

LEICESTER CITY COUNCIL

CONSTITUTION

Part 1: Introduction

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Part One - Introduction to the Council Constitution

1) What is the Constitution

The purpose of the Constitution is to set out how the Council operates, how decisions are made and the procedures that are followed to ensure that decisions are taken efficiently and transparently, and that those who make the decisions are accountable to local people. Some of these procedures are legal requirements while others are how the Council has chosen to conduct its business.

This part of the Constitution is a guide to the basic principles of how the Council works and what decisions can be made and by whom. It is a summary and does not seek to be comprehensive. You will need to look at separate parts of the Constitution for full details of decision-making procedures.

The City Mayor, all elected members and officers of Leicester City Council are governed by this Constitution.

2) How the Council works

The Council is led by a City Mayor elected directly by the people of Leicester for a fixed four year term.

The City Mayor, Mayoral Team and the Executive

The City Mayor appoints a Deputy City Mayor and between one and eight Assistant City Mayors from the 54 Councillors, to work with him. Together they are described in this Constitution as the Executive. Individual job descriptions set out the roles and responsibilities of the City Mayor, Deputy City Mayor and Assistant City Mayors. These job descriptions are published on the City Mayor's Internet pages.

Full Council

Full Council comprises all 54 Councillors elected every 4 years who represent the 22 wards of the City. The overriding duty of Councillors is to the whole community but they have a special responsibility to the constituents of their ward.

All Councillors and the City Mayor meet together as the Full Council. These meetings are open to the public and the press and are also broadcast live on the Council's webcast facility [link]. Sometimes the Council considers personal or confidential matters and it can choose to do so in private if appropriate.

The Full Council sets the broad Policy and Budget Framework within which the Council including the City Mayor and his Executive operates. The Full Council is chaired by the Right Worshipful the Lord Mayor of Leicester. This role is a ceremonial and civic one. The Lord Mayor is a Councillor and is chosen and appointed for a one year term by the Full Council at its annual Council meeting in May.

Conduct and Behaviour

The City Mayor and the 54 Councillors have agreed to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council has a Standards Committee which advises and oversees compliance with the Code of Conduct, and enforces it where necessary. This code of conduct is included in Part 5 of this constitution.

3) How decisions are made

Decisions are taken either by Full Council, the City Mayor, members of the Executive (either individually or collectively with the City Mayor), committees, or officers, according to rules set out in this Constitution.

The City Mayor is personally responsible for taking major decisions about many aspects of what the Council does. He can either, take these decisions himself, delegate these to other Councillors on the Executive or to officers, or take them collectively with Executive colleagues.

Certain business considered by the Executive is defined as a 'Key Decision'. These key decisions are included on the Forward Plan [\[link\]](#) which is a document that is published every month with details of the decisions to be taken over the next four months. The Constitution sets out a specific definition of what are key decisions. In summary these are decisions where the Council will incur significant expenditure/savings or which have a significant impact on communities in two or more wards in the City.

Some decisions, due to legislation, or as a matter of local choice, can only be taken by Full Council. In some cases Full Council can delegate these decisions to committees of Councillors or specified officers. Examples of specific areas which by law cannot be the responsibility of the City Mayor and Executive include:

- Adopting and changing this Constitution.
- Adopting an allowance scheme for Councillors.
- Setting the Council's budget including the level of Council Tax.
- Decisions relating to individual planning applications and enforcement of planning rules.
- Decisions relating to licensing and individual licensing applications.
- Decisions relating to the management and conduct of Elections.
- Specific plans and strategies within the Council's Policy Framework including the Local Transport Plan and the Local Development Plan.
- Decisions relating to the appointment and terms and conditions of Council staff.

Parts 2 and 3 of this Constitution provide further details on specific roles and responsibilities.

4) How the Council is scrutinised

Councillors who are not on the Executive are responsible for keeping an overview of Council business including scrutinising areas of particular interest or concern, holding the Executive to account for the decisions that are made, and assisting in the development and

review of Council policy. This role is undertaken by Scrutiny Committees/Commissions. The Council has appointed one Overview Select Committee and seven Scrutiny Commissions to carry out the scrutiny function.

The Scrutiny Committee/Commissions have the right to scrutinise decisions as they are being formulated, after they have been taken and can ask for decisions to be reconsidered. This is known as “Call-In” and requires the Executive to consider further comments raised by a scrutiny committee or full Council before they are implemented. There is a Scrutiny Handbook that sets out in more detail the work of the scrutiny function [link].

5) Council Staff

The Council employs officers to give professional advice to the Executive and Councillors, to implement decisions taken and to manage the day to delivery of services. The Head of Paid Service (Chief Operating Officer) is a statutory role that every Council must have. This person has responsibility for managing all Council staff and decides how the City Mayor, Executive and Councillors should be supported by staff. There are other statutory posts including, the Chief Officer responsible for Children’s Services (Strategic Director Education and Children’s Services), someone responsible for the Council’s Adult Social Services functions (Strategic Director Adult Social Care, Health and Housing), someone to ensure the Council makes financially proper decisions (Director of Finance) and someone who ensures the Council acts within the law (City Solicitor and Head of Standards).

6) Citizens’ Rights

Citizens of Leicester have a number of rights in dealings with the City Mayor, Executive and the Council.

In the first instance the City Mayor is accountable to the people of Leicester since they elected him directly. The City Mayor has a website which details the different ways in which citizens can contact her/him

A list of some of the other rights that citizens have is set out below which is in addition to any rights for example as a parent of a school or a tenant of the Council which are beyond the scope of this Constitution.

Citizens have the right to:

- Register and vote at elections
- Contact their local Councillor about issues of concern within their ward
- View the Constitution which is available on the Council website
- Attend Council, Scrutiny or other public meetings
- Attend Ward Community Meetings within their area to hear from and speak to their local Councillors and to seek local funding
- View the Forward Plan to see future decisions
- View the agenda and papers for forthcoming meetings on the Council’s website
- Use the Council’s complaints procedure if they are dissatisfied with a service after which if still dissatisfied they can complain to the Local Government Ombudsman

- Contact the Monitoring Officer if they have a concern about the conduct of a Councillor under the Code of Conduct
- Inspect the Council's Accounts and make their views known to the External Auditor

7) Structure of the Constitution

The Constitution is split into 'Parts' to help readers find relevant information. This introduction is Part 1.

Part 2 of the Constitution sets out Articles 1 – 16 which describe the basic rules governing the Council's business.

Part 3 describes how functions and responsibilities are allocating between the Full Council, City Mayor and Executive.

Parts 1 to 3 form the Core Constitution of Leicester City Council.

The Core Constitution is supported by further procedural guidance, codes of conduct and other supporting information as set out in parts 4 to 7:

Part 4 - Procedure rules

Part 5 - Political conventions and codes of conduct

Part 6 - Members allowances scheme

Part 7 - Management Structure which can be accessed on the Council's website

LEICESTER CITY COUNCIL

CONSTITUTION

Part 2

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Part Two – Articles of the Constitution

Introduction

This document is part two of Leicester City Council's core Constitution. This part of the Constitution is divided into 16 Articles and sets set out the basic rules governing the Council's business including the roles and responsibilities of people and bodies within the Council.

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:

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

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. The City Mayor is classed as a Member of the Council as explained in Article 5.02. The term “Members of the Council” includes the City Mayor and all Councillors.

(b) Eligibility

Eligibility is determined by legislation and only registered voters of the city of Leicester or those living and working there will be eligible to be elected to the office of City Mayor or Councillor.

2.02. Election and Terms of Councillors

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 fourth day after the date of the next regular election.

2.03. Roles and Functions of the City Mayor and all Councillors

(a) Key Roles

City Mayor:-

- (i) The City Mayor is responsible for all executive decisions except where these are reserved to Full Council as a result of legislative requirements or local choice; and
- (ii) Represents the whole City and all communities who live and work in the City, and will bring their views into the decision-making process by encouraging active citizen engagement and involvement;

The City Mayor and 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 for Councillors 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) The City Mayor and 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 and in accordance with the law.
- (ii) The City Mayor and 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. (For these purposes "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.)

2.04 Conduct

The City Mayor and Councillors will at all times observe the Members' Code of Conduct and the Political Conventions on Member/Officer Relations as set out in Part 5 of this Constitution.

2.05 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.

Article 3 – Citizens and the Council

3.01 Citizens' Rights

Leicester citizens have a number of rights. The following list is a general summary of rights in terms of information, the opportunity to participate and the ability to make complaints. The Access to Information Rules in Part 4 of this Constitution explain in more detail about rights to information and to participate.

- (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 on the form of governance arrangements.
- (b) **Information.** Citizens have the right to:-
- (i) attend meetings of the Council and its committees, and public meetings of the Executive, 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, who they will be taken by and when;
 - (iii) see reports, background papers, and records of decisions made by the Council, the City Mayor, the Executive 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/Commission and to participate in the question time at both Full Council and in the work of Scrutiny Committees/Commissions. In addition there are opportunities for citizens to ask questions of the Executive at public meetings of the Executive and through other less formal mechanisms.
- (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.

3.02 Citizens' Responsibilities

In return for their rights, the Council expects that citizens will conduct themselves in a reasonable way when dealing with Council officers, the City Mayor and Councillors, and 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.
- ii. Behave with due courtesy, tolerance and respect.

Article 4 – The Full Council

4.01 Introduction

The Full Council is a formal meeting of all Councillors and the City Mayor. The Full Council is required by law to take certain important decisions including setting the Council's budget and Council Tax, and approving a number of key plans and strategies, which together form the Policy Framework. The Full Council must also by law take decisions on a number of other specific matters.

The Full Council provides a central forum for debate. There are three types of Full Council meetings:

- (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.

4.02 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) where the Executive is proposing to make a decision which would be contrary to the policy framework or not in accordance with the budget, subject to the urgency procedure, that matter is reserved to Council;
- (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) establishment of formal twinning links;
- (k) 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 City Mayor; although Full Council will be able to delegate such functions to a Committee or officer. Delegations are shown in Part 3 of this Constitution;
- (l) 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;
- (m) substantial Council decisions relating to the preparation and maintenance of the electoral register and the conduct of local elections; and
- (n) all other matters, in addition to the above, which, by law, or as a matter of local choice, must be reserved to Full Council.

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.

4.03 Definitions

(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:
 - Corporate Plan (Best Value Performance Plan)
 - Library Strategy (Annual Library Plan)
 - Leicester Children and Young People's Plan (Children's Services Plan)
 - Community Strategy (Sustainable Community Strategy)
 - Early Years Development Plan
 - Education Development Plan
 - Local Transport Plan
 - Plans and strategies which together comprise the Development plan
 - Youth Justice Plan
 - Community Safety Partnership Plan (Crime and Disorder Reduction Strategy)
 - Community Care Plan
 - Annual Performance Plan
 - Treasury strategy, insofar as it includes plans to control the Council's borrowing

Note: Terms in brackets above refer to the name of the plan/strategy in legislation

(ii) reserved to Full Council as a matter of local choice:

- Health Inequalities Improvement Plan
- Corporate Equalities Strategy
- Food Law Enforcement Service Plan
- Environmental Strategy (e.g. EMAS, Local Agenda 21).
- Housing Strategy (including Council housing rents, establishment of renewal areas, housing investment plan, Housing Improvement Programme).
- 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 and decisions relating to the control of the Council's borrowing requirements, investments as is necessary to be approved by Full Council, its capital expenditure (capital programme) (including the funding of that expenditure as approved by Council) and 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 City Mayor and the Executive

5.01 The roles and responsibilities of the City Mayor

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 City Mayor will also:

- i. Recommend to Full Council the Policy Framework and Council Budget for approval and any subsequent amendments;
- ii. Make all executive decisions within and in furtherance of the agreed Policy Framework and Budget;
- iii. Recommend to Full Council the making of bye-laws; and
- iv. Grant any approval under Section 85 of the Local Government Act 1972 which enables the authority to approve a member's absence from a meeting for the Authority for a period in excess of 6 consecutive months for appropriate reasons. This responsibility is delegated to the Monitoring Officer to perform in consultation with the Council.

In exercising this role the City Mayor will:

- i. In accordance with the Local Government Act 2000, appoint between two and nine serving Councillors, one of whom must be appointed as the Deputy City Mayor with the others known as Assistant City Mayors, to the Executive including:
 - o Appointing to and removing from the Deputy City Mayor position; and
 - o Appointing to and removing from the position of Assistant City Mayor.
- ii. Inform Full Council and the Monitoring Officer of appointments to Deputy City Mayor and Assistant City Mayor posts
- iii. Indicate the areas of responsibility undertaken by the Deputy and Assistant City Mayors and make this information publically available via job descriptions which are published on the City Mayor's Internet pages. These areas of responsibility may be varied by the City Mayor from time to time.
- iv. Determine the scheme of delegation for the functions of the Deputy City Mayor and Assistant City Mayors, known as the 'City Mayor's Scheme of Delegation' and maintain a written record of delegations to be publically available through the City Mayor's Internet pages.
- v. Inform the Monitoring Officer of changes to the City Mayor's Scheme of Delegations.
- vi. Create and publish the City Mayor's Forward Plan of Key Decisions.
- vii. Schedule and Chair meetings of the Executive.

5.02 Election of a 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 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.

The City Mayor is a Member of the Council and is to be treated as a Member of the Council or a Councillor for the purposes of such laws as are specified by the Secretary of State in regulations and orders. Currently the principal provisions that relate are:

- i. schemes for basic, attendance and special responsibility allowances for local authority members
- ii. the Local Authorities (Members' Interests) Regulations
- iii. Local Authorities (Indemnities for Members and Officers) c Regulations
- iv. Code of Conduct

5.03 Appointment of Deputy City Mayor and Assistant City Mayors

The Deputy City Mayor and Assistant City Mayors will be Councillors appointed to that position by the City Mayor.

The City Mayor may replace Assistant City Mayors and the Deputy City Mayor at any time but otherwise the Deputy City 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) s/he is no longer a Councillor.

The Deputy City 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. If at any time the City Mayor is unable to act or if the office of City Mayor is vacant, the Deputy City Mayor shall act in his or her place.

5.04 Casual vacancies in the City Mayor and Executive roles

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

The provisions of Paragraph 1(8) of Schedule 1 of the Local Government Act 2000 shall apply if for any reason the City Mayor is unable to act in the office of City Mayor, or the office of City Mayor is vacant AND the Deputy City Mayor is unable to act or of the office of

the Deputy City Mayor is vacant. In this event the Executive collectively must act in the City Mayor's place or must arrange for a member of the Executive to act in his/her place.

The provision of Article 47 of the Local Authorities (Executive and Alternative Arrangements) Modification of Enactments Order 2001 apply where the City Mayor, Deputy City Mayor or Assistant City Mayors is to be considered unable to act if he/she is either suspended from office or is unfit to act on health grounds. The provisions of Regulations 7 to 9 of the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) make provision for the filling of a casual vacancy in the office of City Mayor.

5.05 Responsibility for functions

As described above the City Mayor will maintain and publish job descriptions on his/her internet page which describe, the portfolio of key responsibilities for the Deputy City Mayor and Assistant City Mayors. In addition the City Mayor will publish on his/her internet page his/her Scheme of Delegations in relation to the Deputy and Assistant City Mayor positions. The City Mayor may provide for discharge of executive functions by:

- (i) The City Mayor
- (ii) Deputy City Mayor
- (iii) Assistant City Mayor
- (iv) Through collective meetings of the Executive including Sub Committees
- (v) An officer of the Council
- (vi) An Area Committee
- (vii) Joint Arrangements; or
- (viii) Another Authority.

Matters not reserved (ie as defined in the City Mayor's Scheme of delegation) are delegated to the appropriate Director.

Unless the City Mayor decides otherwise, the Deputy City Mayor and individual Assistant City Mayors, when exercising delegated functions, may arrange for the discharge of any of those functions under (iv), (v), (vi) and (vii) above.

The City Mayor may place limitations on delegations under (ii), (iii), (v) and (vi).

Where executive functions have been delegated, this does not prevent them from being discharged by the person or body who delegated them.

Any decision which is a responsibility of the City Mayor can be taken as an individual decision taking into account the following:

- i. Any such decision can be taken in private although there are additional regulations in relation to notice for 'Key decisions' (a definition of 'Key Decisions' can be found in Rule 13 of Part 4B of this Constitution).
- ii. Regulations and guidance from Government require that decisions should be taken on the basis of due consultation and professional advice from officers. The accepted approach is via a written report.
- iii. If the issue is not a 'Key decision' the decision notice and report should be published as soon as practicable after the decision is made.

- iv. If the decision is a 'Key decision' the report must be published 5 clear days before the decision is made and the decision notice as soon as practicable after the decision is made.
- v. There will be a link from the City Mayor's Internet page to individual decision documents.
- vi. All decisions are subject to call-in unless defined as urgent.

5.06 Proceedings of the Executive

Proceedings of the Executive will take place in accordance with the City Mayor & Executive Procedure Rules set out in Part 4 of this constitution.

Article 6 – Key Decisions

Key Decisions are those which meet criteria laid down in legislation and the Council's criteria. Key Decisions will be recorded on the City Mayor's Forward Plan of Key Decisions. Details regarding the procedure for Key Decisions are given in the Access to Information Procedure Rules in the supporting documents to this Constitution.

The Council's 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 two or more wards in the City.

Expenditure or savings will be regarded as significant if:

- (a) In the case of additional recurrent revenue expenditure, it is not included in the approved revenue budget, and would cost in excess of £0.5m p.a.;
- (b) In the case of reductions in recurrent revenue expenditure, the provision is not included in the approved revenue budget, and savings of over £0.5m p.a. would be achieved;
- (c) In the case of one off or capital expenditure, spending of over £1m is to be committed on a scheme that has not been specifically authorised by Council."

In deciding whether a decision is significant the City Mayor will take into account

- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the City.
- The extent to which the decision is likely to result in substantial public interest.
- The existence of significant communities of interest that cannot be defined spatially in determining whether a decision is key.

Article 7 – The Lord Mayor and other Civic/Ceremonial roles

7.01 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 Councillors who are not on the Executive are able to hold the Executive to account.
- To promote public involvement in the Council's activities.
- To attend civic and ceremonial functions for the Council.

Chairing the Council Meeting

Meetings of the Council will be chaired by the Lord Mayor, or in her/his 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.

7.02 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.

7.03 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 other than in the manner of a citizen of Leicester, 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.

The following criteria were approved by Full Council at its meeting on 24 November 2011 in relation to the appointment of Honorary Aldermen:

- The title of Honorary Alderman should be awarded to a Councillor at the end of their front-line political career (i.e. they should not seek public office after being awarded the title if they should do so they should forgo the title).
- It should be awarded after significant service (for the avoidance of doubt this should be a minimum of 8 years as a Councillor); and
- The Councillor should not have previously held the position of Lord Mayor as former holders of this office are already recognised by the Council and the title of Honorary Alderman is to recognise those who have contributed but not have attained the title of Lord Mayor.

Article 8 – Scrutiny Committees

8.01 Appointment of Scrutiny Committees

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

In Leicester the current arrangements are that Council has appointed 8 Scrutiny Committees. These are referred to as:

- Overview Select Committee
- Scrutiny Commissions (currently 7) which concentrate on key areas of the Council's work.

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 City Mayor, Deputy City Mayor and Assistant City Mayors may not be members of Scrutiny Committees or Sub-Committees of Scrutiny Committees.

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

8.02 Role

Scrutiny Committees hold the Executive and Partners to account by reviewing and scrutinising policy and practices. In particular Scrutiny Committees may:-

- i. review and scrutinise the decisions made by and performance of the City Mayor, Executive, Committees and Council officers both in relation to individual decisions and over time.
- ii. develop policy, generate ideas, 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 Executive, 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, the Executive, 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).

- (b) **Finance.** Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (c) **Annual report.** Scrutiny Committees may report annually to Full Council on their work and make recommendations for future work programmes and amended working methods if appropriate.
- (d) **Work programme.** Scrutiny Committees may determine and exercise overall responsibility for their work programme.

8.04 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 9 – Regulatory and other committees

9.01 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 10 – The Standards Committee

10.01 Standards Committee

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

10.02 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.

10.03 Composition

Membership

Membership will be determined by the Council each year at the 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.

10.04 Independent Members.

Independent members will be entitled to vote at meetings.

10.05 Chairing the Committee.

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

Article 11 – Ward Community Meetings

The Council may appoint area committees or area forums as it sees fit.

11.01 Ward Community Meetings (Area Forums)

Ward Community Meetings will not have decision making powers. Guidance on Ward Community Meeting objectives will be shown in Part 3 of this Constitution.

11.02 Access to information

Ward Community Meetings will comply with the access to information rules in Part 4 of this Constitution.

11.03 Executive members

A member of the Executive may serve on a Ward Community Meeting if otherwise eligible to do so as a Councillor.

11.04 Rules of Procedure

Rules of Procedure may be set by the Council for Ward Community Meetings.

Article 12 – Joint Arrangements

12.01 Arrangements to promote well being

The Council or the City Mayor, in order to promote the economic, social or environmental wellbeing 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.

12.02 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 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 may only appoint executive 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 may appoint non-executive 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 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 may also appoint non-executive 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 listed on the Council's Internet page.

12.03 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.

12.04 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 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.

12.05 Contracting out

The Council and City Mayor 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 13 - Officers

13.01 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 Operating Officer
Monitoring Officer (Section 5(1) of the Local Government and Housing Act, 1989)	City Solicitor and Head of Standards
Chief Finance Officer (Section 151 of the Local Government Act, 1972)	Director of Finance

Such posts will have the functions described in Article 13.02-13.04 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 will be set out on the Council's website.

13.02 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.

13.03 Functions of the Monitoring Officer

- a. **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 City Mayor 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. The Monitoring Officer will also give a ruling in cases where a Councillor queries their 'need to know' in relation to a request for information.
- b. **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.
- c. **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of any case tribunals.
- d. **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.
- e. **Advising whether executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions are in accordance with the budget and policy framework.
- f. **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.
- g. **Proper Officer for access to information.** The Director of Delivery, Communications and Political Governance 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.
- h. **Restrictions on functions.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of the Paid Service.

13.04 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 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.

13.05 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.

13.06 Functions of the Director of Delivery, Communications and Political Governance

- a. **Maintaining the Constitution.** The Director of Delivery, Communications and Political Governance 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.

13.07 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 City Solicitor and Head of Standards 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 prejudicial 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.

13.08 Conduct

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

13.09 Employment

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

Article 14 – Decision-making

14.01 Responsibility for decision making

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

14.02 Principles of decision making

All decisions of the Council and the City Mayor (or where delegated) 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.

14.03 Types of decisions

- a. **Council:** 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 taken by the City Mayor. Matters not reserved are delegated.
- b. **City Mayor:** the City Mayor is responsible for all executive decisions but can delegate decision making to the Deputy City Mayor or Assistant City Mayors or to a Committee or Officer. As in the case of Council, matters not reserved are delegated (ie as defined in the City Mayor's Scheme of delegation or to the appropriate Director)..
- c. **Officers:** In practice, unless reserved by the City Mayor, day to day Council decisions are made by officers on his behalf. In practice the Head of Paid Service 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 City Mayor, Deputy City Mayor, Assistant City Mayors, the Executive, a committee or an officer, may only make a Key Decision in accordance with the requirements of the City Mayor & Executive 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 City Mayor & Executive 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.

14.04 Decision making procedure rules

The Council, City Mayor, the Executive, 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.

14.05 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.

14.06 Record of decisions

All decisions of the Council and its committees and sub-committees, the City Mayor and Executive Councillors exercising delegated powers, and any officers exercising delegated powers will be recorded in accordance with Part 4B – Access to Information Procedure Rules.

Article 15 – Finance, Contracts and Legal Matters

15.01 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.

15.02 Contracts

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

15.03 Legal proceedings

The Monitoring Officer, the Head of Commercial and Property Law, the Head of Litigation 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.

15.04 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, 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.

15.05 Authority to sign contracts and other documents

The Head of Paid Service, the Monitoring Officer, the Head of Commercial and Property Law, the Head of Litigation and Advocacy Law and the Head of Community Services Law and such other persons as the Council, City Mayor 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.

Strategic or Divisional Directors or such other officers as 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 City Solicitor and Head of Standards or other authorised officer for use in such circumstances.

15.06 Executive function contracts

Any large contract/ agreement, above the lower threshold for Large Contracts (as specified 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.

15.07 Changes to arrangements

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

Article 16 – Review and revision of the Constitution

16.01 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.

16.02 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 the Executive, the Council must follow any process defined in Statute and 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 follow any process defined in Statute and consult local electors, and other interested parties. Consultation will be proportionate in scale, scope and extent to the scale of the proposed changes to executive arrangements.

Article 17 – Suspension, Interpretation and Publication

17.01 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.

17.02 Interpretation

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

17.03 Publication

- a. The Monitoring Officer will ensure that a copy of this Constitution is given to the City Mayor and each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on 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.

LEICESTER CITY COUNCIL

CONSTITUTION

Part 3

Version 0.5 06/03/12

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PART 3 - RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

This document forms Part 3 of Leicester City Council's Core Constitution and describes how the functions and responsibilities are allocated between the Full Council, and gives details of the Terms of Reference of bodies which hold key responsibilities.

FULL COUNCIL FUNCTIONS

Some matters are specifically reserved to Council and cannot be undertaken by the Executive.

This includes the Policy Framework and Budget which is defined in Article 4.02 of the Constitution and the matters detailed in Article 4.03 which the Council has reserved to itself:

LOCAL CHOICE FUNCTIONS

The Law provides that the Council has discretion whether to allocate certain functions and responsibilities to the City Mayor 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.

ALLOCATION OF "LOCAL CHOICE" FUNCTIONS BETWEEN COUNCIL AND THE CITY MAYOR

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)	City Mayor

FUNCTION	RESPONSIBLE BODY
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)	
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
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
6. Making arrangements for admission appeals – section 94 of the 1998 Act	City Mayor
7. Making arrangements for appeals by governing bodies – section 95 of the 1998 Act.	City Mayor
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
10. Any function relating to contaminated land, other than policy matters reserved for Full Council.	City Mayor
11. Control of pollution and the management of air quality	City Mayor
12. Control, inspection and investigation in relation to noise and other statutory nuisances.	City Mayor
13. 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.	a. City Mayor b. Planning &

FUNCTION	RESPONSIBLE BODY
b. in connection with functions which are not the responsibility of the City Mayor.	Development Control Committee
14. Making agreements for execution of highways works.	City Mayor
15. Making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	City Mayor
<p>16. The appointment of any individual:</p> <p>a) To any office rather than the office in which he is employed by the Authority</p> <p>b) To any body other than:</p> <p style="padding-left: 20px;">I. The Authority</p> <p style="padding-left: 20px;">II. A joint committee of two or more authorities</p> <p>c) To any committee or sub-committee of such body.</p> <p>And the revocation of such appointments</p>	<p>a. City Mayor</p> <p>b. Council Council has delegated this function to the Director of Delivery, Communications and Political Governance in consultation with Group Whips / Independent Members</p>

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, a Planning & Development Control Committee, an Employees Committee, a Standards Committee, an Audit and Risk Committee, a Licensing Committee, together with Sub-Committees and an Employees Committee. These are standing committees which the Council can vary from time to time.
3. Committees can delegate to Officers. Where matters are not specifically reserved to Council or a Committee, they are delegated to the Head of Paid Service or *Director who has responsibility for the relevant function.
4. 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 Head of Paid Service or Director who has responsibility for the relevant function.

Even where the Head of Paid Service or a Director 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 through executive powers.
3. To carry out the development control function of the Council as local planning authority in line with the scheme of delegation.
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 consider and determine 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 consider and determine:-
- (a) enforcement notices and stop notices;
 - (b) discontinuance, revocation and modification orders;
 - (c) 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
 - (d) any other similar regulatory procedures.

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

MATTERS RESERVED TO THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE:-

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

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 Entertainment.
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 the City Mayor on policies relating to licensing and registration functions of the Council.

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.

MATTERS RESERVED TO THE LICENSING COMMITTEE:-

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

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. Applications for a licence or permit within the terms of reference of the Sub-Committee where an objection has been received.
2. Applications for a licence or permit within the Terms of Reference of the Sub-Committee where the Director of Environmental Services 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 (i)(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:
 - i. The Head of Paid Service
 - ii. Strategic Directors
 - iii. Divisional Directors
 - iv. And any officer who reports directly to a Strategic Director, or Head of Paid Service 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. Employees Committee shall be a panel of five members appointed by the Monitoring Officer in consultation with the City Mayor or political group whips, as appropriate.
2. The maximum number of the Committee when it sits to hear any appeal shall be five, comprising the Chair and four panel members.
3. The Committee shall be subject to the rules on political balance.

4. The Committee's quorum shall be three.
5. Upon appointment the City Mayor or political group whips as appropriate shall determine, in consultation with the Monitoring Officer who shall be appointed as Chair of the meeting.
6. The Monitoring Officer, (or in her or his absence or ability to act her/his) Deputy will call all meetings of the Committee and determine the venue and time of the meeting.
7. The Chair of the meeting shall be consulted by the Monitoring Officer as to the business to be transacted at the meeting.

AUDIT & RISK COMMITTEE

1. Supports the Council's Corporate Governance responsibilities in relation to internal control, risk management and governance.
2. Membership shall consist solely of non-Executive Councillors. The Chair of the Committee shall be appointed by the Council from amongst the non-Executive Councillors. Membership of the Committee should reflect the political representation of the Council as a whole.
2. A quorum of at least three Committee members will be required at all meetings.
3. The Chief Finance Officer, the Head of Internal Audit and the Corporate Risk Manager shall normally be invited to attend meetings. Other officers will be required to attend if called for by the Committee or when relevant items appear on the agenda. All Councillors are entitled to attend public meetings, should they choose to do so. All such attendees shall have the right to speak, at the discretion of the Chair, but not vote at meetings.
4. Meetings shall be held not less than three times a year. Additionally, special meetings may be convened if an issue arises that, in the opinion of the Chair, cannot wait until the next scheduled meeting.
5. The duties of the Committee shall be as set out in the annexed schedule to these Terms of Reference.
6. The Committee shall approve, 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 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 Operating Officer/Head of Paid Service 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 Operating Officer/Head of Paid Service before any fees for such attendance are agreed.
7. The agenda will be circulated in accordance with the Council's Procedure Rules (at 4b in this Constitution). The Committee will consider and agree the approved minutes of the Committee at its next meeting.
8. The Committee will review its Terms of Reference 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, to approve the Head of Internal Audit'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.
- To receive summaries of Internal Audit reports and the main issues arising.
- To review and challenge management's responsiveness to the internal audit findings and recommendations, seeking assurance that appropriate action has been taken where necessary and agreed recommendations have been implemented within a reasonable timescale.
- To monitor and assess the role and effectiveness of the Internal Audit function.

1.2 External Audit

- On behalf of the Council, to 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 liaise with the Audit Commission (or such other body that assumes this responsibility) over the appointment of the Council's external auditor.
- To facilitate effective relationships between external and internal audit, inspection agencies and other relevant bodies and ensure the value of these audit relationships is actively promoted.

2. Risk Management Framework

- On behalf of the Council, to 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's 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 consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. The Committee is to do this before approving the Council's published financial statements. The Committee should take note of any adjustments set out in the external auditor's report and agree any such adjustments where management has declined to do so or set out the reasons for not doing so.
- To maintain an overview of the Council's Constitution in respect of contract procedure rules, finance procedure rules and codes of conduct and behaviour.
- To review and approve, on an annual basis, the Council's anti-fraud and corruption and Disclosure/whistle-blowing policies and procedures.
- Annually to 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:
 - Information assurance which includes compliance with the Data Protection Act;
 - Freedom of Information Act;
 - Health & Safety at Work;
 - Complaints process;
 - Raising Concerns at Work; and
 - Others as appropriate.

4. Financial Reporting Framework

- To review and approve the Council's published financial statements, the 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 and the annual Letter of Representation on behalf of the Council, 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 referred to it by the Chief Operating Officer/Head of Paid Service or a Director or any Council body.
- To consider any relevant matters reserved for Member level decision as detailed in Rules of Procedure.

STANDARDS COMMITTEE

Please note that it is anticipated that the Localism Act 2011 will necessitate change to these Terms of Reference following finalised national guidance scheduled to be issued by Government in Summer 2012.

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 the City Mayor 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 City Solicitor and Head of Standards.

STANDARDS ASSESSMENT SUB-COMMITTEE

Please note that it is anticipated that the Localism Act 2011 will necessitate change to these Terms of Reference following finalised national guidance scheduled to be issued by Government in Summer 2012.

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 Assessment Sub-Committee shall determine, with clear reasons, whether:-
 - i) To refer the complaint to the Monitoring Officer for investigation;
 - ii) To refer the complaint to the Monitoring Officer for action other than investigation;
 - iii) To decide that no action should be taken in respect of the complaint.
4. Composition – The Standards Assessment Sub-Committee 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 City Solicitor and Head of Standards . 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 REVIEW SUB-COMMITTEE

Please note that it is anticipated that the Localism Act 2011 will necessitate change to these Terms of Reference following finalised national guidance scheduled to be issued by Government in Summer 2012.

TERMS OF REFERENCE

1. In accordance with the relevant legislation and associated Guidance, to review, as necessary, a decision by the Standards Assessment Sub-Committee 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.
3. In carrying out a review the Standards Review Sub-Committee 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 the Monitoring Officer for action other than investigation;
4. Composition – The Standards Review Sub-Committee shall comprise three Members of the Standards Committee. One of the Members of the Standards Review Sub-Committee 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 City Solicitor and Head of Standards. 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 Review Sub-Committee shall be three Members (with an Independent Member as Chair of the Sub-Committee).
6. Frequency of Meetings – The Standards Review Sub-Committee shall meet as and when required.

STANDARDS HEARING SUB-COMMITTEE

Please note that it is anticipated that the Localism Act 2011 will necessitate change to these Terms of Reference following finalised national guidance scheduled to be issued by Government in Summer 2012.

TERMS OF REFERENCE

Subject to relevant legislation and taking into account any guidance previously 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 City Solicitor and Head of Standards.
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.

THE CITY MAYOR

The City Mayor is responsible for the allocation and discharge of all executive functions and may decide how executive functions are to be exercised. These are the functions of the City Mayor set out in Article 5 and those allocated to the City Mayor as local choice functions to the City Mayor as in Part 3. Unless reserved the City Mayor may delegate any matters.

Unless the City Mayor decides otherwise, the City Mayor & Executive, where exercising functions, may arrange for the discharge of any of those functions by a committee of the Executive, or an officer of the Council.

Unless the City Mayor decides otherwise, an individual Deputy City Mayor and Assistant City Mayors, when exercising delegated functions, may arrange for the discharge of any of those functions by an officer of the Council.

Unless the City Mayor decides otherwise, a committee of the Executive, where exercising functions, may arrange for the discharge of any of those functions by an officer of the Council.

CITY MAYOR & EXECUTIVE

Article 5 of the Constitution sets out the composition and arrangements for appointments to the Executive.

Current areas of responsibility for Executive Members are recorded in the form of job descriptions on the City Mayor's Internet pages. Any delegation to the Deputy and Assistant City Mayors will be detailed in the City Mayor's Scheme of Delegation which is available on the City Mayor's Internet pages.

Any Committees established by the Executive will have clear Terms of Reference and be incorporated into the City Mayor's Scheme of Delegation.

Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

Decisions falling across more than one area of Assistant City Mayor responsibility will be subject to consultation with all relevant executive Members.

WARD COMMUNITY MEETINGS

TERMS OF REFERENCE

1.1 The Purpose of a Ward Community Meetings is:

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

1.2 Objectives of the Ward 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 executive decisions.
- i) Refer issues to the Council
- j) Exercise functions, powers and duties delegated to the Ward Community Meeting by the Council or the City Mayor.

2. How the Ward Community Meetings Operate

2.1 Number of Committees

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

2.2 Membership

Ward Community Meeting members will be the Councillors for the ward.

2.3 Invitees

Individuals and groups will be encouraged to attend and participate in the meetings, including:

- a) Local residents
- b) Housing Associations

- c) Health Trusts
- d) Police
- e) Fire and Rescue Services
- f) Tenant and Residents forum
- g) Young Peoples Network
- h) Older Peoples Network
- i) Community Groups
- j) Others as decided by the Committee

People who attend should work or live in the ward.

2.4 Budget

- a) A Ward Community Meeting within a ward will have a budget allocated to it by the City Mayor
- b) The principle for allocating resources would be to implement priorities within the ward as set out in ward action plans
- c) Additional funding may be attracted from other sources.
- d) 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.
- e) Recommendations for expenditure will be referred to the Director of Delivery, Communications and Political Governance who will consult the executive Member as appropriate. In cases of demonstrated emergency, expenditure can be authorised by the Head of Paid Service, or a Director in consultation with the City Mayor. No action or expenditure should be incurred contrary to officer advice without referral to the City Mayor.

2.5 Voting

- a) As far as possible, Ward 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.

2.6 Quorum

Two councillors from the ward constitute a quorum. Both must be present to hold a formal meeting.

2.7 Meetings

- a) Meetings should take place on at least three monthly cycles or as considered appropriate by Ward Councillors; and

- b) Where the Ward Community Meeting needs to meet to conduct formal business, the Council's committee procedure rules will apply including those relating to information, notice of meetings etc.

2.8 Agendas

- a) The Ward 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.

2.9 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 Ward Community Meeting, another Councillor for the ward shall chair.

SCRUTINY COMMITTEES: TERMS OF REFERENCE

SCRUTINY COMMITTEES - INTRODUCTION

Scrutiny Committees hold the executive and partners to account by reviewing and scrutinising policy and practices.

The Overview and Select Committee and each Scrutiny Commission will perform the role as set out in Article 8 of the Constitution 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, Executive, Committees and Council officers both in relation to individual decisions and over time.
- ii. develop policy, generate ideas, 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 Executive, 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, Executive, 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:** The Overview Select Committee will report annually to Full Council on its work and make recommendations for future work programmes and amended working methods if appropriate. Scrutiny Commissions / committees will report from time to time as appropriate to Council.

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

The Scrutiny Committees which have currently been established by the Council in accordance with Article 8 of the Constitution are:

- Overview Select Committee
- Adult Social Care and Housing Commission

- Children, Young People and Schools Commission
- Economic Development Culture and Tourism Commission
- Health and Community Involvement Commission
- Heritage, Leisure and Sport Commission
- Neighbourhood Services Commission
- Transport and Climate Change Commission

SCRUTINY COMMITTEE: OVERVIEW SELECT COMMITTEE

The Overview Select Committee **will**:

- Specifically scrutinise the work of the City Mayor and Deputy City Mayor and areas of the Council's work overseen by them.
- Consider cross-cutting issues which impact on more than one Assistant City Mayor portfolio.
- Consider issues relating to Scrutiny Commissions which is considered to have potential impacts on other portfolios.
- Consider work which would normally be considered by a Scrutiny Commission but cannot be considered in time due to scheduling issues.
- Consider cross cutting issues such as monitoring of petitions.
- Report annually to Council.
- Be responsible for organising and overseeing the work of scrutiny and the commissions including agreeing annual work programmes and approving reports.
-

SCRUTINY COMMISSIONS

Scrutiny Commissions will:

- Be aligned with Assistant City Mayor responsibilities and the area of responsibility will align with that portfolio.
- Commissions will normally undertake overview of Executive work reviewing items for Executive decision where it chose.
- Commissions will engage in policy development within its remit.
- Each meeting will normally be attended by the relevant Assistant City Mayor and policy will be developed in conjunction with the relevant Assistant City Mayor.
- Each Commission will have their own work programme and will respond directly to the Executive where required.
- Commissions will report on their work to Council from time to time as required.
- Commissions will be classed as specific Scrutiny Committees in terms of legislation but will refer cross cutting work to the OSC.

PART 4 – RULES OF PROCEDURE

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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 City Mayor 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, the City 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 Executive 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 Monitoring 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 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 Spiritual Adviser.
 - (vi) Other Speeches.
 - (vii) Establishment of Scrutiny Committees and Regulatory Committees.
 - (viii) The City Mayor to inform Council of the appointments of the Deputy City Mayor and Assistant City Mayors.
 - (ix) Annual calendar of meetings of Executive, Scrutiny Committees and Regulatory Committees.
 - (x) Dates of Council meetings.
- (b) No other business shall be transacted except that the City Mayor can authorise the consideration of an Executive report if s/he considers it necessary.

9. AGENDA FOR ORDINARY MEETINGS

- (a) Declarations of Interest must be declared at the outset of the business of the meeting.
- (b) Subject to the provisions of Rule 11, (Variation of Order of Business), the usual order of business at ordinary meetings of the Council shall be as follows:-
 - (i) Lord Mayor's announcements.
 - (ii) Declarations of interests and declarations under Section 106 of the Local Government Finance Act.
 - (iii) Minutes of the last meeting for approval of accuracy.
 - (iv) Statement by the City Mayor or Executive if identified
 - (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) Matters reserved to Full Council
- (ix) Other Reports of The City Mayor or Executive.
- (x) Reports of Working Parties.
- (xi) Reports of Scrutiny Committees
- (xii) Reports of Regulatory and Standards Committees
- (xiii) Authority to seal documents other than referred to in reports of Committees.
- (xiv) Reports of the Monitoring Officer and/or Head of Paid Service, if any.
- (xv) Appointment of Councillors to Scrutiny and Regulatory Committees and notification of changes to Executive Membership.
- (xvi) Notices of Motion.
- (xvii) Any other business items as determined by the City Mayor.
- (xviii) Any Other Urgent Business.

Items (i), (ii), (iii) and (xiii) above must not be displaced.

Subject to any requirements or duties within the Constitution the City Mayor will approve the agenda for the meeting.

10. AGENDA FOR SPECIAL MEETINGS

The agenda for special meetings of the Council shall include items (i) and (ii) of Rule 9 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.

11. 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.

12. 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.**

13. PETITIONS

- (a) The Council shall only receive petitions which comply with this Rule and which comply with the Council's Petitions Scheme.
- (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 members of the public shall be received by the Monitoring Officer no later than five clear days before the meeting. (Clear days exclude the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). Petitions to be presented by Councillors must be received by the Monitoring Officer not later than three clear days before the meeting.
- (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 shall arrange for the petition to be dealt with in accordance with the Council's Petitions Scheme.
- (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 her / his 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. Where the petition was presented by a member of the public, the lead petitioner shall be informed of the response. If the report on the petition requires an executive decision, the report will also be referred to relevant Executive member or appropriate Director

14. 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 Executive member any question relating to the business of the Council or of the Executive or relating to any matter which affects the City. S/he 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 am two days before the meeting.
- (iv) No question from a Councillor shall be accepted
 - (a) which contains abusive, defamatory or offensive language;
 - (b) which relates to a specific and identifiable person;
 - (c) 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, questions on the same or related subject being taken consecutively and / or 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 (as may be appropriate) may authorise a Deputy City Mayor or Assistant City Mayor 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 /her/his 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 Executive 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.
 - (b) from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
 - (c) in relation to an individual's particular circumstances;
 - (d) 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;
 - (e) about any matter which has been the subject of a petition or question or of a decision of Council, the Executive or any Committee or Sub-Committee within the previous six months;
 - (f) 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;
 - (g) which contains abusive, defamatory or offensive language
 - (f) which 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 taken consecutively and / or 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 /her/his 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 (viii) 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 (as may be appropriate) may authorise a Deputy City Mayor or Assistant City Mayor 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 -six main questions in any one municipal year.

15. REPORTS TO COUNCIL

- (a) The City Mayor, the Executive, 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 Head of Paid Service consider it appropriate to report direct to Council.
- (b) An Executive 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, the Executive or Committee for further consideration of the report.
- (A proposal to withdraw a report or refer a report back to the Executive 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 Council 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 other than the City Mayor or Executive 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 Executive may authorise the submission of any report at either of these meetings if exceptional circumstances make this desirable in its opinion.

16. NOTICES OF MOTION

- (a) Apart from the exceptions outlined in Rule 17, 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 keep records of the motions received and in the order of receipt.
- (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 Executive and, if appropriate, to a Scrutiny Committee for consideration and report.

17. 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, the Executive, Scrutiny Committees and Regulatory Committees.
 - (ix) Where necessary confirmation of City Mayor, the Executive and Regulatory Committee decisions.
 - (x) Any motions arising out of consideration of a report at Council or of a decision of the Executive or a Regulatory Committee submitted for separate confirmation.
 - (xi) Authorising the sealing of documents.
 - (xii) Any other motions listed in Rule 19 (amendments) whether or not moved whilst another motion is under debate.
 - (xiii) Business required by or under statute to be transacted at the Annual Meeting.
 - (xiv) Appointment of Members 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.

18. 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.

19. 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 City Mayor or Executive, 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.

20. 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.

21. SPEECHES BY COUNCILLORS

- (a) Any Councillor when speaking to the Council Meeting in a debate shall stand in her/his place and address the Lord Mayor. This may be waived where it is a reasonable adjustment.
- (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 her/his 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.

22. 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.

23. POINT OF ORDER

- (a) 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
- (b) 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. The need to stand may be waived where it is a reasonable adjustment
- (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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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 Members 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.

29. RECORDING OF VOTES

- (a) After a proposition is put from the Chair but before the vote is taken, any three Councillors present at the meeting 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 Councillors 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.**

30. 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.

31. 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.

32. 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.

33. QUORUM

- (a) **It is not permissible to transact any business at a Council meeting unless at least one quarter of the whole number of Councillors 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 Councillors remaining qualified - Local Government Act 1972, Schedule 12, Paragraphs 6 and 45. The quorum of Leicester City Council while it has a membership of 55 is, therefore, 14.)**
- (b) If during any meeting of the Council the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present the meeting shall be adjourned.
- (c) 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.

34. 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 total number of Councillors 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.

35. 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 the rules relating to political balance are met.

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

Appointment of Councillors 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 Councillor being appointed.

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

36. 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 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 and Vice-Chair of a Committee shall be a Councillor.

(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 a Councillor.

(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.

37. QUORUM OF COUNCIL COMMITTEES

(a) Committees

The quorum of every Standing Committee shall be three.

The quorum of the Standards and Audit and Risk Committees shall be three. For the Standards Committee this shall include an independent member.

*** Please note that it is anticipated that the Localism Act 2011 may necessitate change to procedures of the Standards Committee following the publication of finalised guidance scheduled to be issues in Summer 2012.**

(b) Sub-Committees

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

38. 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 Head of Paid Service 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

39. SPECIAL MEETINGS

(a) In addition to the dates of meetings agreed by the Monitoring Officer, in consultation with the City Mayor, Group Leaders and Head of Paid Service 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 Vice Chair; 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.

40. 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.)

41. 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 in progress 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.

42. 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.

43. 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.

44. OBJECTIONS TO DECISIONS

- (a) Subject to the exceptions and other provisions in this Rule, any five Councillors 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 Planning and Development Control Committee.

45. URGENT ACTION BETWEEN MEETINGS

The Head of Paid Service, 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.

46. 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

These rules apply to all meetings of the Council, public Executive, area committees (if any), the Standards Committee, regulatory and other Committee and Sub-Committees of the Council, Scrutiny Committees and their sub-committees, ("meetings.")

For these purposes a 'public meeting' in relation to the Executive means a meeting which, in accordance with Rule 4(c) (Key Decisions) is required to be held in public; and any other meeting of the Executive (or any of its Committees) where the City Mayor, or Committee, as the case may be, determine that it shall be held in public.

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 - Private and Public Meetings of the Executive or its Committees

- a) Meetings of the Executive and its committees may be in the form of public meetings or private meetings. A public meeting will be open to members of the public subject to Rule 11.
- b) This rule does not apply to meetings, the sole purpose of which is for officers to brief members. For the purpose of this rule such a briefing is not a 'meeting'.
- c) Those decisions that the City Mayor, or the person likely to preside at a meeting of a decision-making body, reasonably believes to be Key Decisions (see Rule 13) must be taken at a public meeting.
- d) Where the City Mayor, or the person likely to preside at a meeting of a decision-making body, with officers present, is likely to consider a Key Decision which the Forward Plan indicates will be taken collectively by that decision-making body within the coming 28 days that meeting will have to be in public, whether or not the decision is expected to be made collectively at that meeting. Where a decision is not on the Forward Plan but has been the subject of call-in (rule 17) the same provision applies. (see Note 1)
- e) Subject to (c) the City Mayor will determine what matters will be considered at public meetings or private meetings.
- f) Decisions may be taken at a private or public meeting providing that there is an officer present with responsibility for recording and publishing the decision in accordance with Rule 18.

- g) The Head of Paid Service, the Chief Finance Officer and the Monitoring officer and their nominees are entitled to attend any meeting of the Executive and its Committees. The Head of Paid service will be given reasonable notice that a private or public Executive meeting is to take place.

Note to Rule 4:

A meeting under this rule does not include a meeting which is convened by members of the Executive for the sole purpose for being briefed on a particular issue by an officer. Thus for example, where one or more members for the Executive meet with an officer merely to seek clarification of a particular matter, that meeting need not be in public. It does however apply to all formal meetings of an Executive decision making body.

The Regulations on which this rule is based states that they are not intended to extend to early collective decisions where the Executive may decide to narrow the options under consideration and that they also allow for the Executive to have a political debate without officers present provided that a Key Decision is not decided at that meeting.

RULE 5 - NOTICES OF PUBLIC MEETINGS

The Council will give at least five clear days' notice of any meeting the public are entitled to attend by posting details of the meeting on the Council's Internet site and at the Council's New Walk Centre Offices.

RULE 6 - ACCESS TO AGENDA AND REPORTS BEFORE PUBLIC MEETINGS

The Council will make copies of the agenda and reports open to the public available at Council's Internet site and at the Council's Offices 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 7 - 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 8 - 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 City Mayor and Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (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 9 - 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 her/his opinion:
 - (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) which have been relied on to a material extent in preparing the report; and
 - (c) do not include published works or those which disclose exempt or confidential information (as defined in Rule 11) and in respect of Executive 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 10 - 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 Council's Internet site and at the Council's New Walk Centre Offices. This Constitution constitutes the written summary.

RULE 11 - 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) '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.
- (3) 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 of the European Convention on Human Rights.

- (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 to these Rules.

RULE 12 - 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 11, the meeting is likely not to be open to the public.

Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

There may be occasions where a public meeting considers a report which is 'not for publication' as part of a discussion but does not specifically refer to that report and therefore will not require the public to be excluded from the meeting.

RULE 13 - Procedure before taking Key Decisions

In this Rule a Key Decision means:

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 more than 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 £500,000 or more.
- In the case of capital, the capital expenditure / savings are £1,000,000 or more.

Subject to Rule 15 (general exception) and Rule 16 (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 Executive or its committees (if any), notice of the meeting has been given in accordance with Rule 5 (notice of meetings).

RULE 14 - 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, the Executive, a committee of the Executive, individual members of the Executive, 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, her/his 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 Executive 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.
- (3) The Forward Plan must be published at least 14 days before the start of the period covered.
- (4) The City Mayor shall instruct the Monitoring Officer to publish once a year (on a date at least 14 days, but not more than 21 days before the first Forward Plan of that year comes into effect) 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 the Council's New Walk Centre offices and on the Council's Internet site;
 - (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 on the Council's Internet site and at the Council's New Walk Centre offices.
- (5) Exempt information need not be included in a Forward Plan and confidential information cannot be included.

RULE 15 - 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 16 (special urgency), the decision may still be taken if:
- (a) the decision must be taken by such a date that it is impracticable to defer the decision 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 Vice Chair 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 16 - Special Urgency

- (1) If, by virtue of the date by which a decision must be taken Rule 15 (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 her/his absence the Deputy Lord Mayor or High Bailiff will suffice.
- (3) Any urgent decision made in accordance with this Rule 16 must be recorded and published in the Forward Plan.

RULE 17 - 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 the special urgency procedure under Rule 16;

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

- (2) A request for call-in of a City Mayor & Executive 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 City Mayor & Executive 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 Executive 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 Councillors, 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 City Mayor & Executive 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 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.

RULE 18 - Record of decisions

As soon as is reasonably practicable after a public or private meeting of the City Mayor & Executive, a committee of the City Mayor & Executive, a joint committee or a sub-committee of a joint committee (where all the members are members of the executive) at which a decision has been made in the discharge of an executive function, the Monitoring Officer (or if the Monitoring Officer is not present, the person presiding) shall ensure that a written statement is produced in respect of every such decision which must include:

- i. a record of the decision
- ii. a record of the reasons for the decision

- iii. details of any alternative options considered and rejected by member at the meeting at which the decision was made
 - iv. a record of any conflict of interest declared by members and
 - v. a note of any relevant dispensation granted by the Standards Committee.
- a) As soon as is reasonably practicable after the City Mayor, Deputy City Mayor or Assistant City Mayor has made a decision in the discharge of an executive function, the Monitoring Officer (or if the Monitoring Officer is not present, the person presiding) shall ensure that a written statement is produced in respect of every such decision which must include:
- i. a record of the decision
 - ii. a record of the reasons for the decision
 - iii. details of any alternative options considered and rejected by member at the meeting at which the decision was made
 - iv. a record of any conflict of interest declared by members and
 - v. a note of any relevant dispensation granted by the Standards Committee.
- b) As soon as is reasonably practicable after an officer has made a decision in the discharge of an executive function, which is a Key Decision, the officer shall produce a written statement in respect of every such decision which must include:
- i. a record of the decision
 - ii. a record of the reasons for the decision
 - iii. details of any alternative options considered and rejected by member at the meeting at which the decision was made
 - iv. a record of any conflict of interest declared by members and
 - v. a note of any relevant dispensation granted by the Standards Committee.
- c) The requirements of the above paragraphs of this Rule shall also require that the proper officer shall ensure that a copy of any records prepared in accordance with this Rule, and any report considered and relevant to a decision recorded under this Rule (or where only part of the report is relevant, that part) is available for inspection by members of the public, as soon as reasonably practicable at the offices of the Council. Provided that nothing in this Rule shall require the disclosure of confidential or exempt information or the advice of a political advisor or assistant.

RULE 19 - Notice of meetings of the City Mayor & Executive held in public

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

RULE 20 - Attendance by Councillors who are not members of the Executive (or Committee)

A Councillor may attend a public meeting of the City Mayor and Executive or any of its Sub-Committees or a Committee meeting of the Council or Executive in accordance with this Rule.

The right to attend a Part B item requires a 'need to know' (as defined in the Political Conventions) and 24 hours' notice to the Monitoring Officer, with reasons, and a declaration of any interest.

The City Mayor (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 Executive (or Committee)

The Councillor may not vote on any item.

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

RULE 21 - Key Decisions taken by the City Mayor, Deputy City Mayor and Assistant City Mayors

- (1) Where the City Mayor, the Deputy City Mayor or an Assistant City Mayor or an officer receives a report which s/he intends to take into account in making any Key Decision, then s/he 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 Vice-Chair of every relevant Scrutiny Committee as soon as reasonably practicable and the individual decision maker shall ensure that the Monitoring Officer makes the report available for inspection by the public as soon as is practicable after that individual decision maker receives it provided that nothing in this Rule shall require the disclosure of confidential or exempt information or the advice of a political advisor or assistant.
- (3) The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by the City Mayor, Deputy City Mayor or Assistant City Mayors. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).

RULE 22 - Scrutiny committees access to documents

- (1) Subject to Rule 23 below, a Scrutiny Committee will be entitled to copies of any documents which are in the possession or control of the City Mayor, the Deputy City Mayor and Assistant City Mayors or its Committees and which contains material relating to:
 - a) any previous business transacted at a meeting of the City Mayor and Executive or its Committees; or
 - b) any decision taken by the City Mayor, Deputy City Mayor or an Assistant City Mayor

- c) any Key Decision that has been made by an officer of the Council under executive arrangements.

(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 23 - Additional rights of access for Councillors

(1) Material relating to previous business

All Councillors will be entitled to inspect any document which is in the possession, or under the control of the City Mayor and Executive or its Committees and contains material relevant to any business previously transacted at a meeting, unless;

- a) it contains exempt information falling within the categories of exempt information as defined in Appendix 1; or
- b) it contains the advice of a political adviser.

(2) Material relating to key decisions

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the City Mayor & Executive or its Committees which relates to any (i) business to be transacted at a public meeting or (ii) any business previously transacted at a private Executive meeting or (iii) any decision made by an individual member under the executive arrangements or any Key Decision made by an officer under executive arrangements, unless in the case of (a) & b)) above.

(3) Nature of rights

These rights of a Councillor are additional to any other right s/he may have.

(4) Political Conventions

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

APPENDIX 1

GUIDANCE: ACCESS TO INFORMATION

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 seven.

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 / Executive 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 (including the authority 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</p>

	<p>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	<p>Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	
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
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	Applies to Standards Committee only

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.	
Generally.	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.

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

In this Rule

'Budget' and 'Policy Framework' shall have the meanings given in Article 4.

'Section 151 Officer' means the officer responsible for the proper administration of the Council's financial affairs appointed under section 151 of the Local Government Act 1972 (and is currently the Director of Finance)

RULE 1 – PROCESS FOR APPROVING THE POLICY AND BUDGETARY FRAMEWORK

- (1) The Council will be responsible for the adoption of plans and strategies comprising the policy framework, and the budget (as defined in Article 4)
- (2) The City Mayor and Executive will be responsible for the preparation of proposed plans, strategies and budgets for Council consideration.
- (3) In respect of the adoption of plans and strategies comprising the policy framework, and the budget the City Mayor must :-
 - a) include in the forward plan a timetable for making proposals to the Council;
 - b) prepare draft proposals in advance of making firm proposals, and provide a consultation period within which Scrutiny Committees can consider the draft proposals.
 - c) publicise wider consultation arrangements of the draft proposals including Councillors outside of the Executive whether or not they are a member of a Scrutiny committee, and having regard to who may be affected by the proposals and those who will either help to deliver the proposals
- (4) In making proposals to the Council, the City Mayor will take into account any responses from Scrutiny Committees.
- (5) When considering the City Mayor's proposals the Council may:
 - a) adopt or approve the draft budget, plan or strategy;
 - b) ask the executive to reconsider or
 - c) amend the budget, plan or strategy itself

Pursuant to (a) this will include the submission (where required) to the Minister of the Crown for approval.

- (6) If the Council approves the proposals with amendments or approves alternative proposals, the City Mayor may resubmit her/his proposals or make fresh proposals and submit these to the Council. S/he may exercise this right by writing to the Monitoring Officer within five days of the Council decision. S/he may also waive this right by writing to the Monitoring Officer.
- (7) If the Council rejects the proposals, the City Mayor must resubmit her/his proposals or make fresh proposals.

- (8) If the City Mayor submits or resubmits proposals under rule 1.6 or 1.7 the Council shall consider these proposals. It shall make its final decision on the matter in that it may approve the proposals of the City Mayor by a simple majority of votes cast at the meeting; or approve a different decision which does not accord with the recommendations of the City Mayor by a two-thirds majority of those present and voting.
- (9) Once proposals are approved, the City Mayor shall implement them.

RULE 2 – IN YEAR CHANGES

- (1) In approving a plan, strategy or budget, the Council shall determine the extent to which the City Mayor may make subsequent changes without Council approval.
- (2) Finance Procedure Rules provide for delegated authority for officers to make changes to the budget, up to specified limits.

RULE 3 – DECISIONS MADE OUTSIDE THE BUDGET AND POLICY FRAMEWORK

- (1) Subject to rule 4, the City Mayor and anyone 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. If the advice given is that the decision would not be in line with the existing Budget and/or the 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 4 shall apply.

RULE 4 – 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 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 5 – 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 Councillorswho 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, then the Objector shall seek advice from the Monitoring Officer (who will consult the Section 151 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/Executive 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 Councillors, or
 - b. the Chair and Vice Chair, 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 Stated in (7) and (8).
- (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/Executive and the Objector, if any, and the advice of the Monitoring Officer (and the Section 151 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 to take the decision in accordance with the Budget and Policy Framework; or
 - take the decision itself.

PART 4D – CITY MAYOR & EXECUTIVE 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 (including the Scheme of Delegation) as adopted by the Council under Article 5 (the City Mayor and Executive) and as decided by the City Mayor under Part 3 of this Constitution (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 City Mayor & Executive as a whole;
 - iii. a Committee of the Executive;
 - iv. the Deputy City Mayor or an Assistant City Mayor ;
 - v. an officer;
 - vi. an area committee;
 - vii. joint arrangements or
 - viii. another authority
- b. A delegate (an individual or a body) may delegate further in accordance with Part 3 of the Constitution.
- c. Where an executive function has been delegated, that does not prevent the discharge of the function by the person or body who delegates.
- d. Where an executive function has been delegated to the Deputy City Mayor or an Assistant City Mayor s/he shall seek advice from relevant officers before taking a decision within her/his delegated authority. Where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the legality.
- e. The City Mayor may amend the scheme of delegation as defined in Article 5 by amending the City Mayor's Scheme of Delegation shown on The City Mayor's Internet site and serving notice of the change to the Monitoring Officer. The Monitoring Officer will notify the body or individual affected by the change as soon as reasonably practicable on receipt of notice of the change. The change in delegation will take effect when the Monitoring Officer reports the change in delegation to the affected individual or body which will be as soon as practicable.

RULE 2 – The delegation of Executive Functions

The City Mayor will maintain a written record of any delegations made from time to time , and will maintain it on the City Mayor's Internet site The record will contain the following information about executive functions:

- a. The names, addresses and wards of the people appointed to Deputy City Mayor and Assistant City Mayor roles by the City Mayor.

- b. The extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- c. The terms of reference and constitution of such Executive Committees as the City Mayor or Executive appoints and the names of the Deputy City Mayor or Assistant City Mayors appointed to them;
- d. The nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of the Deputy City Mayor or Assistant City Mayors appointed to any joint committee;
- e. The nature and extent of any delegation to any specific 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

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.

RULE 4 – Conflicts of Interest

If the exercise of an executive function has been delegated to a Committee of the Executive, the Deputy City Mayor, an Assistant City Mayor 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 of this Constitution.

RULE 5 – Executive meetings

The meetings of the City Mayor & Executive 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.

RULE 6 – Consultation

All reports to the City Mayor & Executive from any member of the Executive 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 – Agenda for Meetings of the Executive

- a. The City Mayor will decide upon the schedule for the meetings of the City Mayor & Executive. S/he may put on the agenda of any City Mayor & Executive meeting any matter which s/he wishes, whether or not authority has been delegated to the Executive, 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 Executive 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 Executive for consideration.
- c. The Monitoring Officer and/or Director of Finance may include an item for consideration on the agenda of an Executive 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 schedule of meetings of the City Mayor & Executive for the Municipal year. Any variation will be published as soon as is practicable.

b. Variation of Dates

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

c. Cancellation

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

RULE 9 – Special meetings

In addition to the dates of meetings agreed by the Executive at its first ordinary meeting in the municipal year, the Executive 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 Executive, 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 public City Mayor & Executive 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 Executive 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) which is in progress s/he shall from a convenient point preside over the meeting.

RULE 12 – Call-in of Executive Decisions

- a. This Rule applies to executive decisions by the City Mayor or Executive, any Committee of the Executive, the Deputy City Mayor, Assistant City Mayor or Officer. This Rule does not override Rule 17 of the Access to Information Procedure Rules.
- b. After such an executive decision has been taken by the City Mayor or Executive, the decision will be published within two working days. Subject to the exceptions within this Rule, a Scrutiny Committee or any five Councillors 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 Executive 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 an executive 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 decision maker 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 Executive or the delegation of executive decisions.
 - (e) a decision that no objection may be made on grounds of urgency.
 - (f) a recommendation to Council in respect of proposals under Rule 1.2 of the Budget and Policy Framework Procedure Rules
- (ii) Items submitted for information only.
- f. Where a decision 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 Decision Maker and the relevant Scrutiny Committee (or, via the Monitoring Officer, the Scrutiny Committee Chair and Vice Chair 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 Councillors, or
 - ii. By a resolution of the relevant Scrutiny Committee, or
 - iii. By unanimous agreement of the Scrutiny Committee's Chair and Vice Chair, 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 Executive's decision, in which case it shall be confirmed with immediate effect; or
 - Recommend a different decision to the decision maker.
- i. The Executive's decision after considering a Council recommendation may not be subject of a further call-in.

RULE 13 – Quorum

A quorum for a meeting of the City Mayor & Executive or an Executive Committee shall be three.

RULE 14 – Procedure at meetings

- a. The procedure to be followed at meetings of Executive 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.
- c. The City Mayor may adopt from time to time a protocol for members of the public to ask questions at public City Mayor & Executive before decisions are taken, to promote an inclusive and open approach to decision making.

RULE 15 – RECORDING OF PROCEEDINGS

No video, film, sound recording, photographic or like equipment shall be used during any Executive or Executive 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 7 appointed in accordance with this Constitution.

RULE 2 – Quorum

The quorum of every Scrutiny Committee shall be three.

RULE 3 – Dates of meetings

a. Scrutiny Committees

The dates of Committees and Sub-Committees shall be set by the Monitoring Officer in consultation with the Head of Paid Service and Chairs and Vice Chairs and an agreed programme of dates shall be presented to Annual Council for confirmation.

b. 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 / Commission 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 others who are not members of that Committee

A Councillor may attend a meeting of a Scrutiny Committee of which s/he is not a Member, and with the prior approval of the Chair s/he may be invited to sit at the meeting table and speak by the Committee on a specific item but may 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 the interest and will be bound by the same rules of procedure as if 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.

RULE 8 – Attendance at meetings by members of the public

Members of the public are welcome to attend Scrutiny meetings and meetings will be conducted in an open manner.

The Committee Chair may invite members of the public or interested parties to attend or speak at a Scrutiny 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.

A member of the public may make a request to be allowed to speak by the Chair in advance of the meeting.

The Chair shall at all times make clear to the member of the public and the meeting the extent to which they may participate in the meeting.

If a formal officer response is requested at the meeting the question / representation / statement of case should be submitted in advance of the meeting under the process identified

in Rule 10. Otherwise a formal officer response will only be prepared where this is resolved by the meeting.

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;
- (b) from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
- (c) in relation to an individual's particular circumstances;
- (d) 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;
- (e) which contains abusive, defamatory or offensive language;
- (f) or relates to a specific and identifiable person.

RULE 9 – 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 the Council's Scheme for Petitions,
- (b) Petitions shall be presented to the Committee in the order in which they have been received with petitions presented by members of the public taking precedence.
- (c) The reading of the subject matter shall not be of excessive length.
- (d) 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.
- (e) 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.
- (f) Further to the presentation of a petition, a report shall be submitted to the Committee on the action taken as soon as practicable.

(iii) Petitions Presented to a Director

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

RULE 10 – Questions, representations and statements of case

This rule shall apply where a detailed response is required at the meeting.

Questions, representations and statements of case:

- (a) Should 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.
- (b) At the meeting, matters will normally be discussed in the order in which they have been received
- (c) Where the person who gave notice of the topic does not wish personally to address the Committee s/he may have a friend do so on her/his behalf, provided that the Monitoring Officer is notified prior to the meeting.
- (d) Where the person presenting is not present at the meeting when the appropriate point is reached on the agenda a written response will be sent to the person who submitted the request.
- (e) At the meeting, the Chair shall notify the member of the public the extent to which they may participate in the meeting
- (f) 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.
- (g) The Chair of the meeting will manage the process in order to balance the principles of openness with the need to ensure the efficient operation of the meeting.

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,
- (b) 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;
- (e) or relates to a specific and identifiable person.

Rules 9 & 10 applies to Councillors who are not members of the relevant Scrutiny Committee.

RULE 11 – 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 12 – Education representatives

The Children, Young People and Schools Scrutiny Commission (or 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 – Agenda items

- a. Any member of a Scrutiny Committee / Commission 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 / Commission 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 14 – 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 15

No video, film, sound recording, photographic or like equipment shall be used during any Scrutiny Committee / Commission 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 / Executive or by the Chief Finance Officer in consultation with the relevant Executive member(s). Decisions made by the Chief Finance Officer shall be reported to the City Mayor / Executive 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 / Executive 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.

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2.0 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 Council's financial affairs. The Chief Finance Officer will normally

A & B

	delegate such permissions to heads of finance.	
2.7	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.	A & B
2.8	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.	A & B

3.0 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; and

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, B & C

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

A & B

(b) Buy internally from in-house services; and

(c) Purchase from pre-priced framework contracts, which have

A & B

been made available through corporate procurement.

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.

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.

A & B

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.

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 & B

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

C

authorised officer.

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

Rules

3.3.2 The Chief Finance Officer is responsible for providing a corporate 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. C
A & B

3.3.3 Official orders shall be issued for all purchases, excluding the following items: C

i. Purchases through petty cash and imprest accounts. C

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.

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. C

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.

3.3.6 Where urgent orders are given orally, they shall be confirmed immediately by an official order. C

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. A, B &
C

3.4 Payments for Works, Supplies and Services

3.4.1 Payment for works, supplies and services may only be made: B & C

(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>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>3.4.3 The Chief Finance Officer is responsible for providing a corporate system for the payment of accounts (RMS) Divisional Directors shall 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>A & B</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 & C</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>A, B & C</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>T1</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>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</p>	

<p>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 and authorised by an authorised officer. In particular the following shall be notified:</p>	<p>B & C</p>
<p>i. Appointments, resignations, dismissals, suspensions, secondments and transfers;</p>	<p>A, B & C</p>
<p>ii. Changes to standing data held on the payroll system;</p>	
<p>iii. Absences from duty for sickness or other reason, apart from approved leave;</p>	
<p>iv. Changes in remuneration, other than normal increments, pay awards and any agreements generally reached, and notified separately to the Chief Finance Officer; and</p>	
<p>v. Information necessary to maintain records of service for superannuation, Income Tax, National Insurance and related purposes.</p>	
<p>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.</p>	<p>B & C</p>
<p>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.</p>	
<p>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.</p>	<p>A & B</p>
<p>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</p>	

	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 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.	A, B & C A & B
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. Credit Income	A & B
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 & C
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.	C
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.	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.	A & B
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. Cash Income	C
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.	C
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 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 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.	
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.	B & 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.	A & B

<p>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.</p>	
<p>3.7 Write-Off of Debts</p>	<p>A & B</p>
<p>3.7.1 No debt properly due to the Council shall be discharged otherwise than by:</p> <ul style="list-style-type: none"> i. payment in full; ii. write-off. 	
<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>3.7.3 Debts may be written off as follows:</p>	
<p>i. By the relevant Divisional Director or Chief Finance Officer for debts up to £2,000;</p>	
<p>ii. By the Head of Legal Services for debts above £,2000, subject to periodic reporting of such action to the Overview Select Committee.</p>	<p>B</p>
<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>A & 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 Overview Select Committee.</p>	
<p>3.8 Monitoring of Income Collection</p>	<p>A & B</p>
<p>3.8.1 The Chief Finance Officer shall report twice a year to the Overview 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>A & B</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 or purposes.</p>	
<p>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.</p>	<p>A & B</p>
<p>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.</p>	<p>A & B</p>
<p>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.</p>	
<p>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.</p>	<p>A & B</p>
<p>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.</p>	<p>FM1</p>
<p>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.</p>	
<p>3.9.8 The Chief Finance Officer is responsible for sanctioning the issue of Corporate Credit Cards to staff and members and for reconciling</p>	

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 & B

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.

FM5

A & B

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

A & B

Rules

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 & C

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.

3.10.4	Divisional Directors are responsible for making arrangements for the safe keeping and proper use of all petty cash / imprest accounts.	A, B & C
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 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.	C
3.10.6	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.	C
3.10.7	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).	C
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.	C
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. .	A & B
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.	A & B
3.10.11	No income should be paid into a petty cash float/imprest account.	
3.10.12	For the purposes of closure of the Council's accounts each financial	

<p>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>3.10.13 Divisional Directors shall keep up-to-date records of petty cash float / imprest account holders.</p>	<p>A & B</p>
<p>3.11 Stocks and Stores</p>	<p>A, B & C</p>
<p>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.</p>	
<p>3.11.2 Divisional Directors shall ensure that stock items are effectively safeguarded from loss, theft or damage.</p>	
<p>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:</p>	<p>A & B</p>
<p>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; and</p>	<p>A, B & C</p>
<p>ii. By the Chief Finance Officer for write-offs in excess of £2,000 subject to periodically reporting the write-offs to the Overview Select Committee.</p>	
<p>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.</p>	
<p>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</p>	<p>B & C</p> <p>B & C</p>

<p>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>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.</p>	
<p>3.11.7 Any disposals shall be recorded by the Divisional Director concerned and records maintained.</p>	<p>A & B</p>
<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>A & B</p>
<p><u>Rules</u></p>	
<p>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.</p>	<p>A & B</p>
<p>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.</p>	<p>A & B</p>
<p>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.</p>	
<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>By the relevant Divisional Director for amounts not exceeding £2,000</p>	<p>A, B & C</p>
<p>ii. By the Chief Finance Officer for amounts exceeding £2,000 subject to periodically reporting the write-offs to the Overview Select Scrutiny Committee.</p>	
<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</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 Overview 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 & C</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>A, B & C</p>
<p>3.12.10 Any disposals shall be recorded by the Divisional Director concerned and records maintained.</p>	<p>A & B</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</p>
<p>3.13 Buildings and Land</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</p>	

<p>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>A & B</p>
<p>3.13.2 The Divisional Director responsible for housing shall maintain records 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>A</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 & C</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</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>A & B</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 & C</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</p>	

<p>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 basis, reporting significant divisional risk / projects to the Chief Finance Officer.</p>	<p>B & C</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>A & B</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>	

4.0 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 / Executive 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.	
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:	A & B
	i. The council tax requirement of the Authority;	
	ii. Each Divisional Director's total controllable budget	
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 / Executive decision, no expenditure shall be incurred until such other action has occurred, or such City Mayor / Executive decision has been taken.	A & B 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

4.5	Controlling Expenditure and Income	A & B
4.5.1	Each Divisional Director is responsible for:	
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;	A & B
ii.	Ensuring that their total controllable budget is not over-spent in total; this is the key control on which budget management is based;	A & B
iii.	Making reasonable endeavours to ensure that demand led budgets are not over-spent.	
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.	
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.	
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.	A & B
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:	
i.	to reduce expenditure or take action to increase income;	A & B
ii.	to re-direct resources within a controllable budget line or vire resources from another controllable budget line;	A & B
iii.	to make use of funds in carry forward reserves	
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.	A, B & C
4.5.7	The City Mayor / Executive 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).	
4.5.8	Divisional Directors have delegated authority:	
	i. to re-direct resources within a controllable budget line for which they are responsible, without limit;	A & B
	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..	A & B
	iii. to use funds in carry forward reserves up to £100k.	A & B
4.5.9	Strategic Directors (acting collegiately) have delegated authority to vire resources between controllable budget lines up to £500k.	
4.5.10	The City Mayor / Executive 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.	
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).	A & B
4.5.12	No virement may take place to or from a demand led budget.	A & B
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	A & B
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.	A & B
4.6	Reserves	A & B
4.6.1	The City Mayor / Executive may create earmarked reserves for specific purposes. Contributions may be made to such reserves:	A & B
	i. by utilising budget provisions approved for that purpose;	
	ii. by means of virement, to which the normal controls apply;	A & B
	iii. by transferring resources from a carry forward reserve (see below).	

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 / Executive. recommending that the reserve be dissolved, and making proposals for use of any money held in the reserve.	A & B
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).	A & B
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 / Executive 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 / Executive'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.	A & B
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..	
4.7.3	The Chief Finance Officer shall periodically report progress on implementation of the budget to the City Mayor / Executive and the Overview 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.	FM2 A & B
4.7.5	The City Mayor / Executive 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.	A & B
4.7.6	The Overview Select Committee may seek further explanation from	

<p>any Divisional Director as it sees fit, or refer any matter to the City Mayor / Executive for its consideration.</p>	<p>A & B</p>
<p>4.8 Reporting the Outturn</p>	<p>A & B</p>
<p>4.8.1 The Chief Finance Officer shall report the revenue outturn to the City Mayor / Executive and to the Overview Select Committee, as soon as practicable after the end of the financial year. .</p>	<p>A & B</p>
<p>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.</p>	<p>A & B</p>
<p>4.8.3 The City Mayor / Executive 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.</p>	<p>A & B</p>
<p>4.9 Changes in Policy</p>	<p>A & B</p>
<p>4.9.1 Divisional and Strategic Directors are responsible, in consultation with the appropriate Executive Member if necessary, for determining whether a proposed virement or use of resources would give rise to a change in Council policy</p>	<p>A & B</p>
<p>TRADING ORGANISATIONS</p>	
<p>4.10 Definitions</p>	
<p>For the purpose of this part of this section of the Rules, the following definitions shall apply.</p>	<p>A & B</p>
<p>i. a trading organisation is an internal trading organisation to which these Rules apply as determined from time to time by the Council;</p> <p>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 / Executive from time to time.</p>	<p>B</p>
<p>4.11 General</p>	
<p>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</p>	

Sections 4.1 to 4.9 above.	
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.	
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.	
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.	B
4.13 Accounting records	
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.	B
4.14 Budget Management	
4.14.1 Divisional Directors responsible for trading organisations shall ensure that each organisation achieves its budgeted return.	B
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 / Executive as necessary. The following action is available:	B
i. to reduce the costs of the organisation;	
ii. to seek alternative sources of income;	
iii. to supply additional chargeable work in accordance with arrangements set prior to the beginning of the year (see above);	B
iv. to reduce the budgetary return of the organisation (this will usually involve creating a deficit budget).	
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 / Executive (or, as the case may be, the Council) is required.	A & B A & B

<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>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>A & B</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 / Executive shall specify under this Rule.</p>	<p>A & B</p>
<p>4.15.2 Retained surpluses may be used, subject to approval of a business case by the City Mayor / Executive:</p>	
<p>i. to fund capital expenditure which promotes business objectives subject to the normal Finance Procedure Rules on approval of capital expenditure;</p>	<p>A & B</p>
<p>ii. to make other improvements in the efficiency of the business, or to incur restructuring costs (e.g. severance payments);</p>	<p>A & B</p>
<p>iii. to manage adverse trading results in subsequent years to the year in which the surpluses were achieved;</p>	
<p>iv. to make reductions in subsequent years' charges to customers.</p>	
<p>v. to offset deficits elsewhere in the host division.</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>	

5.0 CAPITAL PROGRAMME

5.1 Definitions

In this section of Finance Procedure Rules:

Capital Resources are sums of money which may be spent on capital expenditure.

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.

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

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

5.2 Capital Programme

5.2.1 The Director of Finance is responsible for recommending a capital programme to the City Mayor each year. He/she may recommend the programme as a whole, or authorise individual directors to recommend parts of the programme.

A & B

5.2.2 The capital programme may consist of:

- (a) schemes for which specific sums of money are provided based on cost estimates;
- (b) provisions for later decision by the City Mayor or;
- (c) a combination of the two.

5.2.3 The City Mayor shall recommend a capital programme to Council prior to the beginning of 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

A & B

5.2.4 The capital programme approved by the Council shall determine:

- (a) the extent to which the programme can be changed or added to by the City Mayor, and the extent to which other decisions about deployment of resources can be taken by the City Mayor;

A & B

<p>(b) the extent to which directors are authorised to commit expenditure.</p>	
<p>5.2.5 When submitting a capital programme to the City Mayor, the Director of Finance (or director as the case may be) shall identify the following:</p> <ul style="list-style-type: none"> • The revenue consequences of any unsupported borrowing; • The revenue consequences of any schemes apart from the cost of borrowing; • The extent to which borrowing is affordable, sustainable and prudent with reference to such indicators as the Director of Finance believes appropriate; • The extent of any pre-commitment of capital resources in years beyond the plan; • Where directors are authorised to commit expenditure on a scheme, the title of the director; • The extent to which any schemes are grouped into programme areas. 	<p>A & B</p>
<p>5.2.6 The Director of Finance shall determine how controllable budgets are charged for any projects that are funded by unsupported capital borrowing in respect of capital consumption and interest.</p>	<p>A & B</p>
<p>5.3 Additions and Amendments to Capital Programme by Directors</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.</p>	
<p>5.3.2 Directors can amend the approved programme by:</p>	
<p>(a) transferring resources within programme areas;</p> <p>(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.</p>	<p>A & B</p>
<p>5.3.3 Additions and amendments made by directors shall be reported to the City Mayor/Executive as part of the next capital monitoring report (see paragraph 5.6).</p>	<p>A & B</p>
<p>5.4 Incurring expenditure</p>	
<p>5.4.1 The approved capital programme shall specify the authority given to</p>	<p>A & B</p>

<p>directors and the City Mayor to commit expenditure.</p>	
<p>5.4.2 No expenditure may be incurred on a scheme funded by grant or third party contributions without written confirmation of these resources.</p>	
<p>5.5 Cost increases</p>	
<p>5.5.1 Once directors have been authorised to incur expenditure, they 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>5.6 Capital Monitoring</p>	
<p>5.6.1 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>A & B</p>
<p>5.6.2 The Director of Finance shall periodically report progress on the capital programme and the outturn position to the City Mayor /Executive and the Overview Select Committee. Directors shall supply such information as may be required for the preparation of this report.</p>	<p>A & B</p>
<p>5.6.3 The Overview Select Committee may seek further information on the performance of individual schemes from directors or refer matters to the City Mayor for further consideration as they see fit.</p>	
<p>5.7 Carry forward of resources</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 determines otherwise, after consideration of the outturn position.</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>A & B</p>
<p>5.8.1 The Directors of Property and Housing are responsible for achieving capital receipts required to finance the capital programme.</p>	
<p>5.8.2 The Director of Finance shall report the capital receipts received in the year to the City Mayor / Executive and Overview Select Committee as part of the capital monitoring reports.</p>	

6.0 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 Overview 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 / Executive 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 City Mayor / Executive 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 B

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 securing a company or broker or when leasing assets. Except where specified below the Chief Finance Officer shall:

- 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.

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:

- 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.

A & B

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.

6.3.5 Divisional Directors are responsible for the following in respect of leased assets:

A & B

- 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.

A & B

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.

6.4 Investments

A & B

6.4.1 At the beginning of each financial year, the Chief Finance Officer shall seek the approval of the City Mayor / Executive to an annual investment strategy for that year.

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 / Executive .

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.

7.0 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>	<p>A, B & C</p>
	<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>	<p>A, B & C</p>
<p>7.2.6</p>	<p>Internal Audit shall remain at all times free from undue influence or other pressure affecting its actions and reporting.</p>	
<p>7.2.7</p>	<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 / Executive) 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>	<p>A, B & C</p>
<p>7.2.8</p>	<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>	<p>A & B</p>
<p>7.2.9</p>	<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>	<p>A & B</p>
<p>7.2.10</p>	<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>	<p>A & B</p>
<p>7.3</p>	<p>Divisional Directors' Responsibilities in respect of financial control and irregularities</p>	<p>A & B</p>
<p>7.3.1</p>	<p>All Divisional Directors shall maintain proper financial controls in</p>	

	financial systems operated within their area of responsibility (see 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 A, B & C
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.	
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 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.	
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 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.	
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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>