessed, and for arranging external insurance cover or making alternative arrangements to provide for potential future liabilities and losses.</p>	
<p>3.14.2 Divisional Directors shall advise the Chief Finance Officer of all risks, and changes to risks, in accordance with procedures specified by the Chief Finance Officer. Strategic and Divisional Directors are not authorised to arrange insurance cover except via the Chief Finance Officer.</p>	<p>A & B A & B</p>
<p>3.14.3 Formal identification of key risks which could threaten identified service or Council objectives must be carried out using a risk management process approved by the Chief Finance Officer. Identified risks and any remediable actions are to be agreed as part of the process which will include costs and timescales for action. Divisional Directors shall maintain operational risk registers and ensure that they are kept up to date and monitored on a quarterly</p>	<p>A, B & C</p>

<p>basis, reporting significant divisional risk / projects to the Chief Finance Officer.</p>	
<p>3.14.4 Any damage, loss or other event which may lead to an insurance claim shall be notified immediately to the Chief Finance Officer. No action should be taken or undertaking given by any officer which would prejudice the Council's position in making an insurance claim. Failure to inform the Chief Finance Officer of any changed circumstances could affect the validity of the insurance cover.</p>	<p>B & C</p>
<p>3.14.5 Divisional Directors are responsible for ensuring compliance with the terms of any relevant insurance policy and for implementing any other advice given by the Chief Finance Officer on the management of insured and uninsured risks.</p>	<p>A & B</p>

REVENUE BUDGETS

GENERAL FUND AND HRA BUDGETS

4.1 General

- 4.1.1 These rules apply to all activities of the Council, except for specific internal trading units for which the Council determines that separate rules in 4.10 to 4.17 shall apply.

A, B & C

4.2 Definitions

The Council's budget is divided into **budget lines** for the purposes of this section of the Finance Procedure Rules. A budget line may represent expenditure, income or a combination of the two.

Controllable budget lines are those budget lines which are deemed by the Council to be within the control of Divisional Directors.

A **total controllable budget** is the total of the controllable budget lines for which a single Divisional Director is responsible, and will generally represent the budget of a specific service. However, controllable budget lines which form part of the Housing Revenue Account (HRA) shall be part of a separate total controllable budget from those which form part of the general fund.

Demand led budgets are those controllable budget lines which the Council may determine are demand led (generally, those over which the Council has very little influence). The only such budget is for Housing Benefit client payments.

An **earmarked reserve** is a reserve created by the City Mayor/Cabinet or a Divisional Director for a specific purpose in accordance with these Finance Procedure Rules.

A **carry forward reserve** is a reserve which is created for the purposes of holding underspendings carried forward in accordance with these Finance Procedure Rules .

Virement is the transfer of resources between two controllable budget lines.

4.3 Setting a Budget

- 4.3.1 The Council's budget shall be set by the full Council when considering a report of the City Mayor. Separate reports may be made in respect of the general fund and the Housing Revenue Account.

A & B

- 4.3.2 Strategic directors, operating collegiately, shall (jointly with the Chief

	Finance Officer) ensure that the City Mayor considers a proposed budget for each controllable budget.	A & B
4.3.3	Strategic directors shall ensure that the budget proposals submitted to City Mayor comply with guidelines issued by the Chief Finance Officer, are deliverable, and are consistent with the corporate plan.	A & B
4.3.4	The Chief Finance Officer is responsible for recommending a total budget for the general fund to the City Mayor, and shall also give advice on an appropriate level of general reserves.	A & B
4.3.5	The budget approved by the Council shall identify as a minimum: <ul style="list-style-type: none"> i. The net budget requirement of the Authority; ii. Each Divisional Director's total controllable budget 	A & B
4.3.6	Divisional Directors shall ensure that the budget is correctly recorded on RMS, as soon as practicable after it is approved by the Council.	
4.4	Incurring Expenditure and Collecting Income	
4.4.1	Subject to the following paragraph, Divisional Directors are authorised to incur expenditure on services for which there is approved budget provision within a controllable budget line for which they are responsible, provided such expenditure is legally incurred, and within Council policy. Finance and Contract Procedure Rules must be complied with when expenditure is incurred.	A & B
4.4.2	Where the budget identifies that any budget provision is conditional on other action or City Mayor/Cabinet decision, no expenditure shall be incurred until such other action has occurred, or such City Mayor/Cabinet decision has been taken.	FM4
4.4.3	Divisional Directors are responsible for collecting income for which there is budget provision within a controllable budget line for which they are responsible.	A,B&C
4.4.4	Where budgeted expenditure is to be met by grant income, Divisional Directors are responsible for complying with the conditions of grant aid. This includes making arrangements for the appropriate retention of documents, including clear working papers, for audit purposes.	A & B
4.4.5	All applications for grant income must be signed by a Strategic or Divisional Director, having taken advice from the Chief Finance Officer. The certification of expenditure in support of a grant claim may only be authorised by the Chief Finance Officer or his nominee.	A & B

<p>4.5 Controlling Expenditure and Income</p>	<p>A & B</p>
<p>4.5.1 Each Divisional Director is responsible for:</p> <ul style="list-style-type: none"> i. Managing the cost of each of his/her services within the provision contained within a controllable budget line, or taking action described in para 4.5.5 to manage unexpected pressures. Any on-going overspends or under-recoveries that occur will require authorised virements to be agreed for the following year's budget; ii. Ensuring that their total controllable budget is not over-spent in total; this is the key control on which budget management is based; iii. Making reasonable endeavours to ensure that demand led budgets are not over-spent. 	<p>A & B</p> <p>A & B</p>
<p>4.5.2 Each Divisional Director is responsible for ensuring that there is a nominated Cost Centre Manager responsible for controlling each part of his/her total controllable budget.</p>	
<p>4.5.3 When nominating Cost Centre Managers, Divisional Directors shall align budgetary accountability with managerial responsibility for use of resources as closely as possible.</p>	
<p>4.5.4 Cost Centre Managers are responsible for ensuring that controllable budget lines (or part thereof) for which they are responsible are not over-spent (or under-recovered) and are accountable to their Divisional Directors (through normal line management arrangements) in this regard.</p>	<p>A & B</p>
<p>4.5.5 When it appears that a controllable budget line will be over-spent, or (in respect of a net income budget) under-recovered, the following action is available:</p> <ul style="list-style-type: none"> i. to reduce expenditure or take action to increase income; ii. to re-direct resources within a controllable budget line or vire resources from another controllable budget line; iii. to make use of funds in carry forward reserves 	<p>A & B</p> <p>A & B</p>
<p>4.5.6 Divisional Directors do not have the authority to vire resources or use reserves if this would result in a change of Council policy.</p>	
<p>4.5.7 The City Mayor/Cabinet has authority to vire sums between controllable budget lines or make use of funds in carry forward reserve up to a maximum determined by the Council when approving the budget and policy framework (or part thereof).</p>	<p>A, B & C</p>

<p>4.5.8 Divisional Directors have delegated authority:</p> <ul style="list-style-type: none"> i. to re-direct resources within a controllable budget line for which they are responsible, without limit; ii. to vire funds between controllable budget lines up to £100k, provided that they obtain the written agreement of the other relevant Divisional Directors where appropriate.. iii. to use funds in carry forward reserves up to £100k. 	<p>A & B</p> <p>A & B</p>
<p>4.5.9 Strategic Directors (acting collegiately) have delegated authority to vire resources between controllable budget lines up to £500k.</p>	
<p>4.5.10 The City Mayor/Cabinet may authorise in year changes to the budget to the extent agreed by Council each year. Currently it may authorise the addition, deletion or virement of sums within the budget up to a maximum of £2m (either one-off or per annum) for a single purpose.</p>	<p>A & B</p>
<p>4.5.11 A virement may be one-off (i.e. transferring resources within a specific financial year only) or continuing (i.e. transferring resources ad infinitum with effect from a specific financial year).</p>	
<p>4.5.12 No virement may take place to or from a demand led budget.</p>	
<p>4.5.13 Demand led budgets shall be increased or reduced during the course of the year, to make them equal to estimated expenditure at the end of the year. At the end of the year, demand led budgets shall be increased or reduced to equal outturn expenditure</p>	<p>A & B</p> <p>A & B</p>
<p>4.5.14 The requirement not to over-spend the total controllable budget is a key control. Where necessary, Divisional Directors shall recommend changes to policy to ensure that budgets are not overspent.</p>	<p>A & B</p>
<p>4.6 Reserves</p>	
<p>4.6.1 The City Mayor/Cabinet may create earmarked reserves for specific purposes. Contributions may be made to such reserves:</p>	<p>A & B</p>
<p>i. by utilising budget provisions approved for that purpose;</p>	
<p>ii. by means of virement, to which the normal controls apply;</p>	<p>A & B</p>
<p>iii. by transferring resources from a carry forward reserve (see below).</p>	<p>A & B</p>
<p>4.6.2 Such reserves may be spent only on the purpose for which they are created. If they cease to be required, the relevant Divisional Director shall report to the City Mayor/Cabinet recommending that the reserve be dissolved, and making proposals for use of any money held in the reserve.</p>	<p>A & B</p>

4.6.3	A carry forward reserve shall be created by each Divisional Director.	
4.6.4	At the end of each year, resources shall be transferred to each Divisional Director's carry forward reserve equal to the amount by which there is an under-spend on that Divisional Director's total controllable budget.	A & B
4.6.5	If, notwithstanding the prohibition on overspending, a total controllable budget is overspent, the amount of overspend shall be deducted from the relevant carry forward reserve (which may, as a consequence, become overdrawn).	
4.6.6	Divisional Directors may use sums held in carry forward reserves for such purposes as they see fit, up to an amount of £100,000. The City Mayor/Cabinet may approve use of sums held in carry forward reserves up to the maximum amount set by the Council for virement at the City Mayor/Cabinet's discretion.	A & B
4.7	Monitoring Expenditure	A & B
4.7.1	Each Divisional Director shall ensure there is a framework for monitoring controllable budgets, which complies with guidelines given by the Chief Finance Officer.	
4.7.2	These frameworks must ensure that Cost Centre Managers and Designated Service Budget Holders receive adequate information and training to enable them to control those parts of the budget for which they are responsible..	A & B
4.7.3	The Chief Finance Officer shall periodically report progress on implementation of the budget to the City Mayor/Cabinet and the Performance & Value For Money Select Committee.	A & B
4.7.4	Each Divisional Director shall report progress on the implementation of the budget for which he/she is responsible to the Chief Finance Officer, in such manner and to such timescales as the Chief Finance Officer specifies for the purposes of compiling the above report.	A & B
4.7.5	The City Mayor/Cabinet shall hold Divisional Directors to account for their management and use of resources and may seek explanatory information from Divisional Directors as it sees fit.	FM2
4.7.6	The Performance and Value For Money Select Committee may seek further explanation from any Divisional Director as it sees fit, or refer any matter to the City Mayor/Cabinet for its consideration.	A & B
4.8	Reporting the Outturn	A & B
4.8.1	The Chief Finance Officer shall report the revenue outturn to the City	

	Mayor/Cabinet and to the Performance & Value For Money Select Committee, as soon as practicable after the end of the financial year. .	A & B
4.8.2	Each Divisional Director shall supply such information and explanations to the Chief Finance Officer as is requested for the purposes of this report.	A & B
4.8.3	The City Mayor/Cabinet shall hold Divisional Directors to account for their management and use of resources during the course of the year and may seek further information from Divisional Directors as it sees fit.	A & B
4.9	Changes in Policy	
4.9.1	Divisional and Strategic Directors are responsible, in consultation with the appropriate Cabinet Member if necessary, for determining whether a proposed virement or use of resources would give rise to a change in Council policy	A & B
TRADING ORGANISATIONS		
4.10	Definitions	A & B
	For the purpose of this part of this section of the Rules, the following definitions shall apply.	A & B
	i. a trading organisation is an internal trading organisation to which these Rules apply as determined from time to time by the Council; These are the following:	
	ii. a retained surplus is a trading surplus earned by a trading organisation which they are permitted to retain under these Finance Rules; For Housing Maintenance 100% of any surplus can be retained. For all other trading units 50% of any surplus can be retained. Exceptions will be determined by the City Mayor/Cabinet from time to time.	A & B
4.11	General	
4.11.1	Rules in sections 4.10 to 4.17 apply to internal trading organisations to which the Council determines they should apply. Other parts of the Authority's budget shall be managed in accordance with the Rules in Sections 4.1 to 4.9 above.	B
4.12	Budget setting	
4.12.1	Prior to the beginning of each year, the relevant Divisional Director shall set a budget for each trading organisation in accordance with a time scale and guidance given by the Chief Finance Officer.	

<p>4.12.2 Arrangements for supplying work to Council services, and charging for such work, shall be made prior to the beginning of each year following consultation with client Divisional Directors.</p>	
<p>4.12.3 Charging arrangements shall ensure there is no element of cross subsidy between HRA and general fund services, to the extent that this is practicable.</p>	
<p>4.13 Accounting records</p> <p>Accounts of trading organisations shall be kept in accordance with legislation, statements of accounting practice issued by CIPFA, and other instructions issued by the Chief Finance Officer.</p>	<p>B</p>
<p>4.14 Budget Management</p>	
<p>4.14.1 Divisional Directors responsible for trading organisations shall ensure that each organisation achieves its budgeted return.</p>	
<p>4.14.2 Where it appears that the budgeted return is not going to be achieved, the relevant Divisional Director shall advise the Chief Finance Officer and take appropriate action. He/she should make recommendations to the City Mayor/Cabinet as necessary. The following action is available:</p>	<p>B</p>
<p>i. to reduce the costs of the organisation;</p>	
<p>ii. to seek alternative sources of income;</p>	<p>B</p>
<p>iii. to supply additional chargeable work in accordance with arrangements set prior to the beginning of the year (see above);</p>	<p>B</p>
<p>iv. to reduce the budgetary return of the organisation (this will usually involve creating a deficit budget).</p>	
<p>4.14.3 Where action (iv) is to be taken, the relevant Divisional Director is responsible for finding compensating savings within a controllable budget for which he/she is responsible. Where the level of savings required is greater than £100,000, the approval of the City Mayor/Cabinet (or, as the case may be, the Council) is required.</p>	<p>B</p>
<p>4.14.4 Notwithstanding the above, where it appears that a budgeted return is not achievable, a Divisional Director may decide to take no action, provided that failure to achieve the budgeted return can be accommodated within the aggregate retained surpluses from previous years of the trading services under his/her control.</p>	<p>A & B</p> <p>A & B</p>

<p>4.14.5 The Chief Finance Officer shall report part year and full year trading results of each trading organisation, and Divisional Directors shall ensure that information is provided as required.</p>	
<p>4.15 Surpluses</p>	
<p>4.15.1 Each Divisional Director may retain such proportion of the aggregate surplus of his/her trading organisations as the City Mayor/Cabinet shall specify under this Rule.</p>	
<p>4.15.2 Retained surpluses may be used, subject to approval of a business case by the City Mayor/Cabinet :</p> <ul style="list-style-type: none"> i. to fund capital expenditure which promotes business objectives subject to the normal Finance Procedure Rules on approval of capital expenditure; ii. to make other improvements in the efficiency of the business, or to incur restructuring costs (e.g. severance payments); iii. to manage adverse trading results in subsequent years to the year in which the surpluses were achieved; iv. to make reductions in subsequent years' charges to customers. v. to offset deficits elsewhere in the host division. 	<p>A & B</p> <p>A & B</p>
<p>4.15.3 Where a single Divisional Director is responsible for more than one trading organisation, the retained surpluses of each may be pooled and used for the purposes discussed above in respect of any of the organisations.</p>	<p>A & B</p>
	<p>A & B</p>
	<p>A & B</p>

	<p>A & B</p> <p>A & B</p>
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CAPITAL PROGRAMME

5.1 Definitions

In this section of Finance Procedure Rules :

Service Resources are such capital resources as the Council may determine when it approves the capital programme.

Corporate Resources are all capital resources other than service resources,.

Spend to Save Schemes are those schemes where up front capital investment will lead to ongoing revenue savings or a significant receipt in later years. The schemes must be self-financing in accordance with the statement of rules relating to such schemes.

The **Capital Programme** is the Councils' planned level of spending on all capital schemes.

Programme Areas are groups of capital schemes within which the Council permits Divisional Directors to reallocate resources, as determined by the Council when it approves the capital programme.

5.2 Capital Programme

5.2.1 The Chief Finance Officer is responsible for recommending a capital programme to the City Mayor each year. The Chief Finance Officer may recommend the programme as a whole, or authorise individual Strategic or Divisional Directors to recommend parts of programme on the basis of a joint report. Capital programmes should be recommended to the City Mayor before the start of the financial year to which the programme relates.

A & B

5.2.2 Prior to inclusion in the capital programme Divisional Directors are required to carry out detailed cost estimates of schemes to the satisfaction of the Chief Finance Officer.

A & B

5.2.3 The City Mayor shall recommend a capital programme to Council each year on the basis of one or more reports referred to in paragraph 5.2.1. The programme may be for one or more years.

A & B

5.2.4 When (or prior to) submitting a capital programme to the City Mayor, the Chief Finance Officer (or Director as the case may be) shall identify the following:

A & B

- The revenue consequences of any unsupported borrowing.
- The revenue consequences of any schemes apart from the cost of

<p>borrowing.</p> <ul style="list-style-type: none"> • The extent to which borrowing is affordable, sustainable and prudent with reference to such indicators as the Chief Finance Officer believes appropriate. • The extent of any pre-commitment of capital resources in years beyond the plan. • The Divisional Director responsible for the management of each scheme. • The gross cost of each scheme, and the net cost after deducting any specific funding. • The extent to which any schemes are grouped into programme areas. 	
<p>5.3 Additions and Amendments to Capital Programme</p>	
<p>5.3.1 Directors can add schemes to the capital programme provided the total cost of a new scheme is below £250,000 and totally funded from service resources. Such additions can only be made after consultation with the relevant Cabinet Member and will be reported to the City Mayor/Cabinet as part of the next capital monitoring report (see paragraph 6).</p>	<p>A & B</p>
<p>5.3.2 Directors can amend the approved programme by:</p> <ol style="list-style-type: none"> a. transferring resources within programme areas; such amendments will be reported to the City Mayor/Cabinet as part of the next capital monitoring report, or b. viring resources between schemes in their approved capital programme, or by using additional service resources, provided any increased costs or virement are below £250,000 Such amendments can only be made after consultation with the relevant Cabinet Member and will be reported to the City Mayor/Cabinet as part of the next capital monitoring report. 	<p>A & B</p>
<p>5.3.3 The City Mayor/Cabinet may add any scheme to, or amend any scheme in, the capital programme on the basis of a report of a Divisional or Strategic Director or Chief Finance Officer up to a limit determined by Council .</p>	
<p>5.3.4 Additions or amendments above the limit need approval of Council, other than transfers within programme areas discussed above.</p>	<p>A & B</p>
<p>5.3.5 Spend to save schemes may be added to the capital programme in accordance with the following:</p> <ul style="list-style-type: none"> • Bids to be funded by additional borrowing to be approved by the Chief Finance Officer, in consultation with the Cabinet Member for Finance, for schemes up to £250,000, provided such schemes comply with rules determined by the Chief Finance Officer. • Bids for schemes above £250,000, but below the limit set by Council must be approved by the City Mayor/Cabinet . • Bids over the limit approved by Council must be approved by 	<p>A & B</p> <p>A & B</p>

<p>Council.</p> <p>The Chief Finance Officer shall maintain a statement of rules for spend to save schemes which shall identify the basis on which they may be approved and arrangements by which divisions are expected to pay for the borrowing costs. All spend to save schemes must comply in full with the statement of rules.</p>	
<p>5.3.6 The Chief Finance Officer shall determine how controllable budgets are charged for any projects that are funded by non-supported capital borrowing in respect of capital consumption and interest.</p>	
<p>5.4 Incurring expenditure</p>	
<p>5.4.1 Inclusion in the capital programme conveys permission to spend on programme fees. It also conveys permission to spend on all other costs provided:</p> <ul style="list-style-type: none"> • A decision on the details of the scheme is not reserved to the City Mayor/Cabinet . • The total cost is within the scheme approval (which may have been amended under paragraph 5.3 above). <p>Incurring of all such expenditure is subject to Contract Procedure Rules.</p>	<p>A & B</p> <p>A & B</p>
<p>5.4.2 No expenditure may be incurred on a scheme funded by grant, additional supported borrowing or third party contributions without specific written confirmation of these resources.</p>	
<p>5.5 Costs increases</p>	
<p>5.5.1 Divisional Directors are responsible for ensuring that each scheme is completed on time, in accordance with its objectives and within the approved capital programme provision.</p>	
<p>5.5.2 Once a scheme has been properly approved but looks likely to overspend or has overspent the following courses of action are available:</p> <ul style="list-style-type: none"> • Reduce expenditure on the scheme. • Amend the capital programme, subject to such approvals as may be required under paragraph 5.3. 	<p>A & B</p> <p>B</p>
<p>5.6 Capital Monitoring</p>	
<p>5.6.1 Divisional Directors are responsible for ensuring that there are proper arrangements within their service areas for monitoring physical and financial progress of capital schemes.</p>	
<p>5.6.2 The Chief Finance Officer shall periodically report progress on the</p>	

	<p>capital programme and the outturn position to the City Mayor/Cabinet and Performance & Value For Money Select Committee. Divisional Directors shall supply such information as may be required for the preparation of this report.</p>
<p>5.6.3 The Performance and Value For Money Select Committee may seek further information on the performance of individual schemes from Divisional Directors or refer matters to the City Mayor/Cabinet for further consideration as they see fit.</p>	<p>B</p>
<p>5.7 Carry forward of resources</p>	<p>A & B</p>
<p>5.7.1 Any corporate resources unspent at the end of the financial year will be carried forward to future years unless the City Mayor/Cabinet determines otherwise, after consideration of the outturn position.</p>	<p>A, B & C</p>
<p>5.7.2 Any service resources unspent at the end of the financial year may be carried forward provided it is possible to do so.</p>	
<p>5.8 Capital receipts</p>	
<p>5.8.1 The Divisional Director (Strategic Asset Management) and the Divisional Director for housing are responsible for achieving capital receipts required to finance the capital programme.</p>	<p>A & B</p>
<p>5.8.2 The Chief Finance Officer shall report the capital receipts received in the year to the City Mayor/Cabinet and Performance and Value For Money Select Committee as part of the capital expenditure outturn report.</p>	<p>FM7</p> <p>A & B</p>
	<p>A & B</p>
	<p>A & B</p>
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	A & B A & B
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TREASURY MANAGEMENT

6.1 General

- 6.1.1 All Treasury Management activities will be conducted in accordance with the Authority's Treasury Management Policy as approved from time to time by the Council.
- 6.1.2 The Chief Finance Officer shall review and seek Council approval, to a revised Treasury Management Policy at least every 3 years.
- 6.1.3 The performance of the Treasury Management function shall be reported periodically to the Performance & Value For Money Select Committee.

6.2 Loans

- 6.2.1 All borrowing shall be undertaken by the Chief Finance Officer. Strategic and Divisional Directors do not have authority to borrow money.
- 6.2.2 At the beginning of each year, the Chief Finance Officer shall seek the approval of the City Mayor/Cabinet I to a Treasury Strategy for the year. The Strategy, which shall comply with the approved policy, shall identify the Authority's strategy for borrowing and lending during the financial year. A & B
- 6.2.3 The Chief Finance Officer is responsible for ensuring that loans are effected in the Authority's name to meet the needs of the Authority on the most economic terms. All borrowing shall comply with the Council's Treasury Strategy.
- 6.2.4 The Authority's Register of Stock, Bonds and Mortgages shall be the Chief Finance Officer unless otherwise approved by the the City Mayor/Cabinet in respect of any specific debt, and the Chief Finance Officer is responsible for maintaining records of money borrowed by the Authority.

6.3 Leasing of Assets

- 6.3.1 This sub-section of the Council's Finance Procedure Rules applies to all leasing of assets other than land and buildings.
- 6.3.2 The Chief Finance Officer is responsible for securing agency status where necessary for the acquisition of leased assets with a financial company or broker, and shall from time to time make arrangements to lease various assets required by the Council where this is financially advantageous.. The Chief Finance Officer shall comply with the relevant Contract Procedure Rules and Finance Procedure Rules when B

<p>securing a company or broker or when leasing assets. Except where specified below the Chief Finance Officer shall:</p> <ul style="list-style-type: none"> i. arrange all leases of assets entered into by the Authority; ii. negotiate all lease extensions and terminations; iii. negotiate arrangements with lessors for the disposal of unwanted assets;; iv. maintain records of all leases entered into by the Authority. <p>6.3.3 Divisional Directors may request the Chief Finance Officer to arrange leases for specific items. Strategic and Divisional Directors are not permitted to negotiate or enter into leases except in the following circumstances:</p> <ul style="list-style-type: none"> i. short term lease or hire arrangements for a period of one year or less; ii. leases for specialist equipment where the Chief Finance Officer has agreed that such leases can be entered into without further reference to him/herself. iii. arrangements for leases of equipment which are inclusive of a specialist repair and maintenance contract. <p>6.3.4 Where Divisional Directors enter into leases under the provisions of the above regulation, they may also terminate or extend such leases after consultation with the Chief Finance Officer.</p> <p>6.3.5 Divisional Directors are responsible for the following in respect of leased assets:</p> <ul style="list-style-type: none"> i. establishing appropriate insurance arrangements for leased assets; ii. receipt of goods / assets to be leased; iii. recording leased assets on divisional inventories of assets in accordance with Finance Procedure Rules on financial administration; iv. ensuring assets are safeguarded during the period of the lease, and complying with all obligations under the lease in respect of the asset; v. notifying the Chief Finance Officer of the loss of any leased asset; vi. arranging the disposal of unwanted leased assets in accordance with the lessor’s instructions at the expiry of a lease. <p>6.3.6 Divisional Directors shall not dispose of any assets during the period of a lease without consulting the Chief Finance Officer, and shall be responsible for meeting costs of any early termination or similar charges.</p> <p>6.4 Investments</p>	<p>A & B</p> <p>A & B</p> <p>A & B</p> <p>A & B</p>
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| <p>6.4.1 At the beginning of each financial year, the Chief Finance Officer shall seek the approval of the City Mayor/Cabinet to an annual investment strategy for that year.</p> <p>6.4.2 The Chief Finance Officer shall make arrangements for the investment and management of all of the Authority's cash balances (including schools except where they opt out) in accordance with the Annual Investment Strategy, except in respect of any specific cash balances where other arrangements are approved by the City Mayor/Cabinet .</p> <p>6.4.2 All investments under the control of the City Council shall be made in the name of the Authority unless otherwise agreed by Council in respect of any specific investments.</p> | |
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INTERNAL AUDIT

7.1 General

The primary role of the Internal Audit Service is to objectively examine, evaluate and report on the adequacy of the Council's internal control environment as a contribution to the proper, economic, efficient and effective use of resources and the management of risk. Internal Audit also advises on, carries out and directly supports investigations into suspicions of fraud or financial irregularity.

A & B

Provision of an adequate and effective system of Internal Audit is the responsibility of the Council. The Council has delegated this function to the Chief Finance Officer, who shall provide an Internal Audit Service to the City Council in accordance with statutory requirements and professional standards.

7.2 Audit Planning and Reporting

7.2.1 The Head of Audit shall prepare and agree with the Chief Finance Officer an Annual Audit Operational Plan which will set out the intended work of Internal Audit over the coming year. The plan shall be based on an objective assessment of need arising from an analysis of risk and shall be approved, but not directed, by the Audit Committee. Irrespective of its means of delivery, every process, service and activity falling within the City Council's responsibility shall be subject to the City Council's system of internal audit.

A & B

7.2.2 The views of Strategic Directors shall be sought about which activities are to be included in the plan as being in need of audit.

7.2.3 Work outside the plan may also be specially commissioned at the request of a Strategic or Divisional Director. Any such reviews shall be risk-assessed by Internal Audit and only undertaken if the risks involved justify the audit work necessary.

A & B

7.2.4 Internal Audit shall at all times conduct its work in accordance with the *Code of Practice for Internal Audit in Local Government*, issued by CIPFA in 2006. Internal Audit shall also abide at all times by the requirements of the Council's Internal Audit Charter.

A & B

7.2.5 For the purposes of carrying out an audit or investigation, Internal Auditors are authorised to:

- i. have access at all times to any City Council premises and property;
- ii. have access to all data, records, documents and correspondence relating to any financial or any other activity

A & B

	<p>of the City Council;</p> <p>iii. have access to any assets of the City Council;</p> <p>iv. require from any member, employee, agent, partner, contractor or other person engaged in City Council business any necessary information and explanation.</p>	A, B & C
	<p>These rights of access include access to relevant records (whether electronic or otherwise) held by service providers. They apply to Council services provided under contracts and partnership arrangements of all kinds including joint and pooled arrangements. This right of access shall be incorporated within all relevant contract or service agreement documents involving City Council services provided other than internally. It applies to all internal auditors legitimately engaged on Leicester City Council Internal Audit business, whether they are employees of Internal Audit or are provided under an authorised agency or other contract or partnership.</p>	A, B & C
7.2.6	<p>Internal Audit shall remain at all times free from undue influence or other pressure affecting its actions and reporting.</p>	
7.2.7	<p>Internal Audit shall report in its own name to the Chief Finance Officer. The Head of Audit has the right to report directly to the Chief Executive or the Council (through the Audit Committee or the City Mayor/Cabinet) if, in his opinion, there are matters of concern that could place the Council in a position where the risks it faces are unacceptable</p>	A, B & C
7.2.8	<p>From time to time, the Head of Audit shall report to the Audit Committee on progress made in delivering the Internal Audit Operational Plan.</p>	A & B
7.2.9	<p>Implementation of the recommendations made in internal and external audit reports shall be monitored by the Audit Committee. Strategic and Divisional Directors are accountable to the Audit Committee for ensuring that appropriate action is taken in accordance with those recommendations.</p>	A & B
7.2.10	<p>The Chief Finance Officer shall report annually to the Audit Committee on the provision of the Internal Audit service. In addition, the Chief Finance Officer shall report to the Audit Committee on the annual review of the effectiveness of the Council's system of internal audit</p>	A & B
7.3	<p>Divisional Directors' Responsibilities in respect of financial control and irregularities</p>	A & B
7.3.1	<p>All Divisional Directors shall maintain proper financial controls in financial systems operated within their area of responsibility (see</p>	

	section 2 of these rules) and shall be responsible for the prevention, detection and resolution of fraud and irregularities.	
7.3.2	Divisional Directors shall cooperate fully at all times with Internal Audit and ensure that Internal Audit can properly fulfil its role. Any disputes or non-cooperation may be referred to the Chief Finance Officer and ultimately the Audit Committee for resolution.	A & B
7.3.3	Immediately any actual or potential financial irregularity affecting the Council is known or suspected, the appropriate Strategic or Divisional Director shall inform the Head of Audit make proposals in respect of any further investigation that may be required (and the extent of any support required from Internal Audit) and make proposals in respect of other action to be taken.	A & B
7.3.4	If the proposals are acceptable to the Chief Finance Officer, Strategic and Divisional Directors shall carry out the proposed actions. Otherwise, alternative proposals shall be made.	A, B & C
7.3.5	Strategic and Divisional Directors are responsible for taking appropriate action on receipt of recommendations from Internal Audit, either as a consequence of a planned or specially commissioned review or an investigation into a suspected fraud or financial irregularity.	A & B
7.4	Investigations	
7.4.1	The Chief Finance Officer shall ensure that every case where there are grounds for suspicion of fraud or financial irregularity is considered, and that proposals for action (where appropriate) are made by Strategic or Divisional Directors. The Chief Finance Officer reserves the right to investigate any suspected fraud or irregularity via the Internal Audit Service.	A & B
7.4.2	All action taken shall comply with the Council's Anti-Fraud and Corruption Policy Statement and Prosecutions Policy as adopted and approved by the Audit Committee.	A & B
7.4.3	In respect of investigations into suspected Housing and Council Tax benefits fraud, the Chief Finance Officer, or another person authorised by the Chief Finance Officer for this purpose, shall have full discretion to determine the appropriate course of action, including referral to Legal Services or the Police for consideration of prosecution.	A & B
7.4.4	In all other cases, referral to the Police shall only be made after full consultation with the appropriate Strategic or Divisional Director and the Monitoring Officer.	A & B

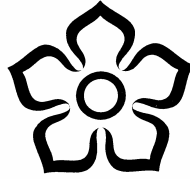
	A & B
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8. DOCUMENT RETENTION

Officers and members must comply with the Authority's current Document Retention and Disposal Policy.

This can be viewed by clicking on the hyperlink below

<http://intranet/attachments/568/LCC%20Retention%20and%20Disposal%20Policy%20Dec%20'04.doc>



Leicester
City Council

PART 4G – CONTRACT PROCEDURE RULES

PART 4G – CONTRACT PROCEDURE RULES

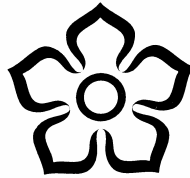
GUIDANCE FOR USING THE CONTRACT PROCEDURE RULES (VIA INTRANET)

Blue underlined text throughout the Rules denotes hyperlinks (eg Index and Contents pages). To use this function, place your mouse cursor on the text and follow the instructions – if any – which may automatically appear in a yellow box (dependent on the Microsoft version you have. The instruction will either be (a) To just “click” on the blue text; or (b) To “ctrl click”. If a yellow box appears giving the path but no instruction, then just click the text. Once a link has been utilised, **the blue underlined text** will temporarily become **maroon underlined text**. Please contact Amina Laher, Corporate Procurement Support Officer on Extn 29 6304 if further help is required.

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go5474al (as approved by Council on 27 November 2008)



Leicester
City Council

PART 4G – CONTRACT PROCEDURE RULES INDEX

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CONTRACT PROCEDURE RULES – PART 4G

Section 1 Basic Principles

1 What All Staff Need to Know

- 1.1 Procurement is the activity involved in buying supplies, services and works for the City Council. Whilst this is a simple definition, a lot of procurement involves considerable planning, and often there is follow up work involved in managing contracts.
- 1.2 There are two categories of Officers who are entitled to buy on behalf of the Council:
- 1.2.1 Officers who are allowed to buy using arrangements currently in existence.
- These arrangements are dealt with in Finance Procedure Rules.
- 1.2.2 Officers who are allowed to make new arrangements for buying supplies, services and works or running mini-competitions. Contract Procedure Rules deal exclusively with this sort of buying. These Officers are called “**Approved Procuring Officers**”.
- 1.3 There is a list of Approved Procuring Officers which will have been created either by your Divisional Director or the Chief Operating Officer. No other Officer is allowed to procure supplies, services and works except for the limited arrangements permitted by Finance Procedure Rules described above.

2 Who Needs to Read On?

- ↳ Approved Procuring Officers.
- ↳ All Officers who manage Approved Procuring Officers.
- ↳ Strategic and Divisional Directors.
- ↳ Procurement specialists and senior finance staff.

3 Application of these Rules

- 3.1 These Rules apply to the following types of procurement:
- 3.1.1 The carrying out of building or engineering works for or on behalf of the Council.
- 3.1.2 The provision of any Services (including research and consultancy services) to the Council.

- 3.1.3 The purchase of any supplies or materials to or on behalf of the Council.
- 3.1.4 Partnering arrangements whereby the Council is the Lead Body and where the partnering arrangement will involve secondary procurement of any of the above.
- 3.2 These Rules do not apply to contracts of employment making an individual a direct employee of the Council, purchase of land, grants given to support the aims and objectives of an organisation, or performance contracts by which the Council engages artistes or performers.
- 3.3 The exception for grants given to support the aims and objectives of an organisation applies only to general grants. Contracts with voluntary organisations for the supply of supplies, services and works are covered by these Rules.

4 Authorisation

- 4.1 The Chief Operating Officer is responsible for designating Approved Procuring Officers and shall maintain a register of such Officers. In doing so, s/he may restrict an Approved Procuring Officer to specified categories of supplies, services or works.
- 4.2 The Chief Operating Officer may authorise any Divisional Director to designate Approved Procuring Officers and if so the relevant Divisional Director shall, be responsible for maintenance of the “associated register” for their service area.
- 4.3 Until determined otherwise by the Chief Operating Officer, Divisional Directors are empowered to approve Procuring Officers for all categories of spending within their service area, apart from:
 - 4.3.1 Legal services (ie services that would ordinarily be provided by a lawyer).
 - 4.3.2 Property valuation services.
 - 4.3.3 Property, construction and engineering related design, safety and maintenance services.
 - 4.3.4 Property management services.
 - 4.3.5 Property related project management for property development, construction, engineering and property management projects.
 - 4.3.6 ICT Services, including development, consultancy and project management.
 - 4.3.7 Financial services, including accountancy, procurement, taxation and project finance.

4.3.8 HR senior level recruitment, management development and related areas.

4.3.9 Printing services, Media Buying and Leaflet Distribution.

No other Officer can be authorised to procure these services.

4.4 The Chief Operating Officer, or authorised Divisional Directors shall ensure that:

4.4.1 The register of Approved Procuring Officers is kept up-to-date and published by the Head of Corporate Procurement.

4.4.2 Approved Procuring Officers receive and successfully complete training accredited by the Head of Corporate Procurement.

5 General Principles of Procurement

5.1 Each Divisional Director shall ensure that procedures for procurement in his/her service are robust, provide for sufficient levels of expertise and supervision and provide appropriate segregation of duties to prevent the risk of fraud, corruption or challenge. Each Divisional Director shall ensure that duties are only delegated to staff with appropriate competencies.

5.2 Approved Procuring Officers must adhere to the following general principles throughout a procurement exercise:

5.2.1 Achieve Value for Money with public money spent.

5.2.2 Be consistent with the highest standards of integrity.

5.2.3 Ensure fairness in allocating public contracts.

5.2.4 Comply with all legal requirements.

5.2.5 Support the Council's Corporate Plan.

5.2.6 Ensure that non-commercial considerations as defined by law do not influence any contracting decision.

5.3 In respect of any procurement exercise, Approved Procuring Officers must:

5.3.1 Ensure that adequate budgetary provision has been made for the award of the contract.

5.3.2 Ensure that the financial standing and technical ability of any potential supplier is assessed at the earliest point in a procurement exercise, as set out in the corporate PQQs and again prior to award.

5.3.3 Keep bids confidential.

- 5.3.4 Not negotiate with Contractors except as specifically permitted by these Rules.
- 5.3.5 Ensure there is a written contract or Council Order before the Supply, Services or the Works begin.
- 5.3.6 Keep full records of each procurement exercise for the duration of the contract plus a further period of 12 months.
- 5.3.7 Assess each contract post award to see how well it has met the purchasing need and service requirements.

6 Declaration of Interests by Officers

- 6.1 Any Officer who has any pecuniary interest in a contract or potential contract must declare that interest in writing to his/her Divisional Director as soon as s/he becomes aware of it and request that the declaration be recorded in the Register. A failure to comply with this by the Officer may be a criminal offence and a disciplinary matter. The Officer shall take no further part in the procurement.
- 6.2 Any Officer, whether a direct employee of the Council or engaged through an external organisation or supplier who is engaged to work on behalf of the Council shall, if they become aware of any relationship (current or past), whether pecuniary or not, with any supplier or potential supplier, make a Declaration of Interest to the Divisional Director at the earliest opportunity. The Divisional Director, after consulting with the Monitoring Officer, shall (in writing) acknowledge the declaration and determine whether the Officer can continue to take part in the procurement. Any interest declared shall be recorded on the Register of Interests.
- 6.3 No Officer shall accept any fee or reward whatsoever in the course of or in connection with his or her duty as an Officer or employee other than his or her proper remuneration.
- 6.4 Each Divisional Director shall maintain a record of interests disclosed by Officers within their service area.

Section 2 Competition Requirements

Before proceeding to approach the market for any supplies, services and works, the Approved Procuring Officer must establish if there are any:

- ↳ Current arrangements in existence in-house in accordance with the Make or Buy Policy.
- ↳ LCC specific call off or framework contracts.
- ↳ Arrangements recorded through ESPO General and Dealing Direct catalogues.
- ↳ Contractors on an approved Select List operated and managed by the Council's service provider.
- ↳ Corporately available third party contracts or framework agreements, which are available on the following [link](#).

If there are any suitable arrangements identified above, the Approved Procuring Officer shall use them. If not, then:

- 1 The Approved Procuring Officer must ensure that all procurement:
 - 1.1 Is subject to market testing as described below unless there is an exemption provided in these Rules.
 - 1.2 Adheres to the relevant competition requirements as specified in law.
 - 1.3 Has due regard to aggregation of contract values and whether or not this requires a fully EU compliant tender process.
- 2 **Minor Contracts – Supplies, Services and Works – (£0-£10,000) – Minimum Requirements**
 - 2.1 The Approved Procuring Officer must obtain one oral quotation.
 - 2.2 The Approved Procuring Officer must ensure that such quotation is reasonable in all the circumstances and represents Value for Money for the Council.
 - 2.3 Whilst there is only a requirement for one oral quotation the Approved Procuring Officer must consider whether a written quotation or additional quotations are in the Council's best interests.
 - 2.4 All oral quotations must be recorded contemporaneously, signed and dated by the Approved Procuring Officer, who must also record why s/he believes the quotation represents good value and can be accepted.
 - 2.5 The Approved Procuring Officer may make the decision on whether or not to award the contract.

3 Small Contracts – Supplies and Services (£10,000-£50,000); Works not using Select List (£10,000-£50,000); Works using Select List (£10,000-£250,000) – Minimum Requirements

- 3.1 Except where using the Select List, the Approved Procuring Officer must obtain three written priced offers. Rules on obtaining quotations from the Select List are included in Section 5.
- 3.2 The Approved Procuring Officer must ensure that such offers are reasonable in all the circumstances and represent Value for Money for the Council.
- 3.3 The Approved Procuring Officer must log all details of the offers for future reference.
- 3.4 The Approved Procuring Officer may make the decision on whether or not to award the contract.

4 Large Contracts – Supplies and Services (£50,000-EU limits); Works not using Select List (£50,000-EU limits); Works using Select List (£250,000-EU thresholds) – Minimum Requirements

- 4.1 The Approved Procuring Officer must undertake a full tendering procedure in accordance with the tendering requirements detailed below.
- 4.2 When undertaking a Restricted Procedure procurement or using a Select List, the Approved Procuring Officer must ensure that at least six contractors are invited to tender. If there are fewer than six contractors included on the Select List, all of those shall be invited to tender.
- 4.3 The Approved Procuring Officer must comply with the Contract Award procedures detailed below.
- 4.4 The relevant Divisional Director is accountable for the award decision.

5 Contracts which Exceed the [EU Threshold](#)

- 5.1 The Approved Procuring Officer is obliged to undertake a fully compliant EU Procurement exercise and is required to consult with the Corporate Procurement Team (CPT) and Legal Services.
- 5.2 The Approved Procuring Officer must comply with the tendering requirements detailed below.
- 5.3 The Approved Procuring Officer must comply with the Contract Award procedures detailed below.
- 5.4 Contract Award is a function of the City Mayor / Cabinet.

6 Exemptions to Competition Requirements

6.1 The Approved Procuring Officer will not have to undertake the competition requirements for Small and Large Contracts outlined above in the following circumstances:

6.1.1 Sole Supplier: Contracts that the Divisional Director certifies can only be adequately provided by a sole supplier.

6.1.2 Urgency: Where the Divisional Director certifies needs as being urgent because of unforeseeable or unforeseen emergency involving immediate risks to persons, property or serious disruption to Council services and where it would be contrary to the Council's interest to seek tenders **PROVIDED THAT** the Statutory Monitoring Officer has endorsed this in the case of large contracts. The Director's action shall be reported to the City Mayor or a subsequent meeting of the Cabinet and Select Committee. This exemption does not extend to situations which are attributable to the Council's lack of forward planning. The urgency exemption does not apply to contracts which exceed the EU threshold unless the Statutory Monitoring Officer has confirmed that a legal exemption is available.

Exemptions must be recorded on the [Exemption Form](#).

7 Waiver

7.1 If the Approved Procuring Officer is not able to comply with the competition requirements outlined above and an Exemption ground is not applicable then a waiver may be authorised if there is a business case to do so and legally permissible grounds (see Section 8 of these Rules).

8 Market Engagement

Where there is a requirement or need to tender the Council's requirements, the following options shall, following consultation with the CPT, be considered:

8.1 Open Procedure: This is a procedure by which a contract is let following publication of an advertisement inviting all those expressing an interest in the contract to submit a bid at the same time. This route to the market is not recommended where a large response is anticipated. This is a one-stage procedure.

8.2 Restricted Procedure: This is a two-stage procedure by which a contract is let following publication of an advertisement to participate. Following an evaluation of the pre-qualifying submissions, no fewer than 5 qualified bidders shall be invited to tender for the contract. This route to the market is particularly suitable where a large response is anticipated.

8.3 Negotiated Procedure: This procedure may be considered where the nature of the service(s) is such that "specifications cannot be drawn up with sufficient precision to permit the award of the contract using the open or restricted

procedures”. This is especially useful for “intellectual service”. This procedure can only be used with the written consent of the Director of Legal Services.

8.4 Competitive Dialogue: This procedure is available for procurement in which the Council is unable to define the financial, legal or technical elements of the project. This, like the restricted procedure, requires a pre-qualification stage. This is the most complex route to the market and is really intended for PFI, PPP contracts and can be carried out with or without a call for competition. This procedure can only be used with the written consent of the Head of Legal Services.

8.5 Auctions: The use of on-line reverse auctions, where admitted bidders can see, in real time, competitors’ pricing and adjust their own accordingly. The auction is time-limited and at the end, the lowest price, coupled with any qualitative considerations, will win the contract. This is particularly suitable for purchasing of known volume supplies eg computers.

8.6 Methods of Approaching the Market: Market engagement can be carried out in two ways:

8.6.1 Documents sent out in conventional form either printed or on CD. Returns are in the same form, ideal where the market may not be familiar with on-line applications.

8.6.2 Everything available on-line, often called e-Tendering. The Council subscribes to an e-Tendering solution. This saves time and cost of printing and is ideal for well-developed IT-literate markets.

9 **Tendering Procedure for all Contracts Exceeding the Small Contract Threshold**

9.1 The Approved Procuring Officer must consult with Risk Management Services (RMS) prior to any procurement process commencing, for advice about insurance values. Should the Procuring Officer wish to proceed with lower levels of cover, the written consent of the Chief Finance Officer must be obtained.

9.2 When a contract is subject to tendering, the tender documents shall include:

9.2.1 The basis on which the tender evaluation shall be carried out and the resulting award made.

9.2.2 A statement that the Council does not bind itself to accept the lowest or any tender.

9.2.3 A statement that the Council will be obliged to comply with Freedom of Information Legislation.

9.2.4 The closing date and time for receipt of tenders and the name and address to which tenders should be sent or, for electronic tenders, the

web address and closing date and time (recommended to be 13:00 hours).

- 9.2.5 A requirement that the tenderer should keep the tender open for acceptance for a period of not less than 90 days.
- 9.2.6 For conventional tenders, a requirement that the tender should be submitted in the official envelope supplied or in a plain envelope labelled only by an address label which shall be included with the tender documents. For e-Tendering, a requirement to submit tendering as stated in the tender box.
- 9.2.7 For conventional tenders, a requirement that no mark or wording which might indicate the identity of the sender (within a mark affixed by the Post Office or other carrier) shall appear on the cover of the package containing the tender.
- 9.2.8 A requirement that the tenderers accept full responsibility for ensuring compliance with the terms of this Contract Procedure Rule and that any failure to do so may render that tender liable to disqualification.
- 9.2.9 A note to the effect that the persons authorised to open tenders are the Divisional Director (or nominated representative), the Director of Legal Services (or nominated representative) and the Chief Finance Officer (or nominated representative).
- 9.3 The CPT shall be given the opportunity to comment on the Invitation to Tender before market engagement.
- 9.4 The proposed Terms of Contract must include the following provisions. Officers should refer to the standard contract documentation which has been approved by Legal Services for use in certain situations and which is available from the [Procurement Toolkit](#) link.
 - 9.4.1 The termination of the contract and the recovery of any sums paid where there has been evidence of bribery or corruption.
 - 9.4.2 Entitling the Council to terminate part or all of the contract or to obtain substituted provision of the supplies, services and works to be supplied under the contract in the event of a breach of contract by or the insolvency of the Contractor.
 - 9.4.3 Prohibiting the Contractor from sub-contracting, assigning or otherwise transferring the contract without the prior written consent of the Council and providing that the Contractor shall remain liable to the Council for any part of the contract that may be sub-contracted.
 - 9.4.4 The compliance by the Contractor with legislative requirements in respect of:
 - (a) Health and safety, including the setting up of appropriate systems and procedures for the supplies, services and works procured.

- (b) Discrimination.
- (c) Human rights.
- (d) Freedom of information.
- (e) Data protection.
- (f) Workforce transfer legislation, where appropriate, including associated codes of practice.
- (g) The Public Interest Disclosure Act.
- (h) Any other legal obligation.

9.4.5 The provision to the Council of indemnities for any breach of the above.

9.4.6 Compliance with the Council's environmental policies.

9.4.7 Indemnities for any claim in respect of employer's liability or public liability arising from the contract and appropriate insurance requirements of the contractor.

9.4.8 Indemnities in respect of claims made against the Council made in respect of a Contractor's activities and the provision of satisfactory insurance against such claims.

9.4.9 The provision to the Council of evidence of satisfactory professional indemnity insurance held by the Contractor.

9.4.10 For large contracts involving the carrying out of works or the provision of services, the provision of adequate security in respect of completion by the Contractor either by means of retention of sums due or the obligation to pay liquidated damages or substituted performance or (where appropriate) the provision of a Performance Bond or Parent Company Guarantee.

9.4.11 The provision to the Council of adequate Intellectual Property protection together with an indemnity protection where appropriate.

9.4.12 The provision to the Council of adequate Warranties in contracts for the purchase of Supplies.

9.4.13 If necessary, Criminal Records Bureau (CRB) and Protection of Vulnerable Adults (POVA) checks if the contractor is working with children or vulnerable adults.

9.4.14 The Council's entitlement to undertake monitoring and compliance procedures.

9.4.15 The provision to the Council of adequate Confidentiality and Data Protection obligations together with appropriate indemnities.

- 9.5 Except when using the approved standard contract documentation, Legal Services approval to the proposed Terms of Contract must be received.
- 9.6 All tenders, except when using the Corporate Select List, shall, as a minimum, be advertised on the Council's website (contact CPT). Any additional advertising shall be at the Approved Procuring Officer's discretion.
- 9.7 Before tenders for a contract are sought using a conventional exercise, the Divisional Director responsible shall designate an Officer to whom tenders shall be addressed and shall determine the date and time when the tender shall be opened. A closing time of 13:00 hours is recommended.
- 9.8 The Officer so designated in accordance with Rule 9.7 shall retain and keep safe all tenders until the time appointed for their opening. All tenders shall be opened on the same occasion in the presence of that Officer and the Statutory Monitoring Officer and Chief Finance Officer (or Officers authorised to act on their behalf) (see 9.2.9). A tender opening record shall be prepared and signed off by all those present.
- 9.9 A written record shall be kept of all those persons to whom tender documents were sent, of all tenders submitted, and of whether a person to whom tender documents were sent failed or declined to tender.
- 9.10 No tenderer shall be permitted to alter its tender after it has been received by the Council except to correct any arithmetical error made in the tender. If a tender has been accepted before the correction is made the correction shall only be accepted if the tender remains the most favourable to the Council following the making of the correction.
- 9.11 No tender received after the closing time and date for receipt of tenders shall be accepted and any tender received after that date and time shall be returned to the tenderer with an explanation in writing of the reason for its return.
- 9.12 Award Criteria must be designed to secure an outcome giving best Value for Money for the Council. The basic criterion shall be either:
- 9.12.1 "Lowest price" where payment is to be made by the Council.
- 9.12.2 "Highest price" if payment is to be received.
- 9.12.3 "Most Economically Advantageous Tender" where considerations other than just price apply.

If the last criterion is adopted it must be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost-effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics, safety, after sales services, technical assistance and any other relevant matters. Guidance should be given to tenderers on how good scores will be achieved for each sub-criterion.

9.13 Award Criteria must not include:

9.13.1 Non Commercial Considerations (Officers are advised to contact Legal Services for current advice on what these would constitute).

9.13.2 Matters which discriminate against suppliers from the European Economic Area.

9.13.3 A general provision allowing for the highest mark to be awarded for tenders which exceed the specification.

Award criteria shall be fully described in the Invitation to Tender.

10 **Contracts over EU Threshold – for both Part A (Priority Services) and Part B (Residual Services) – Additional Requirements**

10.1 Tendering processes shall comply with the procedures described above, together with further requirements to satisfy legislation.

10.2 Officers should refer to the [Procurement Toolkit](#) site on the Intranet home page for the current EU threshold values, or alternatively, [follow this link for current values](#).

10.3 Officers should always contact the Director of Legal Services on Extn 29 6378 and the Corporate Procurement Team on Extn 29 6304 if they expect that the contract – or the aggregate value of contracts – will exceed these thresholds.

10.4 CPT will advise the Approved Procuring Officer on the procurement options available.

10.5 Approval of the City Mayor / Cabinet must be obtained prior to undertaking any procurement exercise over the EU threshold. This can be by inclusion of the requirement in the Procurement Plan, which is prepared periodically by the Head of Corporate Procurement. Contract Awards must be approved by the City Mayor / Cabinet prior to commencement of the Alcatel standstill period. The Cabinet has delegated approval of contract awards to individual Cabinet leads for procurement exercises included in the Procurement Plan.

10.6 The Approved Procuring Officer must note that the EU Procurement Rules contain minimum timescales for a procurement exercise and therefore, it is imperative that advice is sought well in advance of the commencement of the procurement exercise.

10.7 All advertisements in the Official Journal of the European Union (OJEU) shall be placed by the Corporate Procurement Team (Extn 29 6304) and must be accompanied by a Project Plan. Where it is intended to place an advertisement for any purchase above the EU threshold, contents of that advertisement must be approved by Corporate Procurement in advance of publication (Extn 29 6304).

- 10.8 The “Alcatel” standstill period requires Officers to notify all bidders of the result of the tendering exercise (see Toolkit) and allows a period of a minimum of 10 days in which bidders can ask for a debrief prior to an award decision. Should a challenge be received during this period, the award of contract shall be delayed until the challenge is resolved. If no challenge is received within the minimum 10 days, the Divisional Director may proceed to award the contract (assuming s/he has received Cabinet approval).
- 10.9 An Award Notice must be placed in the OJEU within 48 days of contract award (contact the Corporate Procurement Team on Extn 29 6304).

11 Shortlisting and Selection

- 11.1 All shortlisting and selection for large contracts and contracts over the EU threshold, must at all times be in accordance with the published evaluation criteria included in the Invitation to Tender.
- 11.2 Where an existing framework contract is used, the selection procedure from within the contract shall be used.
- 11.3 Evaluation of tenders should be carried out by a panel consisting of at least 2 Officers, one of whom has not been directly involved in the tender.
- 11.4 If the Approved Procuring Officer considers the Lowest Price Tender, Highest Price Tender or Most Economically Advantageous Tender as may be appropriate to be abnormal given the nature of the contract, the tenderer shall be asked to clarify in writing the reasons for its Tender and the Divisional Director shall take that explanation into account in deciding which Tender s/he will accept or recommend to the City Mayor / Cabinet.
- 11.5 Where the Divisional Director considers that none of the tenders submitted meets the evaluation matrix or satisfies the Award Criteria s/he may authorise negotiations to take place with all of the tenderers who submitted bids to seek to meet the required standard in order that a contract may be awarded. Such action shall be recorded in writing by the Director. The negotiations shall be carried out by at least two Officers authorised for the purpose by the Director and their progress shall be recorded contemporaneously in writing.

12 Contract Award Requirements

- 12.1 Before awarding any large contract or contract exceeding EU thresholds, the Approved Procuring Officer shall ensure:
- 12.1.1 That the successful tenderer's financial standing has been assessed and approved by the Chief Finance Officer in the light of the size and nature of the contract to be awarded and due regard being made to any current contractual liabilities that the successful tenderer may have with the Council.

12.1.2 That the successful tenderer satisfies or will be able to satisfy any Health and Safety, Environmental, Equality and Technical Capability requirements relating to the contract.

12.2 A Divisional Director shall only award the contract (or recommend the City Mayor / Cabinet awards the contract) based upon the Award Criteria previously determined.

12.3 All contract awards shall be notified to the Corporate Procurement Team.

Section 3 Form of Contract

1 Minor Contracts

- 1.1 Minor contracts shall be entered into by means of an Official Order on the Council's Terms and Conditions.
- 1.2 Notwithstanding 1.1 above, in respect of ICT Contracts for Software Applications and associated maintenance up to £25,000, an Approved Procuring Officer may place an order on the Supplier's terms and conditions providing potential liabilities or costs arising if the contractor fails to properly carry out his obligations are adequately catered for in these terms and conditions.

2 Small Contracts

- 2.1 The correct form of contract is determined to a large extent on the risk that the proposed purchase/provision of service/undertaking of works places upon the Council.
- 2.2 The Approved Procuring Officer must therefore consider the following factors:
 - 2.2.1 The degree of complexity involved.
 - 2.2.2 Whether there are any sophisticated project management requirements.
 - 2.2.3 Whether there are any copyright issues.
 - 2.2.4 The expected lifespan of the purchase.
 - 2.2.5 Whether there are any TUPE/Employment issues.
 - 2.2.6 Potential liabilities or costs arising if the contractor fails to properly carry out his obligations under the contract.
 - 2.2.7 Whether there are any additional funder's requirements.
 - 2.2.8 Whether there are any other substantial concerns.
- 2.3 Should the Approved Procuring Officer consider that the Council is not exposed to undue risk then:
 - 2.3.1 S/he may proceed to place an Order on the Council's terms and conditions.
 - 2.3.2 If the proposed purchase relates to ICT Contracts for Software Applications and associated maintenance, an Approved Procuring Officer may proceed to place an order on the Supplier's terms and conditions PROVIDED the value does not exceed £25,000.

- 2.4 Should the Approved Procuring Officer consider that the Council is exposed to a degree of risk s/he must use an approved form of contract for the proposed purchase/provision of service or undertaking of works which will contain clauses to address these risks.
- 2.5 The Approved Forms of Contract currently are:
- 2.5.1 For [supplies](#).
 - 2.5.2 For ICT Software Applications and Associated Maintenance exceeding £25,000, the Approved Procuring Officer should consult with the Corporate ICT Contract team for the latest terms and conditions.
 - 2.5.3 For contracts for the provision of a Service, other than [consultancy](#). Please note this is **not** applicable for use in a framework situation.
 - 2.5.4 For Contracts for the provision of [Consultancy Services](#). Please note this is **not** applicable for use in a framework situation.
 - 2.5.5 For Works Contracts the Approved Procuring Officer should use an industry standard construction contract suitable for this value range such as the JCT Jobbing contract, JCT Minor Works Contract or the NEC Short Form Contract.
- 2.6 Should the Approved Procuring Officer consider the Council is exposed to risk, and no approved form of contract exists or is suitable, s/he should consult Legal Services.

3 Large Contracts and Contracts Exceeding the EU Limits

- 3.1 The approved form shall be the form of contract included within the Invitation to Tender, subject to such amendments as are included in the tender submission.

4 Waiver

- 4.1 If the Approved Procuring Officer is unable to comply with the above requirement regarding form of contract, s/he shall seek a Waiver as described in Section 8.

Section 4 Formalities

Minor and Small Contracts

Minor and small contracts in the standard form may be signed by Divisional Directors, or their nominated deputy for this purpose, provided the Approved Procuring Officer has complied with these Procedure Rules and no exemption or waiver has been relied upon. The contract must not be signed by the Approved procuring Officer for the procurement.

Divisional Directors are responsible for keeping a record of all contracts signed by them, or officers nominated by them; and for the safekeeping of these contracts.

In all other cases, contracts must be signed by officers authorised in accordance with Article 14 of the Constitution. A standard instruction to Legal Services is provided for this purpose, a [DPC](#), and should include details of the reasons for [exemptions](#) and records of waivers granted. Financial evaluations should also be included together with advice received by the Approved Procuring Officer on insurance values.

All contracts shall be notified to the Corporate Procurement Team.

Section 5 – Select Lists

1 Select List of Approved Contractors

- 1.1 For the purposes of this Rule, a “Select List” is an approved list of pre-accredited contractors qualified to undertake certain areas of Services, Supplies and Works chosen after each contractor has met the standard necessary for inclusion. The Select List of Approved Contractors is for use by the whole Council and is accessible via the <https://epass.exorgroup.net/login.cfm> site.
- 1.2 No Select List shall be used for any contract that exceeds the **threshold** for the application of the EU Public Procurement Rules. In determining whether the EU Public Procurement Rules apply, the Approved Procuring Officer shall have regard to whether the contract should be considered as aggregated with any other contract in accordance with those Rules. Should Approved Procuring Officers have any queries on such aggregation, they are advised to contact the Corporate Procurement Team.

2 Use of the Select List Of Approved Contractors

- 2.1 Link to [Exor Guide/Training Manual](#).
- 2.2 Suppliers should be invited to tender in rotation. The Approved Procuring Officer shall first select the appropriate Exor category for the required scheme. The next five suppliers plus the current supplier shall be invited to tender. The Approved Procuring Officer shall check the trade value of each of these to ensure they are accredited to that value of work. If fewer than six contractors are available, then all shall be invited to tender.

Section 6 – Member Approvals

- 1 The City Mayor / Cabinet is responsible for:
 - 1.1 Approval of the Procurement Strategy. This will include the Council's approach to procurement, procurement management arrangements and approved methodologies.
 - 1.2 Approval of a Procurement Plan – periodically reported list of all forthcoming activity above EU thresholds which advises Members and the market of significant expected procurement activities.
 - 1.3 Approval of individual contract awards above EU thresholds. The award of approved contracts has been delegated to Divisional Director in consultation with [Cabinet Members](#), provided such procurement exercises were included in the Procurement Plan.
- 2 The Procurement Plan will be reviewed and updated periodically.
- 3 The Performance & Value for Money Select Committee will receive twice yearly reports monitoring:
 - 3.1 Delivery of the Strategy.
 - 3.2 Achievement of the Procurement Plan.
 - 3.3 Performance of the Procurement function.

Section 7 – Post Contract Management

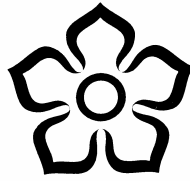
- 1 The contract management arrangements shall be set out in the ITT and subsequent contract.
- 2 A contract may not be varied without the consent of the Director of Legal Services.
- 3 A named Contract Manager shall be appointed for each contract exceeding the minor and small contract threshold.
- 4 No contract exceeding EU thresholds may be extended by duration or value unless:
 - 4.1 Such extension was included in the original OJEU Notice and contract documentation; **or** such extension is less than the small lots provision (currently 20% of the published contract value); **and**
 - 4.2 Alternative options have been considered by way of an options appraisal; **and**
 - 4.3 The Contract Manager is satisfied that the extension demonstrates value for money and is in the best interests of the Council in the light of the contractor's performance.
- 5 Contracts below the EU threshold may be extended by duration or value if:
 - 5.1 Such extension would not mean that, had it been included in the original contract, the overall value would have exceeded the EU threshold; **and**
 - 5.2 Alternative options have been considered by way of an options appraisal; **and**
 - 5.3 The Contract Manager is satisfied that the extension demonstrates value for money and is in the best interest of the Council in the light of the contractor's performance; **and**
 - 5.4 The combined value of this and other similar contracts regardless of supplier, remains below the EU threshold.
- 6 All extensions shall be notified to the Corporate Procurement Team.

Section 8 – Waivers

- 1 Contract Procedure Rules may be waived only:
 - 1.1.1 By the Monitoring Officer, Deputy Monitoring Officer, or
 - 1.1.2 For Minor and Small Contracts, by the relevant Divisional Director.

- 2 All [waiver requests](#) must be in the format available on the [Procurement Toolkit](#) site on the Intranet home page and must record the grounds for the waiver. A copy of each completed Waiver must be sent to the Head of Corporate Procurement.

- 3 All waivers must be reported to a subsequent Cabinet and Select Committees (this will be actioned by the Head of Corporate Procurement).



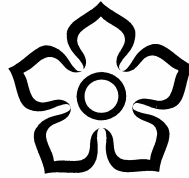
Leicester
City Council

PART 4H –
LAND & PROPERTY
TRANSACTION RULES

Section 4 Land Transactions

1 Application

- 1.1 This Procedure Rule applies where there is a land transaction.
- 1.2 The handling of Formal Tenders and Informal Tenders for Land Transactions is governed by the principles contained in the document entitled “Formal Tenders and Informal Tenders in Land Transactions”, attached as Schedule 1 to these Rules.
- 1.3 The disposal of land is governed by the principles contained in a document entitled “The Framework for the Disposal of Property”([frameworkproperty](#)) as approved at Cabinet on 13 October 2003. It is not proposed to repeat the principles as individual Rules within these Contract Procedure Rules and Officers should refer to the document attached as Schedule 2 to these CPRs directly for Guidance.
- 1.4 The handling of Late and/or unsolicited Offers in connection with Property Disposals is governed by the principles contained in the document “A Protocol for responding to Late and/or unsolicited offers in connection with Property Disposals” attached at Schedule 3 to these Rules.
- 1.5 With the exception of Contracts Procedure Rule 1, none of the Council’s other Contracts Procedure Rules apply to Land Transactions, unless otherwise stated in this Procedure Rule.



Leicester
City Council

Schedule 1: Dealing with Formal Tenders and Informal Offers in Land Transactions

Contents

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SCHEDULE 1

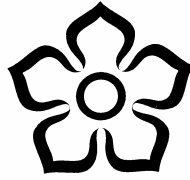
1 Dealing with Formal Tenders and Informal Offers in Land Transactions

- 1.1 When the deadline is set for receipt of Tenders, arrange meeting with the relevant Finance Officer to be held within 1 hour of that time (eg deadline Tuesday 2.30pm – meeting arranged for Tuesday 3.00pm). Legal Services (the Practice Manager) must be given notice of the receipt of Tenders, this notice to be either at least 6 weeks or before the first advertisement appears in the press, whichever is the earlier. Legal Services will arrange for a private area to be available in which to open the Tenders (confirm the availability with Legal Services a few days prior to the opening time).
- 1.2 Address labels supplied to interested parties must state the delivery address as Practice Manager, Legal Services, Leicester City Council, 'A' Block New Walk Centre, Welford Place, Leicester LE1 6ZG, preferably with a contact name.
- 1.3 Documentation supplied to the Tenderer must state the following Tender requirements:
 - 1.3.1 The closing date and time for the receipt of Tenders.
 - 1.3.2 That the Tender envelope/package submitted is only to be labelled using the official address label supplied with the Tender documents.
 - 1.3.3 That the Tender envelope/package must bear no indication of the identification of the Tenderer. Consequently, the Tenderer must ensure that, for example, if the Tender envelope/package is returned by recorded delivery or courier, that the name and address of the sender is not stated on the recorded delivery/courier's label, usually attached to the envelope/ package.
 - 1.3.4 That delivery must be to the location on the official address label ie Legal Services. If the Tender envelope/package is delivered by hand, the person delivering it must obtain an official receipt from Legal Services.
 - 1.3.5 Any late Tenders and Tenders delivered to the wrong location, even if it is another City Council office, may be deemed void and may be opened (to identify the sender) and returned to the sender with an explanation in writing of the reason for its rejection. Notwithstanding this Rule, when dealing with a Late and/or Unsolicited Offers in connection with Property Disposals Officers should have regard to the Protocol entitled "A Protocol for Responding to Late and/or Unsolicited Offers in Connection with Property Disposals", attached at Schedule 3 to these Rules.
 - 1.3.6 That it is the Tenderer's responsibility to deliver the Tender to the location on the official address label before the closing date and time and the City Council does not accept any liability for non delivery, late delivery or delivery to the wrong location, by any company or other

organisation or person charged by the Tenderer for its delivery (also make reference to the office hours when Tenders can be delivered prior to the closing date).

- 1.3.7 That the tendered bid must not be calculable by reference to another bid, document or formula and must be exclusive of VAT.
- 1.3.8 That the Council does not bind itself to accept the highest or any Tender.
- 1.3.9 That Tenderers must accept full responsibility for ensuring compliance with the above requirements and that failure to do so may render the Tender liable for disqualification.
- 1.3.10 Although not required under the Council's Constitution, Tenderers are likely to find it helpful if the Tender documentation indicated when it was anticipated that the successful Tenderer would be notified (remember to take into account the Member challenge period following a Cabinet decision, and the consequent delay if a challenge is received).
- 1.4 All Tenders must be delivered to Legal Services directly. On receipt of each Tender, details are to be entered into a fixed leaf register and a reference number from the register is to be written on the envelope. The register is to be kept and administered by Legal Services.
- 1.5 Under no circumstances must other staff accept Tenders on behalf of the Council. Anyone trying to hand one in elsewhere must be redirected to Legal Services.
- 1.6 All Tenders delivered by hand must be entered into the register and the person delivering the Tender must be given an official receipt by Legal Services with the date, time and receipt number being written on the Tender envelope/package. Any spoilt receipt(s) must be logged in the register as spoilt and the spoilt receipt(s) placed with the Tenders in the safe.
- 1.7 When Tenders are received in the Post Room they will be logged (as current practice) and hand delivered on their next round (at about 2.00pm, as they are usually second post). On the day of the deadline, the Property Officer is to contact the Post Room after the second post has been delivered (at about 11.00am) and check if any Tenders have arrived. If they have, the Property Officer must immediately pick them up and take them to Legal Services to be entered into the register and stored with the others.
- 1.8 All the Tenders are to be stored in the strong room in Legal Services until opening time.
- 1.9 Before opening the Tenders, reference numbers on the envelopes are to be checked against the register to ensure none are missing or misplaced within the safe. The register is to be signed and dated as correct, below the last entry for that Tender, by the Finance Officer and Property Officer when all Tenders have been accounted for.

- 1.10 The Standard form is to be used when opening Tenders to record relevant information for cross-referencing and signed by both Officers at the end of opening and recording.
- 1.11 After opening, all documentation is to be retained by the Property Officer and kept in a secure file, including envelopes, the standard opening form, any spoilt receipts and a copy of the relevant page in the register, to provide a complete audit trail.
- 1.12 Receipt books will be issued by the Practice Manager, Legal Services, who shall be responsible for their safe custody and accountable for all receipts therein.

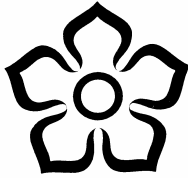


Leicester
City Council

Schedule 2: The Framework for the Disposal of Property (as approved by Cabinet)

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Leicester
City Council

SCHEDULE 2

THE FRAMEWORK FOR THE DISPOSAL OF PROPERTY

1 INTRODUCTION

- 1.1 The City Council is a major property owner in the City with land and buildings held for operational and non-operational purposes. The operational property includes administrative buildings, schools, libraries, museums, leisure centres, residential centres of various types, council housing stock, theatres and parks. The non-operational property is principally freehold and let by way of ground leases, leases, tenancies and licences. It includes a wide range of retail, commercial and industrial property held for economic development, regeneration and other strategic purposes.
- 1.2 With this large property holding, inevitably the City Council receives requests from a wide variety of individuals and organisations seeking to acquire particular properties. This disposals framework is intended to guide Members in relation to the legal position, the Council's current policy and to ensure that, as far as possible, consistent and equitable responses are given to these requests. Prospective purchasers reading this framework must not assume that they will secure a particular site or property if they consider they fall within one of the exceptions to open marketing of property.

2 METHODOLOGY TO DETERMINE WHETHER DISPOSAL IS APPROPRIATE

- 2.1 When considering the disposal of any property asset it is first necessary to determine:
- 2.1.1 Whether the Council still requires the property in order to deliver the function for which it is currently held and, if so, whether by:
- (a) Direct service provision by the City Council.
- OR
- (b) Indirectly through third parties (by way of, for example, lease, partnership, management agreement).
- 2.1.2 Whether it is still required to fulfil another function of the authority.
- 2.1.3 Whether it should be disposed of to facilitate the exercise of any function of the authority (eg housing land for the provision of housing accommodation).

2.1.4 Whether, if it is identified as surplus, to dispose of the property to obtain the capital receipt or revenue equivalent.

3 THE COUNCIL'S LEGAL REQUIREMENTS

3.1 The umbrella under which all local authorities operate in relation to the transfer/ disposal of their assets is the Local Government Act 1972. In addition, there is a general fiduciary duty placed on local authorities to act reasonably and in the interest of the tax payers, and consistent with the effective, economic and efficient discharge of the authorities functions. In other words, the Council should not divest itself of a valuable asset at an undervalue unless it is satisfied that circumstances justify such action.

3.2 It is Section 123 of the Local Government Act 1972 that requires local authorities to dispose of land for the best price reasonably obtainable, unless either consent is obtained from the Secretary of State to the disposal or the disposal is a short-term one, (less than 7 years). Price can either be a sum of money or something that has a commercial or monetary value that is capable of being assessed. Further, local authorities must be able to evidence that best consideration has been obtained. In some cases, particularly development land, this requires a marketing exercise to be undertaken. Established good practice and a previous public interest report produced by the District Auditor's Office indicates that third party valuations are not adequate evidence of best consideration. The Council therefore needs to ensure an open competitive marketing of property takes place in all but a few circumstances.

3.3 Reference was made above to the consent of the Secretary of State. A specific application to the Secretary of State for consent may not be necessary in every case where the disposal is at less than best consideration. The Local Government Act 1972: General Disposal Consent (England) 2003 gives local authorities consent to the disposal of land within specified circumstances ie where the authority considers that the purpose for which the land is to be disposed of is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or in any part of its area, or of all or any persons resident or present in its area:

3.3.1 The promotion or improvement of economic well-being.

3.3.2 The promotion or improvement of social well-being.

3.3.3 The promotion or improvement of environmental well-being.

In each case it is a condition that the undervalue must not exceed £2 million. Further, the authority must remain aware of the need to fulfil its fiduciary duty in a way which is accountable to local people (this consent does not apply to land held under powers derived from certain Planning and Housing Acts nor does it enable the disposal of public open space without undertaking the advertising procedure set out in, for example, the Local Government Act 1972).

4 EXISTING POLICY – THE GENERAL ASSUMPTION RE PROPERTY DISPOSALS

- 4.1 The general assumption is that the City Council's property is marketed on the open market in accordance with the established good practice procedures to obtain best consideration and therefore not requiring the Secretary of State's consent (or use of the General Consents).
- 4.2 In addition, however, a few specific exemptions have been agreed to address particular circumstance, such as the disposal of land to facilitate the building of the National Space Science Centre.
- 4.3 In recognition of this, and in order to seek to address the changing priorities and pressures, it has been decide to review the policy and seek approval to the inclusion of some specific exceptions, rather than dealing with cases on a one off basis.

5 THE FRAMEWORK AND PROPOSED POLICY

5.1 The General Assumption re Property Disposals

The general assumption is that the City Council's property is marketed on the open market in accordance with the established good practice procedures to obtain best consideration and therefore not requiring the Secretary of State's consent (or use of the General Consents).

5.2 Exceptions to Open Marketing

A number of exceptions have been identified where requests to purchase property from the City Council, negotiated on a 'one-to-one' basis and to the exclusion of other potential purchasers, would be appropriate. Disposals on this basis are likely to require the consent of the Secretary of State (unless either covered by the General Disposal Consent or where there is adequate comparable evidence to support the valuation of the property). These exceptions are as follows:

5.2.1 Regeneration.

5.2.2 Service Delivery.

5.2.3 Major Projects of Regional or National Significance.

5.2.4 Special Purchasers.

5.2.5 De minimus.

5.2.6 Delivery of Council priorities.

Considering each in turn:

5.2.1 Regeneration

The disposal to any person or body where the terms of the disposal are to facilitate regeneration within the area of Prospect Leicestershire Ltd where the City Council and the Prospect Leicestershire are in agreement that, for reasons of either site assembly, preferred developer status, or preferred scheme, it is necessary to treat with that person or body to the exclusion of others, but nonetheless on reasonably commercial terms. Such a disposal may involve a Development Alliance, or involve a disposal of property to enable the relocation of displaced occupiers from sites.

A Development Alliance is an agreement for the disposal of land for the purposes of development or redevelopment where any consideration is, in whole or in part, deferred and is calculable in whole or in part by reference to the profit or value of the development or redevelopment to be undertaken. The financial policy set out in the appendix shall apply to these Development Alliances.

Relocation property would only be made available exclusively to a displaced occupier where it was agreed between the City Council and Prospect Leicestershire that it was appropriate in the circumstances.

5.2.2 Service Delivery

A disposal to a person or body where the terms of the disposal are to facilitate the exercise of the Council's functions, subject to the Council's Community Plan and Budget and Policy Framework and where there are:

- (a) Significant returns or benefits to the Council commensurate with the level of service or function that would otherwise have been provided by the Council or
- (b) Where the services are of a high priority but the Council is not delivering the service direct.

However, in both cases, where there is a market for similar service provision this category shall not apply.

5.2.3 Major Projects of Regional or National Significance

Disposals to a Charity, Community Association or similar where the terms of the disposal require the use of the land for a major project of regional or national importance and where major social, economic or environmental benefits and levered in funding are anticipated to the local community or Leicester as a whole. Also disposals to other organisations that have broad based community support and which generate significant economic benefits to the City.

In such cases in order to maintain transparency, appropriate criteria are required to provide an "audit trail" of the decision as to why one

interested party was selected without undertaking a marketing exercise. It is suggested that the following are considered:

- (a) Other Potential Purchasers
 - (i) Likelihood of alternative uses.
 - (ii) Likelihood of alternative bodies able to deliver the project outputs.
- (b) Location
 - (i) The proposal complements existing regeneration priorities.
 - (ii) The site is situated within a ward ranking in the 10% of the most deprived wards nationally.
 - (iii) The geographic location of the property is effectively limited by the nature of the constitution of the purchasing organisation.
- (c) Strategy
 - (i) The proposed use and outputs relate to a key action(s) within the Leicester Neighbourhood Renewal Strategy and is a Priority within the Community Plan.
 - (ii) Is community-based and “not for profit”.
 - (iii) The disposal is on a leasehold basis only.
- (d) Funding
 - (i) The prospective lessee has secured sufficient external funding to enable acquisition of the property at open the market value. (An Agreement to Lease is likely to be required by the prospective lessee to enable a period of time for funding to be applied for and secured [together with securing any other consents] and also to evidence to funders the availability of the property to the applicants).
 - (ii) An appropriately approved Business Plan and Project Appraisal are in place.

5.2.4 Special Purchaser

It is recognised that consent may not be required in the case of special purchasers where the valuation advice is that the method of disposal, even if that is to deal with a particular party without seeking to ascertain what others may be willing to pay (ie on a one to one basis), will secure, and does secure, the best consideration reasonably obtainable. These circumstances will be limited; examples are ransom strips and ‘the tenants bid’.

5.2.5 De minimus

Disposals to a person or body for the purposes of, and on the terms that, they become responsible for keeping the land and buildings erected, or to be erected, eg garages or garden sheds, in good condition and repair where any marketing exercise would merely involve abortive expense and where the land has a capital value of less than £1,500, or where it would be to the mutual advantage of the Council and an adjoining owner to make minor adjustments in boundaries by undertaking an exchange of lands.

5.2.6 Delivery of Council Priorities

Disposal to a partner for a purpose which helps the Council deliver its priorities.

6 The Terms of these “Exceptional Disposals”

Freehold or Leasehold

- 6.1 Whether the disposal is on a freehold or leasehold basis will depend on the particular circumstances in each case. Freehold disposals maximise the capital receipt but result in a loss of future control of the property (restrictive covenants could be imposed but enforcement can be problematic).
- 6.2 Leasehold disposals allow greater control and are appropriate where disposals are seeking particular outputs (eg service delivery) on an annual basis.

Best Consideration

- 6.3 The general assumption with regard to these ‘Exceptional Disposals’ is that the property will be disposed of at ‘the best consideration reasonably obtainable’. The exceptions to this assumption will be either:
- 6.3.1 The Council has agreed to a disposal at less than best consideration,
- OR
- 6.3.2 The consideration payable under the disposal cannot be evidenced as best consideration (see 3.2 above).
- (Note: Development Alliances will always require ‘best consideration’, (see Appendix).
- 6.4 In both these exceptions the disposal will be subject to the consent of the Secretary of State (unless covered by the General Disposal Consent (England) 2003) and also having regard to the City Council’s general fiduciary duty (see 3.1 above).
- 6.5 In those cases where ‘best consideration’ is not required then, before arriving at this decision, it is suggested that the following factors are considered:

- 6.5.1 The ability of the purchaser/lessee to pay the full value.
 - 6.5.2 The value of non-monetary benefits.
 - 6.5.3 The value any other conditions imposed by the City Council.
 - 6.5.4 The planning position.
 - 6.5.5 The Council's general fiduciary duty.
 - 6.5.6 The possibility of the disposal setting a precedent.
 - 6.5.7 Additional wider community benefit that would not otherwise be realised.
 - 6.5.8 Whether the disposal will lever in external funding.
 - 6.5.9 Whether the disposal contributes to the achievement of the promotion or improvement of economic, social or environmental well-being.
- 6.6 In those cases where the consideration cannot be evidenced then, in order to seek the Secretary of States consent, it will be necessary to identify at least a modest undervalue in order to obtain the consent and protect the City Council from challenge. The circumstances must nonetheless justify such action and the sort of factors mentioned in 6.7 are again relevant. An independent valuation will be obtained in these instances to support the application to the Secretary of State or the use of the General Disposal Consent.

7 Revocation of Previous Policies

- 7.1 This 'Framework for Disposals' revokes all previous policies relating to disposal of property directly to individuals, companies, organisations and any other bodies without undertaking a full marketing exercise. Those decisions taken prior to the introduction of this policy will not be affected (unless the need to review any decision arises from a change in circumstances eg default by the previously identified prospective purchaser).

APPENDIX 1

FINANCIAL POLICY TO BE ADOPTED FOR DEVELOPMENT ALLIANCES

- 1 The following principles shall always apply:
 - (a) Obtaining value for money in all transactions.
 - (b) That all functions are discharged economically, effectively and efficiently. All valuations shall be fair and current and to relevant and appropriate professional standards.
- 2 Processes shall be transparent and consistent and all financial dealings and commitments shall be subject to proper bookkeeping and capable of disclosing an adequate audit trail.
- 3 Land disposals shall be compliant with Section 123 of the Local Government Act 1972 (or any equivalent provision) and also provide a reasonable return to the Council. There shall be sufficient evidence to ensure and demonstrate compliance with this principle.
- 4 Due consideration shall be given to the VAT position and the efficiency of opting to tax to ensure the best return from the project, subject always to the protection of the Council's VAT shelter.
- 5 Arrangements and transactions shall be above board and provision shall be set out in particular to deal with situations of actual or apparent conflict of interest and the prevention of the making of improper inducements.
- 6 Any special purpose vehicle shall avoid being subject to regulation, regulated, controlled or influenced under Part V of the Local Government & Housing Act 1989 (or any equivalent provision).
- 7 Provision shall be made so that any borrowing/charging shall be prudent and that there are no adverse capital or revenue implications to the Council under Part IV of the Local Government and Housing Act 1989 and regulations thereunder (or any equivalent provision).
- 8 Proper provision shall be made to cover insurance and risk management.
- 9 Provision shall be made for the proper treatment of income and expenditure in relation to project property during the project.
- 10 Any financial plan shall be of a robust standard, in particular having regard to proper practices of audit and account and prudent forecasting.
- 11 There should be no commitment to the resources of the Council above that which has been specifically agreed by the Council.

APPENDIX 2

POLICY FOR TRANSFER OF ASSETS FOR COMMUNITY GOVERNANCE

1. Background
 - 1.1 The Local Government White Paper 'Strong and Prosperous Communities' published in Autumn 2006, sets out a new relationship between local government and its communities based on devolution of power by giving residents greater say over local services.
 - 1.2 One element touched upon was that of the transfer of property assets to the community based upon the view that there are realisable benefits to be obtained from giving the community a greater stake in their area.
 - 1.3 On the back of this Barry Quirk, Chief Executive of Lewisham Council, has led a review team into the issues around asset transfer and the report was published in May 2007.
 - 1.4 In essence the report is clear that what is required is not legislation but guidance, helping in the understanding and use of existing powers, being clear on risks associated and learning to manage them effectively. The clear lead from government is that local management and ownership of assets makes for strong communities. The objective is for community empowerment.
 - 1.5 The main specific element is for asset management planning to have a strong community focus and Councils will be expected to fully consider the benefits of asset transfer within the asset management planning process. Further guidance on this will be forthcoming later in 2007.
 - 1.6 Quirk perceives that Councils either do not fully understand the existing powers available to them or are unwilling to use them due to apparent risks involved, problems of being fair to all parties and financial constraints. The clear intention is that Councils be encouraged to face these issues as the underlying principle is that asset transfer to the community can work and the report includes many examples to try and prove this point.
 - 1.7 Two options open to communities who wish to have assets transferred to them, and which are highlighted in the report, are the 'Community call for action' and 'Public Request to Order Disposal' (PROD). The former would allow groups to progress desires for asset transfer to Scrutiny Committee for review and the latter is an existing mechanism by which the public may ask the Secretary of State to direct authorities to dispose of property assets which are either not being used, or not being efficiently used for the performance of their functions. Both these options will empower local communities to approach Councils to purchase, lease or manage property assets.
 - 1.8 In the light of the report the Council must be fully prepared to deal with applications from the local community for the transfer of assets and therefore need a clear policy framework against which such applications should be judged.

1.9 Beyond the principles within Quirk there is very little clarity or detail in terms of defining communities, suitable community groups etc partly due to the range of public authorities that the report covers.

1.10 The report does make it clear though that it expects transfer of assets not liabilities. In view of the lack of detail it is necessary for Councils to make their own judgements based on the needs of their own circumstances and it is recommended that the Council seek to introduce an approved policy in relation to asset transfer including a set of criteria against which applications can be considered.

2. Existing Disposals Policy

2.1 The Council's policy towards the disposal of property is found within the 'Framework for Disposal of Property' which was approved by Cabinet in October 2003. This identifies that, as a general principle, sales of Council property will be carried out through open marketing to ensure equality of opportunity for all to purchase, transparency by the Council in its disposal of assets and compliance with current legislation. Incoming receipts then feed the Capital Programme which is a reflection of Members' priorities for investment.

2.2 The Framework does identify five different cases in which one to one sales to a particular purchaser at market value can be considered (de minimus sales, sales to special purchasers, support of regeneration, to support schemes of regional or national importance and to parties who can provide Council services). Sales under these criteria would normally require Cabinet approval.

2.3 Within the Framework it is outlined that under the General Disposal Consent 2003 Councils do have the power to sell at less than best consideration in cases where well being benefits would arise. Sales where the consideration is £2 million or more less than best, however, require Secretary of State's consent. Councils are still required to meet their general fiduciary duty.

2.4 Due to the difficulties of precedent and the issue of hidden subsidies in property transactions, the Council have only used this consent sparingly.

2.5 It is felt that requests for community asset transfer will not fit comfortably into the existing Framework and therefore the following criteria are to be adopted to enable all such requests to be judged on a similar basis. It is not felt that the Disposals Framework needs amending as such but the criteria be added as an appendix.

3. Criteria to be adopted as policy towards requests for Community Asset Transfer

3.1 Requests for the transfer of Council owned assets will be considered where the following criteria are met:

3.2 The applicant

3.2.1 The applicant is a community led organisation.

3.3 The asset

3.3.1 The asset is in the freehold ownership of the Council.

3.3.2 The Council is comfortable that service delivery can be best provided through asset transfer and will deliver the strategic priorities of the sponsoring department.

3.3.3 The asset has been identified as available for community transfer in the Council's Asset Management Plan (AMP).

3.4 Proposed use

3.4.1 The proposed use will demonstrably help in the delivery of the Council's community strategy, Corporate Plan and will build an active community.

3.4.2 The proposed use will ensure extensive and inclusive reach into the community.

3.4.3 The proposed use will maintain a wide variety of use in line with community needs and, in the case of competing proposals, will best meet identified community needs.

3.5 Business plan and finance

3.5.1 The applicant has provided a viable business plan for their use of the asset including clear proposals, with identified funding, for the management and maintenance of the asset.

3.5.2 The applicant has clearly identified any sources of funding which asset transfer will release.

3.5.3 The applicant has clearly identified any revenue or capital funding implications for the Council, and in the case of revenue the proposed length of time of the commitment and proposals for how the applicant will seek to end the Council's commitment through funding from elsewhere. The Council will assist in the identification of funding sources where appropriate.

3.5.4 The applicant has clearly identified how it will invest in and maintain the asset, including a specific plan as to how all Health and Safety responsibilities will be met.

3.5.5 The applicant has clearly identified the planned outcomes and benefits to result from the asset transfer and accepts that they may be expected to enter into agreements that link continued community governance with achievement of such outcomes and benefits.

3.5.6 The applicant has demonstrated a community governance structure with capability to sustain asset transfer and has identified necessary capacity building requirements within their organisation and has identified the role they see for the Council in this.

3.6 Proposed Terms for Disposal

3.6.1 For the applicant to complete the business planning elements above it will be necessary for the applicant and Council to negotiate terms for the disposal of the asset. These will deal with tenure (freehold, leasehold or licence), consideration, user clause and covenants, responsibility for repairs and insurance and arrangements should the proposal fail and the property is to return to the Council. The terms will define the financial liabilities of the applicant from occupation of the property. In addition to guarantee continued provision of services a service level agreement is likely to be required to be entered into, linked directly to the lease such that failure to provide the services leads to lease termination.

3.6.2 In view of the range of assets within the Council ownership it is unlikely that there will be any disposal methodology which suits all circumstances. However, as a general principle, the policy will be that disposals will not be on a freehold basis, with leases or licences preferred, and it would be expected that the security of tenure to the applicant will be subject to improvement over time in accordance with the success of the project and the growing strength of the applicant in terms of community governance capability. Freehold disposal is generally not supported in particular due to issues arising should community governance fail. In a leasehold situation the Council would be in a better position to reclaim the property on behalf of the citizens of Leicester than should the freehold have been sold. Also leasehold allows for a continued partnership with the community. It is expected that best consideration will be achieved by the Council in all disposals.

4. Consideration by the Council

4.1 Should an applicant meet all the criteria outlined in 3.2 – 3.5 above, then the application will be considered by the Council.

4.2 Such consideration will include:-

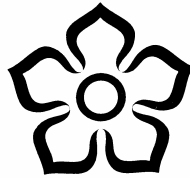
4.2.1 A whole life options appraisal of the different alternative options available to the Council weighing community benefit against other criteria.

4.2.2 A risk analysis of the proposal.

4.2.3 Consideration as to whether any revenue or capital funding requested from the Council will be made available, and whether any capacity building help can be provided.

4.2.4 The acceptability of the proposed terms for the transfer of the asset.

4.3 Should the application be judged favourably following such consideration a report will be taken to the Council Cabinet for decision on the proposal.



Leicester
City Council

Schedule 3: A Protocol for Responding to Late and/or Unsolicited Offers in Connection with Property Disposals

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SCHEDULE 3

A PROTOCOL FOR RESPONDING TO LATE AND/OR UNSOLICITED OFFERS IN CONNECTION WITH PROPERTY DISPOSALS

1 INTRODUCTION

The receipt of late and/or unsolicited offers cannot be avoided when property disposals are being undertaken. Further, local authorities' property dealings are conducted within a fairly inflexible legal framework and must have regard to the Council's general fiduciary duty to act reasonably and in the interests of the tax payers and consistent with the effective, economic and efficient discharge of the authorities' functions. It is therefore necessary to have in place a protocol to guide the response to the unsolicited offer together with precautionary measures to reduce the likelihood of late offers arising. This guidance covers the most likely scenarios but exceptional circumstances may arise which may require separate consideration. The Council's Constitution refers to tendering procedure but this relates to Tenders for the supply of works, services and goods rather than land. Nevertheless, the relevant principles are followed within this Protocol.

APPLICATION OF THE PROTOCOL

This protocol applies to unsolicited offers received during a property disposal exercise and the response to the offer will be dependent upon:

- 1 At which stage in the disposal process the offer is received.
- 2 The basis upon which the property has been marketed.

3 THE PROTOCOL

- 3.1 In relation to disposals by way of formal or informal Tender ie when offers are required before a fixed date and time (the Closing Date).
- 3.2 Late Tenders ie received after the Closing Date, or Tenders delivered prior to the Closing Date but to the wrong location and subsequently received late.
- 3.3 Offers received outside the Tender process (ie without the official Tender label) after the Closing Date but before consideration by Cabinet (or the Chief Operating Officer exercising delegated authority).
 - 3.3.1 All offers must be considered.
 - 3.3.2 If the late offer is higher and obviously not spurious or otherwise considered unsustainable, the parties that have already submitted offers be invited to make "full and final" offers by a specified date. In considering the sustainability of the late offer regard will be had as to whether the offer is compliant with the requirements of the Tender process (other than meeting the time limit).

3.3.3 In the event that the unsolicited/late offer remains the highest offer then this offer, together with the highest compliant offer from the second round of bids from the Tenderers (ie received from one of the parties who submitted Tenders before the Closing Date) effectively the second highest bid, should be reported to Cabinet (disposals at less than best consideration are reserved to Cabinet). In the event that Cabinet wishes to accept the second highest bid then the Secretary of State's consent for a disposal at less than best consideration will be required (see below).

In deciding whether or not to accept the second highest bid, the Council must act reasonably and have due regard to:

- (a) Its general fiduciary duty (as referred to above).
- (b) Usual and prudent commercial practices.
- (c) Best practice.
- (d) Case law.

In the event that the second highest bid is accepted, reasons to support the decision must be recorded.

3.4 Offers received after the Cabinet decision (or exercise of the Chief Operating Officer's delegated authority) but before the exchange of contracts or before entering into conditional contract or lock out agreement

- (a) As 1.2 above.

3.5 Offers received after the exchange of contracts or entering into conditional contract or lock out agreement

- (a) Write to advise the party making the offer that the property has been sold or that conditional contract or lock out agreement entered into, thanking them for their interest (and offering similar property if currently available for disposal). Record this interest in the event that the contract is not completed and the property is remarketed.

4 Disposals by private treaty (ie following a marketing exercise without a Closing Date or a "one-to-one" disposal when no marketing has taken place).

4.1 Offers received during the period of the negotiation with the prospective purchaser/lessee.

- 4.1.1 If the negotiation arises from a marketing exercise without a Closing Date then each party should be invited to submit their full and final offers within a specified time period.

- 4.1.2 If the offer arises during an off-market “one-to-one” disposal (eg where agreement of Cabinet has been obtained to dispose of the property to secure a particular use or facility from one particular party) then the offer is rejected (but can be used as useful evidence in the negotiations). In these instances the Director of Legal Services must advise on the need to obtain the Secretary of State’s consent to a disposal at less than best consideration (see below).
- 4.2 Offers received before provisionally agreed terms are considered by Cabinet (or the Chief Operating Officer exercising delegated authority).
- (a) As 1.2 above.
- 4.3 Offers received after the Cabinet decision (or the Chief Operating Officer exercising delegated authority) but before the exchange of contracts or entering into conditional contract or lock out agreement.
- (a) As 1.2 above.
- 4.4 Offers received after the exchange of contracts, entering into conditional contract or lock out agreement.
- (a) As 1.4 above.
- 5 Disposals by Auction
- 5.1 Offers received prior to the auction.
- (a) Refer the offer to the appointed auctioneers and agree whether or not to accept the offer. If the offer is recommended for acceptance then the acceptance must be subject to the purchaser exchanging contracts quickly (in accordance with the auction conditions of sale) before the date of the auction, ideally giving sufficient time to notify other parties who may have expressed an interest in the property of its withdrawal from the auction.
- (b) Offers received after the auction.
- If the property was sold under the hammer:
- (i) As 1.4 above.
- If the property failed to sell:
- (ii) As 3.1(a) above but within an appropriate short time period (ensuring the appropriate authority is in place for the auctioneer to accept such offers on behalf of the City Council).

PRECAUTIONARY MEASURES TO BE ADOPTED TO SUPPORT THIS PROTOCOL

In order to minimise the likelihood of unsolicited offers being received then the following good practice should be adopted when undertaking the marketing exercise:

- 1 Late offers must never be encouraged or in any way solicited.
- 2 Where the offer arises from a bidder who has already submitted a compliant bid within a tendering exercise, then consideration of the revised higher bid would only be undertaken provided there was clear justification for the second offer being made.
- 3 The market must be fully explored at an early stage in the marketing process so that every effort is made to identify all potentially interested parties.
- 4 Ensure that time periods between receipt of offers and an executive decision to accept and between acceptance and exchange of contracts (or entering into conditional contracts or lock out agreements) are kept to a minimum. The use of conditional contracts should be considered, with a strict time period by which it must be entered into by successful party, and when each element of conditionality has to be met.
- 5 Offers reported to Cabinet are considered on the private agenda.
- 6 The Cabinet public Minute contains no reference to the disposal price or the purchaser.
- 7 In those cases where reports refer to values of property, for example anticipated capital receipts, only totals are referred to, unless the transaction has been completed.
- 8 Ensuring that prospective purchasers are aware that their costs incurred prior to the exchange of contracts are at their own risk. (However, in the event that the City Council decides not to proceed, there may be a case for reimbursing the purchasers abortive costs. Each case would be considered on its merits).

CONSENT OF THE SECRETARY OF STATE TO DISPOSE AT “LESS THAN BEST CONSIDERATION”

Where a disposal at less than best consideration is proposed then this will require the consent of the Secretary of State. A specific application to the Secretary of State for consent may not be necessary in every case. The Local Government Act 1972: General Disposal Consent (England) 2003 gives local authorities consent to the disposal of land within specified circumstances ie where the authority considers that the purpose for which the land is to be disposed of is likely to contribute to the achievement of any one or more of the following objectives in respect of the whole or in any part of its area, or of all or any persons resident or present in its area:

- 1 The promotion or improvement of economic well-being.

- 2 The promotion or improvement of social well-being.
- 3 The promotion or improvement of environmental well-being.

In each case it is a condition that the undervalue must not exceed £2 million. Further, the authority must remain aware of the need to fulfil its fiduciary duty in a way that is accountable to local people (this consent does not apply to land held under powers derived from certain Planning and Housing Acts (which is subject to its own consent regime, most recently revised in March 2005) nor does it enable the disposal of public open space without undertaking the advertising procedure set out in s.123 (2A) the Local Government Act 1972).

PART 4I – OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- i) 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, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to the City Mayor, a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of the City Mayor or any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Neither the City Mayor nor any councillor will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF HEAD OF PAID SERVICE AND DIRECTORS

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

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

3. APPOINTMENT OF HEAD OF PAID SERVICE

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well founded objection has been made by any member of the Cabinet.

4. APPOINTMENT OF STRATEGIC DIRECTORS AND DIVISIONAL DIRECTORS

- (a) A committee or sub-committee of the Council will appoint Strategic Directors and Divisional Directors. That committee or sub-committee must include at least one member of the Cabinet.
- (b) An offer of employment as a Strategic Director or a Divisional Director shall only be made where no well founded objection from the City Mayor or any other member of the Cabinet has been received.

5. OTHER APPOINTMENTS

- (a) Appointment of officers below Divisional Director is the responsibility of the Head of Paid Service or his/ her nominee, and may not be made by Councillors.

6. DISCIPLINARY ACTION

- (a) Suspension. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) Independent person. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) The City Mayor or Councillors will not be involved in the disciplinary action against any officer below Divisional Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where the Council's disciplinary, capability and related procedures allow a right of appeal to members.

7. DISMISSAL

The City Mayor or Councillors will not be involved in the dismissal of any officer below Divisional Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissal.

PART 5 – CODES AND PROTOCOLS

POLITICAL CONVENTIONS

PART 5 - POLITICAL CONVENTIONS

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POLITICAL CONVENTIONS

NOTE: for the purposes of the Political Conventions, any rights and responsibilities of Councillors will also be applicable to the City Mayor. This does not apply to the Code of Conduct.

CONVENTIONS FOR COUNCILLOR/OFFICER RELATIONSHIPS

INTRODUCTION

Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in everyday working relationships.

Ten General Principles of Conduct for Councillors and co-opted members of local authorities have been prescribed by legislation (*Appendix 1*). There is also a Model Code of Conduct (*Appendix 2*) which sets out the minimum standards Councillors and co-opted members must observe. These Conventions operate within that framework and provide the Council's local ground rules.

Councillors, co-opted members and officers agree to observe the General Principles, and the Model Code and these Conventions, and to be guided by them in the interests of fair treatment and good government.

The Conventions are the Council's way of applying the following basic principles:

- **Members have a right to information and support on a “need to know” basis.**

The “need” is so that they can perform their role as Councillor. It can be limited by conflict of interest, confidentiality and practicality.

- **Officers must serve the whole Council objectively.**

They must therefore provide “*unified advice*” at all times. This is advice which is objective, consistent and points out all relevant factors. Different points of view between Officers should be resolved or presented in a balanced way which helps Councillors to choose between them.

- **Political processes and different roles for Councillors are a legitimate part of local democracy.**

Officer advice and support can be tailored accordingly. A party group is entitled to the confidentiality of Officer advice on developing policies and may decide when

to publish a proposal. The overall arrangements for Officer advice must be transparent.

Observance of the General Principles, the Model Code and these Conventions is essential to the maintenance of high standards of probity and integrity.

1. OFFICER NEUTRALITY

Convention	Councillors	Officers
<p>1.1 Every Officer appointment and every employment decision must be on merit alone (by law). The Council has no political assistants.</p>	<p>Councillors appoint officers to the following posts and above only: Divisional Directors, other officers who are directly accountable to a Strategic Director / Chief Executive for all or most of their duties (excluding officers whose duties are solely secretarial / clerical / support).</p> <p>Councillors have a formal role in certain employment appeals.</p> <p>Party political factors cannot be taken into account.</p>	<p>Policy support to Councillors must conform to the “<i>unified advice</i>” principle. It must be for Council, and not for party political purposes. Work which could be open to misinterpretation must be transparent and justified where necessary, particularly at sensitive times (such as a pending election).</p>
<p>1.2 Certain posts are politically restricted, including all senior posts.</p>		<p>Politically restricted Officers cannot be Councillors or MPs. They cannot “<i>speak or publish written work to the public at large or a section of the public, with the apparent intention of affecting public support for a political party</i>”. They can speak or publish “<i>to such an extent as is necessary for the proper performance of their duties</i>”.</p>
<p>1.3 Officers serve the whole Council and must be politically neutral at work.</p>	<p>Councillors should respect Officers’ right to private political opinions. These should not be used against an Officer who remains neutral at work and observes the relevant codes.</p>	<p>The Council’s employment procedures and Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.</p>
<p>1.4 Any questions about neutrality or improper conduct by an officer should be raised in private with the relevant Director, Monitoring Officer or committee adviser.</p>	<p>Public accusation (direct or indirect) is potentially defamatory and such questions should not be raised in public meetings. Advice should be taken before meetings. If an issue arises in a meeting, an adjustment may be</p>	<p>Officers must be prepared to correct an inadvertent failure to declare an interest, or to justify a decision not to declare an apparent interest. Prior employment is not automatically a declarable interest, but it may be in certain cases.</p>

Convention	Councillors	Officers
	appropriate to consider how to deal with it. Challenging a deliberate decision not to declare an interest should also be done off agenda.	
1.5 Close personal relationships between Councillors and Officers should be declared to the relevant Party Whip and Director, and entered in the voluntary register of interests. The test is whether a member of the public might reasonably consider the relationship likely to influence the Councillor or Officer in their respective roles.	The Councillor concerned should judge when a personal relationship has formed or whether a family relationship or friendship might reasonably be considered as having influence (depending on domestic arrangements and other circumstances). The Party Whip should consider how working contact between the Councillor and Officer should be avoided or managed to dispel perceived bias, taking advice from the Monitoring Officer if necessary.	The Officer concerned should judge when to make a declaration. The Director should consider how to avoid or manage working contact to dispel perceived bias, taking advice from the Monitoring Officer if necessary.
1.6 Mutual respect and due courtesy between Councillors and Officers is expected by the Council.	Unwarranted criticism of Officers should be avoided, particularly when they cannot respond on equal terms, such as at Council meetings. Bullying by a Councillor could potentially expose the Council to a claim of constructive dismissal.	Officers should avoid unwarranted criticism of Councillors and should respect their rights under these Conventions. Officers should not only be neutral, they should appear neutral. Any matter which might cause doubt should be raised with the relevant Director to consider what steps are needed to provide reassurance.

2. PROVISION OF INFORMATION TO COUNCILLORS

Convention	Councillors	Officers
<p>2.1 Each Councillor has a right to the information reasonably required to perform his or her role as Councillor (the “<i>need to know</i>”) but <u>not</u> where:</p> <ul style="list-style-type: none"> • The information is primarily needed for a non-Council purpose; or • There is a conflict of interest; or • There is an over-riding individual right of confidentiality (for example, in a children’s or employment matter); or • The resources needed to supply the information would be unreasonable. 	<p>Councillors need not state a need to know when requesting information, unless one of the restrictions applies, in which case entitlement should be demonstrated. Any relevant interests or non-Council capacity should be declared at the time of the request. If dissatisfied with a refusal, the Director should be approached. If still dissatisfied the Monitoring Officer may be asked to determine entitlement.</p>	<p>Officers should assume a Councillor has a need to know unless one of the restrictions may apply. The Councillor should then be asked to demonstrate entitlement and, in cases of doubt, the Monitoring Officer may be consulted. An Officer should seek clearance from his or her manager before embarking on a significant amount of work to provide information.</p>
<p>2.2 Councillors are normally entitled to be given information on a confidential basis, the exceptions being:</p> <ul style="list-style-type: none"> • An over-riding Council interest (for example, protecting its legal and financial position); and • Natural justice (for example, giving an individual the chance to respond to allegations). 	<p>Councillors should ensure that the need for confidentiality is made clear to officers.</p>	<p>The Councillor must be told immediately if an exception applies.</p>
<p>2.3 Councillors must respect the confidentiality of confidential Council</p>		

Convention	Councillors	Officers
<p>information and must use confidential information only for the purpose it is given (for example, information supplied in confidence to a Cabinet Member or Scrutiny Chair cannot be used to pursue a special Ward interest).</p>		
<p>2.4 Councillors with a particular role have a special need to know arising from that role, for example:</p> <ul style="list-style-type: none"> • City Mayor; • Cabinet Member: matters relating to his or her portfolio; • Scrutiny Chair and Vice-Chair: matters relating to their terms of reference and committee business; • Ward Member: matters with special implications for the Ward (ie significantly more than the general implications for the City); <p>Working Party Members: matters relating to the role of the Working Party.</p>	<p>A Scrutiny Chair or Vice-Chair is not entitled to information in that capacity without it being known to and available to the other.</p>	<p><i>“Managed Access”</i> may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld.</p>

3. ENTITLEMENT TO BRIEFING

	Convention	Councillors	Officers
3.1	<p>Councillors are entitled to be briefed in accordance with their need to know, taking account of any particular role they have. There are the same restrictions as for information (Convention 2.1). Councillors with a particular role may expect to be briefed about relevant matters without having to make a request.</p>	<p>Councillors should declare any relevant interest when requesting or receiving a briefing. If dissatisfied with a refusal to brief, the Director should be approached. If still dissatisfied, the Monitoring Officer may be asked to determine entitlement.</p>	<p>Officers should be clear about the capacity in which the Councillor is being briefed and the implications of any interest. In cases of doubt, the Monitoring Officer may be consulted. The Officer should always make it clear if a briefing is not based on unified advice, (ie is still subject to consultation with other Officers). Otherwise the Councillor is entitled to assume unified advice is being given.</p>
3.2	<p>A Party Group meeting may be briefed, provided:</p> <p>The Chief Executive knows of and approves the briefing;</p> <p>All Groups are informed and offered the same briefing;</p> <p>More than one Officer attends;</p> <p>Officers withdraw after briefing and any questions, and before political discussion;</p> <p>Officers do not write reports for Groups, leaving it for Councillors to present draft Committee reports or briefing notes.</p>		
3.3	<p>The content of briefings is confidential to the Councillors concerned. Confidentiality extends to the questions asked by the Councillors.</p>		

Convention	Councillors	Officers
3.4 Cabinet Members, individually and collectively are entitled to regular confidential briefing on matters relevant to their portfolios and in support of the policies they are developing prior to them formulating formal proposals.	The relevant Cabinet Member or the Cabinet collectively determines whether confidential briefing material may be released to others for consultation or otherwise. When the stage of formal proposals is reached, supporting Officer advice becomes publishable in conjunction with the proposals.	A briefing to help a Councillor respond to a question at Council may be in the form of suggested a reply. It should be confined to factual and professional matters and to explanations of existing policy, leaving the Councillor to add any political comment.
3.5 Committee Chairs and Vice-chairs are entitled to regular and confidential briefing on matters relating to Committee business.	A Chair or Vice-chair is not entitled to be briefed in that capacity without the briefing being shared with both Chair and Vice-chair at a joint meeting or otherwise. Confidential briefing in a different capacity (for example, developing policy options on behalf of a party group) may still be appropriate	
3.6 Councillors must respect the confidentiality of information supplied in briefing and must use it only for the purposes for which they would have been entitled to receive it (for example, information supplied as Cabinet Member or Scrutiny Chair may not be used to pursue a special Ward interest, if it would not have been supplied to the Ward Councillor).		

4. CABINET AND COMMITTEE MEETINGS

	Convention	Councillors	Officers
4.1	<p>Each Cabinet and Committee report should be in the name of a Director or the Chief Finance Officer (both if it has major financial significance) who must ensure that:</p> <ul style="list-style-type: none"> • It is made clear what stage in the process has been reached and what is required from Councillors; • There is a clear recommendation or options presented in a way which enable Councillors to choose between them; • It is clear who is responsible for action and to what timetable (including further reports); • All relevant factors are included and the issues are presented with professional objectivity; • Associated briefings and presentations are also professionally objective. 	<p>Cabinet Members may introduce reports at Cabinet. Officer advice should be obtained before the meeting on any alternative recommendation to be moved to ensure that operational, financial and legal factors are taken into account.</p>	<p>The principle of unified advice requires that meaningful and timely consultation is completed before finalising a report (particularly on financial and legal implications, on which the consultees should be named). Officers may take account of policies of the Council. Options, indeed recommendations, may reflect political realities, provided all realistic options are addressed in a way which is professionally objective and sustainable. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear.</p>
4.2	<p>Cabinet Members, individually or collectively, may determine the timetable for developing their policies, including:</p>	<p>Deferring a report is a Cabinet decision and responsibility. A Scrutiny Committee may ask for more time, information or other</p>	<p>Withdrawing a report is an Officer decision and responsibility, in consultation with Cabinet Lead.</p>

Convention	Councillors	Officers
<ul style="list-style-type: none"> • The point at which confidential ideas become formal proposals for publication; • Who to consult and to what deadline; • The timing of Cabinet reports. <p>The relevant Director or the Chief Finance Officer must ensure that all essential decisions are requested by necessary deadlines.</p>	<p>views before responding to Cabinet consultation, provided:</p> <ul style="list-style-type: none"> • The Cabinet Lead Member agrees to additional time and consultation (these being matters for the Cabinet); and • The relevant Director agrees that further information can be provided at reasonable cost and use of Officer time. 	
<p>4.3 It is for a full Scrutiny Committee to determine its programme for scrutinising the implementation of decisions and for recommending policy changes to Cabinet. It is expected that reports commissioned and evidence requested will:</p> <ul style="list-style-type: none"> • Avoid cutting across work in support of developing Cabinet policies; • Involve reasonable cost and use of officer time. 	<p>Where the Cabinet and a Scrutiny Committee are considering the same service area, the Cabinet Lead Member, Scrutiny Chairs and Vice-Chairs and Director should agree a joint programme of work and the order in which reports should be consulted upon and presented.</p>	<p>Work for and evidence to a Scrutiny Committee is determined by the relevant Director (since the Committee has no decision-making powers). If the Committee insists on work or evidence the Monitoring Officer should be consulted on how to resolve the impasse.</p>
<p>4.4 Any Member of a Scrutiny Committee may place an item on its agenda by giving at least three weeks' notice to the Monitoring Officer of the item and why the Committee is being asked to</p>	<p>The Chair and Vice-chair will be notified of a notice and asked whether a report should be prepared to accompany the item. A report will be prepared if a</p>	<p>The Monitoring Officer should immediately copy the notice to the Chair and vice-chair and the relevant Director and Cabinet Members and ask the Chair and Vice-chair whether a report should accompany the</p>

Convention	Councillors	Officers
<p>consider it. This right does not apply when the matter has already been dealt with under the “<i>six months rule</i>” in Procedure Rules.</p>	<p>majority agree. If not, the Committee may still, when considering the report, request a report at their next meeting.</p>	<p>item. The Director may offer a report in any event.</p>
<p>4.5 Guidance to Officers on all matters of Scrutiny Committee business and procedure (apart from Chairing meetings) shall, subject to full committee decisions, be determined by a majority of the Chair and Vice-chair including:</p> <ul style="list-style-type: none"> • Agendas; • Dates and times of meetings with a presumption that meetings on Mondays and Fridays will be avoided wherever practicable; • Evidence to be presented at a future meeting; • Interested parties to be invited to attend and participate at future meetings 	<p>There is a standing offer by and invitation to the relevant Cabinet Lead Member and Director to attend Scrutiny Committee meetings with a view to explaining matters relevant to the agenda. A specific request to the Chair and Vice-chair or invitation to the Cabinet Lead or Director should be made, giving reasonable notice, where:</p> <ul style="list-style-type: none"> • The Cabinet Lead would like to explain a particular matter; or • The Chair and Vice-chair would like to explore a particular matter with the Cabinet Lead or Director. <p>It is expected that the Cabinet Lead would normally attend a Scrutiny Committee which is considering proposals at the request of the Cabinet or the Cabinet Lead.</p> <p>A Councillor who has been consulted on an officer decision is accountable to the Scrutiny</p>	<p>Each Scrutiny Committee has a Lead Officer responsible for co-ordinating its overall programme and individual agendas in consultation with:</p> <ul style="list-style-type: none"> • The Chair and Vice-chair; • Relevant Cabinet Members (in relation to Cabinet policies in development); • Directors.

Convention	Councillors	Officers
	Committee for the views expressed.	
<p>4.6 The Chair is expected to conduct Scrutiny Committee meetings so as to ensure:</p> <ul style="list-style-type: none"> • The basis of any participation by non-Members of the Committee is made clear at the outset (for example, question and supplementary, statement, or participation in debate); • The questioning of Cabinet Members, Officers and others is properly structured, and conducted in a courteous, seemly and constructive manner; <p>Questions are properly directed to the Cabinet Lead (for example, justifying policy) or Director (for example, progress with implementation), inviting both to attend where necessary.</p>		
<p>4.7 The Chair and Vice-chair should be jointly briefed on questions from the public. After the Chair has responded, the Vice-chair may add comments.</p>		

5. REGULATORY AND COUNCIL COMMITTEES

Convention	Councillors	Officers
<p>5.1 Development control, licensing and other quasi-judicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular:</p> <ul style="list-style-type: none"> • The appearance of decisions being based on party political consideration must be avoided; • If Officer recommendations are not accepted, care should be taken to ensure that any departures can be justified and that they are consistent over time. <p>The Code of Practice in <i>Appendix 3</i> must be followed.</p>	<p>Particular care should be taken to declare interests in formal meetings, at site visits and in formal discussion and, if necessary avoid participation. Potential interests should be raised with Officers before meetings. Any Cabinet Member would have an interest in a planning application by the Council.</p>	
<p>5.2 Only Councillors who have received appropriate training may participate in decisions relating to regulatory decisions and Employees' Committee Appeal Hearings.</p>	<p>Any untrained Councillor asked to participate in a decision should request training, which will be fast-tracked if necessary.</p>	
<p>5.3 Reports to Regulatory meetings should comply with Convention 4.1 except that political considerations are inappropriate. The Chair and Vice-chair shall be briefed and guide Committee business and procedure in line with the above convention 4 relating to Scrutiny Committees.</p>		

6. WORKING PARTIES

Convention	Councillors	Officers
<p>6.1 Non-statutory Working Parties of Councillors may be set up by the Cabinet, or by the Monitoring Officer in consultation with the relevant Councillors of all Groups, for the purpose of:</p> <ul style="list-style-type: none"> • Providing an all-party forum to assist in developing particular policies; • Providing a forum for consulting interested parties on particular services or issues; • Pursuing all-party consensus on an issue prior to a formal decision; • Enabling Cabinet and Scrutiny Members jointly to review a matter. 	<p>Panels for statutory purposes and single-party groups are outside this Convention. The term “<i>Working Party</i>” defines the status of the body within the Council’s structures. It need not necessarily be used in the body’s title.</p>	
<p>6.2 A Working Party should:</p> <ul style="list-style-type: none"> • Be politically balanced unless the Groups unanimously agree otherwise. • Have clear terms of reference. • Be defined as a standing body or a task and finish group. 		

Convention	Councillors	Officers
6.3 Any co-opted members of the Working Party shall be determined by the Monitoring Officer or the Cabinet on the advice of the Working Party.		
6.4 The Cabinet will be asked to review annually the need for each Working Party.		

7. COUNCILLOR INVOLVEMENT IN CASEWORK

Convention	Councillors	Officers
<p>7.1 Officers must implement Council policy within agreed procedures. An individual Councillor cannot require an Officer to vary this and cannot take a decision or instruct an Officer to take action. The Councillor's role in relation to casework is:</p> <ul style="list-style-type: none"> • To be briefed or consulted where there is a need to know; • To pursue the interests of individuals by seeking information, testing action taken and asking for the appropriateness of decisions to be reconsidered. <p>A Councillor's entitlement to be involved is based on the "need to know" and determined in accordance with Conventions 2 and 3.</p> <p>Access to files may need to be denied or restricted if one of the exceptional circumstances in Convention 2.1 and 2.2 applies. Any access then allowed may need to be "managed access" (as described in Convention 2).</p>	<p>Councillors should avoid becoming unduly involved in individual cases and operational detail, except within clear procedures. Involvement in legal proceedings and audit investigations carries special dangers of prejudicing the case, and of personal embarrassment. The District Auditor has warned of the dangers of individual Councillors intervening in the processes of the Council without full knowledge of the facts.</p> <p>A Councillor lobbied on an issue (especially planning policy) should explain that any views expressed are personal and they cannot commit or anticipate the Council's decision. Any lobbying should be referred to at meetings to consider the policy.</p>	<p>Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that:</p> <ul style="list-style-type: none"> • Councillors legitimately adopt different approaches • Councillors may legitimately pursue non-Ward issues (for example, a City-wide community of interest) • The special local knowledge of particular Councillors may be useful to a particular case. <p>Officers should point out to the Councillor when a restriction on the need to know may apply, explore entitlement with the Councillor and, in cases of doubt, consult the Monitoring Officer.</p> <p>Directors should ensure that their staff know how to obtain appropriate senior management support (particularly out of hours) when the extent of a Councillor's involvement in an issue needs to be clarified.</p>
<p>7.2 A Councillor pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another</p>	<p>A close relationship should be judged as in Convention 1.4.</p>	

Convention	Councillors	Officers
Councillor to pursue the matter.		
7.3 Councillors should not act as an individual's <i>"friend"</i> or provide a reference in relation to staffing matters within the Council (except in exceptional circumstances). They should avoid involvement in staff lobbying outside formal procedures.	<p>The main procedures for Councillor involvement in staffing matters are:</p> <ul style="list-style-type: none"> • Formal machinery for taking individual staffing decisions. • Arrangements for staff representatives to submit views when staffing issues are before Councillors. 	
7.4 Staff may raise issues with their Councillor as citizens. They must not lobby Councillor on personal employment or budgetary matters except within the proper management and representative procedures (in the interests of balanced, unified advice to Councillors).	Councillors should refuse to respond to inappropriate lobbying and inform the relevant Director who should direct the staff towards the appropriate channels. This applies if the approach is superficially to a Ward Councillor, but in reality amounts to an employment matter.	Directors should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.
7.5 A Councillor's right of access to Council premises and to bring in guests is based on the <i>"need to know"</i> (that is, to perform the Councillor's role). In addition to the general restrictions, it is subject to ensuring: <ul style="list-style-type: none"> • Operational continuity; • Confidentiality; • Compliance with Health & Safety 	<p>When visiting Council premises, a Councillor should:</p> <ul style="list-style-type: none"> • Make prior arrangements whenever possible for visits outside NWC; • Check in on arrival with reception or the site manager; • Observe the site manager's requirements in relation to 	Directors should ensure that their staff are aware of these requirements and know how to obtain appropriate senior management support (particularly out of hours).

Convention	Councillors	Officers
<p>arrangements;</p> <ul style="list-style-type: none"> • Compliance with security requirements. 	<p>health and safety and so on.</p> <ul style="list-style-type: none"> • Expect to be denied access or asked to leave in circumstances where compliance with the requirements cannot be guaranteed or the Councillor's behaviour might bring the Council into disrepute. 	
<p>7.6 Councillors' guests should:</p> <ul style="list-style-type: none"> • Be properly checked in and out; • Explain the purpose of their visit, if requested; • Observe the site manager's requirements; <p>Not be admitted after normal business hours, except for notified evening meetings and by special arrangement for particular purposes.</p>		<p>Directors should ensure their staff are aware of these requirements and how to obtain appropriate senior management support (particularly after hours). They should also ensure staff are aware exactly when guests may be admitted outside normal opening hours.</p>

8. MEDIA RELATIONS AND PUBLISHED MATERIAL

Convention	Councillors	Officers
<p>8.1 Statements and published material on behalf of the Council (including the Council's website) must not be party political and must comply with the Statutory Code of Practice (<i>Appendix 4</i>).</p>	<p>Councillors are the Council's principal spokespersons on policy. As individuals, they may make party political comment, but the Council may not publish such comment.</p>	<p>Officers may publish factual, professional and technical comment. Reports, presentations and publications must be professionally objective in language, content and tone. Directors must ensure that Officers who publish statements and material are competent for the role and understand the requirements of these Conventions.</p>
<p>8.2 News releases on behalf of the Council may only be issued through the Communications Unit. Official statements to the media should only be made after consultation with the Communications Unit. This is to ensure consistency and compliance with the Code.</p>		<p>The Communications Unit is responsible for promoting and protecting the Council's overall interests in relation to the media.</p> <p>Directors are responsible for informing relevant Councillors when a media statement is proposed.</p>
<p>8.3 The Communications Unit will support and issue news releases in relation to the business of the Cabinet and Scrutiny Committees. In this it will be guided:</p> <ul style="list-style-type: none"> • By the relevant Cabinet Lead Member (on Cabinet matters) • By the Scrutiny Chair and Vice-chair acting unanimously (on Scrutiny matters). 	<p>Chair and Vice-chair unanimity is essential, since its absence would usually imply a party political issue. The Scrutiny Chair is responsible for obtaining agreement. A statement may be in the name of the Chair if the Vice-chair agrees.</p> <p>Another Councillor may act on behalf of a Chair and Vice-chair member if unavailable.</p>	<p>News releases on behalf of a Scrutiny Committee may include:</p> <ul style="list-style-type: none"> • Their reasons for considering a matter; • Their findings and recommendations; • Majority and minority views.

9. ELECTION PERIODS

	Convention	Councillors	Officers
9.1	<p>From the notice of a Parliamentary or local election until election day:</p> <ul style="list-style-type: none"> • Nothing should be published (including the Council’s website) on a politically controversial issue, or which identifies views or policies with those of individual Councillors or party Groups; • In Parliamentary elections, nothing should be published which mentions or includes a picture of any prospective candidate; • Any publicity should be strictly objective, concentrating on facts or explanations; • During local elections, no Council newspaper, corporate or departmental should be published; • Councillors and Officers should take particular care to keep Officers distant from party political matters. • Councillors requesting information should make their “<i>need to know</i>” clear and the “<i>need to know</i>” principle should be strictly observed. 	<p>Subject to this Convention, publicity is permitted of a Councillor speaking on behalf of the Council about an approved policy.</p> <p>External comments should be on strictly factual or professional matters. Care should be taken to avoid being misquoted or inadvertently associated with a particular candidate or political perspective.</p> <p>Where the Council ought to be represented as stakeholder at an event with a potentially political dimension, officers should:</p> <ul style="list-style-type: none"> • Ensure that all contributions to any discussion are factual and based on approved Council policy. • Avoid expressing opinions or views which may be perceived as containing a party political dimension. • Avoid engaging in any media activity relating to 	

Convention	Councillors	Officers
<ul style="list-style-type: none"> • Prospective Parliamentary candidates (including current MPs) should be treated equally. • Officers should avoid even the appearance of political bias. 		<p>the event (that is avoid TV or radio interviews, comment to the media, inclusion in photographs or TV filming).</p>
<p>9.2 During such election periods the Town Hall and New Walk Centre shall not be used for political meetings (other than normal private meetings on Council business). This prohibition shall extend to the Town Hall Square Concourse, but the rest of the Town Hall Square may (subject to prior booking) be used for political meetings.</p>		

10. PARTNERSHIPS

<u>Convention</u>	<u>Councillors</u>	<u>Officers</u>
10.1 Any partnership in which the Council participates must be asked to adopt the General Principles of Conduct (<i>Appendix 1</i>) or to justify any departures.		
10.2 The partnership must be asked to observe the rules in <i>Appendix 5</i> and to have an item on all agendas requesting that interests be declared.		

11. RESOLVING PROBLEMS

Convention	Councillors	Officers
11.1 Councillors and Officers should try to interpret and apply the Conventions consistently. Those concerned should first try to resolve any problems between themselves.	Councillors should raise unresolved problems with the relevant Assistant Director or Director. If necessary the Group Whip or Monitoring Officer should be consulted.	Officers should raise any unresolved problem with their Assistant Director or Director who will advise or take the matter up with the relevant Councillors. If necessary, the Monitoring Officer should be consulted. The Monitoring Officer may involve the relevant Group Whip.

APPENDIX 1 THE GENERAL PRINCIPLES

LOCAL GOVERNMENT ACT 2000

(Relevant Authorities [General Principles] Order 2001)

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgment

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these **principles** by leadership, and by example, and should always act in a way that secures or preserves public confidence.

APPENDIX 2

CODE OF CONDUCT

CODE OF CONDUCT FOR ELECTED MEMBERS
ADOPTED BY THE CITY COUNCIL ON 20TH JUNE, 2007.

WITH EFFECT FROM 30TH SEPTEMBER, 2007

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a)

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
- (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a)

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest

in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

APPENDIX 3

CODE OF PRACTICE FOR MEMBER INVOLVEMENT IN DEVELOPMENT CONTROL DECISIONS

This Code applies to Members appointed to serve on the City Council's Planning and Development Control Committee or Ward Members who attend at committee to make representations in relation to any planning application / planning contravention considered by the committee.

1 General

- 1.1 At the start of each four-year local election cycle Members who wish to serve on the Planning and Development Control Committee must undertake initial training in planning and their decision-making role. This training is also recommended for all Members.
- 1.2 Committee Members (and any substitute Members) must participate in annual refresher training. Training will be provided either by officers or via external training agencies.
- 1.3 Members will respect the role of officers to make professional recommendations to the Council and will not put pressure on individual officers to secure a specific recommendation on a particular application or report.
- 1.4 If Members wish their views to be considered and reported as part of the recommendation and decision-making process, representations must be made in writing to the Head of Planning Management and Delivery.
- 1.5 Compliance with Government targets means that most planning applications are considered by officers under delegated powers in accordance with the Council's Constitution. The focus of the Planning and Development Control Committee is now more on consideration of the more significant/strategic planning applications.
- 1.6 This Code should be read in conjunction with the Council's Political Conventions and the statutory Code of Conduct applicable to Members. Members are reminded that under the statutory Code a Member (whether or not s/he serves on the Committee) cannot participate at all in any aspect of decision-making where s/he has a personal and prejudicial interest.
- 1.7 As a reminder, the basis of the planning decision-making is the consideration of private proposals against the wider public interest. Often much is at stake and conflicting views may be held by relevant parties. While Ward Members may take account of such views, Committee Members should not favour one person, company, group or locality or put themselves in a position where this may arise so they can freely consider the wider public interest.

2 Pre-application Presentations by Applicants/Developers

- 2.1 The Head of Planning Management and Delivery will arrange for appropriate presentations to be made in respect of significant planning applications, which will be open to all Members. Such presentations will be of a fact-finding nature to enable Committee and Ward Members to become familiar with development proposals and to ask questions. Provided Committee Members do not at such presentations express a view about the proposals, they will be able to participate in any subsequent committee meeting when the planning application is discussed. Committee Members, however, will be required to declare, in accordance with paragraph 6.1, that they have attended a presentation.

3 Referral of Applications for Decision to the Planning and Development Control Committee

- 3.1 Members should contact the Head of Planning Management and Delivery as soon as possible of any applications in their ward being considered by Planning Management and Delivery on the weekly list of planning applications circulated to them that they consider should be the subject of a committee decision.
- 3.2 The contact will need to be in writing, to include e-mail, and specify the planning reason(s) for the request.
- 3.3 Planning Management and Delivery case officers are able to assist Members with the formulation of reasons which might include such things as design considerations, highway implications and implications for local residents (amenity), etc.
- 3.4 Members are asked to note that decisions may need to be taken soon after the circulation of the weekly list and they are advised to check with the specific case officer the earliest date when a decision may be made.

4 Prohibition of Committee Member Contact with Applicants, Agents and Third Parties

- 4.1 Where Committee Members are contacted to support or oppose any planning application or a particular recommendation, they should explain that they cannot get involved or indicate the likely decision the Council (at either committee or officer level) will take because they might take part in the decision-making process.
- 4.2 Where, for whatever reason, a Committee Member wishes to make representations in respect of an application or report to be considered by the Committee, s/he will not be able to participate as a Committee Member at a Committee meeting when the report on the application, etc, is to be considered. Such a Member would be expected to arrange for a substitute trained Member to attend the Committee meeting. In such circumstances the Committee Member may attend the Committee meeting as a Ward Member to make representations on the application subject to making an appropriate declaration with regard to their involvement in accordance with paragraphs 7.1 – 7.3.
- 4.3 Committee Members should not advise applicants, prospective or otherwise, agents or third parties about the likely acceptability of planning proposals. They should advise them to contact a fellow Ward or other Member and the appropriate officer for advice.
- 4.4 Committee Members should not arrange to meet applicants or agents prior to or during the processing of an application unless an officer is present. Where any meeting has taken place with a Committee Member, s/he should refer to any such

meeting if they speak about the matter. In accordance with paragraph 6.3, any such meeting would need to be declared at the start of the committee meeting. The position with regard to Ward Members meeting with applicants or agents is covered in paragraph 7.8.

4.5 Where the Chair or Vice-chair have been contacted about a matter being considered by committee, s/he will tell the committee of the contact and explain to committee the issues which were discussed.

4.6 Committee Members should not act as agents or submit planning applications for other parties or voluntary bodies. Members (including Members not on the committee) will not address committee as the applicant's agent.

5 Committee

5.1 Political group meetings held prior to a committee meeting should not be used to decide how Members should vote on a particular planning application. The Local Government Ombudsman has previously expressed the view that the use of political whips to seek to influence the outcome of a planning application could amount to maladministration.

5.2 All matters on the agenda for discussion will be the subject of an officer report containing all relevant information and an officer recommendation to enable a decision to be taken.

5.3 Committee Members are required to read the report in advance of the meeting so as to be able to understand the issues.

5.4 To enable any last-minute issues to be considered, the Head of Planning Management and Delivery prepares an Addendum Report. Committee Members will be provided with the report which will be available in the group rooms from 4.00 pm on the date of the committee meeting. Where the last-minute issues would lead to a change of recommendation, the Addendum Report will recommend deferral of that application unless the possibility is clearly identified in the recommendation to the original report. As necessary, the presenting officer will refer to the Addendum Report during consideration of any specific report in the committee meeting.

5.5 Representations received after the Addendum Report has been finalised will be summarised orally.

5.6 Where requested, written representations from applicants, objectors and third parties will be circulated to Committee Members by the Director (Legal Services) only if the necessary copies are provided or paid for and adequate notice is given to Committee Services Section. Written representations will not be accepted at the meeting.

5.7 If Committee Members receive letters or any other written information about a matter due to be reported to committee, they will ensure that a copy is made available to the Head of Planning Management and Delivery for inclusion in the Addendum Report and make the appropriate declaration under paragraph 6.3.

6 Declarations of Interest and Representations

6.1 At the start of each committee meeting Committee Members are required to make any formal declaration of interest in relation to the matters specified on the agenda. Such a declaration will be in accordance with the provisions of the Local

Government Act 2000, as amended, the requirements of the Statutory Code of Conduct and also under the terms of this Code.

- 6.2 When a Committee Member's interest is personal and prejudicial, the Member concerned will leave the room when the matter comes to be considered by the committee and not take part in the decision-making process.
- 6.3 Where Committee Members declare they have received representations, they need to identify what those representations were, eg, letter, e-mail, attendance at a meeting, presentation, meeting with applicant, etc.
- 6.4 Where Committee Members have previously expressed any view about any application or report so as not to have an "open mind", they will be considered to have a predetermined view and therefore will be required to declare this, and when the matter comes to be considered by committee they will leave the room and not take part in the decision-making process.
- 6.5 Committee Members who have been appointed by the City Council to serve on any body that has an advisory role in relation to planning applications (eg, CAP) are required to declare whether or not they have previously been involved in any discussion of an application/report before the committee, and where the Member concerned has previously expressed a view or opinion supporting or opposing any application/report, they will be considered to have a predetermined view and therefore will declare the interest, leave the room and not take part in the decision-making process.
- 6.6 Members are reminded that failure to make appropriate declarations could constitute a breach of the statutory Code of Conduct.
- 6.7 Declarations of interest are for Members to make and at times will very much depend on particular factual circumstances. The Director (Legal Services) or his representative (eg, the committee solicitor) will be able to provide advice, but Members are encouraged to seek advice at an early stage and wherever possible not in the immediate run up to the start of a committee meeting.

7 Attendance of Members Not on the Committee (Non-committee Members)

- 7.1 Unlike Committee Members, Non-committee Members may meet with constituents who are applicants, agents or objectors prior to or during the processing of any application and such a meeting does not require an officer to be present. Where a Non-committee Member subsequently attends committee to make representations, a declaration will be required in accordance with paragraphs 6.3 and/or 6.4 where the Non-committee Member wishes to make any representations at the committee meeting.
- 7.2 Non-committee Members who do not serve on the committee and who wish to make representations at committee in respect of any report shall notify the Committee Chair and/or Democratic Services no later than 12.00 noon on the day of any committee meeting.
- 7.3 At the discretion of the Committee Chair, the report(s) the Non-committee Member's representation refers to will be considered by the committee at the beginning of the meeting and so may be taken "out of order".

- 7.4 Non-committee Members will sit in the public gallery, and the Chair will call them to the committee table to sit in the designated place.
- 7.5 The Chair will use his/her discretion taking into account the particular circumstances if more than one Non-committee Member wishes to make representations on the same report.
- 7.6 Before making any representations the Non-committee Member will be required to make a declaration in accordance with paragraphs 6.1 – 6.3 and also indicate whether or not the Member concerned has had any meetings with any applicant and/or agent or local residents as the case may be.
- 7.7 A Non-committee Member with a personal and prejudicial interest is not able to attend the meeting to make any representations.
- 7.8 A Non-committee Member making representations is expected to keep his/her presentation to within five minutes. The Chair will exercise discretion to allow such additional time as may be required for all valid points to be given an airing. Where a Non-committee Member wishes to provide written information to the committee, s/he will comply with paragraph 5.6. The Chair will invite officers to respond to any information or views expressed by Non-committee Members and give the Non-committee Members an opportunity to reply. After that reply and before the committee considers the report, the Member will return to the public gallery.

8 Member Involvement in Ward Issues

- 8.1 All Members will respect the expectation that in relation to planning issues in any ward the primary responsibility for dealing with them is on one or more of the Members representing that ward.
- 8.2 Where a Member is also a Committee Member, it may be that given the constraints under this Code they may not choose to deal with a specific ward issue. In such circumstances, a fellow Ward Member or other Member may become involved. The Member dealing with the matter will, as a matter of courtesy, notify the Committee Member of their involvement. In the absence of any notification, the Chair will have the discretion whether or not to allow the Member who wishes to make representations to attend for that purpose at any committee meeting.
- 8.3 Where any Member is approached to make representations/attend at a committee meeting in relation to any matter not in their ward but the ward of another Member, they will, as a matter of courtesy, notify the Member concerned. Again, in the absence of such notification, the Chair will have the discretion whether or not to allow the Member who wishes to make representations to attend for that purpose at any committee meeting.

9 Section 106 Agreements

- 9.1 An agreement under section 106 of the Town and Country Planning Act can only be required to meet an identified planning need arising from the development envisaged by the application.
- 9.2 Where the committee resolve that a section 106 agreement is required, but this has not been recommended by the Director, Planning and Economic Development, the application will be deferred for an officer report on the appropriateness and content of the agreement. The report will be brought back to committee as soon as possible in order to comply with statutory or other demonstrably material consequential Government targets.

10 Deferrals and Site Visits

- 10.1 The Committee will decide on planning grounds, which will need to be moved, seconded and agreed by the Committee and which will be included in the minutes of the meeting, whether to defer a decision for a site visit taking into account the reasons given by the Committee or Ward Members as well as statutory or other demonstrably material consequential Government targets and the use of IT that enables Committee Members to see photographs of sites covered by committee reports, together with site plans and drawings.
- 10.2 Site visits following a deferral do not have any decision-making status and will be solely an opportunity for Committee Members to visit the site with an officer.
- 10.3 Third parties including objectors are not entitled to attend site visits. They will be advised to make any representations in writing to the Head of Planning Management and Delivery or through Ward Members.
- 10.4 Applicants and agents cannot use a site visit as an opportunity to state their case to Committee Members. They will be advised to make written representations to the Head of Planning Management and Delivery or to Committee Members before the site visit or before the committee meeting at which the matter will be reconsidered.

11 Departures from Officer Recommendations

- 11.1 Committee Members wishing the committee to consider a different recommendation from that made by the Corporate Director must move an amendment, giving planning reasons, and have it seconded. The Chair will then clarify the planning reasons and, as necessary, the amended recommendation will then be voted on. Should it be accepted by the committee, the planning reasons will be included in the minutes of the meeting.

12 Decision-making

Committee Members should approach this in accordance with the following:

- 12.1 By considering the material (written or oral) provided by the presenting officer(s).
- 12.2 On the basis of material planning considerations relevant to each report with particular emphasis on identified Development Plan policies.
- 12.3 Approach decision-making with an open mind.

13 Delegation of Decisions to Officers

- 13.1 Provided consideration of the application in question will meet statutory or other demonstrably material consequential Government targets in relation to decision-making, the committee may agree to delegate any further decision-making (eg, finalisation of the conditions to be attached to the grant of planning permission) to the Head of Planning Management and Delivery in accordance with the departmental scheme of delegation.

14 Briefing Meeting

- 14.1 The Head of Planning Management and Delivery, or his representative, will brief the Chair, Vice-chair and party spokespersons in advance of every committee meeting to explain the basis of the officer recommendations and to go through the Addendum Report.

15 City Council Applications

- 15.1 The City Council's own planning applications must be dealt with on the same basis as all other applications. Recommendations and decisions must be based only on material planning considerations and must not have regard to any other benefit which may accrue to the Council as a result of a particular decision on such an application.

16 Member Applications

- 16.1 Where a Member has a personal interest in a Planning Application (eg, it relates to land owned by them or is made as part of an appointed role of the City Council), they must take no part in the processing of the application, not attend at the committee or participate in the decision-making process. If a Committee Member's application has to be considered by the committee, the Committee Member(s) will declare a personal and prejudicial interest in accordance with paragraph 6.2 by reference to the Member Code of Conduct and when the report on the application is considered the Committee Member will leave the room and not take part in the decision-making process.

17 Appeals

- 17.1 Officers will prepare, and where necessary present, the City Council's case in an appeal based on the terms of the decision and the material considerations on which that decision was made. They will present the best possible arguments and available evidence in support of the decision, whether or not that decision was in accordance with the Corporate Director's recommendation.
- 17.2 In cases where the decision was not in accordance with the recommendation and where the appeal is to be determined at a hearing or inquiry, the Corporate Director will invite the Chair or, in consultation with the Chair, another appropriate Committee Member to put forward evidence on behalf of the committee.

18 Complaints

- 18.1 Where a complaint is made under the Council's Complaints Procedure about a committee decision, a reply will be prepared by officers in consultation with the Chair.

APPENDIX 4 NATIONAL CODE OF PRACTICE ON PUBLICITY

Subject Matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in sections 111, 142, 144 and 145 of the Local Government Act 1972, sections 69, 88 and 90 of the Local Government (Scotland) Act 1973 and sections 15 and 16 of the Local Government and Planning (Scotland) Act 1982; but there are several others.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, sections 142(1A) of the 1972 Act and 88(1) of the 1973 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issued, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority;
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority;
 - (iii) in areas where central government, another tier of local government, or another public authority have the primary service of policy responsibility, local authorities should issue publicity only on matters that are directly relevant to their own functions.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.
6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.

8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses and which the resources could be put.
10. In deciding whether the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary
 - (ii) where it is statutorily required, the purpose to be served by the publicity
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the Council's policies either in general, as in the annual report, or on specific topics, for example as background to consultation on the line chosen for a new road.
12. Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative and accurate. It should aim to set out the reasons for the Council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.
15. In some cases promotional publicity may be appropriate – for example about the local authority's sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council is unavoidable, particularly given the need for Councils to consult widely whenever material

issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although they should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or race relations.
19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs to allow local people to have a real and informed say about issues that affect them; to explain to electors and ratepayers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the Council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.
22. Where material is distributed on matters closely affecting vulnerable sections of the community – for example, the elderly – particular care should be taken to ensure that it is unambiguous, readily intelligible and unlikely to cause needless concern to those reading, seeing or listening to it.
23. Local authority newspapers, leaflets, and other publicity distributed unsolicited from house to house are able to reach far wider audiences than publicity available on application to the Council.
24. Such publicity should be targeted as necessary for its purposes, taking particular care with material touching on politically controversial issues.

25. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of dissemination information or facilitate consultation and can provide a means for local people to participate in debate on decisions the Council is to take. Inevitably they will touch on controversial issues and where they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11-19 of the Code.
26. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations and making use of electronic communication systems.

Advertising

27. Advertising, especially on billboards or on television and radio is a highly intrusive medium. It can also be expensive. It may, however, provide a cost effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on tourism and in the area of economic development generally.
28. The primary criterion for decision on whether to use advertising should be cost-effectiveness.
29. Advertisements are not normally likely to be appropriate as a means of explaining policy or commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments and markets views and opinions.
30. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.
31. The attribution of advertising material, leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
32. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the condition attached to a grant may require the provision of publicity, including publicity for the work of the authority.
33. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.

34. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

35. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to serve the authority as whole whatever its composition.
36. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
37. Advertisements for staff should not be placed in party political publications.

Individual Councillors, Elections, Referendums and Petitions

38. Publicity about individual councillors may include the contact details, the positions they hold in the Council (for example, member of the Executive or Chair of Overview and Scrutiny Committee), and their responsibilities. Publicity may also include information about individual councillor's proposals, decisions and recommendations where this is relevant to their position and responsibility within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors, personalisation of issues or personal image making should be avoided.
39. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe an individual councillor's policies and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.
40. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of those politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a political response to an important event outside the authority's control. It is advisable that proactive events involving members likely to be standing for election are not arranged in this period.
41. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 prohibit an authority from incurring any expenditure to:

- publish material which appears designed to influence local people in deciding whether or not to sign a petition;
- assist anyone else in publishing such material; or
- influencing or assisting others to influence local people in deciding whether or not to sign a petition.

Publicity in these circumstances should, therefore, be restricted to the publication of factual details about the petition proposition and to explaining the Council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

- 42 Local authorities should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and does not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to Others for Publicity

43. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:
- (a) incorporate the relevant principles of the Code in published guidance for applicants for grants
 - (b) make the observance of that guidance a condition of the grant or other assistance;
 - (c) undertake monitoring to ensure that the guidance is observed.
44. It will often be appropriate for local authorities to help charities and voluntary organisations not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis and authorities may be able to draw on their powers of well being in section 2 of the Local Government Act 2000.

PROBITY RULES FOR PARTNERSHIPS WITH COUNCIL PARTICIPATION

Any partnership in which the Council participates must be asked to observe the General Principles of Conduct (or justify any departure) and to observe the following rules.

Public Duty and Private Interest

1. If you have a private or personal interests in a question which is to be considered by the partnership, you should declare your interest and have it formally recorded.
2. You should never do anything which you could not justify to the public or to your organisational management.
3. It is not enough to avoid actual impropriety. You should always avoid the opportunity for suspicion or appearance or improper behaviour.

Pecuniary and other interests

4. Agendas will have an item requesting that interests be declared.
5. If you have a pecuniary interest in a question which is to be considered by the partnership, you should declare your interest, have it formally recorded and vacate the room.
6. If you have an interest in which you might appear at risk of bias by putting private considerations above the public interest, you should declare your interest, have it formally recorded and vacate the room.
7. In considering interests, consideration should be given to the interest of a partner, close relatives or other person forming part of the same household, again applying the principle of avoidance of suspicion.

Gifts and Hospitality

8. If you receive any gift or hospitality as a member of a partnership, in that capacity, you should notify and have it formally recorded within your own organisation.

Membership of Partnership

9. The value is well recognised of different agencies and organisations playing an active part in partnerships. Whatever role you have, you must ensure that your responsibilities within the partnership do not clash with other responsibilities you also hold – whether as an Elected Member, Company Director or employee, paid official or in a voluntary capacity – so that your position is weakened to such an extent that your position becomes untenable.

Petitions Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition. The people who sign the petition should live, work or study in Leicester.

Paper petitions can be sent to:

Director of Corporate Governance
Town Hall, Town Hall Square
Leicester. LE1 9BG

Or, from 15 December 2010, in electronic form if created, signed and submitted online by following a procedure to be introduced for the purpose and to be set out on the Council's website.

Petitions can also be presented to a meeting of the council. These meetings take place on a regular basis and dates and times are published by Notice and on the Council's website. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact Democratic Support on 0116 229 8818 at least 10 working days before the meeting and they will talk you through the process.

If your petition has received 1500 signatures or more it will also be scheduled for a council debate [link to section on Full Council Debates] and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by full contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. Please read our Terms and Conditions (link to the end of the document) before submitting a petition.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken 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 acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Where appropriate we will publish related material relating to the petition (all personal details will be removed).

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by one of the council's scrutiny committees*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

Scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, these committees have the power to hold the council's decision makers to account.

In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

Petition subject	Appropriate steps
Alcohol related crime and disorder	If your petition is about crime or disorder linked to alcohol consumption, the council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.
Anti-social behaviour (ASB)	As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The council, in conjunction with our partners in the local crime and disorder partnership

	<p>have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards on the Council's website.</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
<p>Under-performing schools</p>	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>
<p>Under-performing health services</p>	<p>We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and independently supported – their role to find out what people want in terms of local health services,</p>

	<p>monitor those services and to use their powers to hold them to account). The health overview and scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.</p>
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If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners <http://www.oneleicester.com/leicester-partnership/> and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible from the Council’s website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The 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. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's overview and scrutiny committee. Senior staff that can be called to give evidence are the Chief Executive and Deputy Chief Executive, Strategic Directors and the Director of Corporate Governance. You should be aware that the Overview and Scrutiny Management Board 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 committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting him / her up to three working days before the meeting.

E-petitions

This facility allows petitions to be created and submitted through the Council's website. E-petitions will follow equivalent guidelines to paper petitions. Full details of the process for submitting E-petitions is given in the Guidance Note available from the Democratic & Civic Support Team on 0116 229 8818 via e-mail at committees@leicester.gov.uk or from the Council's website at <http://www.cabinet.leicester.gov.uk/mgEpetitionListDisplay.aspx?bcr=1>

- The petition organiser will need to provide us with their name, postal address and email address and will also need to decide how long the petition is to be open for signatures. You will be able to decide how long you wish the petition to be 'live' on the Council's website, up to a maximum of 12 months.
- When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- When an e-petition has closed for signatures, it will automatically be submitted to our Democratic & Civic Support Team. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic & Civic Support Team as above within 10 working days of receipt of the acknowledgement.
- A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.
- All the e-petitions currently available for signature will be on our website.

- When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's Overview and Scrutiny Management Board review the steps that the council has taken in response to your 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.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council's Cabinet and arranging for the matter to be considered at a meeting of the full council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Perry Holmes
Director of Corporate Governance
Leicester City Council

Appendix A to the Scheme

Terms and Conditions

Petitioners may freely disagree with the Council or call for changes of policy. We will not attempt to exclude critical views and decisions to accept or reject will not be made on a party political basis. However, to protect this service from abuse, petitions should meet some basic criteria:

The Council shall only receive petitions which comply with this Rule.

No petition from a Councillor or member of the public shall be accepted

- (a) which contains abusive, defamatory or offensive language or relates to a specific and identifiable person;
- (b) at the Annual Meeting of the Council, a Special Meeting of the Council, or at any meeting of the Council summoned for the purposes of considering the budget;

No petition from a member of the public shall be accepted:-

- (a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation, or from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
- (b) in relation to an individual's particular circumstances;
- (c) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;
- (d) about any matter which has been the subject of an issue raised by a petition or of a decision of Council, the Cabinet or any Committee or Sub-Committee within the previous six months.

PART 6 – MEMBERS’ ALLOWANCES SCHEME

LEICESTER CITY COUNCIL

ELECTED MEMBERS' ALLOWANCE SCHEME 2008/2009

Council, at its meeting on 27th November 2008, considered a Members' Allowances Scheme, applicable for the 2008/09 Municipal Year, taking into account the recommendations of the Independent Panel on Members' Allowances.

Through the recommendations of the Independent Panel, the scheme provides a number of changes to the previous Allowance Scheme. The new scheme is detailed below.

The new scheme operates from 16 May 2008.

Members should be aware that allowances payable in return for acting as an elected member are regarded as the same as salary or wages for the purposes of Income Tax and National Insurance Contributions (NIC), ie income tax and NIC will usually be deductible from such allowances. Further details are attached in appendix 1 (to follow).

1. ALLOWANCES PAID AUTOMATICALLY

(All amounts stated are gross)

(a) Basic Allowance

£9,732 per annum for each Elected Member.

(b) Special Responsibility Allowances

These allowances are banded into four categories, as grouped below. Only one allowance is payable within each category except:-

- (i) *The Leader's SRA and the Basic Allowances cover all aspects of work.
- (ii) **The Deputy Leader's SRA includes Cabinet Membership

Cabinet	
*Leader of the Council	£45,590
**Deputy Leader of the Council	£22,795
Cabinet Member	£14,548

Scrutiny	
Chair, Overview and Scrutiny Management Board	£7,684
Vice Chair, Overview and Scrutiny Management Board	£3,842
Chair, Performance and Value for Money Select Committee	£7,684
Vice Chair, Performance and Value for Money Select Committee	£3,842
Chair of Health Scrutiny (including Joint Health)	£7,684
Vice Chair, Health Scrutiny	£3,842
Scrutiny Task Group Leader	£5,635
Scrutiny Deputy Task Group Leader	£2,817
Chair, Audit Committee	£5,635
Vice Chair, Audit Committee	£2,817
Regulatory Committees	
Chair, Planning and Development Control	£7,684
Vice Chair, Planning and Development Control	£3,842
Chair, Licensing	£7,684
Vice Chair, Licensing	£3,842
Political Appointments	
Minority Group Leader	£1,025 per annum plus an additional £256 per member
Whip	£2,741

*An outgoing Leader will receive both future employment advice and a final payment equating to three months of the Leader's Allowance over and above the normal entitlement. This is subject to the office having being held for at least one year in duration, and the end of office not been caused by bringing the office into disrepute (an issue for Standards Committee consideration if necessary).

(c) Civic Allowances

These allowances are intended to meet the cost of purchasing a range of requisite clothing and meeting the cost of essential personal hospitality and other expenses associated with being Civic Office holders.

(It is recognised that some items of clothing, for example, equip the recipient over their potentially three years as an Office Holder.)

Lord Mayor	£15,880*
Deputy Lord Mayor	£4,866
High Bailiff	£1,703

*£10,755 of the Lord Mayor's allowance will be provided via allowances, the other £5,125 will be administered by the Civic Support Manager, with any necessary in year amendments.

(d) Independent Members and Co-optees

The Council's Standards Committee is currently chaired by an Independent Member. There is also a statutory requirement for co-optees to input into the council's activities from an education perspective. These positions will receive a Special Responsibility Allowance as follows:-

Chair, Standards Committee	£2,741
Independent Members, Standards Committee	£487
Co-opted Members of Committees	£487

(e) Travel and Subsistence – Inside the City

£99.40 per month (£1 193 per annum) is payable to each Elected Member. This is intended to cover all travel (including taxis) and subsistence costs for locally based activities (within the City boundary).

2. ALLOWANCES TO BE CLAIMED FOR

(a) Travel and Subsistence outside the City

Outside the City of Leicester Members are entitled to claim travel and subsistence in accordance with the details listed below whilst undertaking Approved Council Duties.

Such Approved Duties include:-

- i. Attendance at meetings of Outside Bodies as approved by the Cabinet/Council or the Group Whips
- ii. Training courses, conferences and seminars in the furtherance of the Councillor's performance of their duties as a Councillor
- iii. Other activities which, in the view of the Service Director, are in the interests of the Council.

i) Travel

Public Transport	Paid at the amount of an ordinary fare or any available cheap fares (tickets/receipts required).						
Taxi	Where no public transport is reasonably available, the amount of the fare plus any reasonable gratuity paid (receipt required). In other cases the amount of the fare for travel by appropriate transport will be paid. Significant taxi expenditure should be approved in advance by the Group Whip						
Private Transport	<p>Rates payable at the level of the Approved Mileage Allowance Payments (AMAPs) laid down by the Inland Revenue as a tax free "approved amount" and shall be amended in line with any changes made to these amounts as and when they occur.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Car or Van</td> <td>40p per mile for the first 10,000 miles, 25p per mile after that</td> </tr> <tr> <td>Motor Cycle</td> <td>24p per mile (all miles)</td> </tr> <tr> <td>Pedal Cycle</td> <td>20p per mile (all miles)</td> </tr> </table> <p>An additional 5p per mile will be paid when one or more passengers travel to an approved duty in the same car. The cost of parking fees (including overnight garaging), tolls and ferries can also be claimed.</p>	Car or Van	40p per mile for the first 10,000 miles, 25p per mile after that	Motor Cycle	24p per mile (all miles)	Pedal Cycle	20p per mile (all miles)
Car or Van	40p per mile for the first 10,000 miles, 25p per mile after that						
Motor Cycle	24p per mile (all miles)						
Pedal Cycle	20p per mile (all miles)						
Hired Motor Vehicle (car/light van)	<p>The same rates as if the vehicle were privately owned (where approved by the Council the rate may be increased to an amount not exceeding the cost of hiring)</p> <p>If the Council hires the vehicle the tax free rates are limited to the fuel element as detailed in HMRC</p>						

	guidance.
Travel by Air	Payable provided that the Council agrees that the time saved justifies the fare. The rate of payment will not exceed the ordinary or any cheap fare available, or where no such service is available or in case of an emergency, the fare actually paid by the Member. This must be receipted to be tax-free.

ii) Subsistence Allowance

- The allowance will not apply to a meal which is already provided at no charge or included in a conference/course fee.
- Receipts will be required (where available a VAT receipt) for audit and reclaim purposes as a condition of the allowance.
- The actual money spent on the meal can be reclaimed, up to a maximum allowance, on production of a receipt.

Meal	Qualifying duty period (inclusive of travelling time)	Rate
Breakfast	3 hours before 11.00 am	£7.93
Lunch	3 hours including 12 noon and 2.00 pm	£10.81
Tea	3 hours including 3.00 pm to 6.00 pm	£4.73
Dinner	3 hours ending after 7.00 pm	£18.54

Tea and evening meal allowances will not be paid in respect of the same evening's duties.

iii) Overnight accommodation and Out of Pocket Expenses

The following rates will apply for overnight absence (room only):-

Provincial rate – not to exceed £85

London rate – not to exceed £145.

Out of pocket expenses - maximum amount per night £4.76, maximum amount per week £18.96.

This amount is intended to cover out of pocket expenses whilst representing the Council (e.g. newspapers, telephone calls home, light snacks etc.).

These are only tax free when the member is required to stay away overnight on Council business.

(b) Childcare and Dependant Carers' Allowance

Allowances for childcare and dependant care are paid as a contribution to costs, rather than a full reimbursement. Allowances paid towards childcare or dependant care costs incurred by an elected member are subject to Income Tax and NIC even if the costs are unavoidably incurred as a result of carrying out Council duties. The only exception is the £55 per week voucher scheme outlined below. Allowances can be claimed on the basis set out in Article 7 of the Local Authorities (Members Allowances) (England) Regulations 2003, subject to the following:-

- The maximum hourly rate reimbursed for the independent care of a child under the age of 14 shall be equal to the minimum wage applicable to the age of the carer;
- The maximum hourly rate reimbursed for the professional care of a dependent relative shall be equal to the Council's own hourly rate for a Home Care Assistant;
- There shall be an upper limit of 10 hours carers allowance claimable per Member per week;
- Members must certify that the costs have been actually and necessarily incurred and the allowance shall be paid as a reimbursement of incurred expenditure against receipts;
- The allowance shall not be payable to a member of the claimant's own household.
- Any dispute regarding entitlement or any allegation of abuse should be referred to the Council's Standards Committee for adjudication.

Members using registered childcare provision may, if they so choose, receive tax free, up to £55 per week of their contribution to childcare by way of vouchers, which will be reimbursed by the council direct to the childcare provider

A list of authorised meetings is in appendix 1.

3. MEMBERS' SUPPORT PACKAGE

The main purpose of the Members Support Package is to increase flexibility for Members and support their work as an Elected Member in a manner which is most appropriate to their personal methods of working and needs.

£1,590 (Maximum) to be available for the first full year to each elected Councillor. **£793** per annum ongoing thereafter.

(In the event of a By-Election, the provision will be calculated as follows:-

£793 (Maximum) set up costs for newly elected Councillor.

£793 pro-rata to period of Municipal Year elected as a Councillor.

The Support Package will cover the follow items:-

- i. Purchase of items for home use, i.e. furniture (e.g. desk/filing cabinet), equipment (e.g. fax/photocopier), etc.
- ii. Maintenance/repair and ongoing rental charges associated with any of the above items.
- iii. Phone costs- both private landline (£120 line and equipment rental and an amount for call charges) VOIP telephones as approved by ICT services.
- iv. Broadband line rental to the maximum of £25.75 per month. The first £15 will be met by ICT services and the rest through the Member's support package.
- v. ICT equipment and software over and above the standard configuration available to Members.
- vi. Other miscellaneous items which can be demonstrated to assist the Councillor in their roles as an Elected Member, subject to prior agreement of inclusion of such items in the list of approved items by the Divisional Director in consultation with the Group Whips.
- vii. Line rental and cost of related calls for a City Council provided mobile phone,
- viii. Purchase of bicycles to use on council business.
- ix. Environmentally friendly items in support of those items included on the approved list.
- x. For a non-City Council mobile phone the Member may claim the total monthly cost (as determined by the relevant Divisional Director in consultation with the Group Whips) to cover both line and handset rental and City Council related call charges.

The Support Package will not cover the following items:-

- i. Travel and Subsistence (within the city covered by £1,193 adjunct to Basic Allowance)
- ii. Surgery Costs (rental of Surgery Room and associated publicity material)
- iii. Personal calls made on Council provided mobiles. These will be deducted from monthly allowances, following identification of such calls by the Member concerned.
- iv. Computer equipment which does not accord to the Council's approved specification.
- v. Facilities located centrally in the Members' Area of the Town Hall (2nd floor) i.e. copier/fax, etc.
- vi. Consumables provided centrally from within Members' Services e.g. paper, envelopes.
- vii. Adaptations required within the provisions of the Disability Discrimination Act to enable a Member to fulfil their duties. These will be funded from sources other than the individual Member's support package allocation.

Notes Relating to the Support Package:

- i. All items **must** be purchased through City Council approved procurement processes arranged through Members' Services.
- ii. All items purchased through the Support Package will remain the property of Leicester City Council and must be returned when the councillor ceases to be a councillor.
- iii. All items purchased through this process must facilitate Members in their role as an Elected Member. Legislation prohibits its use for party political purposes.
- iv. Members should note that the purchase of certain items through this fund, such as clothing, would be taxable. Further advice on specific items can be obtained via Members' Services.

- v. The Divisional Director will maintain a list of items/categories of items which may be funded from the Support Package. No item which is not on this list can be purchased unless approved by the Divisional Director in consultation with the Group Whips.

Administration of Support Package.

- i. Each Member will have a first year support package allocation of £1,590 in the year following an election. Thereafter each Member will have £793 'Support Package Account' at the beginning of each financial year, both of which will be administered by Members' Services. This 'account' will be debited as each item is paid for (directly by the City Council). Where expenditure has been made, members will be issued with a monthly statement of account.
- ii. All items purchased will be in liaison with Members' Services (see note above regarding procurement to make maximum use of the Council's purchasing power). Items will be net of VAT as long as the Council purchases the items or VAT receipts are submitted.
- iii. The relevant group Whip will monitor the Support Package accounts on a regular basis.
- iv. Capital costs may be spread over the term of the Council, with underspends and overspends carried forward year to year.

Personal Computers and Printers

Standard specification PCs with relevant software and printers are available to all Members from ICT Services. ICT equipment/software, etc., over and above the standard specification purchased through the Council must be procured through ICT Services and must be in accordance with the provisions contained in the Members' ICT User's Agreement.

4. PENSIONS

On a voluntary basis all Members may participate in the Local Government Pension Scheme in respect of the Basic and SRA elements only of their Members Allowance.

5. MISCONDUCT/WITHHOLDING OF ALLOWANCES

In the event of a Member suspension/partial suspension, Members Allowances will be withheld in full or in part in accordance with the duration of the suspension.

6. PAYMENT ARRANGEMENTS

- i. All automatically paid allowances (as outlined in the first section) will be paid in twelve equal monthly instalments via Payroll system.
- ii. Where a Member becomes or ceases to be entitled to allowances within a calendar month, entitlement will be calculated on a pro rata basis. Entitlement will commence three days after Election or agreement.
- iii. Payment of travel and subsistence for expenditure outside the City will be made in arrears on the basis of a claim form being submitted and signed by Members within two months of the event claimed for event taking place. (The payment of claims made outside this period will be reviewed in accordance with the provisions of the scheme).
- iv. Payment of Childcare and Dependent Carer's Allowances will be made in arrears on the basis of a claim form being submitted and signed by members within two months of the event claimed for taking place.
- v. Allowance claims over six months old will only be paid in exceptional circumstances such as long-term illness. Such payments will be made in consultation with the relevant Group Whip.
- vi. Where any overpayments occur the Member will be notified and the amount will be recovered from the next monthly payment (unless instalments are requested by the Member for accounts over £50).

Authorised meetings for which Childcare and Dependant's Allowances can be claimed

- a) Meetings of the City Council including Cabinet, Scrutiny, Regulatory Committees, Area Committees (and any subsequent related arrangements) and Full Council, and any sub-committees relating to these
- b) Meetings of relevant bodies where the member is appointed by or on behalf of the Council, e.g. outside bodies appointed through Whips' Meetings, school governors where the member is appointed as the LEA governor in their capacity as a councillor (not when attending as a parent governor)
- c) Working Parties or Panels of members properly convened by the Divisional Director as a result of a decision of the relevant body of the Council
- d) Formal briefing meetings or conferences of members convened by the Divisional Director in relation to the proceedings of meetings or functions of a relevant body of the Council in accordance with arrangements approved by that body, e.g. Scrutiny Task Group Meetings.
- e) Meetings for the appointments of Senior Officers
- f) Joint meetings with other authorities, provided that members from at least 2 political groups have been invited
- g) Meetings of any group of authorities of which the City Council is a member
- h) Performing a duty under Section 135 of the Local Government Act 1972 which requires members to be present while tender documents are opened
- i) Inspections and tours of City Council and other establishments and venues, approved in advance by or on behalf of the relevant body of the Council

- (j) Official deputations to or meetings with government departments, statutory authorities or other local authorities
- (k) Attendance by Members appointed for that purpose, at a meeting properly convened on behalf of a public authority or government department to discuss issues relating to the work of the City Council
- (l) Meetings convened by the Divisional Director between group whips or their nominees
- (m) Attendance by members at meetings of City Council bodies, or site visits when requested specifically by the body concerned
- (n) General information visits or tours having been previously approved by or on behalf of the relevant body
- (o) Attendance at conferences where these are relevant to the member's duties
- (p) Attendance at other meetings or other duties approved by the authority for the purpose or in connection with the discharge of the functions of the authority or any of its committees or sub-committees) This includes briefing meetings, Joint Action Groups, Tenants' Association meetings etc.
- (q) Performing a duty in connection with arrangements made the council the attendance of pupils at any school approved for the purposed of section 342 of the Education Act 1996 (approval on non-maintained special schools).

PART 7 – MANAGEMENT STRUCTURE

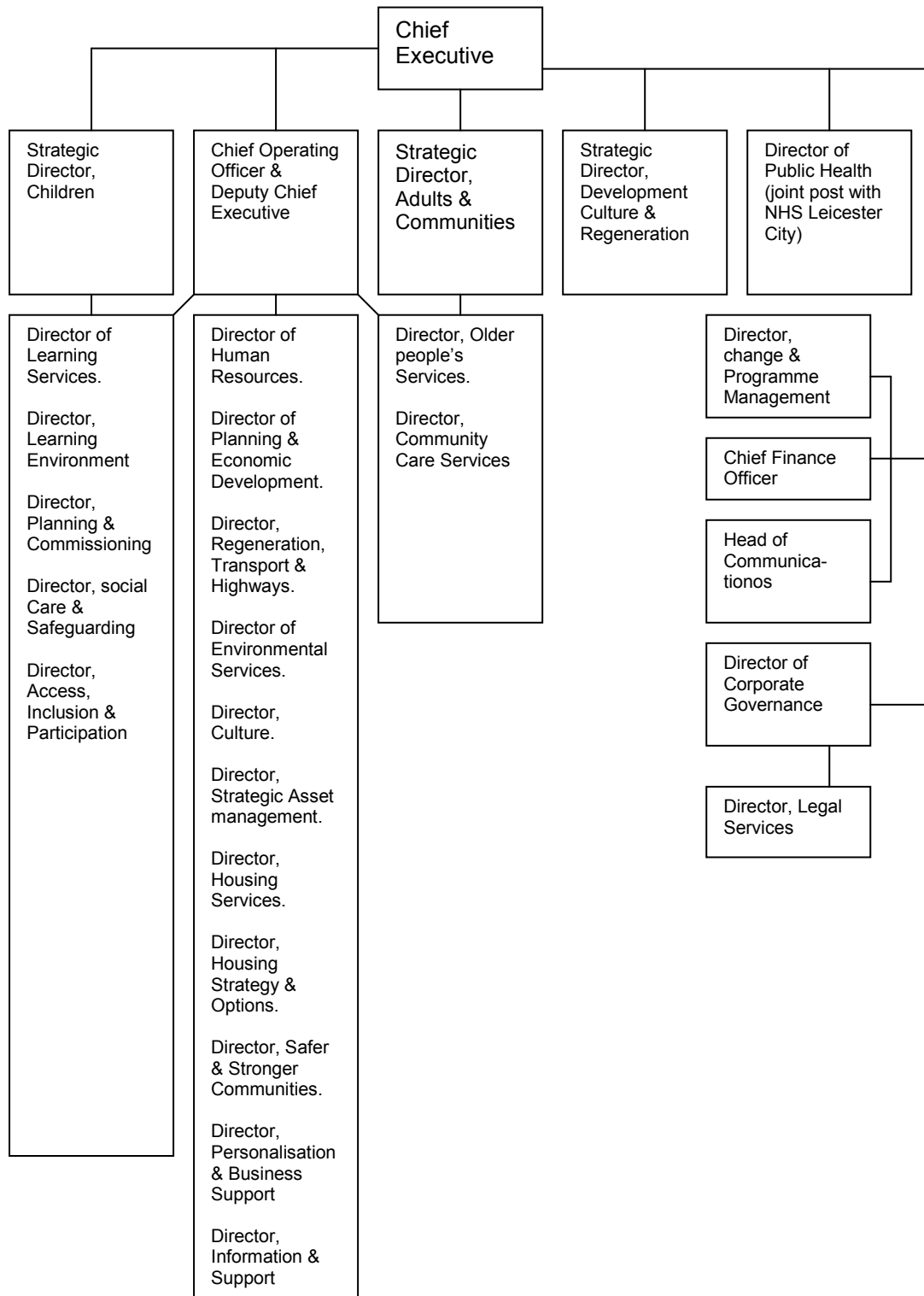
The Council's current management structure is shown attached in summary form as follows:

- A. Areas of responsibility for the Chief Executive, Strategic Directors and Divisional Directors
(currently being updated)

- B. Senior management structure

Inevitably, the Council's management structure and allocation of responsibilities between the Chief Executive, Strategic Directors and Divisional Directors will change to meet the changing needs of the Authority. The Monitoring Officer is authorised to make all necessary changes to the Management Structure set out in Part 7 of this Constitution to reflect any organisational change from time to time within the Authority.

B. LEICESTER CITY COUNCIL'S SENIOR MANAGEMENT STRUCTURE



LIST OF PEOPLE WHO WILL RECEIVE ELECTRONIC NOTIFICATION OF CHANGES TO THE CONSTITUTION

This is currently being updated.