

# Public Document Pack

## Annual Council

Thursday, 17th May, 2018

6.00 pm

Council Chamber, Old Town Hall, Blackburn

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### AGENDA

1. Chief Executive to read the notice convening the meeting
2. Apologies for absence
3. Prayers by the Mayor's Chaplain
4. The Election of the Mayor for 2018/19
5. The Election of the Deputy Mayor for 2018/19
6. Tribute to the newly elected Mayor
7. Vote of thanks to the retiring Mayor Councillor Colin Rigby

*Please note at this point there will be a short adjournment to allow guests to leave the meeting if they wish.*

8. **Minutes**  
**MINUTES Council Forum March 2018** 3 - 7  
To receive and confirm the minutes of the last meeting of the Council Forum held on 22<sup>nd</sup> March 2018.
9. **Declarations of Interest**  
**DECLARATIONS OF INTEREST FORM** 8  
A form is attached.
10. **Governance - Council Constitution Update May 2018**  
**Report - Constitution Update** 9 - 294  
**Constitution May 2018**
11. **Election Results - May 2018**  
**Report - Election Results** 295 -  
**Appendix Election results** 303
12. **The Election of the Leader**
13. **Council Appointments for 2018/19**  
**Council appointments for 2018-19** 304 -  
305
  - a) Report of the Chief Executive

b) The Leader will table a list of Executive and Assistant Executive Members for information.

<b>14.</b>	<b>Report of the Independent Remuneration Committee</b>	
	<b>Review of Members Allowance scheme 2018 19</b>	<b>306 -</b>
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	<b>Outside Bodies Report 2018-19</b>	<b>323 -</b>
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<b>17.</b>	<b>Year Planner 2018/19</b>	
	<b>Year Planner 2018-19 v3 as at 9.5.18</b>	<b>326 -</b>
		<b>329</b>

To note the revised Year Planner 2018/19.

## **PART 2: ITEMS FOR CONSIDERATION IN PRIVATE**

Date Published: Wednesday, 09 May 2018  
Harry Catherall, Chief Executive

## **COUNCIL FORUM** **Thursday 22<sup>nd</sup> March 2018**

**PRESENT** – *The Mayor Councillor Rigby C (in the Chair), Councillors; Akhtar H; Akhtar P; Ali; Bateson; Brookfield; Casey, Connor; Daley; Davies; Desai; Entwistle; Fazal; Foster D; Foster K; Gee; Gibson; Groves; Gunn; Hardman; Harling; Hussain F; Hussain I; Jan-Virmani; Kay; Khan M; Khan Z; Khonat; Lee; Liddle; Mahmood Q; Marrow; McFall; Murray; Nuttall; Oates; Patel; Pearson; Perkins; Riley; Shorrocks; Slater Ja; Slater Jo; Slater Ju; Slater N; Smith D, Smith J; Talbot; Tapp; Taylor; Vali; and Whittle.*

### **RESOLUTIONS**

#### **61 Notice Convening Meeting**

The Chief Executive read the notice convening the meeting.

#### **62 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Wright, McGurk, Hollings, Hussain S, Humphrys, Johnson, Rigby J, Sidat, Surve, Mahmood A, Mulla and Maxfield.

#### **63 Minutes of the Finance Council Meeting held on 26<sup>th</sup> February 2018**

**RESOLVED** – That the Minutes of the Finance Council meeting held on the 26<sup>th</sup> February 2018 be agreed as a correct record.

#### **64 Declarations of Interest**

No Declarations of Interest were submitted.

#### **65 Mayoral Communications**

The Mayor updated Council Forum on recent activities and events, in particular a number of school visits, and the successful Mayor's Ball held at Ewood Park.

The Mayor thanked all those Councillors not standing for re-election for their service to the Council, and gave best wishes all those Councillors standing for re-election.

In recognition of service to the Council and the fact that it was the last meeting she would attend, Councillor Eileen Entwistle was presented with a bunch of flowers from the Labour Group.

**66 Council Forum**

No questions had been submitted by Members of the public.

**67 Motions submitted under Procedure Rule 12**

No Motions had been submitted under Procedure Rule 12.

**68 Governance – Council May 2018**

A report was submitted which requested Council approval of a number of recommendations relating to the corporate governance arrangements for the Council to take effect after the elections in May 2018. The outstanding Governance arrangements would then be the subject of a further report to Annual Council in May 2018.

The report presented recommendations for consideration which if adopted, required the Council's Constitution to be updated and re-published in May 2018.

Members were reminded that at the meeting in December, Policy Council agreed the retention of the Leader and Executive (Board) structure.

The current Leader's term of office would end alongside other councillors in May 2018. This would then require a Leader for the Council to be appointed at the Annual Council in May 2018. Following the appointment of the Leader at Annual Council 2018, the composition and the individual Executive Board members would be confirmed.

Given the reduction in the number of Councillors overall, the Policy Council in December 2017 recommended the Leader in May 2018 review the composition of the Executive (Board) with the new Executive Board comprising the Leader plus 8 Members with 7 Executive Members with portfolio and the Leader of the Main Opposition Group.

In recognition of this recommendation the current portfolio responsibilities had been reviewed and it was suggested that Council Forum considered recommending to the Leader in May 2018, that the current `Children's Services` and `Schools & Education` portfolios be merged, and also that Young Peoples Services transfer into the new portfolio from the current Leisure, Culture & Young People portfolio. The revised 7 Executive Members portfolios becoming therefore:

Children, Young People & Education  
Environment  
Health & Adult Social Care  
Leisure & Culture  
Neighbourhoods & Prevention  
Regeneration  
Resources

It was also agreed in December by the Policy Council that going forward the Council operate with 3 rather than 4 scrutiny committees, with the number of elected members on each committee remaining at 11 seats. The 3 Scrutiny Committees to broadly cover People Services, Place Services and Policy & Resources. The frequency of meetings was to be considered further, and following some assessment of the position and experience of current arrangements it was now suggested that the frequency be amended to quarterly meetings. Membership of each Scrutiny Committee would be agreed at Annual Council each May with the annual report on the work of the Scrutiny Committees being presented to the final Council Forum each year in the following March/April.

Moving to a quarterly cycle therefore presented the best opportunity to ensure the work of the Committees could be planned and undertaken effectively throughout the year and proposals in this regard were now suggested in the proposed Year Planner also attached to the agenda.

**RESOLVED -**

- 1 That the Leader be recommended to implement the following after the elections on 3<sup>rd</sup> May 2018 : there should be 7 Executive Members with portfolios as set out in this report, with the final decision confirmed by the Leader at the Annual meeting of the Council on 17th May 2018;
- 2 That the revised cycle of meetings for Overview and Scrutiny Committees as set out in this report (and referenced in the draft Year Planner also on this Agenda) be agreed; and
- 3 Subject to 1-2 above the Director of HR, Legal & Corporate Services be authorised to update the Council Constitution to reflect these proposed new Council governance arrangements to take effect in May 2018.

**69 Report of the Policy and Corporate Resources Committee**

Council Forum received the latest report from the Policy and Corporate Resources Committee.

**RESOLVED** – That the report of the Policy and Corporate Resources Overview and Scrutiny Committee be noted.

**70 Reports of the Executive Members with Portfolios**

Council Forum received and considered reports and updates from the Leader and Executive Members with portfolios. They were considered as follows: Leader, Leisure, Culture and Young People, Neighbourhoods and Prevention, Resources, Schools and Education, Health and Adult Social Care, Regeneration, Children's Services and Environment.

During the course of reports being moved, reference was made to the excellent service to the Council by Linda Clegg, Director of Children's Services who would be leaving the Council in the summer to take up a new position, and the thanks of the Council were passed on. Reference was also made to the excellent job being done at Shadsworth Primary School by Jean Etherington and her staff.

**RESOLVED** – That the reports of the Leader and Executive Members for the following portfolios: Leader, Leisure, Culture and Young People, Neighbourhoods and Prevention, Resources, Schools and Education, Health and Adult Social Care, Regeneration, Children's Services and Environment be noted.

**71 Draft Year Planner 2018/19**

The draft Year Planner for 2018/19 was submitted ahead of submission of the final version at Annual Council.

Councillor Andy Kay proposed that the meetings scheduled for July 2018 all be put back a week to accommodate the Blackburn Fortnight holidays.

**RESOLVED** – That the Year Planner be amended as proposed and the final version submitted to the Annual Council meeting.

**72 Questions Received from Members under Procedure Rule 11**

No questions had been received from Members under Procedure Rule 11.

Signed at a meeting of the Council  
on the                      day of  
(being the next ensuing meeting of the Council) by

MAYOR

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING:                   **ANNUAL COUNCIL**

DATE:                       **17<sup>TH</sup> MAY 2018**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)





<b>REPORT OF:</b>	<b>DIRECTOR OF HR, LEGAL &amp; GOVERNANCE</b>
<b>TO:</b>	<b>ANNUAL COUNCIL</b>
<b>ON:</b>	<b>17<sup>th</sup> MAY 2018</b>

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**SUBJECT: CONSTITUTION UPDATE**

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## **1. PURPOSE OF THE REPORT**

- 1.1 To advise the Council that the Constitution has been updated to reflect the new Council following the `all out` elections on 3<sup>rd</sup> May 2018 which followed the Boundary review Commission report and the establishment of a 17 ward, 51 Councillor Council from May 2018.
- 1.2 To note that the Constitution updates reflect the recommendations made by the Council at its meetings post the Boundary Commission report in 2017/18.
- 1.3 To note that the Constitution has also been updated generally by the Monitoring Officer and Section 151 Officer (as appropriate ) under their delegated responsibilities to ensure continued compliance with legislation and to also where appropriate improve clarity.
- 1.3 To advise that the proposed updated Constitution remains publicly available on the Council's website with the Agenda for this meeting and is available in full printed form in the Group rooms.

## **2. RECOMMENDATIONS**

To approve:

The revised Council Constitution from May 2018.

## **3. CONSTITUTION UPDATE**

The Constitution is a key document setting out the governance framework of the Council. From time to time the constitution needs to be updated to reflect changes in legislation, resolutions passed by Council, portfolio changes made by the Leader, and changes made to the Council management structure and delegations. The Constitution was last updated in May 2017.

Members are aware that following the Boundary Commission recommendations and approval from Government the Council now consists of 17 wards with 3 Councillors in each Ward.

During 2017/18 following confirmation that the new council of 51 councillors would commence in May 2018, the Council Forum considered reports relating to how the revised Council should be constituted and related operational arrangements. These covered the Executive arrangements of the Council, the Leader and Executive Board arrangements, the number, role and functions of the Scrutiny Committees, the Mayoralty (which is subject of a further report on this Agenda),

the Membership of Statutory Committees & other Committees of the Council, the cessation of Advisory & Consultative Groups (with alternative arrangements being put in place), the appointment to Outside bodies (which is subject of a further report on this Agenda), membership of the Health & Wellbeing Board, and the arrangements for Members Allowances (the Report of the Independent Remuneration Committee is subject of a separate report on this Agenda)

Members will also note that since the last update of the Constitution there have been changes to the Chief Officer structure of the Council approved through the Chief Officers Employment Committee and as appropriate via the partnership agreement with Capita which required amendments to Part 3, Section 16 Officer Scheme of Delegation. Those changes are now reflected in the revised Constitution.

The Monitoring Officer has also reviewed the Constitution to ensure continued compliance with legislation and the opportunity has also been taken to generally update presentation and provide clarity as appropriate. The Section 151 Officer has also updated Section 6 - Code of Corporate Governance, Section 7- the Financial Procedure rules and Section 8 - Contract and Procurement Procedure rules to provide improved clarity and explanation as appropriate.

## **5. CONSTITUTION POLICY IMPLICATIONS**

Constitutions set out the governance framework for local authorities, which provide the foundations for any local authority that aspires to be effective, progressive and successful.

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

The Local Government Act 2000 requires local authorities to prepare, keep up-to-date and publicise their constitution.

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

The constitution update reflects changes in legislation. It also reflects various resolutions passed at Council, which would have been subject to an equality assessment, if any.

## **10. CONSULTATIONS**

Council Chief Officers and Members

Contact Officer: David Fairclough, Director for HR Legal & Corporate Services  
(01254 585642)

Date: 2 May 2018

Background Papers: Boundary Commission Review  
Council Forum October 2017  
Policy Council 2017  
Council Forum March 2018



# **COUNCIL CONSTITUTION**

**Updated May 2018**

# Constitution of Blackburn with Darwen Borough Council

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## **PART 1**

# **SUMMARY AND EXPLANATION**

## Summary and Explanation

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### **The Council's Constitution**

The Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

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

### **What's in the Constitution?**

Article 1 of the Constitution commits the Council to clear leadership; partnership working and the active involvement of our citizens in the process of local authority decision making.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5)
- Overview and Scrutiny of decisions (Article 6).
- The Leader and the Executive Board (Article 7)
- Regulatory and other committees (Article 8).
- The Standards Committee (Article 9).
- Partnerships and Other Forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

### **How the Council operates**

The Council is composed of 51 councillors with one-third standing for election three years in four.

Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.



Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee and the Monitoring Officer train and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are open to the public. Here councillors decide the Council's overall policies and set the budget each year.

The Council appoints the Leader who shall appoint a Deputy Leader and two or more members to form an Executive Board. The Executive Board may consist of up to 10 members, including the Leader and Deputy Leader. The Leader may allocate portfolios to Executive Board members. The Leader may discharge the executive functions or arrange of any of those functions to be discharged by the Executive Board, by individual Executive Members, a committee of the Executive Board or by officers. The Council appoints Members to other Committees. The Council meets quarterly as the Council Forum to receive reports from the Executive Board, Overview and Scrutiny Committees; to receive written questions from Members and Notices of Motion. A Notice of Motion sets out action which the proposer and seconder wish the Council to take. This will be the subject of debate at the meeting. Functions of the Council include the adoption of plans and the determination of matters for which it is responsible. Each Council Forum includes an open session lasting up to an hour during which questions may be put by members of the public.

### **How decisions are made**

The Executive is the part of the Council which is responsible for most policy and operational decisions. The Leader appoints members to the Executive Board and determines the allocation of portfolios to Executive Members. The Leader also determines the allocation of any seats to the opposition parties.

The Executive Board has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must usually be referred to the Council as a whole except in cases of emergency.

When major decisions are to be discussed or made, these are published in the Executive's forward plan in so far as they can be anticipated. Meetings are open to the public except in instances where confidential or exempt information (as defined in the Local Government Act 1972) is being discussed.

Agendas will be made available at Council offices, on the Council's website at [www.blackburn.gov.uk](http://www.blackburn.gov.uk) and in Public Libraries five working days prior to meetings for public inspection. Members of the public also have rights to inspect background papers to reports which are considered in public.

### **Overview and Scrutiny**

There are three Scrutiny Committees who support the work of the Executive and the full Council. They allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the full Council on its policies, budget and service delivery. The Scrutiny Committees also monitor the decisions of the Executive and can 'call-in' a decision which has been made by the Executive, but not yet implemented. This enables the relevant Scrutiny committee to consider whether the decision is appropriate. The relevant Scrutiny Committee may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or

the Council on forthcoming decisions and the development of policy. The Scrutiny committees can also advise the Council on Policy Development and consult with supporting Partnerships.

## **Health and Wellbeing Board**

The Council has established a Health and Wellbeing Board as required by the Health and Social Care Act 2012. The key purpose of the Health and Wellbeing Board is to:

*'To provide a stakeholder governance committee to drive improved health, social care, quality of life and wellbeing outcomes for local citizens. It will achieve this through rigorous examination and challenge of all stakeholders, both within the Borough and at national, sub-national and community levels. Its strategic focus will be to increase the integration, equity, effectiveness and efficiency of health relevant public, private, voluntary and community resources within Blackburn with Darwen.'*

## **Partnerships**

In order to give local citizens a greater say in council affairs the Council supports the work of and consults regularly with local bodies and partnerships such as Local Strategic Partnership and Local Public Service Boards. Ward Councillors also have ward issues meetings giving Councillors the opportunity to meet together to discuss issues of particular relevance to their constituents. When appropriate, individual citizens and representatives of local bodies or partnerships may be invited to attend those meetings to discuss particular issues.

## **The Council's Staff**

The Council employs paid staff (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol governs the relationships between officers and members of the Council. Officers are also bound by a code of conduct to abide by high ethical standards.

## **Citizens' Rights and Responsibilities**

Citizens have a number of rights in their dealings with the Council. These are set out in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific council services, for example as a parent of a school pupil or as a user of community care services arranged by the Children's Services and Adult Social Services Departments, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution free of charge;

- attend meetings of the Council, its Executive and its committees except where, for example, personal or confidential matters are being discussed;
- attend the Council Forum and ask questions of the Council Leader, Executive Members with portfolios, Chairs of Committees and the Chair of the Standards Committee ;
- contribute to the work of the Overview and Scrutiny Committees
- find out, from the Executive's Forward Plan and other published documents, what major decisions are to be discussed by the Executive Board or decided by the Executive Board or officers, and when;
- attend and ask questions at meetings of the Executive Board
- attend and ask questions at meetings of the Health and Wellbeing Board
- attend and ask questions of Overview and Scrutiny Committees, the Planning and Highways Committee and other meetings in accordance with the published arrangements;
- see reports and background papers, and any record of decisions made by the Council and Executive Board;
- be advised of appeal mechanisms which exist about decisions of the Council which affect them as individuals
- complain to the Council about failure to deliver a service or poor performance;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Member's Code of Conduct; and inspect the Council's accounts and make their views known to the external auditor.

In Blackburn with Darwen members of the public are given rights to attend and participate in meetings, which exceed those given by law. Meetings are open to the public unless exempt or confidential information (as defined in the Local Government Act 1972) is to be discussed. Similarly agendas, reports, minutes and background documents are usually available for public inspection.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact:

The Council Solicitor  
Town Hall  
Blackburn  
BB17DY

Telephone: (01254) 585252.

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## **PART 2**

# **ARTICLES OF THE CONSTITUTION**

## **Article 1 – The Constitution**

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### **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**

This Constitution, and all its appendices, is the Constitution of Blackburn with Darwen Borough Council.

### **1.03 Purpose of the Constitution**

#### **The Purpose of this Constitution is:**

- To enable the Council to provide clear leadership to the community in partnership with citizens, businesses, the Local Strategic Partnership and other organisations.
- To support the active involvement of citizens in the process of local authority decision-making.
- To help councillors represent their constituents more effectively.
- To enable decisions to be taken efficiently and effectively, having due regard to probity and good corporate governance.
- To create a powerful and effective means of holding decision-makers to public account.
- To ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions.
- To ensure high standards in reviewing and scrutinising decisions including ensuring that no councillor or officer is involved in scrutinising a decision in which they were directly involved.
- To provide a means of improving the delivery of services to the community.

### **1.04 Interpretation and Review of the Constitution**

- Where the Constitution permits the Council to choose between different courses of action, the Council will 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

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### 2.01 Composition and Eligibility

- (a) **Composition.** The Council will comprise 51 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) **Eligibility.** In order to be eligible to hold the office of Councillor a person must be aged 18 on the day of his or her nomination and on day of his or her nomination meet one of the following conditions:
- (i) be a registered elector for the area or;
  - (ii) have occupied land or premises in the area for the previous 12 months or;
  - (iii) have had his principal or only place of work in the area for the previous 12 months or;
  - (iv) have lived in the area for the preceding 12 months

### 2.02 Election and terms of Councillors

There will be an ordinary election of a third (or as near as may be) of all councillors to be held on the first Thursday in May in each year, except that one year in four there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

### 2.03 Roles and functions of all Councillors

*All councillors will:*

- (a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (b) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (c) effectively represent the interests of their ward and of individual constituents and respond to constituents' enquiries and representations, fairly and impartially;
- (d) participate in the governance and management of the Council;
- (e) maintain the highest standards of conduct and ethics;
- (f) have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;

### 2.04 Conduct

Councillors should at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## 2.05 Remuneration

Councillors will be entitled to receive remuneration in accordance with the Remuneration Scheme set out in Part 6 of this Constitution.

## Article 3 – Citizens and the Council

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### 3.01 Citizens' rights and responsibilities

Where appropriate the Council will treat as Citizens anyone who lives, works, studies or regularly use the services in the Borough of Blackburn with Darwen.

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

- (a) **Voting.** Citizens on the Register of Electors for Blackburn with Darwen Borough have the right to vote at Council elections.
- (b) **Information.** Citizens of Blackburn with Darwen have the right to:
  - (i) attend and participate in meetings of the Council attend its committees except where confidential or exempt information (as defined in the Local Government Act 1972) is likely to be disclosed and, with the consent of the Chair, participate in committee meetings;
  - (ii) attend and participate in meetings of the Executive Board except where confidential or exempt information is likely to be disclosed;
  - (iii) find out from the forward plan or other published documents what key decisions will be taken by the Executive and when;
  - (iv) see reports and background papers, and any records of decisions made by the Council and the Executive; and
  - (v) inspect the Council's accounts and make their views known to the external auditor.
  - (vi) Except where confidential or exempt information is likely to be disclosed, to take photographs, film and audio-record the proceedings, and report on all public meetings. While no prior permission is required to carry out this activity, it is advisable that any person wishing to film or audio-record a public meeting should let an officer within Democratic Services knows so that all necessary arrangements can be made for the public meeting. This is important because the rules only require the Council to provide reasonable facilities for any member of the public to report on meetings.
- (c) **Participation.** Citizens have the right to participate by asking questions and making statements in the Council Forum, the Executive Board, the Health and Wellbeing Board, Planning and Highways Committee, Licensing Committees, Overview and Scrutiny Committees and other Committees in line with the Council's guidance. Citizens can also participate in the work of the Overview and Scrutiny Committees. Citizens cannot participate or speak at call-in meeting of the Scrutiny Committees.



- (d) **Petitions.** Citizens on the Register of Electors for Blackburn with Darwen Borough have the right to sign a petition to request a referendum for an elected mayor form of Constitution.  
Citizens also have the right to sign other petitions to the Council. The Council will consider petitions in accordance with the Petition Scheme contained in Part 7 of this Constitution
- (e) **Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its Customer Feedback Policy;
  - (ii) the Ombudsman after using the Council's own Customer Feedback Policy;
  - (iii) the Council's Monitoring Officer about a breach of the Councillor's Code of Conduct.
- (f) **Right to respect.** Citizens have the right to be treated with respect by Councillors and Officers.

### **3.02 Citizens' responsibilities**

Citizens must not be violent, abusing or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers. Whilst citizens have the right to seek to influence decisions made by the Council under any of the decision making procedures, they must not attempt to do so in a way that is improper or illegal.

## Article 4 – The Full Council

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### 4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

- Annual Library Plan;
- The Council's Corporate Plan;
- Children and Young People's Plan;
- Crime and Disorder Reduction Strategy;
- Licensing Authority Policy Statement
- Local Transport Plan;
- Plans and strategies which together comprise the Local Development Framework Documents;
- Sustainable Community Strategy
- Youth Justice Plan;
- The annual framework agreed at Policy Council

(b) **Budget.** The budget includes the medium term financial strategy, the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions' relating to the control of the Council's borrowing requirement and the control of its capital expenditure.

### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution except to the extent permitted by this Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) making decisions on Executive functions where the decision maker wishes to make a decision which is not in accordance with the budget or the policy framework. This is subject to the urgency procedure contained in the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules in Part 4 of this Constitution;
- (d) appointing the leader;
- (e) agreeing and/or amending the terms of reference for committees and sub committees, deciding on their composition and making appointments to them; unless these powers has been delegated by the Council;

- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (g) adopting a remuneration scheme under Article 2.05;
- (h) changing the name of the area or conferring the freedom of the Borough;
- (i) confirming the appointment or dismissal of the Chief Executive (who is the Head of Paid Service); the Monitoring officer or the Chief Finance Officer
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (l) all other matters which, by law, must be reserved to Council.

#### **4.03 Council meetings**

There are three types of Council meeting:

- (a) Annual meeting;
- (b) Ordinary meetings – (which are referred to as the Council Forum. Separate meetings will be held primarily to agree the annual budget. Such meetings are referred to as Finance Council. Council meetings each year will be reserved for determining issues relating to Council policy and will be referred to as Policy Councils);
- (c) Extraordinary meetings.

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

#### **4.04 Responsibility for functions**

Part 3 of this Constitution sets out the delegation of responsibilities for the Council's functions, which are vested in the Leader (or to the Executive Board or to individual Executive Members, a Committee of the Executive Board or an officer).

## **Article 5 – Chairing the Council**

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### **5.01 Role and function of the Mayor**

The Mayor's role is non-political and will be carried out in a manner which reflects that principle.

The Mayor and in his/her absence, the Deputy Mayor will have the following specific roles and functions:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) in accordance with the Constitution and Rules of Procedure, to preside over 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;
- (c) to ensure that the Council meeting is a Forum for the debate of matters of concern to the local community and the place where members are able to hold the Executive Board Members and Committee Chairs to account;
- (d) to promote public involvement in the Council's activities;
- (e) to attend such civic and ceremonial functions as the Council determines appropriate.

## **Article 6 – Overview and Scrutiny**

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### **6.01 Terms of reference**

The Council will appoint a Policy and Corporate Resources Overview and Scrutiny Committee to co-ordinate the scrutiny function and to perform the roles set out in the Overview and Scrutiny Procedure rules. The Council will also appoint Standing Overview and Scrutiny Committees which will be listed in Part 3 of this Constitution. The Policy and Corporate Resources Overview and Scrutiny Committee and the Standing Overview and Scrutiny Committees will be collectively referred to as “Overview and Scrutiny Committees” and will between them discharge the functions conferred by section 21 of the Local Government Act 2000, the provisions of the Localism Act 2011, Health and Social Care Act 2012, the Local Government and Public Involvement in Health Act 2007, and relevant regulations.

### **6.02 General role**

Within their terms of reference the Overview and Scrutiny Committees will:

- (i) examine and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions including Executive functions;
- (ii) make reports and/or recommendations to Executive Members, the Executive Board and to full Council in connection with the discharge of any functions;
- (iii) consider matters affecting the area or its inhabitants; and
- (iv) following a call in, review decisions made but not yet implemented by the Executive.
- (v) undertake pre-decision scrutiny

### **6.03 Specific functions**

#### **(a) Reports and Recommendations.**

Overview and Scrutiny Committees may:

- (i) review corporate policy matters and make recommendations to the Executive Board and/or the Council for consideration;
- (ii) consider and implement mechanisms to encourage and enhance community participation in their work;
- (iii) question members of the Executive Board and/or committees, officers and Partners about their views on issues and proposals affecting the area; and
- (iv) consider the outcome of external inspections of Council Services and the response to them.

**(b) Scrutiny.**

Overview and Scrutiny Committees may:

- (i) examine and scrutinise the decisions made by and performance of Executive Members, the Executive Board and/or committees and officers both in relation to particular decisions and over time;
- (ii) examine and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive Board and/or committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Executive Member, the Executive Board and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area including the Health Service and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance. This includes any powers and duties under the Local Government and Public Involvement in Health Act 2007 and
- (vi) invite appropriate persons to attend meetings and give evidence or act as critical friends.

**(c) Finance.**

- (i) Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

**(d) Annual report.**

- (i) The Policy and Corporate Resources Overview and Scrutiny Committee must report annually to full Council on the workings of the Overview and Scrutiny Committees and their working methods.

**6.04 Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

## **Article 7 –The Leader and the Executive Board**

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### **7.01 Role**

All of the local authority's functions which are not the responsibility of any other part of the local authority, as set out in the law or under this Constitution shall vest in the Leader who may exercise those functions personally or make arrangements for their discharge by the Executive Board, by individual Executive Members, a committee of the Executive Board or by officers.

### **7.02 Form and Composition**

The Executive Board shall consist of up to ten members, including the Leader and the Deputy Leader. The Leader shall appoint to the Executive Board between two and nine members.

### **7.03 Leader**

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office (the earlier of) for a term of four years from the date of appointment as Leader or until:

- (a) he/she resigns from the office; or
- (b) he/she is no longer a councillor; or
- (c) he/she resigns or for some other reason no longer able to continue office or has withdrawn any party whip to which he/she was subject at the time of his/her appointment; or
- (d) the first Annual Council after his/her normal day of retirement as a councillor.

The Council may remove the Leader from office at an earlier date by a vote of no confidence and require his/her resignation requiring a simple majority of the votes.

The Leader shall appoint at least one Deputy Leader who unless they resign or cease to be a councillor or removed by the Leader will hold office until the end of the Leader's term. The Deputy Leader shall take up the role of the Leader if he/she is unable to act or the office becoming vacant.

### **7.04 Other Executive Board Members**

- (a) Only councillors may be appointed by the Leader to the Executive Board. There may be no co-optees and no deputies or substitutes for Executive Board members. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive Board and members of the Executive Board (including the Leader) may not be members of any Overview and Scrutiny Committee. The restriction on a member of the Executive Board being a member of an Overview and Scrutiny Committee shall not apply to the Leader of an opposition political group if he or she has not accepted an appointment to the Executive Board for the Municipal Year
- (b) A Deputy Leader of the Council will be Vice Chair of the Executive Board

- (c) Executive Board members shall hold office until the end of the Leader' term (under 7.03 above) or:
- (i) they resign from office; or
  - (ii) they are no longer councillors; or
  - (iii) they resign or have withdrawn any party whip to which they were subject at the time of appointment ; or
  - (iv) they are removed from office by the Leader.

#### **7.05 Proceedings of the Executive Board**

Proceedings of the Executive Board shall take place in accordance with the Executive Board Procedure Rules set out in Part 4 of this Constitution.

#### **7.06 Responsibility for functions**

The Leader shall hold all the Executive functions under his/her control. The Leader may either personally exercise those Executive functions or make arrangements for their discharge by the Executive Board, by a committee of the Executive Board, by individual Executive Members, or by officers.

The Leader will maintain a list in Part 3 of this Constitution setting out which person or body he/she has delegated for the exercise of those particular Executive functions.



## **Article 8 – Regulatory and Other Committees**

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### **8.01 Regulatory and other committees**

The Council will appoint the following committees set out in Part 3 of this Constitution:

- The Planning and Highways Committee
- The Licensing Committee
- The Standards Committee
- Independent Remuneration Panel
- Overview and Scrutiny Committees
- Call-In Committee
- Audit and Governance Committee
- Corporate Parenting Committee
- Member Engagement Advisory Committee

### **8.02 Groups and Panels**

The Council will appoint the following groups and panels set out in Part 3 of this Constitution:

- Appeals Panel
- Chief Executive's Employment Committee
- Chief Officer's Employment Committee
- Charitable Funds Committee

### **8.03 Health and Wellbeing Board**

The Council will establish the Health and Wellbeing Board to discharge the functions under the Health and Social Care Act 2012 and as set out in Part 3 of this Constitution.

## Article 9 – The Standards Committee

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### 9.01 Standards Committee

The Council will appoint 9 members to the Standards Committee at their Annual meeting.

### 9.02 Composition

(a) **Membership.** The Standards Committee will be composed of:

- nine members of the Council ;
- two people co-opted who are not Members or officers of the Council or of any other body having a standards committee (independent members);
- two members co-opted from the parish councils/Darwen Town Council wholly or mainly in the Council's area (Parish Members).

(b) **Independent members.** Independent members will be co-opted on the committee and will not be entitled to vote at meetings.

(c) **Parish members.** Parish Members will be co-opted on the committee and will not be entitled to vote at meetings

(d) **Chairing the Committee.** The Chair and Vice Chair will be drawn from the nine members of the Council, and will answer questions at Council meetings in relation to the workings of the Committee.

### 9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors, co-opted members;
- (b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- (c) monitoring the operation of the Council's standards arrangements and to make such recommendations to the Council as the Committee considers appropriate with respect to: -
  - (i) the promotion and maintenance of high standards in the conduct of Council and Parish/Town Councils business, and in the conduct of Members;
  - (ii) the maintenance and review of a Code of Conduct for Members of the Council, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate and to make recommendations to the Council on such codes and regulations;
  - (iii) the provision of training, guidance and assistance for Members in relation to the Council's Code of Conduct for Members and any other such code, procedure or protocol;

- (d) direct the provision of member development and training to ensure elected members receive training which meets their needs as decision makers and ward councillors;
- (e) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (f) to determine appeals relating to the Monitoring Officer's decision on dispensations.
- (g) dealing with any reports from the Monitoring Officer ;
- (h) to adopt such procedures for the hearing and determination of any complaints as the Committee considers appropriate.
- (i) To appoint a Hearing Panel of the Committee for the purposes of conducting a local hearing into any complaint referred by the Monitoring Officer (having first consulted the Independent Person);
  - (i) A Hearing Panel convened for such purposes shall comprise at least one of the independent members and three other members of the Committee from at least two different political parties. Where the complaint is about a Parish or a Town Council Member the Panel will include at least one of the Parish/Town Council representative co-opted to the Standards Committee; and
  - (ii) The Independent Person will be invited to attend all meetings of the Hearing Panel and his/her views must be sought and taken into consideration before the Panel takes any decisions on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a failure to comply with the Code of Conduct.
- (j) oversee the development of quality and relevant information provided to members in their roles as decision makers and ward councillors.
- (k) such other functions as the Council may determine.

## Article 10 – Partnerships and Other Forums

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The Council is proactive in supporting the development of partnership bodies both with other public sector agencies, like health and police, and with representation from the business and community sectors. This is principally through the development of the Local Strategic Partnership and its range of sub groups but it also involves other significant partnership projects.

### 10.01 Governance Arrangements

Partnerships are only effective if all partners are fully engaged and they understand their respective role and responsibilities and the contributions they can make. Actual governance arrangements will vary depending on the type and nature of the partnership. As far as possible the Council will expect all its partners to abide by the key principles of good governance. These can be codified in a partnership constitution document.

This should contain, or be supported by, details of

- the partnership's strategic objectives;
- a business plan;
- an exit strategy;
- performance indicators;
- monitoring and reporting arrangements;
- risk mitigation procedures;
- financial requirements;
- key relationships within and outside the partnership.

Partnerships' governance arrangements must comply with, or be closely aligned to, the Council's own requirements.

Governance, and other arrangements, will be subject to review by the Council's auditors who will seek to obtain assurance that the partnership's governance arrangements are adequate and effective. This will generally be sought by reviewing evidence provided by the partner body which shows compliance with the principles of good governance. Results of these reviews will be conveyed, in the form of an audit opinion report, to the highest levels of management in both the partnership and the Council.

Council representatives to all partnerships must ensure that they have proper authority formally delegated to them before taking any role in the partnership's decision making process.

Managers at all levels in the partnership will be required to report annually, in a statement of assurance, and half yearly through the Management Accountabilities Framework, that:

- internal controls have been reviewed and are being applied satisfactorily;
- risks, existing or new, are managed satisfactorily;
- any procedural control weaknesses are identified and appropriate action plans are set out.

All partnerships must compile and maintain a register of all risks which pose a threat to the successful delivery of the partnership's objectives.

The Council has a Code of Corporate Governance and will encourage partnerships to follow this as closely as possible. The Code forms part of the Council's Procedure Rules and can be found in Part 4 of the Council's Constitution.

### **10.02 Accountable Body**

In many cases, the Council is the accountable body within a partnership and the partnership is responsible for allocating public monies to projects within the scope of its terms of reference. Partnership may be responsible for delivering national government initiatives and targets. In such circumstances, the partnership carries greater responsibilities and it should ensure that all the following aspects of good governance in partnerships are followed.

### **10.03 Accountability**

Such partnerships need therefore to produce an annual governance statement and an annual outcomes report and they should have an approved strategy for future development (or a business plan) in place. These, together with progress reports, need to be reported annually, at the appropriate times, to the Executive Board.

### **10.04 Remit and terms of reference**

Such partnerships should have a clearly stated remit and terms of reference which demonstrate where they sit within a wider network of organisations. It should include reporting relationships for any financial responsibility. The terms of reference must be periodically reviewed to ensure that they remain fit for purpose to fulfil either the Council's or government's initiatives; the outcomes need to be reported to the Executive Board.

### **10.05 Membership, chairs of meetings and attendance**

Partnership bodies should have clear membership including overall composition, organisations or sectors to be represented, terms of office, and voting eligibility. Partnership members should be clear about who they are representing and who they are accountable to.

Any rules on who should chair meeting should be explicit especially if this relates to sectors, or involves rotation between sectors.

Rules on attendance both by individual members or by sectors should be clear including rules on expulsion from the partnership. Provision for substitute or named deputy representatives and their rights to vote should also be considered.

### **10.06 Conduct**

Councillors and officers involved in the work of Partnership bodies should abide by the same standards of conduct in connection with these bodies as they would in connection with the Council. The Council will encourage Partnership bodies to adopt and follow codes of conduct which are consistent with those adopted by the Council.

### **10.07 Financial Responsibility**

If the partnership is a funding body there should be clear financial decision making and accountability with partners. The partnership may have its own financial regulations to follow or these may be aligned with those of a partner organisation. The partnership must have appropriate audit and governance procedures in place and also it should consider whether it needs to have a risk strategy or, as a minimum, it should

give consideration to key risks and their management. It should have both an exit strategy, in the event of the partnership's failure or its being wound up and a dispute resolution mechanism.

Links to other areas of the Constitution, e.g. Financial Regulations, should be explicit where this Council is the accountable body (see Part 4 Section 7 Para A.1 of Financial Procedure Rules).

#### **10.08 Partnership meetings and public engagement**

Partnership meetings need to be structured and have an accurate record of the business transacted. They should have formal agenda, clear guidance on the handling of reports and other information at meetings and a clear record of decisions taken and required actions.

There should be a clear stance on whether meetings are open to the public and any mechanisms for public engagement and consultation.

#### **10.09 Conflicts of interest (declaring personal and financial interests)**

Partnerships need to be open and accountable and work within an ethical framework. Members of the Council serving on partnership bodies are bound by the Code of Conduct contained in part 5 of the Council's Constitution. However an effective partnership should have its own rules on conflict of interest and the need to declare financial and other interests.

#### **10.10 Dealing with complaints and conflicts**

Partnership bodies should have mechanisms in place for dealing with complaints and also resolving disputes between partners. This should form a laid down procedure within their governance documents.

#### **10.11 Partnerships with no financial responsibilities**

Partnerships that have no financial responsibilities but are under the umbrella of a strategic partnership are accountable for meeting their objectives as defined and agreed with the Local Strategic Partnership (LSP). Such partnerships are not therefore formally subject to the above financial and governance requirements and it is for the LSP to determine terms of reference for all thematic groups as part of its Constitution.

## Article 11 – Joint Arrangements

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### 11.01 Arrangements to promote well being

The general power of competence (GPC) was introduced as part of the Localism Act in November 2011. Under the GPC a local authority has power to do anything that individuals of full legal capacity may do giving authorities the power to take reasonable action they need 'for the benefit of the authority, its area or persons resident or present in its area'.

The Council, in order to promote and improve the economic, social or environmental well-being of its area, may:

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

Before doing so the Council will have regard to its Community Strategy.

### 11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (b) The establishment of joint arrangements with one or more local authorities to exercise functions which are Executive functions shall be made in accordance with the executive arrangements as set out in this Constitution. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Executive Board may only appoint Executive Board members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive Board may appoint members to a joint committee from outside the Executive Board in the following circumstance:

Where the functions of the joint committee affect an area of the Borough which contains less than two fifths of the total area of the Borough or less than two fifths of its population, the Executive Board may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area.

The political balance rules do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation in Part 3 of this Constitution.

### **11.03 Access to information**

- (a) 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 that which applies by law to an Executive.
- (b) If the joint committee contains members who are not on the Executive of any participating authority then the Access to Information and Decisions and Attendance at Public Meetings rules in Part VA of the Local Government Act 1972 will apply.

### **11.04 Delegation to and from other local authorities**

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Full Council.

### **11.05 Contracting out**

- (a) The Council, the Leader or the Executive Board (for Executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994.
- (b) The Council, the Leader or the Executive Board may also contract out to another body or organisation functions under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles. In this case there can be no delegation of the Council's discretionary decision making.

The Council has entered a Public Private Partnership with Capita Property and Infrastructure Ltd for the provision of a range of services. In accordance with Regulations made under the Deregulation and Contracting Out Act 1994 certain decision making functions have been placed within the scope of the Partnership and those are set out in Part 3 of this Constitution.



## Article 12 – Officers

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### 12.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the posts set out in part 8, of this Constitution who will be designated chief officers and will have management responsibility for the areas set out in that section. In making appointments the Council will follow the procedures set out in Part 4.
- (c) **Head of Paid Services, Monitoring Officer, Chief Finance Officer and other statutory officer posts.** The Council will designate the following posts as shown:

POST	DESIGNATION
Chief Executive	Head of Paid Service
Deputy Chief Executive	Senior Responsible Officer for RIPA
Director of HR Legal & Governance	Monitoring Officer
Director of Finance & Customer Services	Chief Finance Officer
Director of Digital & Business Change	Senior Information Risk Owner
Director of Children's Services	Director of Children's Services
Director of Adult Services	Director of Adult Social Services
Director of Public Health	Director of Public Health
Senior Registration Officer	Registrar of Birth, Marriages and Deaths

Such posts will have the functions described in Article 12.02 to 12.11 below.

It is the function of each of the Monitoring Officer and Chief Finance Officer to nominate a deputy/deputies to act in case of absence or illness.

### 12.02 Functions of the Head of Paid Service

- (a) Discharge of functions by the Council. The Head of Paid Service will report to full 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 Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

### 12.03 Functions of the Monitoring Officer

- a) **Maintaining the Constitution.**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.

**b) Ensuring lawfulness and fairness of decision making.**

The Monitoring Officer will report to the full Council or to the Leader/Executive Board (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. Before so doing the Monitoring Officer will consult with the Chief Executive and Chief Finance Officer. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

**c) Supporting the Standards Committee.**

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

**d) Complaints against Members**

Under the adopted arrangements the Monitoring Officer has been delegated powers for dealing with complaints about the Code of the Conduct for Members (set out in Part 5, Section 1) of this Constitution, the Monitoring Officer shall receive, and in consultation with the Independent Person review and undertake an initial assessment of complaints against members,

The Monitoring Officer will appoint an investigations officer where a complaint merits formal investigation. The Monitoring Officer will receive and act appropriately on reports made by investigation officers, which may include reporting to the Standards Committee's Hearings Panel.

**e) Proper officer for access to information.**

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible, in accordance with the law and the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules set out in Part 4 (Section 2) of this Constitution.

**f) Advising whether executive decisions are within the budget and policy framework.**

The Monitoring Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

**g) Providing advice.**

The Monitoring 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.

**h) Dispensations**

The power to grant a dispensation may be delegated to the Monitoring Officer in respect of the following grounds:

- (1) So many Members have “*disclosable personal interest*” (dpi’s) that it would impede the transaction of the business;
- (2) Without the dispensation the strengths of political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter;
- (3) Without the dispensation, every member of the Executive would have a (dpi) prohibition from participating;

### **Restrictions on posts.**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

### **12.04 Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making.**  
After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive Board (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 or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.**  
The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.**  
The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.**  
The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.**  
The Chief Finance Officer will provide financial information to the media, members of the public and the community.

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

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

### **12.06 Functions of the Director of Children’s Services**

The Director of Children’s Services has professional responsibility for the leadership, strategy and effectiveness of local authority children’s services. Key functions of the Director of Children’s Services include:-

- (a) securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers;
- (b) the performance of local authority functions relating to the education and social care of children and young people; and
- (c) ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself;

### **12.07 Functions of the Director of Adult Social Services**

Key functions of the Director of Adult Social Services include:

- (a) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services
- (b) Professional leadership, including workforce planning
- (c) Leading the implementation of standards
- (d) Managing cultural change
- (e) Promoting local access and ownership and driving partnership working
- (f) Delivering an integrated whole systems approach to supporting communities
- (g) Promoting social inclusion and wellbeing

### **12.08 Functions of the Director of Public Health**

Key functions of the Director of Public Health include:

- (a) writing the annual report on the health of the local population;
- (b) taking steps to improve public health;
- (c) planning for and responding to emergencies which present a risk to public health;
- (d) carrying out such public health functions or health protection functions as the Secretary of State may delegate or specify in regulations;
- (e) co-operating with the police, probation service and prison service in accordance with the Council's duties under section 325 of the Criminal Justice Act 2003;
- (f) responsibility for the Council's public health response under the Licensing Act 2003.

### **12.09 Registrar of Birth, Marriages and Deaths**

The key functions of the Registrar are:-

- registration of births, deaths, still births, marriages and civil partnerships
- notices of marriage and civil partnership
- licensing venues for marriages and civil partnerships
- reporting suspected sham marriages to the Home Office
- delivery and management of citizenship ceremonies
- custody and care of historic records and the issuing of copy certificates

### **12.10 Senior Information Risk Owner**

The Senior Information Risk Owner (SIRO) is the officer responsible across the whole Council for Information Governance, takes ownership of the Council's Information Risk Policy, act acts as an advocate for good practice for reducing information risk and provide written advice on internal controls in regard to information risk.

### **12.11 Senior Responsible Officer for RIPA**

The Senior Responsible Officer (SRO) is responsible for ensuring compliance with RIPA and its codes, and the overall management of covert human intelligence sources (CHIS) and Directed Surveillance.

### **12.12 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 (Section 3) of this Constitution.

### **12.13 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 (Section 9) of this Constitution.

## **Article 13 – Decision Making**

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### **13.01 Responsibility for decision making**

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

### **13.02 Principles of decision making**

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

- (a) Decisions will only be made which are within the Council's legal powers;
- (b) Decisions will be made only in accordance with powers which have been appropriately delegated and recorded within this Constitution;
- (c) Decisions should be made having regard only to relevant factors and without regard to irrelevant factors;
- (d) The process of decision making should reflect the highest standards of probity;
- (e) Decisions should be made openly unless there are strong reasons to the contrary;
- (f) Decisions which impact on individuals should be made only after consultation with those affected has been attempted;
- (g) Decisions will be taken following due consideration of any matters required by law including the Human Rights Act 1998 and the Equalities Act 2010;
- (h) Decisions will be taken only after consideration has been given as to whether it is appropriate to seek legal, financial or technical advice;
- (i) Decisions will be made with clarity of aims and desired outcomes.
- (j) Decisions will be made after an explanation of what options and reasons have been provided

### **13.03 Decisions reserved to full Council**

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated unless permitted by that Article.

### **13.04 Key decisions**

The law says that a "key decision" means an Executive decision which, is likely –

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

Decision makers will have regard to Guidance issued by the Secretary of State and Guidance approved by Full Council which set out in Part 5 of this Constitution when determining whether or not a proposed decision should be regarded as a key decision.

A decision maker may only make a key decision in accordance with the requirements of the Executive Board Procedure Rules set out in Part 4 (Section 4) of this Constitution.

### **13.05 Decision making by the full Council**

Subject to Article 13.09, the Council meeting will follow the Council Procedures Rules set out in Part 4 (Section 1) of this Constitution when considering any matter.

### **13.06 Decision making by the Executive Board**

Subject to Article 13.09, the Executive Board will follow the Executive Board Procedures Rules set out in Part 4 (Section 4) of this Constitution when considering any matter.

### **13.07 Decision making by Overview and Scrutiny Committees**

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 (Section 5) of this Constitution when considering any matter.

### **13.08 Decision making by other committees and sub-committees established by the Council**

Subject to Article 13.09, Council committees and sub-committees will follow those parts of the Council Procedures Rules (Section 1) set out in Part 4 of this Constitution as apply to them.

### **13.09 Decision making by Council bodies acting as tribunals**

The Council, a councillor or an officer 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 will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights and the Human Rights Act 1998.

## **Article 14 – Finance, Contracts and Legal Matters**

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### **14.01 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 (Section 7) of this Constitution.

### **14.02 Contracts**

Every contract made by the Council will comply with the Contracts and Procurement Procedure Rules set out in Part 4 (Section 8) of this Constitution.

### **14.03 Legal proceedings**

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

### **14.04 Authentication of documents**

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

Contracts and Procurement Procedure Rules shall provide that any contract with a value exceeding a sum specified in those 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 two officers of the authority or made under the common seal of the Council attested by at least one officer.

### **14.05 Common Seal of the Council**

The Common Seal of the Council will be kept in the custody of the Council Solicitor/Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Council Solicitors or by one of them and either the Director of HR, Legal & Governance, the Chief Executive or Deputy Chief Executive and an entry of every sealing of a document shall be made in a book to be provided for the purpose and shall be signed by the person or persons who have attested the Seal.



## **Article 15 – Review and Revision of the Constitution**

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### **15.01 Duty to monitor and review the constitution**

The Chief Executive and the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **15.02 Changes to the Constitution**

The Monitoring Officer shall have authority to make amendments to the Constitution which are required to comply with the law or to reflect decisions of the Council. All other changes to the Constitution will require the approval of the full Council

### **15.03 Change of Governance Arrangements.**

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and may hold a referendum. The change will not take effect until the end of the Mayor's term of office.

The Localism Act 2011 provides for three governance models:-

- (1) Executive arrangements – Mayor and Cabinet or Leader and Cabinet Executive Member;
- (2) A Committee system;
- (3) Prescribed arrangements by the Secretary of State (this could be proposed by the Local Authority and approved by the Secretary of State).

The Council needs to pass a resolution at a meeting of the Council to change Governance arrangements. The Council cannot pass a further resolution until a five year period has elapsed unless a referendum is held, on the issue or a petition is received asking for a referendum for an elected Mayor.

If the existing governance arrangements have been approved by a referendum then a further referendum would be required regarding the change or the Council resolves that a proposed change in governance be approved by a referendum.

## **Article 16 – Suspension, Interpretation and Publication of the Constitution**

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### **16.01 Suspension of the Constitution**

#### **(a) Limit to suspension.**

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.

#### **(b) Rules capable of suspension.**

The following Rules may be suspended in accordance with Article 16:

- The Council Procedure Rules (Part 4, Section 1) to the extent and procedure provided for within those Rules.

### **16.02 Interpretation**

The ruling of the Mayor on the interpretation of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as set out in Article 1

### **16.03 Publication**

- (a) The Chief Executive will ensure that copies are available for inspection at council offices, libraries, on the Council's website and at other appropriate locations. He/she will ensure that Citizens, who so wish, are provided with one copy free of charge.
- (b) The Chief Executive will ensure that the summary of the Constitution (Part 1) is made widely available within the area and is updated as necessary.

## **Schedule 1: Description of Executive Arrangements**

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The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules – (Part 4, Section 5);
2. Article 7 (The Leader and the Executive Board) and the Executive Board Procedure Rules – (Part 4, Section 4);
3. Article 13 (Decision making) and the Rules relating to Access to Information and Decisions and Attendance at Public Meetings – (Part 4, Section 2);
4. Part 3 (Responsibility for Functions).

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## **PART 3**

# **RESPONSIBILITY FOR FUNCTIONS**

## Section 1 Responsibility for Local Choice Functions

The Local Government Act 2000 and the regulations thereunder generally specifies functions, which cannot be the responsibility of the Executive. A small number of functions may be the responsibility of the Executive or the Council as a matter of local choice. In either case the decision-making can be delegated in accordance with the rules applicable to Council functions or Executive functions as the case may be.

Note: Where the “Executive” is stated to as the “Decision making body” it shall mean the Leader, or if delegated by the Leader, Executive Board, an individual Executive Member, committee of the Executive Board or officer

The Council has made the following decisions in respect of local choice functions:

<b>Function</b>	<b>Decision making body</b>
1. Any function under a local Act other than a function of imposing any condition, limitation or other restriction on an approval, consent, license, permission or registration granted.	Executive
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council or Committee of the Council
3. The making of arrangements pursuant to subsection in relation to appeals against exclusion of pupils from maintained schools.	Executive
4. The making of arrangements pursuant to section 94(1) 1A and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (admission appeals).	Executive
5. The making of arrangements pursuant to section 95(2) of, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive
6. The making of appointments to the Police and Crime Panel established under section 28 and Schedule 6 to the Police Reform and Social Responsibility Act 2011.	Council or Committee of the Council
7. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Executive
8. Any function relating to contaminated land.	Council or Committee of the Council to the extent that the function consists of: a) determining an application for or

	<p>enforcing any licence, approval, consent, permission or registration</p> <p>b) the direct regulation of a person</p> <p>Executive in all other circumstances</p>
<p><b>9.</b> The discharge of any function relating to the control of pollution or the management of air quality.</p>	<p>Council to the extent that the function consists of:</p> <p>a) determining an application for or enforcing any licence, approval, consent, permission or registration</p> <p>b) the direct regulation of a person</p> <p>Executive in all other circumstances</p>
<p><b>10.</b> The service of an abatement notice in respect of a statutory nuisance.</p>	<p>Council or Committee of the Council</p>
<p><b>11.</b> The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area</p>	<p>Executive</p>
<p><b>12.</b> The inspection of the authority's area to detect any statutory nuisance</p>	<p>Council or Committee of the Council</p>
<p><b>13.</b> The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p>Council or Committee of the Council</p>
<p><b>14.</b> The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land</p>	<p>Council or Committee of the Council.</p> <p>Executive to the extent that it may be necessary to use these powers in connection with the exercise of powers to make compulsory purchase orders.</p>
<p><b>15.</b> The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>	<p>Council or Committee of the Council.</p> <p>Executive to the extent that it may be necessary to use these powers in connection with the exercise of powers to make compulsory purchase orders.</p>
<p><b>16.</b> The making of agreements for the execution of highways works.</p>	<p>Executive</p>

<p><b>17.</b> The appointment of any individual -</p> <p>(a) to any office other than an office in which he is employed by the authority</p> <p>(b) to any body other than</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body and the revocation of any such appointment</p>	<p>Council, except that in year appointments to fill a vacancy that has arisen may be made by the Leader</p>
<p><b>18.</b> The making of agreements with other local authorities for placing staff at the disposal of those other local authorities</p>	<p>Executive Council if staff will be engaged in the discharge of a function which in Blackburn with Darwen would not be the responsibility of the Executive.</p>



## **Section 2 Functions to be carried out by Full Council**

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Only full Council will exercise the following functions:

- (a) adopting and changing the Constitution except to the extent permitted under the Constitution;
- (b) approving or adopting the policy framework and the budget;
- (c) making decisions on executive functions where the decision maker wishes to make a decision which is not in accordance with the budget or the policy framework. This is subject to the urgency procedure contained in the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules in Part 4 (Section 2) of this Constitution;
- (d) appointing the Leader;
- (e) agreeing and/or amending the terms of reference for committees and sub committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting a remuneration scheme for members;
- (h) changing the name of the area or conferring the freedom of the Borough;
- (i) confirming the appointment or dismissal of the Chief Executive (who is the Head of Paid Service, the Monitoring officer or the Chief Finance Officer
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) the Council's functions in relation to elections unless the function has been delegated by Council.
- (l) appointing the Mayor

## Section 3 Planning and Highways Committee

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There shall be a Planning and Highways Committee consisting of 13 members of the Council and having the following powers:

### Planning Powers

The Committee shall have the power to exercise the Council's powers as local planning authority to:

- a) Determine applications for planning permission and to grant permission for development already carried out,
- b) Decline to determine an application for planning permission,
- c) Determine applications to develop land without compliance with conditions,
- d) Make determinations, give approvals and agree other matters in respect of permitted development rights in accordance with Schedule 2 parts 6,7,11,17,19,20,21 to 24, 26, 30 and 31 of the Town and Country Planning (General Permitted Development) Order 1995,
- e) Authorise the entering of agreements regulating development or the use of land,
- f) Issue a certificate of existing or proposed lawful use or development,
- g) Authorise the serving of a completion notice,
- h) Determine applications for consent for the display of advertisements,
- i) Require the discontinuance of a use of land,
- j) Authorise the issue of enforcement notices, stop notices, planning contravention notice or breach of condition notice, building preservation notices and to authorise applications for injunctions in respect of breaches of planning control and listed buildings,
- k) Determine applications for hazardous substances consent and related powers,
- l) Determine conditions relating to mining sites,
- m) Require the proper maintenance of land,
- n) To authorise all action in respect of High Hedges Legislation under Anti-Social Behaviour Act 2003,
- o) Determine applications for listed building consent and conservation area consent,
- p) Serve a building preservation notice and related powers and the power to execute urgent works under the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990,

- q) Authorise the acquisition of a listed building in need of repair and to serve a repairs notice,
- r) Exercise any other powers of the local planning authority, which by law are not to be a function of the Executive,
- s) Issue licences authorising the use of land as a caravan site,
- t) The power to exercise all functions relating to the protection of important hedgerows and the protection of trees,
- u) Make recommendations to the Executive in respect of their planning functions including the contents of briefs for the development and redevelopment of land, the designation of conservation areas etc., the removal of permitted development rights and the making of Compulsory Purchase Orders on planning grounds.
- v) Substitute members are permitted on the Committee provided that they have undertaken relevant up to date training

NOTE:

The powers of the Planning and Highways Committee do not include agreeing development briefs, removing permitted development rights or declaring conservation areas. These are all Executive functions.

That the following applications are referred to the Planning and Highways Committee

- 1) Where a decision would override an objection from one or more objectors PROVIDED those objections are planning related consideration/s as listed under Material Considerations in the “what’s material” paper published with each agenda.
- 2) Where the decisions would be contrary to the development plan or prejudicial to Council policy.
- 3) Where the application is for a largescale major development as defined by within the definition for the time being prescribed by central government from time to time
- 4) Where the application is for a Smallscale Major Development for dwellings where the number of residential units to be constructed is over 50. However where the number of dwellings to be constructed is not given in the application then for a site area of over 2 hectares. For all other uses a Smallscale Major Development where the floor space to be built is over 1,000 square metres or more or where the site area is 2 hectare or more.
- 5) Where the application fulfils the requirements of the current Ward Member Referral Scheme.(See below)
- 6) Where the application is by or on behalf of a Member of the Council
- 7) Where the application is by or on behalf of the Council’s senior management team, a service unit head, a member of the Planning Service, or a member of staff with direct input to, and therefore influence on the application

## **Highway Powers**

The Committee shall have power to exercise the following highway functions:

- a) The power to create, divert, stop up, extinguish and reclassify footpaths and bridleways and the power to make orders and enter agreements in relation to the same,
- b) The power to exercise all other functions relating to highways and public rights of way which are not the function of the Executive.
- c) To act as an advisory panel to the Executive Member in respect of Traffic Regulation Orders.

Note: the making of traffic regulation orders is an Executive function

## **Other functions**

The Committee shall have power to exercise the Council's functions in relation to the registration of commons

## **Members Referral Scheme**

In relation to a planning application whose boundary lies entirely within a single electoral ward (one affected ward):-

- (i) In the case of an affected ward where there are three ward members, the request must be signed by two or more ward members for that ward;
- (ii) In the case of an affected ward with either one or two ward members. The request must be signed by at least one ward member for that ward.

In relation to a planning application whose boundary extends into more than one electoral ward (more than one affected ward):-

- (i) Members from any one affected ward can request to refer a planning application falling into this category in line with the following:
  - a) In the case of affected wards where there are three ward members the request must be signed by two or more ward members representing the affected wards;
  - b) In the case of affected wards with either one or two ward members the request must be signed by at least one ward members representing the affected wards.

### **In all cases:-**

The planning application must not be identical to or substantially the same as one which was registered within the past 12 months, and which was previously refused permission under delegated powers or withdrawn by the applicant/agent. Any member who wishes an application falling into this category to be considered by the Planning and Highways Committee must make such a request to the Chair of the Committee, who has discretion in this matter, and will consider this request on its merits, outside the terms of the Member Referral Scheme.

The request to refer the planning application must always be made in writing by using the Ward Member Request to Refer Form. This sets out the criteria under which the request to refer is being made and the reasons for the request. Advice and clarification can be sought from the case officer to assist the completion of the form. The form should then be submitted to the Planning Manager before the end of the 21 day consultation period. Failure to submit the form within the time period will mean the request cannot be considered. The application will then be determined under delegated powers.

With regards to an application that is resubmitted within 12 months of being registered, and which was either previously refused permission or withdrawn, if changes are made to the proposed development, then a new referral request can be considered.

## **Section 4 Licensing Committee**

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There shall be a Licensing Committee consisting of 11 members of the Council which shall have the following powers:

The Committee shall have the power:

### **1 LICENSING COMMITTEE**

- a) To make recommendations to the Executive on standards and policies in respect of all licensing matters.
- b) To submit to appropriate Committees and receive reports in accordance with the Council's Statements of Licensing Policy and Gambling Policy.
- c) Where timescales require it, to determine any applications for licenses not dealt with under delegated powers and to consider and determine reviews against officer decisions in respect of those Council licensing functions other than the Licensing Act 2003 and Gambling Act 2005 functions.

### **2 GENERAL LICENSING SUB-COMMITTEE**

Where timescales require it, to determine any applications for licences not dealt with under delegated powers and to consider and determine reviews against officer decisions in respect of those Council licensing functions other than the Licensing Act 2003 and Gambling Act 2005 functions.

### **3 LICENSING ACT 2003 SUB-COMMITTEE**

- a) To consider and determine any applications and reviews for either personal or premises licences submitted under the Licensing Act 2003 and the Gambling Act 2005 where a relevant objection/ representations have been received by the licensing authority.
- b) To deal with decisions whether or not to object in all cases when this Local Authority is the consultee and not the relevant authority considering the application.
- c) To make a determination in all cases where there is a police and/or an environmental objection to a temporary event notice.
- d) To deal with any other relevant matters referred to the Council by a relevant authority under the Licensing Act 2003 and the Gambling Act 2005.

### **4 MEMBER OBLIGATIONS**

All members of the Licensing Committee must have undertaken relevant up to date training.

- a) Substitute members are permitted on Licensing Committee provided that they have undertaken relevant up to date training.
- b) Substitute members are permitted on Licensing Sub-Committee provided that they have undertaken relevant up to date training.

- c) Members on the Licensing Act 2003 Sub-Committee may not consider licensing applications which relate to the ward they represent.

## Section 5 Standards Committee

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There shall be a Standards Committee established in accordance with Article 9 of the Constitution.

### **Role and Function**

The Standards Committee will have the following roles and functions:

- a) promoting and maintaining high standards of conduct by councillors and co-opted members ;
- b) assisting councillors and co-opted members to observe the Members' Code of Conduct;
- c) monitoring the operation of the Council's standards arrangements and to make such recommendations to the Council as the Committee considers appropriate with respect to: -
  - i) the promotion and maintenance of high standards in the conduct of council and Parish/Town Councils business, and in the conduct of Members;
  - ii) the maintenance and review of a Code of Conduct for Members of the Council, together with such other code, procedure, protocol or guidance as the Committee considers to be appropriate and to make recommendations to the Council on such codes and regulations;
  - iii) the provision of training, guidance and assistance for Members in relation to the Council's Code of Conduct for Members and any other such code, procedure or protocol;
- d) direct the provision of member development and training, to ensure elected members receive training which meets their needs as decision makers and ward councillors;
- e) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- f) to determine appeals relating to the Monitoring Officer's decision on dispensations;
- g) dealing with any reports from the Monitoring Officer
- h) to adopt such procedures for the hearing and determination of any complaints as the Committee considers appropriate
- i) to appoint a Hearing Panel of the Committee for the purposes of conducting a local hearing into any complaint referred by the Monitoring Officer (having first consulted the Independent Person);
  - i) A Hearing Panel convened for such purposes shall comprise at least one of the independent members and three other members of the Committee from at least two different political parties. Where the complaint is about a Parish or a Town Council Member the Panel will include at least one of the Parish/Town Council representative co-opted to the Standards Committee; and



- ii) The Independent Person will be invited to attend all meetings of the Hearing Panel and his/her views must be sought and taken into consideration before the Panel takes any decisions on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a failure to comply with the Code of Conduct.
- j) oversee the development of quality and relevant information provided to members in their roles as decision makers and ward councillors.
- k) such other functions as the Council may determine.

## **Section 6 Independent Remuneration Panel**

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There shall be an Independent Remuneration Panel which shall produce a report making recommendations:

- a) as to the amount of basic allowance which should be payable to such members;
- b) as to the duties in respect of which such members should receive a special responsibility allowance and as to the amount of such an allowance, and
- c) as to whether the allowance scheme should include allowances in respect of the expenses of arranging for the care of children or dependants of such members and as to the amount of such allowance travel and subsistence allowances.

## **Section 7 Overview and Scrutiny Committees**

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There shall be a Policy and Corporate Resources Overview and Scrutiny Committee and the Standing Overview and Scrutiny Committees listed below. These Committees shall be established in accordance with the Overview and Scrutiny procedure rules and shall have the terms of reference described below.

### **Policy and Corporate Resources Overview and Scrutiny Committee**

- a) To perform the functions of an Overview and Scrutiny Committee set out in Article 6 in respect of any matter which may be subject to scrutiny.
- b) The Committee will normally use this power only in respect of issues which it considers to be of particular corporate importance, including all aspects of the portfolios of the Leader and the Executive Member for Resources.
- c) To approve an annual overview and scrutiny work programme to ensure that there is efficient use of the Standing Overview and Scrutiny Committees' time, and that the potential for duplication of effort is minimised.
- d) Where matters fall within the remit of more than one Overview and Scrutiny Committee to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between the Overview and Scrutiny Committees. When appropriate a Sub Committee may be established on a short term basis.
- e) To receive requests from the Executive Board and/or the full Council for reports from Overview and Scrutiny Committees and to allocate them if appropriate to one or more Overview and Scrutiny Committees.
- f) To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive Board are managed efficiently and do not exceed the limits set out in this Constitution.
- g) At the request of the Executive Board to make decisions about the priority of referrals made so as to allow for the effective management of the Executive Board's business and the efficient running of Council business.
- h) To establish ad hoc Sub Committees to provide a rapid response to issues of particular and urgent concern.
- i) The Chair of the Committee may make and change the allocation of Executive Member portfolios to Standing Overview and Scrutiny Committees.
- j) The committee shall receive at least two reports from the Health and Wellbeing Board and scrutinise its efficiency and effectiveness.

## **Section 8 Standing Overview and Scrutiny Committees**

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### **Call-In Committee**

In accordance with the Overview Scrutiny Procedure Rules set out in Part 4 (Section 5), the standing Call-In committee will consider and scrutinise any Executive decisions referred by the Chief Executive under Rule 14 of those rules. The Call-In committee shall consist of nine members appointed at Annual Council who are not members of the Executive Board.

Substitutes shall be permitted but no member may be involved in scrutinising a decision in which he/she has been directly involved.

### **BWD PLACE Overview and Scrutiny Committee**

The services within this scrutiny committee are those within the portfolios of the Executive Member for Regeneration, Executive Member for Leisure & Culture, Executive Member for Environment, and the Executive Member for Neighbourhoods, and Prevention.

### **BWD People Overview and Scrutiny Committee**

The services within this scrutiny committee are those within the portfolios of the Executive Member Children, Young People & Education, Executive Member for Schools & Education and the Executive Member for Health & Adult Social Care.

### **Other Overview and Scrutiny Bodies**

#### **School Organisation Panel**

##### Role and Functions

The Panel will advise on School Organisation Proposals as necessary.

##### Composition

It will consist of five scrutiny members as follows; three drawn from Policy and Corporate Resources Overview and Scrutiny Committee and two drawn from BWD People Overview and Scrutiny Committee.

##### Recommendations of the Panel

The Panel will operate in an advisory capacity and its recommendations will be considered by the Executive Board, Executive Members and Directors in accordance with Part 3 of the Constitution.

(Note: This section would be subject to changes to Section 15 of this Part 3 reflecting any revisions by the Leader to the portfolio arrangements)

##### The Provision of Documents to Overview and Scrutiny Committees

See Part 4 Section 2 - Rules relating to The Access to Information and Decisions and Attendance at Public Meetings Procedure Rules 2

## **Section 9 Audit and Governance Committee**

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### Statement of Purpose:

Our Audit and Governance Committee is a key component of Blackburn with Darwen Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit and Governance Committee is to:

- provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment and the extent to which these meet the objectives of the Local Code of Corporate Governance;
- provide independent review of the Council's governance, risk management and control frameworks;
- oversee the financial reporting and annual governance processes; and
- oversee internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### Governance, Risk and Control:

The Audit and Governance Committee will:

1. Assess how fully the Council complies with the statutory responsibilities placed on it by the Accounts and Audit Regulations 2015 or by amendments to the Regulations or by similar formal demands;
2. Review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances;
3. Review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control;
4. Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements;
5. Consider the framework of assurance (including the Management Accountabilities Framework) and ensure that it adequately addresses the risks and priorities of the Council;
6. Monitor the effective development and operation of risk management in the Council, including information governance arrangements;
7. Monitor progress in addressing risk-related issues reported to the Committee;
8. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions;
9. Review the assessment of fraud risks and potential harm to the Council from fraud and corruption;
10. Ensure that the Council maintains a robust counter fraud culture via the implementation of a counter-fraud strategy backed up by effective controls and procedures, which define the respective roles of management and Internal Audit and monitor the strategy, actions and counter fraud resources; and
11. Receive, from other Committees and other inspection agencies, details of actions and decisions taken which affect, or contribute to, the Council's framework of governance, risk management and control.

## Internal Audit

The Audit and Governance Committee will:

1. Approve the internal audit charter;
2. Approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources;
3. Approve significant interim changes to the risk-based internal audit plan and resource requirements;
4. Make appropriate enquiries of both management and the Head of Audit & Assurance to determine if there are any inappropriate scope or resource limitations;
5. Consider reports from the Head of Audit & Assurance on internal audit's performance during the year. These will include:
  - a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
  - b) Regular reports on the results of the Quality Assurance and Improvement Programme.
  - c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
6. Consider the Head of Audit & Assurance's annual report, including:
  - a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
  - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion and the implications of any significant matters identified – these will assist the Committee in reviewing the Annual Governance Statement.
  - c) An annual risk management report
7. Consider summaries of specific internal audit reports as requested.
8. Receive reports outlining the action taken where the Head of Audit & Assurance has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
9. Contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
10. Consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations; and
11. Support the development of effective communication with the Head of Audit & Assurance.

## External Audit

The Audit and Governance Committee will:

1. Consider the external auditor's annual letter, relevant reports, and the report to those charged with governance prior to publication of the annual accounts;
2. Consider specific reports as agreed with the external auditor;

3. Comment on the scope and depth of external audit work and to ensure it is effective and gives value for money;
4. Commission work from internal and external audit, or other consultants, where applicable; and
5. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### Financial Reporting

The Audit and Governance Committee will:

1. Review the draft annual statement of accounts prior to approval. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council; and
2. Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### Treasury Management

The Audit and Governance Committee will:

1. Ensure effective scrutiny of the treasury management strategy and policies;
2. Agree proposed changes to the treasury management strategy prior to approval;
3. Receive assurance on treasury management activity;
4. Consider reports on treasury management activity during the year; and
5. Consider the treasury management annual report;

### Accountability Arrangements

The Audit and Governance Committee will:

1. Report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
2. Report to full council on an annual basis outlining the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

### Authority

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

### Frequency of Meetings

The Committee will normally meet four times each year to fulfil its requirements.

### Outline Programme

In order to meet its principal responsibilities during the year, the Committee will consider the following reports/activities:

PROGRAMME ACTIVITY:	TERMS OF REF. NUMBER
<b>Governance, Risk and Control</b>	
Annual Statement (AGS)	1,2,3
AGS Progress Report	1,2
Risk Management Report	3,6,7
Internal Audit Opinion Report	3
External Audit VFM Report	4
MAF Update	5
Risk Management Update	6,7
IA Progress & Outcomes Report	8,10
Management Assurance Report	9
Reports from Other Committees or agencies	11
<b>Internal Audit</b>	
Annual Plan	1,2,4
IA Progress & Outcomes Report	3,4,5,7,8
Annual Opinion Report	6,9,10,11
<b>External Audit</b>	
Annual Audit Letter	1,5
Management Assurance Report	1
Annual Plan	2,5
Progress Report	2
Findings Report	2,5
Grant Certification Report	2
Value For Money Conclusion	3,5
Fees Letter	4,5
<b>Financial Reporting</b>	
Statement of Accounts	1
Management Assurance Report	1
Findings Report	2
<b>Treasury Management</b>	
Strategy Report	1,2
Progress Report	1,4
Annual Report	1,3,5
<b>Accountability Arrangements</b>	
Committee Annual Report	1,2
Committee Self-Assessment	2

The programme itself will develop over time as new statutory responsibilities are introduced and the timetable may vary, for example, as the Council is required to close its accounts earlier each year.

#### Membership

The Committee will consist of 6 members appointed by Full Council. In addition the Executive Member for Resources will also attend each Committee meeting.

The Leader of the Council and all Executive Members are precluded from being voting members of the Committee.

A quorum shall be 3 Members.

New Committee members will be required to undertake appropriate induction training to enable them to adequately perform their duties as and when necessary.



### Attendance

Committee members are expected to make every effort to attend all meetings, where this is not possible a substitute should be nominated.

To achieve these objectives the Committee will depend principally on the attendance of the Chief Executive or Deputy Chief Executive, Director of Finance and Customer Services Director of Finance and Customer Services, the Director of HR, Legal & Corporate Services and the Head of Audit & Assurance or their nominated representatives. The Council's external auditors, external advisors and Directors may be requested to attend as and when appropriate.

### Reporting

Minutes of Audit and Governance Committee will be formally noted by Full Council. Further reports will be made in those cases where the Committee considers matters must be formally brought to the attention of Full Council.

## Section 10 Advisory and Consultative Groups

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There shall be the advisory and consultative groups listed in the left hand column of the table below. The Membership of groups shall be as listed in the middle column and the terms of reference as set out in the right hand column:

Group	Membership	Terms of Reference
LJNCC (Council)	The Executive Member for Resources and membership from relevant trades unions in proportion to membership.	To provide a forum for consultation and negotiation on HR policy and strategy including health and safety issues.
LJNCC (Schools)	The Executive Member for Children, Young People & Education and membership from relevant trades unions.	To provide a forum for consultation and negotiation on HR policy and strategy including health and safety issues.

NB The LJNCC may meet collectively.

### **Corporate Parenting Committee**

A specialist advisory committee working with the Executive Member for Children, Young People & Education and the Chair of the BWD People Overview and Scrutiny Committee:

- to continuously improve how Councillors and Council Directorates, as corporate parents safeguard and improve the health, accommodation, education, and employment of Looked After Children and the delivery of the Council's aspirations contained in the Children's and Young Peoples Plan.
- to address any recommendations by Ofsted acting as a specialist advisor on all aspects within its remit to the BWD People Overview and Scrutiny Committee.

Its recommendations will be considered by Executive Members, Chief Officers and the BWD People Overview & Scrutiny Committee in accordance with Part 3 of the Constitution.

The membership is open to all elected members of the Council who may contribute in their capacity as 'Corporate Parents'.

The work of the Committee will be reported by the Executive Member for Children, Young People & Education to each Council Forum meeting as part of the Executive Member Report and the Committee itself will report annually to the Council.

## **Section 11 Health and Wellbeing Board**

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### **Introduction**

The Council has established a Health and Wellbeing Board, which will operate in accordance with the Health and Social Care Act 2012, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and other relevant legislation.

Health and Wellbeing Boards are a key element of the Health and Social Care Act 2012 and they are a means to deliver improved strategic co-ordination across the NHS, social care, children's services and public health. The Boards must assess the needs and assets of the local population, producing a strategy that addresses these needs and builds on any assets, influences commissioning plans of organisations and promotes joint commissioning and integrated provision.

### **Aims**

1. To improve life chances for the residents of Blackburn with Darwen, by improving health and wellbeing; creating healthy places and reducing health inequalities, giving all people the opportunity to Start Well, Live Well and Age Well
2. To provide local accountability for improved health and wellbeing (morbidity, mortality, quality of life) and health equity outcomes for the population of Blackburn with Darwen
3. To promote integration and partnership working between the NHS, social care, public health and other local services;

### **Purpose**

1. To prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and Clinical Commissioning Groups (CCGs);
2. To oversee the delivery of the agreed Joint Health and Wellbeing Strategy and associated outcomes;
3. To approve and implement plans for joint commissioning and pooled budget arrangements, particularly the Better Care Fund, so people are provided with better integrated care and support;
4. To lead close working between commissioners and providers of health and social care services and other health related services, such as housing and other local government services, across Blackburn with Darwen and other relevant footprints;
5. To influence the development of major plans and service redesigns of health and wellbeing related services, to ensure that local needs are understood and reflected within proposals

## **Accountability**

1. The Board will report to the Council's Executive Board and to the Clinical Commissioning Group Governing Body by ensuring access to meeting minutes and presenting papers as required;
2. The Policy and Corporate Resources Overview Scrutiny Committee has powers in relation to the discharge of functions by the Health and Wellbeing Board. The Director of Public Health will provide regular reporting to the Policy and Corporate Resources Overview Scrutiny Committee;
3. The Director of Public Health will provide an Annual Report to the Council detailing the Health and Wellbeing Board's work during the past year.

## **Membership**

### **Voting Members**

1. The Chair will be the Leader of Blackburn with Darwen Borough Council or his or her nominated representative. This appointment is made at the Annual Council meeting or nearest Council meeting thereafter. The Vice Chair will be the Chair of the Clinical Commissioning Group (CCG) or the second nominated CCG representative who is also a voting member.

The core membership of the Board comprises the representatives outlined below. The core members are the only individuals with voting rights.

Leader of the Council  
Executive Member for Health and Adult Social Care  
Executive Member for Children, Young People & Education  
Leader of the Opposition  
Director of Adult Services  
Director of Children's Services  
Director of Public Health  
A representative of NHS England  
A representative of Healthwatch  
A representative of East Lancashire Hospital Trust  
A representative of Lancashire Care Foundation Trust  
Two representatives of the Clinical Commissioning Group  
Two representatives of the Voluntary sector  
Two representatives of the Community (Lay Members)

2. Only these core members and their named deputies will have voting rights.
3. The core members will keep under review the membership of the Board and if appropriate will make recommendations on any changes to the core membership as required, to continue to respond to changes in the system.

### **Non voting members**

4. To ensure an adequate breadth of service delivery and activity is represented and considered by the Board in their discussions, the Board have agreed that the following representatives will be invited to Board meetings as non-voting members:
  - Chief Executive, Blackburn with Darwen Borough Council

- Clinical Chief Officer, Blackburn with Darwen Clinical Commissioning Group
- Chair of the Blackburn with Darwen Live Well Board

These members will not have voting rights.

#### Invited members

5. Additional members may be invited at the discretion of the Board to specific meetings. These are likely to include:
  - Representatives from the NHS Commissioning Board
  - Heads of Service
  - Other officers of the Council, NHS and other local health and wellbeing stakeholders
  - Executive Members of the Council

Invited members will not have voting rights.

#### Decision making

1. The Board will need at least eight voting members to be quorate – this must include at least one elected Member, one Clinical Commissioning Group member and one member of either the voluntary sector or community sector. Voting members can appoint deputies with the agreement of the Chair;
2. Where consensus cannot be reached the matter will be decided by a simple majority of those voting members present in the room at the time the question was put. The Chair will take the vote by a show of hands. If there are an equal number of votes for and against, the Chair will have a second or casting vote.

#### **Roles and responsibilities of Board members**

1. To work together effectively to ensure the delivery of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy;
2. To work within the Board to build a collaborative partnership to key decision making that embeds health and wellbeing challenge, issue resolution and provides strategic system leadership;
3. To participate in Board discussions to reflect the views of their organisations, being sufficiently briefed to be able to make recommendations about future policy developments and service delivery;
4. To champion the work of the Board in their wider work and networks and in all individual community engagement activities;
5. To share any changes to strategy, system configuration and performance within their own partner organisations, with the Board, outlining the consequences of such on budgets and service delivery, to allow the Board to consider the wider system implications.

6. To ensure that there are communication mechanisms in place within their organisations to enable information about the Health and Wellbeing Board's priorities and recommendations to be effectively disseminated;

### **Agenda setting and notice of meetings**

1. The agenda will be developed by partnership representation at agenda setting meetings and membership of this group is:
  - Chair and Vice Chair
  - Clinical Commissioning Group representative
  - Voluntary sector representative
  - Local authority representative
  - Director of Public Health
2. Any agenda items or reports to be considered at the meeting should be submitted to the Council's Democratic Services no later than seven working days in advance of the next meeting. No business will be conducted that is not on the agenda, unless agreed with the Chair prior to commencement of the meeting.
3. In accordance with the Access of Information Legislation Democratic Services will circulate and publish the agenda and reports prior to each meeting. Exempt or Confidential Information shall only be circulated to core members.

### **Procedure at meetings**

1. General meetings of the Board are open to the public and in accordance with the Council's Committee Procedure Rules will include a Public Question Time session. Papers, agendas and minutes will be published on the Blackburn with Darwen Committee section;
2. The Board will also hold development / informal sessions throughout the year where all members are expected to attend and partake as the agenda suggests;
3. Core members are entitled to speak through the Chair. Invited members are entitled to speak at the invitation of the Chair;
4. Whenever possible decisions will be reached by consensus or failing that a simple majority vote.

### **Conflict of interest**

1. In accordance with the Council's Committee Procedure Rules, at the commencement of all meetings all Board members shall declare disclosable pecuniary or non-pecuniary interests and any conflicts of interest;
2. In the case of non-pecuniary matters members may remain for all of part of the meeting, participate and vote at the meeting on the item in question;
3. In the case of pecuniary matters members must leave the meeting during consideration of that item.

### **Code of conduct**

1. All Councillors and co-opted members of Council committees are required to comply with the Code of Conduct, contained in Part 5, Section 1 of the Constitution. Therefore, all voting members of the Health and Wellbeing Board will be required to comply with the Code of Conduct.
2. All voting non Councillor members of the Health and Wellbeing Board will be required to complete a declaration of interest.
3. The NHS Commissioning Board (NHS England) is under a duty to issue guidance to CCGs on the exercise of their functions in relation to conflicts of interest and CCGs must have regards to such guidance. This list is not exhaustive – as non Councillor members of Board may also be bound by other codes of conduct and professional standards. It should also be noted that the public law notions of predetermination and bias will also apply.
4. As a matter of process, each agenda of the Health and Wellbeing Board will have “Declarations of Interest” as a standing item.

### **Governance, decision making, transparency and accountability**

1. The Health and Wellbeing Board is a Committee of the Council established in accordance with section 102 LGA 1972. Reports before the Board requiring decision will have gone through necessary governance of the author / owner as applicable. Reports will also be clear what and to whom the recommendations apply.
2. Decisions made by the Health and Wellbeing Board under their statutory functions do not need to go on the Council’s ‘Register of Key Decisions’ and they are not subject to the requirement to provide 28 days notice of intention to take a decision. The Health and Wellbeing Board is a non-Executive Committee (i.e. a committee of the Council), however their statutory functions (as set out in the Health and Social Care Act 2012, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and other relevant legislation) are not subject to the Council’s “Call in” procedure.

## Section 12 Other Committees of the Council

There shall be committees of the Council listed in the left hand column of the table below. The Membership of the Committee shall be as listed in the middle column and the terms of reference as set out in the right hand column:

Committee	Membership	Terms of Reference
Chief Executive's Employment Committee	<p>Four Members of the Council: (Leader of the Council two Deputy Leaders and Leader of the main Opposition Group)</p> <p>That the Committee be authorised to appoint additional Members with full voting rights to this Committee dependent on the business to be transacted and in line with the political balance of the Council.</p>	To consider the Chief Executive's appraisal process and to perform all functions of the Council in relation to employment of the Chief Executive other than those which the Officer Employment Procedure Rules require to be performed by full Council or the Executive Board.
Discretionary Grant School and Post School Transport Appeals	Three members drawn from the Appeals Panel	To hear appeals from Officer decisions in respect of discretionary grants and school transport
Chief Officers Appeals	Three members of the Council	To hear and determine appeals by the Chief Executive, Deputy Chief Executive, and Directors in accordance with the Council's procedures.
Social Services Review Panel	Two members drawn down by the Director of Adult Services from the Appeals Panel together with independent members in accordance with the statutory provisions.	To make recommendations in accordance with the relevant complaints procedure.
Chief Officer (and percentage related Chief Officers) Employment Committee	<p>Four Members of the Council: (Leader of the Council two Deputy Leaders and Leader of the main Opposition Group)</p> <p>That the Committee be authorised to appoint additional Members with full voting rights to this Committee dependent on the business to be transacted and in line with the political balance of the Council.</p>	To perform functions set out in the Officer Employment Procedure Rules in respect of Chief Officers and percentage related Chief Officers to determine the terms and conditions on which chief officers hold office. (See Part 4 Section 9)



Charitable Funds Committee	Six Members of the Council	To support the Council where it has been appointed as sole corporate trustee (by an Order of the Charity Commission for England & Wales) and make decisions on the Council's behalf in relation to day to day and operational matters.

## Section 13 Executive Functions

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The Leader shall have power to exercise all functions of the Council which are not by law or under this Constitution the function of the Council. The Leader may either personally exercise these functions or make arrangements for their discharge by the Executive Board, by a committee of the Executive Board, by individual Executive Members, or by officers.

The Leader has made arrangements for the discharge of these functions by the Executive Board, by a committee of the Executive Board, by individual Executive Members, or by officers as set out in Part 3 of this Constitution.

Note 1: The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 set out functions which are not to be the responsibility of the Executive. In summary these cover the adoption of various plans and strategies, the determination of the budget, the regulatory and other functions referred to in relation to the Planning and Highways Committee and Licensing Committee and certain constitutional and quasi legislative functions.

Note 2: Any decisions made or to be made in connection with the discharge of a function which is the responsibility of the Executive shall be in accordance with the Local Government Act 2000, the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules set out in Part 4 (Section 2) of this constitution,

## **Section 14 Executive Member Delegations**

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### **General Powers**

1. Executive Members having delegated powers from the Leader may make any Executive decision in respect of their portfolio subject to the restrictions set out below.
2. The Leader may take decisions in respect of any portfolio if the relevant Executive Member is unable to act. In absence of the Leader this power may be exercised by one of the Deputy Leaders.

### **Restrictions on exercise of Powers**

1. Any decisions which significantly cross cuts more than one portfolio must be presented to the Executive Board.
2. All decisions must be taken in accordance with the law, standing orders, financial regulations, relevant codes of practice and having regard to those the principles of decision making set out in Article 13.02 of the Constitution.
3. An Executive Member will not make a decision in respect of any matter in which he or she has a personal or other interest under the Member's Code of Conduct (Part 5, Section 1). Such decisions will be referred to the Leader.
4. Executive Members will make decisions only in the presence of an Officer and all decisions will be recorded in an approved format and in accordance with any regulations from time to time in force.
5. An Executive Member will not use delegated powers to make a key decision.
6. Where the powers given to officers under the Officer Scheme of Delegations (Part 3, Section 16) coincide with those given to Executive Members the principle will be observed that day to day managerial decision are to be taken by officers and Executive Members should take strategic decisions.

## Section 15 Portfolios for Executive Members

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The Leader of the Council and Members of the Executive Board will be responsible for the delivery of the Corporate Plan and Corporate Priorities. The individual portfolios will be responsible for monitoring the performance and financial management of their portfolio. In addition the individual portfolio will carry the following responsibilities:

### 1. LEADER

To be responsible for all executive functions other than those functions the Leader has delegated under this Constitution.

- To be responsible for overall strategy and policy, including the allocation of key corporate policies, development and implementation including the performance agreement
- To appoint between two and nine individual Executive Board Members and to allocate responsibilities to them.
- To appoint at least one Deputy Leader and to allocate responsibilities to him/her.
- Relationships with Europe, national, regional, sub-regional and local organisations and partnerships, including Local Strategic Partnership, Local Public Service Board, and associated Corporate initiatives;
- Health & Well Being Board and Strategy;
- Corporate and strategic public relations and communications(including imaging and branding);
- Performance Management;
- Corporate research, census and ward profiles;
- Community cohesion & Equality;
- Joint arrangements with the office of the Police and Crime Commissioner, Lancashire Constabulary, Lancashire Fire & Rescue Service, Lancashire Probation Service, Lancashire Magistrates Court Committee;
- The mayoralty, those civic and ceremonial matters which are the function of the Executive, twinning arrangements and liaison with other authorities;
- Democratic Services;
- Support for Elected Members and the Council's decision making processes through Democratic Services;
- Member support & development;
- Pennine Lancashire and Lancashire Leaders/Local Enterprise Partnership (LEP)/ Lancashire Combined Authority (in shadow form);
- Citizen Engagement (including "Your call").

## **2. HEALTH & ADULT SOCIAL CARE**

To be responsible for strategic and corporate policies for Health, Public Health, and Adult Social Services in the Borough and the implementation of such services, in particular through provision of services for:

- Strategic commissioning for adult social care;
- Quality Assurance and Performance Management of care services;
- Safeguarding Venerable Adults & Local Safeguarding Adult Board (LSAB)
- Older People;
- Adults with physical disabilities;
- Adults with learning disabilities;
- Adults with mental health needs;
- Adult Social Care provision;
- Transition to adulthood;
- Community Care;
- Independent Living;
- Drug and Alcohol;
- Emergency Duty Service;
- Hospital Discharge;
- Sensory Impairment Service;
- Care network & Carer services;
- Supporting people;
- Partnership and co-operation with relevant voluntary sector and statutory agencies and groups;
- Disabled facilities grants for adults;
- Interface with Clinical Commissioning Group;
- Health promotion and positive lifestyles;
- Reduce health inequalities;
- Joint planning with health and other agencies including lead for Joint Strategic Needs Analysis (JSNA) ;

- Link with Health Providers, East Lancashire Hospital Trust & Lancashire Care Trust;
- HealthWatch;

### **3. CHILDREN, YOUNG PEOPLE & EDUCATION**

Under the Children Act 2004 the Council is required to appoint a “*Lead Member for Children’s Services*”. The Department of Health has published a guidance: “*Statutory Guidance on the Roles & Responsibilities of the Director of Children’s Services and the Lead Member for Children’s Services*” which stipulates that Lead Member for Children’s Services: is a member of the Council’s Executive who has political, not operational, responsibility for the leadership, strategy and effectiveness of the provision of services to all children and young people. The post holder is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities for children within the broader political context.

To be Lead Member responsible for Children’s Services in the Borough including the strategic development and implementation of policies and plans to achieve the Every Child Matters 5 outcomes (Be Healthy, Stay Safe, Enjoy & Achieve, Make a Positive Contribution and Achieve Economic Well-being). In addition:

- Child protection and other safeguarding of children, and Local Safeguarding Children Board (LSCB);
- Children’s Social care provision
- Advice and guidance to vulnerable young people
  - CAMHS
  - Teenage pregnancy
  - Residential care
- Children in our care
- Children with complex needs
- Fostering & Adoption
- Early Years
- Family support
- Think Family
- Young Peoples Service
- Youth offending team
- Youth Zone & other organisations for young people
- Children’s social care – commissioning;

- Disabled facility grants for children and family
- Health relationships – children and families;
- Partnership and co-operation with relevant voluntary sector and statutory agencies and groups;
- Leading on Inter Agency co-operation for Children;
- Services to schools;
- Relationships with nurseries, schools, free schools, academies and other educational providers;
- Support for children with special educational needs including statutory assessment, education psychology and access to progression;
- School places planning;
- Education Welfare;
- Admissions and exclusions;
- School improvement;
- Governor support services;
- Extended school's curriculum;
- Building schools for the future;
- Monitor attainment and achievement of young people;
- Workforce development in schools and across other partners;

## **5. NEIGHBOURHOODS AND PREVENTION**

To be responsible for strategic and corporate policy and plans relating to Neighbourhoods, & Prevention:-

- Community engagement and capacity building;
- Community Centre Buildings;
- Community safety/crime and disorder matters/Anti-social behaviour
- Area based community and voluntary groups and organisations;
- Lifelong learning and adult workforce development;
- Housing need and homelessness;
- Liaison registered social landlords or other providers;

- Home improvement and private sector renewal;
- Private sector landlord, liaison and licensing
- Houses in Multiple Occupation (HMO)
- Caravan dwellers and transient communities
- Asylum seekers policies and support services
- Volunteering
- Prevention & demand management strategies
- Partnership and co-operation with relevant voluntary sector and statutory agencies and groups; and
- The Leader has agreed that the Executive Member for Neighbourhoods, and Prevention Services in conjunction with the Executive Member for Resources be delegated authority to consider and approve the making of compulsory purchase orders under section 17 of the Housing Act 1985 for individual empty properties identified as part of the Council's Empty Property Strategy"

## **6. LEISURE, CULTURE & YOUNG PEOPLE**

To be responsible for promotion and implementation of leisure, entertainment, sport and cultural services provided by the Council, in particular the management, operation and development of:

- Sport and leisure facilities;
- Libraries
- Museums and arts facilities;
- Entertainment and cultural services facilities;
- Archive services;
- Sports Strategy
- Parks, countryside recreation services and facilities;
- Outdoor amenities including sports facilities, parks strategy, management and day to day maintenance;
- Festivals and events;
- Public Halls and Civic catering;
- BSF Community use of facilities;
- To determine subsidies and grants for the use of Council Leisure and Cultural Services premises by voluntary organisations and groups;



- Partnership and co-operation with relevant voluntary sector and statutory agencies and groups; and

## **7. REGENERATION**

To be responsible for the creation and implementation of overall plans (including Local Plan), policies and programmes relating to the regeneration, and economic development (including the Growth Programme (housing & employment) of the Borough. Specifically to be responsible for:-

- Transport
  - Local Transport Plan
  - Public passenger transport;
- Highways maintenance, including street lighting maintenance, planned and reactive road maintenance including the delivery of the network Recovery programme, drainage, flood risk and Highways Asset Management.
- Securing inward investment and assistance to business;
- Planning and development;
- Agreeing development briefs and dealing with other matters in relation to Town and Country Planning insofar as these are delegated Executive functions;
- Building control;
- Traffic Regulation Orders
- Land Charges;
- Town centres and markets;
- Tourism and marketing strategy and tourist information centres;
- Building maintenance;
- Regenerate Pennine Lancashire Ltd (RPL) and Partnership and co-operation with relevant voluntary sector, statutory agencies etc.; and
- To monitor the performance and financial management of the Portfolio;

## **8. RESOURCES**

To be responsible for the overall management of the Council's resources, including land, property, staffing and the Council's finances, including the following specific responsibilities:-

- Budget monitoring and financial management;
- Council tax policy and Local Council Tax Support;

- Audit, fraud, insurance and risk management;
- Treasury management and performance;
- Procurement;
- Corporate governance;
- Legal Services;
- Registration Services;
- Human Resources
- Organisational Development;
- Health and safety
- Payroll and pensions;
- Information technology management and governance;
- RIPA
- Business change and Digital Services;
- Property, corporate accommodation, land and buildings management, including appropriation, acquisition, disposal of, lease or development of land or interests in land in the Borough;
- Carbon management and sustainability
- Responsibility for all tenanted property (other than Blackburn and Darwen markets)
- Management of the Public Private Partnership
- Emergency planning and civil contingency arrangements;
- Revenues & Benefits Administration;
- Partnership and co-operation with relevant voluntary sector and statutory agencies and groups;
- To monitor the performance and financial management of the Portfolio.
- Customer Services
- Corporate Complaints/Ombudsman;
- Advice services
- The Coroner;

- The Leader has agreed that the Executive Member for Neighbourhoods, and Prevention Services in conjunction with the Executive Member for Resources be delegated authority to consider and approve the making of compulsory purchase orders under section 17 of the Housing Act 1985 for individual empty properties identified as part of the Council's Empty Property Strategy"

## **9. ENVIRONMENT**

To be responsible for the creation and implementation of waste management, waste disposal, ground maintenance services and commercial and environmental health. Specifically to be responsible for:-

- Waste management & strategy including refuse collection, recycling and household waste centres and waste disposal;
- Street cleansing;
- Ground maintenance on Council maintained land and drainage;
- Cemeteries and crematorium;
- Community action and environmental enhancement;
- Licensing policy issues;
- Commercial and environmental health issues including health and safety at work, animal welfare and food safety;
- Building Cleaning;
- Car Parking & Parking Enforcement; and
- Trading Standards and consumer advice;

## The Executive: Summary of Portfolio Responsibilities – May 2018

LEADER	HEALTH & ADULT SOCIAL CARE	CHILDREN, YOUNG PEOPLE & EDUCATION	ENVIRONMENT	LEISURE & CULTURE	NEIGHBOURHOODS & PREVENTION	REGENERATION	RESOURCES	
Overall policy & strategy	Adult social care provision & commissioning	Achievement of the Every Child Matters 5 Outcomes	Waste management & strategy	Sports & Leisure Facilities	Community engagement & capacity building	Growth programme – housing & employment	Budget monitoring & financial management	
Performance management	Care quality assurance & performance management	Children's social care provision & commissioning	Refuse collection, recycling & household waste centres	Sports strategy	Area based community & voluntary groups & organisations	Gateways	Audit insurance & risk management	
Corporate communication	Safeguarding Adults & LSAB	Safeguarding Children and LSCB	Waste disposal	BSF Community use of facilities	Volunteering	Regeneration & economic development	VAT & Treasury management	
Cohesion & Equality	Carers services	Health relationships - children & families	Street Cleansing	King George's Hall complex	Prevention & demand management strategies	Securing inward investment & assistance to business	Procurement	
Corporate research, census, ward profiles	Independent Living	Inter agency co-operation for children	Grounds maintenance on Council maintained land	Blakey's	Integrated neighbourhood teams	External funding for investment	Revenues & Benefits	
Democratic Services	Sensory Impairment	Advice and guidance to vulnerable young people	Cemeteries & crematorium	Darwen Library Theatre	Lifelong learning & adult workforce development	Local Plan & core strategy	Legal services	
Member support & development	Supporting people	Services to schools	Community action & environmental enhancement	Civic Catering	Housing needs & homelessness Liaison with registered social landlords or other providers	Planning & development	Corporate governance	
The Mayoralty, civic, ceremonial and town twinning	Drug & Alcohol		Enviro-crime	Festivals and Events		Building control	HR, Payroll and pensions	
Your Call	Emergency Duty		Licensing	Community Centre Buildings	Home improvement & private sector renewal	Land Charges	Organisational Development	
	Disabled facilities grants for Adults			Libraries		Town centres	Health & safety	
	Public Health			Cultural services			Information technology &	
				Museums				

LEADER	HEALTH & ADULT SOCIAL CARE	CHILDREN, YOUNG PEOPLE & EDUCATION	ENVIRONMENT	LEISURE & CULTURE	NEIGHBOURHOODS & PREVENTION	REGENERATION	RESOURCES	
Local Strategic Partnership	prevention	CAMHS	Trading standards & consumer advice	Arts facilities	Private sector landlord liaison & licensing	Tourism, marketing strategy & visitor information	Governance	
Local Public Service Board	Interface with Clinical Commissioning Group	Relationships with schools		Archive services	Caravan dwellers & transient communities	Markets Highways & Transport	Digital & Business change	
Combined Authority	Health promotion & positive lifestyles	SEN	Commercial & environmental health issues	Parks & Countryside services	Asylum seeker policies & support services	Local Transport Plan	Customer Services Advice services	
LEP (Lancashire Enterprise Partnership)	Reduce health inequalities	Education Welfare	Health & safety at work		Community safety	Public passenger transport	Corporate Complaints/ Ombudsman	
Pennine Lancashire	Joint planning with health and other agencies, lead for Joint Strategic Needs Analysis (JSNA)	School Places to Admissions	Animal welfare		Crime & disorder matters	Highways maintenance	Registration Services	
Regional and European relationships		Youth offending	Food safety		CCTV	Building maintenance	Coroner	
Joint arrangements, e.g. Fire, Police	Link with Health Providers, East Lancs Hospital Trust & Lancashire Care Trust	Teenage Pregnancy	Building cleaning		Housing Enforcement	Drainage	Property, land. Buildings & accommodation,	
Health & Well Being Board and Strategy	HealthWatch	Young Peoples Services	Car Parks & parking enforcement				Tenanted property Carbon management & sustainability	
		Residential care					Emergency planning /civil contingencies	
		Children in our care						
		Children with complex needs						

LEADER	HEALTH & ADULT SOCIAL CARE	CHILDREN, YOUNG PEOPLE & EDUCATION	ENVIRONMENT	LEISURE & CULTURE	NEIGHBOURHOODS & PREVENTION	REGENERATION	RESOURCES	
Page 94		Fostering & Adoption  Early Years  Children's Centres  Family support  School Exclusions School improvement  Governors Support  BSF  Excluded Schools Curriculum						

## **Section 16 Officer Scheme of Delegation**

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This Scheme provides officers with the authority to deliver the services for which they are responsible.

A Chief Officer may exercise any power delegated to him or her.

A Chief Officer may delegate to another named officer or post holder (normally a Head of Service) certain powers and duties which have been delegated to that Chief Officer. Each Chief Officer shall submit on an annual basis to the Director of HR, Legal & Corporate Services details of such delegations including the named officer or post holder and the powers and duties delegated to them.

The Chief Executive may exercise powers delegated to any officer when that officer is unable or unwilling to act.

### **Restrictions on Use of Delegated Powers**

- 1) Chief Officers shall exercise their powers and other specified in this constitution in compliance with the law, the Council's Constitution, and policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules
- 2) Where powers delegated to a Chief Officer coincide with those given to Executive Members the principle will be observed that day to day managerial decisions are for the Chief Officer to take and Executive Members should take strategic decisions. However a decision taken by a Chief Officer shall not be open to challenge on the basis that it offends this principle.
- 3) Capita's powers are restricted to those identified in this Constitution.

### **Interpretation of Powers**

1. Any power to take action under a statutory provision shall be deemed to authorise action under any statutory re-enactment of that provision.
2. Any power to take action shall include the power to take necessary associated actions.

### **GENERAL DELEGATIONS TO ALL CHIEF OFFICERS**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

All Chief Officers shall have authority to deal with the following:

#### **A In connection with Financial Matters**

1. The management of buildings and facilities under their control.

2. The placing of orders and the awarding of contracts in accordance the Financial Procedure Rules and the Contract and Procurement Procedure Rules and where necessary in consultation with the relevant Executive Member.
3. To select contractors to tender for work or supply services to the Council in accordance the Financial Procedure Rules and the Contract and Procurement Procedure Rules.
4. To incur expenditure on individual capital schemes within the approved budget or on design preparation of a scheme.
5. To incur revenue expenditure within the Council's portfolio revenue budgets.
6. To approve price variations under contracts and to authorise variation orders under contracts. Where contracts are managed by a third party external to the Council, price variations should be reported to and approved by the relevant Chief Officer.
7. To dispose of assets other than land up to the values set out in Financial Regulations.
8. The drawing up of bids and accepting offers of external funding within their own area of responsibility in consultation with the relevant Executive Member, Director of Finance & Customer Services and the Executive Member for Resources.
9. To approve, in consultation with the Directors of HR, Legal & Governance and Finance & Customer Services, the payment of financial compensation, to resolve a complaint submitted in accordance with the Council's complaints procedure.
10. In consultation with the Director of Finance & Customer Services and relevant Executive Member, to approve an increase in the original budget up to a maximum stated in the Financial Procedure Rules (Part 4, section 7) subject to the presentation in advance by the appropriate Chief Officer(s) of a detailed and fully costed business case to the Executive Member. (The format for the business case will be specified by the Director of Finance & Customer Services). A report of action taken should also be presented to the Executive Member for Resources.
11. Approval of grants to voluntary or community organisations.

#### **B. In connection with HR Matters**

1. In relation to HR matters, each Chief Officer is responsible for the staffing of the services which he/she provides concerning all non-Chief Officer posts including:
  - Appointment, suspension and dismissals
  - The approval of payments and benefits to staff (see note 1)
  - The approval of leave
  - Agreement to secondments
  - Approval of training opportunities
  - Approval to grant extensions to payments such as sick pay after formal approval from both the Director of HR, Legal & Governance and the Director of Finance & Customer Services.



Note 1: the establishment, deletion, and grading posts is to be within the council's approved pay and reward structure and is subject to the agreement of the Director of HR, Legal & Governance and Director of Finance & Customer Services.

Note 2: in relation to Chief Officers the powers of the Chief Executive and of the Chief Officer Employment Committee takes precedence.

2. The power to determine employee related applications and appeals in accordance with Council's HR policies and procedures.
3. The engagement of temporary staff in accordance with Council's HR policies and procedures.

### **C. In connection with General Matters**

- 1 In consultation with the Leader and the relevant Executive Member to authorise attendance by Members at conferences/seminars etc. provided there is adequate budgetary provision.
- 2 To authorise persons to enter land or obtain information for any statutory purpose coming within the Chief Officer's field of responsibility.
- 3 To take necessary measures to ensure that high standards of health, safety and welfare are achieved in the activities of the Council and its Departments, in compliance with the Health and Safety at Work etc. Act 1974 and the Council's Health and Safety Policy.
4. In consultation with the relevant Executive Member to consider and determine Expressions of Interests made under the Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012.
5. In accordance with the RIPA Procedural Guide the Authorising Officer shall be appointed by the Council at any particular time to hold the position of 'Authorising Officer' across the Council Departments within Blackburn with Darwen. A list of these nominated Authorising Officers accompanies the RIPA Procedural Guide.

### **TO THE CHIEF EXECUTIVE**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

1. To take any action, including incurring expenditure, in connection with an emergency or disaster in the district.
2. The powers of the Head of Paid Service under the law and the Council's Constitution.
3. To exercise powers delegated to any Officer when that Officer is unable or unwilling to act.
4. To exercise plenary powers

5. To exercise the Chief Officer Employment Committee's powers in consultation with the Chair in respect of the employment related matters of Directors/Chief Officers other than appointment and dismissal. A decision made by the Chief Executive under these powers must last for no more than six months before the matter is referred to the Chief Officer Employment Committee.
6. To appoint Committees from Panels agreed by Council.
7. To exercise functions under the Corporate Complaints Policy.
8. To represent the Council (or to nominate in writing another Chief Officer) on the managing boards of major partnerships and other companies and, in so doing, to exercise such further operational powers as he or his representative may be required on behalf of the Council in accordance with Article 10 of this Constitution.
9. To exercise all relevant powers under the Public Order Act 1986 to consider and take any action necessary to comply with a Chief Constable of Police's application, in order to prevent serious public disorder, service damage to property or serious disruption of community life.
10. To undertake the statutory Returning Officer role.
11. To issue corporate media statements, publicity and electronic or hard copy publications.
12. To make omission changes to Electoral Poling Districts.
13. To maintain key relationships at a sub-regional level across Lancashire including other local authorities, the emerging Lancashire combined authority and the Lancashire Enterprise Partnership (LEP)

## **DEPUTY CHIEF EXECUTIVE**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

1. To exercise all powers of the Director of Growth & Development, Director of Environment & Leisure, Director of HR, Legal & Governance, Director of Finance & Customer Services and the Director of Digital & Business Change where they are unable to act.
2. The power to authorise change control within the Strategic Partnership Agreement with Capita.
3. To determine Compensation Reviews under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Resources
4. To discharge the functions of the "designated scrutiny officer" under section Part 1A, section 9FB of the Local Government Act 2000.

5. To be responsible for the corporate performance, policy and research and intelligence that supports the Council, Leadership Executive Members and Senior Officers.
6. Responsible for the 'Hive' and key relationships with private sector business in the Borough including Growth Lancashire.
7. To be responsible for corporate performance policy and research and intelligence that supports the Council, Leadership, other Executive Members and Senior Officers

## **DIRECTOR OF GROWTH & DEVELOPMENT**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Growth & Development department

### Planning Powers

- 1 To seek planning permission on behalf of the Council.
- 2 To determine applications for planning permission, except where one or more of the following apply:
  - 2.1 the application one of the following:
    - A largescale major development as defined by within the definition for the time being prescribed by central government from time to time.
    - A Smallscale Major Developments for dwellings where the number of residential units to be constructed is over 50. However where the number of dwellings to be constructed is not given in the application then for a site area of 2 hectares or more. For all other uses a Smallscale Major Development is one where the floor space to be built is 1,000 square metres or more or where the site area is 2 hectares or more.
  - 2.2 a 'Commercial Development' as defined in paragraph 3 below;
  - 2.3 The decision would be contrary to the development plan or prejudicial to Council policy;
  - 2.4 The application is referred to the Planning & Highways Committee under the Member Referral Scheme;
  - 2.5 The Chair (or the Vice-Chair in his/her absence) of the Planning & Highways Committee has requested that the application be determined by the Committee;

**NOTE:** Smallscale Major Developments for the construction of less than 50 dwellings and Minor Developments are delegated to the Director.

- 2.6 The application is by or on behalf of a Member of the Council;
- 2.7 The application is by or on behalf of the Council's senior management team, a service unit head, an officer of the Planning Service or any other officer with direct input to, and therefore could influence the application

PROVIDED ALWAYS that in circumstances where the Director of Growth & Development has notified the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee that a 'Performance Trigger' (as defined below) is met, exceptions 2.1 to 2.4 above will not apply, and the Director of Growth & Development shall determine those planning applications in consultation with the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee.

*A Performance Trigger will be met if the Council's performance as regards the speed of determining planning applications, as measured against performance indicators set from time to time by Central Government, has fallen or is about to fall below a level which would result in the Council's Planning Service being placed in Special Measures.*

3. For the purposes of applying these delegation arrangements, "Commercial Development" is defined as new building, a change of use, or alterations to existing buildings, which is proposed on land that is designated as industrial/business development land in the adopted Local Plan, AND which is in one or more of the following categories:
  - 3.1. All uses falling within Use Classes A and B of the current Town and Country Planning (Use Classes) Order;
  - 3.2. Any use, including Sui Generis uses, not falling into these Use Classes but determined by the Director of Growth & Development to be similar in nature;
  - 3.3. Any use which is not one of the uses set out in 3.1 or 3.2, but which is applied for as part of a planning application which also includes one or more of those uses.
4. To determine applications in relation to protected trees and hedgerows and issue any subsequent Orders arising from such applications.
5. To determine applications for lawful development certificates.
6. To authorise the service of planning contravention notices, breach of condition notices and stop notices.
7. To deal with formal complaints and to set and adjust fees in relation to formal complaints under the Anti-Social Behaviour Act 2003 (Part 8, High Hedges Legislation).
8. Where urgent action is required and following consultation with the Chair of the Planning and Highways Committee to exercise all powers of the Council as local planning authority including the service of enforcement notices, stop notices,

planning contravention notice or breach of condition notice, building preservation notices and to authorise applications for injunctions in respect of breaches of planning control and listed buildings

9. To determine on all matters relating to all Prior Notification/Prior Approval applications made under the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013.”
10. To exercise the functions relating to building control.
11. To manage the delivery of the Council's Growth Programme for employment, housing and town centre development sites.
12. To make temporary orders in accordance with the Road Traffic Regulations (Special Events) Act 1994.
13. To authorise action in accordance with highways and road traffic legislation
14. To exercise the Council's functions in relation to public transport.
15. To exercise all the functions of a commons registration authority and of a town or village green registration authority save for decisions (1) to amend the Register of Commons and the Register of Town or Village Greens and (2) to set fees.
16. To consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Resources and the Executive Member for Regeneration and other consultees as appropriate. Powers and duties relating to the corporate property including buildings and assets of the Council.
17. To take action in connection with the Management of the Borough's Market undertakings and Fairs.
18. To approve Temporary Markets with charitable elements subject to conditions set out.
19. Responsibility for the development of corporate plans and longer term strategies for future growth and prosperity of the Borough

## **TO THE DIRECTOR OF ENVIRONMENT & LEISURE**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

1. The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Environment & Leisure department

2. To exercise all the Council's responsibilities, functions, duties and powers under all legislation in relation to environmental and public protection services
3. Environmental Health Powers:-
  - (a) In regulating waste disposal to act in accordance with Control of Pollution and Environmental Protection legislation
  - (b) To carry out all action necessary under environmental health, including food safety, safety at sports grounds, petroleum licensing, explosives, health and safety and related legislation.
4. Cemetery and Cremation service - to authorise the granting of exclusive rights of burial, exhumations and paupers burials
5. To exercise all the Council's duties and powers under legislation in relation to trading standards
6. Licensing Powers – To carry out all licencing and registration functions other than any specifically delegated to other Directors.
7. To exercise the powers in connection with Private Sector Housing, Landlord, Licensing, Housing in multiple occupancy.
8. To exercise powers in connection with Caravan dwellers and transient communities.
9. To have responsibility for car parks, parking and bus lane enforcement.
10. To have responsibility for parks and open spaces.
11. To have responsibility for museums leisure libraries public halls, catering and events.

## **TO THE DIRECTOR OF HR, LEGAL & GOVERNANCE**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the HR, Legal, & Governance Department.

1. To be responsible for the conduct and instruct solicitors to institute, defend and appear for any legal proceedings in any civil or criminal court or tribunal on behalf of and in the name of the Council, including payments to settle proceedings.
2. To take any action to protect the Council's legal rights and to take any necessary steps to settle disputes arising.
3. To authorise officers to appear in the Magistrates' and County Courts.
4. To authorise serving of Statutory Notices, to authorise completion and confirmation of Orders, sign and seal documents and receive and open tenders.

5. To agree indemnities where they are required to enable the Council to exercise any of its functions provided that where the giving of an indemnity could have considerable financial implications the Director of Finance & Customer Services shall be required to give approval.
6. The authority to deliver the following:
  - in consultation with the Director of Finance & Customer Services, powers under the Coroners Act 1988.
  - determine requests to reproduce the Council's Coat of Arms.
  - to designate a Proper Officer to oversee the Council's duties and powers in respect of the Registration of Births, Marriages and Deaths.
7. To approve land transactions in accordance with the Council's Financial Regulations.
8. To exercise all powers in relation to the delivery of human resources services for the Council including responsibility for Health and Safety.
9. The powers of the Monitoring Officer under the law and the Council's Constitution
10. To exercise the functions of democratic services, scrutiny and school appeals
11. To exercise the Authority's functions of election services
12. To support the Chief Executive in the exercise of functions under the Corporate Complaints Policy administering the Council's Complaint's process.
13. To support the Standards Committee in the delivery of these responsibilities as set out in this constitution.
14. To promote and co-ordinate the effective Governance of the Council.
15. Responsibility for the delivery of Civil Contingencies functions in consultation with the Chief Executive.

## **TO THE DIRECTOR OF FINANCE AND CUSTOMER SERVICES CUSTOMER SERVICES**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Finance & Customer Services Department.

1. To determine applications for discretionary non-domestic rate relief.
2. The power to set the Council Tax Base in consultation with the Executive Member (Resources)

3. The power to approve estimated business rates income in consultation with the Executive Member (Resources)
4. To exercise the functions of a billing and collecting authority for Council Tax and Business Rates and to administer Council Tax Support and Housing Benefit.
5. To write off irrecoverable debts with a limit of £5000 in respect of each individual account. To write off larger debts with a limit of £30,000 in consultation with the Executive Member (Resources)
6. The power to take urgent action to protect the Council's financial position
7. The powers of the Chief Finance Officer (Section 151 Officer) under the law, and the Council's Constitution
8. To promote the effective corporate governance of the Council.
9. To ensure the Contract and Procurement Procedure Rules are complied with.
10. To exercise all arrangements for the delivery of effective customer services.
11. To exercise the arrangements for the Register of Birth, Marriages and Deaths.
12. Responsible for the Internal Audit function and the relationship with External Audit.

## **TO THE DIRECTOR OF CHILDREN'S SERVICES**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Children's Services Department.

1. To deliver services within the remit of the Children Act 2004 and other relevant legislation.
2. The powers of the Director of Children's Services (DCS) under the law and the Council's Constitution
3. Social services – the authority's functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care.
4. Health services – any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children.
5. Inter-agency co-operation – the building and leading of arrangements for inter-agency co-operation as set out in the Children Act 2004.
6. Education services – the authority's functions in its capacity as a Local Education Authority.



7. The delivery of responsibility for Young People Services.
8. The effective support of Children and Young Adults including NEET's.
9. To administer the effective delivery of Early Years Strategy and Provisions.

## **TO THE DIRECTOR OF ADULTS & PREVENTION**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Adult Services Department.

1. To exercise the powers of the Statutory Director of Adult Social Services (DASS)
2. To exercise the authority's functions within the meaning of the Local Authorities Social Services Act 1970, the Care Act 2014 and any social care legislation, insofar as it relates to adults.
3. Any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to adults.
4. To exercise the Council's community care responsibilities for adults.
5. To exercise the Council's functions regarding the procedures for dealing with complaints and representations relating to personal social services for adults.
6. To administer and provide grants, loans, charges and other forms of assistance for adults.
7. To make provision and act in accordance with legislation relating to mental health.
8. To exercise the Council's functions and powers in relation to commissioning of adults social care and personalisation.
9. To authorise disabled adaptations and home repair assistance.
10. To exercise powers in relation to the Council's housing needs and homelessness responsibilities.
11. The provision of neighbourhood service and engagement including lifelong learning.
12. Community safety responsibilities and authorisation of action in connection with the Authority's duties under Section 17 of the Crime and Disorder Act 1998.
13. To exercise all relevant powers under the Ant—Social Behaviour, Crime and Policing Act 2014.
14. To exercise all relevant powers under the Counter Terrorism and Security Act 2015.
15. To exercise and oversee the Council's powers relating to CCTV.

16. To oversee and manage the Council's responsibilities relating to Asylum Seekers

#### **TO THE DIRECTOR OF DIGITAL & BUSINESS CHANGE**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Digital & Business Change Department

1. To oversee the continued development and delivery of the Digital First programme.
2. To exercise all powers and arrangements for the delivery of business efficient business support services across the Council.
3. To exercise all powers in relation to the delivery of ICT for the Council.
4. To administer the Council's responsibilities under Data Protection and Freedom of Information Legislation and related legislation.
5. To exercise the powers of the Senior Information Risk Officer (SIRO) under the law and this Constitution.

#### **TO THE DIRECTOR OF PUBLIC HEALTH**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The Director be authorised to exercise all the Authority's powers, functions and responsibilities in relation to services delivered by the Public Health Department.

1. To undertake overall responsibility for all of the local authority's duties to take steps to improve public health and to provide officers and elected members with appropriate advice, based on a pattern of local health need, of what works and potential returns on public health investment.
2. To undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the NHS Act 2006.
3. To plan for, and respond to, emergencies that present a risk to public health, in consultation with the council's emergency planning officer where appropriate.
4. To undertake local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders

5. To be responsible for the local authority's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care Act 2012.
6. To be responsible for providing Healthy Start vitamins at any maternity or child health clinic commissioned by the council, in accordance with the Healthy Start and Welfare Food Regulations 2005 as amended by the Health and Social Care Act 2012.
7. To produce and update as necessary the Joint Strategic Needs Assessment in consultation with the Clinical Commissioning Group.
8. To lead on and co-ordinate the development, production, publication and updating of the Blackburn with Darwen Joint Health and Wellbeing Strategy in consultation with the Clinical Commissioning Group.
9. To produce the Director of Public Health's annual report.
10. To provide public health advice to NHS commissioners to help secure:
  - Commissioning strategies that meet the needs of vulnerable groups
  - The development of evidence-based care pathways and service specifications
  - Evidence-based prioritisation policies
  - Health needs audits and health equity audits and health impact assessments
11. To ensure delivery of the National Child Measurement Programme.
12. To secure the delivery of NHS Health Check assessments.
13. To ensure appropriate access to sexual health services.
14. To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.
15. To maintain a particular focus on ensuring disadvantaged groups receive the attention they need, with the aim of reducing health inequalities
16. To ensure the delivery of universal Health Visitor Reviews within the healthy child programme

## **DELEGATIONS TO CAPITA PROPERTY AND INFRASTRUCTURE LTD**

**All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules.**

The following powers may be exercised by any person nominated by the Director of Growth & Development.

They are subject to the restrictions contained in:

- The general limitations on the exercise of delegated powers by Chief Officers.
- The provisions of the Strategic Partnership Agreement.

- The provisions of relevant Statutory Instruments issued under Section 70 of the Deregulation and Contracting Out Act 1994.

### **Highways Powers**

1. The powers to maintain the highway and to make improvements and carry out works to the highways and associated equipment.
2. The powers to issue licenses and take action in respect of skips, scaffolding, the deposit of building materials and the excavation of streets.
3. The powers to require the removal of structures or trees from the highway.
4. The powers under the New Roads and Street Works Act 1991 in respect of the co-ordination of street works etc.
5. Save where the Council or the Executive Board (as applicable) determines otherwise those other powers set out in The Contracting Out (Highway Functions) Order 2009

Note: these powers do not include:

- a. Any powers of entry onto premises
- b. The power to make charges under section 74 of the New Roads and Streets Works Act 1991

## Section 17 Proper Officer Provisions

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1. The Chief Executive is appointed as Head of Paid Service pursuant to section 4 of the Local Government and Housing Act 1989.
2. The Chief Executive is appointed Acting Returning Officer for any constituency or part of a constituency coterminous with or contained in the Borough of Blackburn with Darwen.
3. The Chief Executive is appointed Returning Officer for the elections of Councillors for the Blackburn with Darwen Borough Council.
4. The Director of Finance & Customer Services is appointed as the officer having responsibility for the administration of the Council's financial affairs pursuant to Section 151 of the Local Government Act 1972.
5. The Director of HR, Legal & Governance is appointed as the Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989.
6. The Director of Environment & Leisure is appointed as the officer of the burial authority for the various matters referred to in The Local Authorities Cemeteries Order 1977 (as amended).
7. The Director of Environment & Leisure is authorised to appoint an officer as the registrar for the various matters referred to in the Cremation Regulations 2008
8. The Director of Growth & Development is appointed the proper officer of the Council in relation to the references to the proper officer in the Highways Act 1980 and the Building Act 1984.
9. The Director of Environment & Leisure is appointed the proper officer of the Council in relation to the references to the proper officer in the Food Safety Act 1990
10. The Director of Public Health is appointed as proper officer under sections 48, 61 and 62 of the Public Health (Control of Diseases) Act 1984; Regulations 2 and 3 of the Health Protection (Notification) Regulations 2010; Section 84 and 85 of the Public Health Act 1936; and Section 37 of the Public Health Act 1961.

(Note: In relation to the powers and duties of "Proper Officer" under the Public Health (Control of Disease) Act 1984 the Director of Public Health may delegate to appointees approved by Public Health England (Cumbria and Lancashire.)

11. The Director of Environment & Leisure is appointed the proper officer of the Council in relation to references to the proper officer in the Licensing Act 2003.
12. The Director of Adults & Prevention is appointed the proper officer of the Council in relation to references to the proper officer in the Housing Act 1985, 1996, 2004.

The officers specified in the Table hereunder are appointed the proper officer for the purpose of the respective functions therein specified in relation to them:-

<u>Statutory Provision</u>	<u>Description</u>	<u>Proper Officer</u>
<b>National Assistance Act 1948</b>	The removal to suitable premises of persons in need of care and attention	Director Localities & Prevention
<b>Local Government Act 1972</b>		
S13(3)	Chairman of Parish Council and Proper Officer shall become a body corporate where there is no separate parish council.	Chief Executive
S83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Mayor, Deputy Mayor, Councillor.	Chief Executive
S84	The Officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Executive
S88(2)	The Officer who may convene a meeting of the Council for the election to fill a vacancy.	Chief Executive
S89(1)(b)	The Officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local Government electors.	Chief Executive
S115(2)	The Officer who shall receive all money due from every officer employed by the Council.	Director of Finance and Customer Services
S146(1)(a) and (b)	The Officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Director of Finance & Customer Services
S151	The Officer responsible for the proper administration of financial affairs.	Director of Finance & Customer Services
S191	Functions with respect to ordnance survey	Director of Growth & Development

S210(6) and (7)	Charities	Director of HR, Legal & Governance/Council Solicitor
S225(1)	Deposit of Documents with the Proper Officer the making of notes or endorsements and receipts.	Director of HR, Legal & Governance/Council Solicitor
S229(4) and (5)	The Officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Director having custody of the original or the Chief Executive or the Director of HR, Legal & Governance/Council Solicitor.
S234(1) and (d)	The Officer who may authenticate documents.	The Director having custody of the original or the Chief Executive or the Director of HR, Legal & Governance/Council Solicitor.
S234(2)	(a) Statutory notices under the Public Health Act 1936 and 1961, the Public Health (Recurring Nuisances) Act 1969, the Clean Air Acts 1956 and 1968, the Control of Pollution Act 1974, the Housing Acts 1957 to 1988 and the Local Government and Housing Act 1989 (other than for Council Houses), the Local Government (Miscellaneous Provisions) Act 1976 (except as specified in the next paragraph), the Prevention of Damage by Pests Act 1948, the Food Act 1984 and the Environmental Protection Act 1990 (as it relates to statutory nuisances).	Director of Environment & Leisure
	(b) Notice under the Building Regulations and the Building Act 1984 and under the Local Government (Miscellaneous Provisions) Act 1976 with regard to dangerous trees and excavations.	Director of Growth & Development
	(c) Any other matter.	Director of HR, Legal & Governance/Council Solicitor
S236(9)	The Officer who is responsible for sending certified copies of byelaws to appropriate bodies.	Director of HR, Legal & Governance/Council Solicitor
S238	The Officer who shall certify copies of Byelaws as true copies.	Director of HR, Legal & Governance/Council Solicitor
S248	Keeping the roll of freemen.	Chief Executive

Sch 12/Para.4 (2)(b)	Receipt of notices regarding address to which Summons to meeting is to be sent.	Chief Executive
Sch.12/para.4 (2)(b)	The Officer who may sign a summons to Council meetings.	Chief Executive
Sch.12/para.4 (3)	The Officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Executive
Sch.14/para.25 (7)	The Officer who may certify copies of resolutions passed under the Public Health Acts as true copies for production in legal proceedings.	Director of HR, Legal & Governance/Council Solicitor
S100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Chief Executive
S100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Chief Executive
S100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Chief Executive
S100D(1)(a) and (5)(a)	Identification of background papers and compilation of list of such documents.	Director responsible for the Part 1 Report.
S100F(2)(b)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Chief Executive
<b>Local Elections (Principal Areas)(England &amp; Wales Rules 2006</b>	All references to the Proper Officer in these rules.	Director of HR, Legal & Governance/Head of Governance
<b>Local Government Act 1974 S30(5)</b>	Publication in newspapers of reports of Local Commissioner.	Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976 S41</b>	Certification of copies of resolutions, minutes and other documents.	Director of HR, Legal & Governance/Head of Governance



<b>Local Government Finance Act 1988 S114</b>	Financial Report to the Authority	Director of Finance and Customer Services
<b>Local Government and Housing Act 1989</b> Section 2	Receipt of list of Politically Restricted Posts	Chief Executive
<b>The Local Authorities (Standing Orders) (England) Regulations 2001(as amended)</b>	Functions in relation to notifying Executive of appointments dismissals etc.	The Chief Executive, except in connection with an appointment as Head of Paid Service when it shall be the Director of HR, Legal & Governance
<b>Local Government Act 2000, Part 1A, section 9FB</b>	Designated scrutiny officer	Deputy Chief Executive
<b>National Health Service Act 2006, section 73A</b>	Director of Public Health	Director of Public Health
<b>Registration Service Act 1953, the Marriage Act 1949, Civil Partnership Act 2004, and the Marriages and Civil Partnerships (Approved Premises) Regs 2005</b>	Registration of births, deaths, marriages and civil partnerships and approval of premises for the solemnization of marriages and the formation of civil partnerships.	Director of HR, Legal & Governance/Council Solicitor
<b>The Regulation of Investigatory Powers (Directed Surveillance</b>	To act as the Senior Responsible Officer (SRO) - responsible for: <ul style="list-style-type: none"> <li>• the integrity of the process in place within the public authority for the</li> </ul>	Deputy Chief Executive

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management of CHIS and Directed Surveillance;

- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the OSC inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

**RIPA Monitoring Officer**

The RIPA Monitoring Officer is the Council Solicitor.

**The RIPA Monitoring Officer:**

- a) Will maintain a central record of all original RIPA authorisations, renewals and cancellations in wet copy format.
- b) Will ensure that all applications for the use of directed surveillance are listed before a Magistrate as soon as practicable following the receipt of an authorised application;
- c) Will review the authorisations/renewals made on a regular basis to ensure that such authorisations/cancellations are made properly, are appropriate and that all forms have been fully completed.
- d) Will also raise RIPA awareness within the Council.
- e) Will be prepared to advise, train and assist the Council's officers to enable them to comply with RIPA 2000.

**“DEPUTY PROPER OFFICER” PROVISIONS**

The Deputy Chief Executive is authorised to act as Deputy Returning Officer for Elections when the Chief Executive is unable to act.

In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:-

- a) For the Chief Executive, the Deputy Chief Executive or any Director, as appropriate
- b) For the Deputy Chief Executive, any Director, as appropriate.

- c) For the Director of HR, Legal & Governance, a Deputy Monitoring Officer or an appropriate Head of Service
  - c) For the Director of Finance & Customer Services, Deputy Section 151 Officer or an appropriate Head of Service
  - d) for the Director of Digital & Business Change, an appropriate Head of Service
- e) For the Director of Strategy & Funding an appropriate Head of Service.
- f) For the Director of Environment & Leisure an appropriate Head of Service
- g) For the Director of Public Health, a Consultant in Public Health
- h) For the Director of Localities and Prevention an appropriate Head of Service
- i) For the Director of Growth & Development an appropriate Head of Service

If neither the designated Proper Officer nor the Deputy Proper Officer is able to act, then subject to any legal requirements the Chief Executive may designate an appropriate person to act as Proper Officer or Deputy Proper Officer. If the Chief Executive is unable to act, then subject to any legal requirements this power shall then be exercised by one of the Directors as appropriate, or should they be unable to act, the Director of HR, Legal & Governance or an officer nominated by the Director of HR, Legal & Governance.

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## **PART 4**

# **RULES OF PROCEDURE**

## Section 1 Council Procedure Rules

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## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May on a date the Council will decide at or before their last meeting prior to the Annual General Meeting. In the absence of a decision or statutory provision to the contrary the day will be the third Thursday in May.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) (approve as a correct record and sign the minutes of the last meeting;
- (v) receive any communications from the Mayor;
- (vi) receive any declarations of interest from members;
- (vii) appoint the Overview and Scrutiny Committees and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions;
- (viii) approve a programme of ordinary meetings of the Council for the year; and
- (ix) consider any business set out in the notice convening the meeting.

### **1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and role and functions of those committees;
- (iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive Board.

### **1.3 Election of Leader**

The election of the Leader shall be:

- (i) at the first annual meeting held after the current Leader's normal day of retirement as a councillor, or if the Council fails to elect the Leader at this meeting then the Leader is to be elected at a subsequent meeting of the Council; or
- (ii) If the Council passes a resolution to remove the Leader, a new Leader is to be elected at the meeting at which the Leader is removed from office or at a subsequent meeting of the Council; or
- (iii) If the Leader resigns from office or for some other reason no longer able continue office a new leader is to be elected at a subsequent meeting of the Council.

(Note: The Leader will hold office (the earlier of) for a term of four years, or until the expiry of the Leader's term of office as a councillor or other occurrences under 7.03 of Article 7)

## **2. COUNCIL FORUM**

Meetings of the Council Forum will take place in accordance with a programme decided at the Council's annual meeting. The meeting will:-

- (i) elect a person to preside if the Mayor and deputy Mayor are not present;
- (ii) approve as a correct record and sign the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor;
- (v) deal with any business from the last Council meeting;
- (vi) receive questions from, and provide answers to, the public in relation to matters in accordance with the Councils guidance on public speaking at meetings;
- (vii) consider any motions moved with notice;
- (viii) receive any reports from the Executive Board and the Overview and Scrutiny committee and receive questions and answers on any of those reports. The order in which the reports shall be submitted shall be as set out in the agenda for the meeting and this order shall vary from one meeting to the next;
- (ix) receive the minutes and any reports from the Standards Committee;
- (x) receive any reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider motions moved without notice;
- (xii) consider any questions of which notice has been given;



- (xiii) consider any items of special urgency as defined by the Access to Information and Decisions and Attendance at Public Meetings procedure rule15; and
- (xiv) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive Board in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate.

### **3. OTHER COUNCIL MEETINGS**

#### **3.1 Finance Council**

- (i) Meetings of the Council under this category will consider issues relating to the levying of Council tax, the Revenue and Capital Budgets and the setting of borrowing limits.
- (ii) A meeting of Finance Council to set the Councils budget for the forthcoming year and set the level of Council Tax will take place annually, normally in March.

#### **3.2 Policy Council**

- (i) A Policy Council to agree the policy framework/Corporate Plan will normally be held in November, its purpose to establish the Council's priorities and inform the budget setting process including the Medium Term Financial Strategy.
- (ii) Policy Council shall meet in Committee.
- (iii) If necessary an additional meeting of Council can be held in June to review the Policy Framework and update the agreement

### **4. EXTRAORDINARY MEETINGS**

#### **4.1 Calling extraordinary meetings.**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4.2 Business**

Only business for which the extraordinary meeting has been called may be considered.

## **5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

### **5.1 General**

Some Committees of the Council shall have provision for substitute members. A protocol has been agreed for overview and scrutiny committees to deter the use of substitutes other than in exceptional circumstances (see 5.5 below). Also substitute members for Licensing Sub Committees must be members of the full Committee and have received appropriate training.

A protocol has been agreed for the Planning & Highways Committee which requires substitutes to have undertaken relevant and up to date training (see 5.6 below)

### **5.2 Appointment as a substitute member**

All members of the Council are eligible to be appointed as substitute members for all Committees which have provision for substitute members, but subject to any statutory provisions or other specific provisions stated in this constitution.

### **5.3 Powers and duties of substitute members**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

### **5.4 Substitution**

Substitute members may attend meetings in that capacity only to take the place of the ordinary member for whom they are the appointed substitute and where the ordinary member will be absent for the whole of the meeting.

It is the responsibility of the regular Committee Member who cannot attend to make arrangements for a substitute to be present in his/her place. The attendance of substitute members shall be recorded in the minutes of the meeting.

### **5.5 Protocol for substitute members of Overview and Scrutiny Committees**

To enable a more informed and consistent approach to the work of Overview and scrutiny committees, the practice of sending substitute members to meetings of the overview and scrutiny committees including Policy and Corporate Resources Overview and Scrutiny Committee should no longer take place. The exception to this is that where there is a long term absence or where there is a call in situation, substitute members may be used.

### **5.6 Protocol for substitute members of Planning and Highways Committee**

It is a requirement that any member attending Planning and Highways Committee can only do so if they have undertaken the relevant and up to date training.

## **6. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

## **7. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information and Decisions and Attendance at Public Meetings Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him/her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8. CHAIR OF MEETING**

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

## **9. QUORUM**

The quorum of a meeting will be one third of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. QUESTIONS AND STATEMENTS BY THE PUBLIC**

### **10.1 General**

A period of up to one hour shall be allowed at each Council Forum to enable members of the public to make statements or to ask questions of the Leader, members of the Executive Board or of Committee Chairs.

### **10.2 Order of questions and statements**

Questions and statements will be asked or made in the order notice of them was received, except that the Chief Executive may group together similar questions or statements.

### **10.3 Notice of questions and statements**

A question may only be asked or a statement made if details have been delivered to the Chief Executive no later than 4 pm on the day before the meeting. The Chief Executive may require additional information to be provided. Each member of the public asking a question or making a statement must give his or her name and address and must state the Leader or name the Executive Member with Portfolio or Committee Chair to whom it is to be addressed.

#### **10.4 Number of questions and statements**

At any one meeting no person may both make a statement and ask a question and no person may submit more than one question or make more than one statement.

#### **10.5 Scope of questions and statements**

The Chief Executive may reject a question or statement if:

- he/she feels that insufficient detail has been provided to enable a proper response to be provided;
- it is not about a matter for which the local authority has a responsibility or which affects the borough;
- it is defamatory, frivolous or offensive;
- it is substantially the same as a question or statement which has been put at a meeting of the Council, to the Leader, the Executive Board or a Committee in the past six months; or
- it requires the disclosure of confidential or exempt information.

#### **10.6 Record of questions and statements**

The Chief Executive will enter each question and statement in a book open to public inspection and will immediately send a copy of the question or statement to the member to whom it is to be addressed. Rejected questions and statements will include reasons for rejection.

Copies of all questions and statements will be circulated to all members and will be made available to the public attending the meeting.

#### **10.7 Asking the question or making the statement at the meeting**

The Mayor will invite the member of the public to put the question or make the statement to the member named in the notice. He or she shall be entitled to speak for no more than 5 minutes. If a member of the public is unable to be present, they may ask the Chief Executive to put the question or make the statement on their behalf. The Chief Executive may ask the question, indicate that a written reply will be given or decide, in the absence of the member of the public, that the issue will not be dealt with.

#### **10.8 Supplemental question or statement**

A member of the public who has put a question or made statement in person may also put one supplementary question or make a supplementary statement without notice to the member who has responded to his or her original question or statement. A supplementary question or a statement must arise directly out of the original question, statement or the reply. The Mayor may reject a supplementary question or statement on any of the grounds in Rule 10.5 above.

#### **10.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member, to whom it was to be put, will be dealt with by a written answer. Copies of written answers will be available to all Members.

#### **10.10 Reference to publications**

An answer may take the form of a reference to a publication in which the information sought is contained.

#### **10.11 Reference of question to the Executive Board or a Committee**

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive Board or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

#### **10.12 Reports of Executive Members/Chairs**

- (i) An Executive Member, the Chair of the Policy and Corporate Resources Overview and Scrutiny Committee may present their written report to the Council and speak in support of that report for a maximum of ten minutes.
- (ii) At the conclusion of each report the Mayor shall proceed to invite statements or questions from Members in respect of the report. The Mayor may take the report in such sections as he or she considers appropriate and convenient and will invite statements or questions in respect of each section of the report in turn.
- (iii) A Member may speak for a maximum of five minutes when making a statement under rule 10.12(ii).
- (iv) Once all Members who wish to ask a question or make a statement in respect of the report have done so, the Executive Member, the Chair of the Policy and Corporate Resources Overview and Scrutiny Committee may respond to Members' contributions and may speak for a maximum of ten minutes in doing so. This may be extended at the discretion of the Mayor where the number of questions put to the Executive Member exceeds five.
- (v) Alternatively the Mayor may invite an Executive Member, the Chair of Policy and Corporate Resources Overview and Scrutiny Committee to respond to contributions made by Members in respect of a section of the report if the Mayor considers it appropriate and convenient to do so. Each such response shall not exceed ten minutes.

### **11. QUESTIONS BY MEMBERS**

#### **11.1 On reports of the Executive Board or Committees**

A member of the Council may ask an Executive Board Member or the Chair of a committee any question upon an item of the report of the Executive Board or a committee when that item is being received or under consideration by the Council.

#### **11.2 Questions on notice at Full Council**

Subject to Rule 11.4, a member of the Council may ask:

- the Mayor;
- the Leader of the Council or the appropriate portfolio holder on the Executive Board;
- the Chair of any committee or sub-committee;

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

### **11.3 Questions on notice at Committees and Sub-Committees**

Subject to Rule 11.4, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough and which falls within the terms of reference of that committee or sub-committee.

### **11.4 Notice of questions**

A member may only ask a question under Rule 11.2 or 11.3 if they have delivered the question to the Chief Executive by 4 p.m. on the day before the meeting.

### **11.5 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### **11.6 Supplementary question**

Each question shall be put and answered without discussion. A member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

## **12. MOTIONS ON NOTICE**

### **12.1 Notice**

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least two members, must be delivered to the Chief Executive by 6.00pm at least six clear working days (that is, not counting the day of the meeting or the day of receipt or weekends and bank holidays). These will be dated and numbered in the order in which they are received and entered in a book open to public inspection.

### **12.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### **12.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough. This will include a motion to remove the Leader.

### **12.4 Requirement for motion to be moved and seconded**

Any motion which appears on the Summons which is not moved and seconded at the meeting will be treated as withdrawn, unless its postponement is agreed.

### **12.5 Referrals to Executive Members or Committees**

Any motion, the subject matter of which comes within the province of any Committee(s), or Executive Member must:-

- (a) Be moved and seconded and receive a response from the relevant Chair or Executive Member and then referred for further consideration. The outcome of this consideration shall be reported to the next meeting of the Council; or
- (b) Be dealt with at the meeting at which it is moved if the Mayor considers that it would be convenient to do so, with the agreement of the relevant Executive Member.

### **12.6 Procedure on referral**

If a motion moved at Council is referred to a Committee for consideration, the Chief Executive must notify the Member who moved the motion of the time, date and place of the Committee to which it has been referred.

## **13. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or to make a member appointment arising from an item on the summons for the meeting;
- (f) to receive reports and to adopt or amend recommendations of committees, officers or the Executive Board;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) to put the question immediately to the vote;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information and Decisions and Attendance at Public Meetings Rules;
- (o) to propose a vote of no confidence in the Chair;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.
- (r) for the Council to resolve itself into Committee.

(Note: The removal of the Leader must be via a Motion on Notice under Council Procedure Rule 12)

## **14. RULES OF DEBATE**

### **14.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **14.2 Right to require motion in writing**

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

### **14.3 Seconder's speech**

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

### **14.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except by the consent of the Council, the speech of a proposal of any motion of amendment shall not exceed 10 minutes, and all other speeches, shall not exceed 5 minutes. With consent, the speech may be continued for a further 5 minutes unless the Mayor is of the opinion that the subject matter of the speech is of more than ordinary importance, in which case the speech may be continued for such further time as the Mayor may allow.

### **14.5 When a member may speak again**



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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) with the permission of the Mayor, speak by way of personal explanation, about some material part of his/her former speech which may have been misunderstood.
- (g) Any Member may speak as often as he or she desires in Committee of the Council subject to the Mayor's discretion.

#### **14.6 Amendments to motions**

- (a) An amendment to a motion must be in writing, relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of provided that the Mayor may permit two or more amendments to be discussed together but not voted on if circumstances suggest that this course of action would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **14.7 Alteration of motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **14.8 Withdrawal of motion**

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

#### **14.9 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### **14.10 Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information and Decisions and Attendance at Public Meetings Rules;
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### **14.11 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:

- to proceed to the next business;
  - that the question be now put;
  - to adjourn a debate; or
  - to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote. If, the Seconder of the motion has reserved his or her speech in accordance with Paragraph 14.3 he or she will be permitted to make his or her speech before the mover exercises this right of reply.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **14.12 Point of order**

- (a) A member may raise a point of order at any time and the Member then speaking shall immediately be seated until the point is resolved by the Mayor.
- (b) A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule of law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### **15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to rescind a previous decision**

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

#### **15.2 Motion similar to one previously rejected**

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

### **16 VOTING**

#### **16.1 Majority**

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

#### **16.2 Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. (The Council Forum on 23<sup>rd</sup> January 2003 endorsed guidance on this Rule)

### **16.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **16.4 Ballots**

The vote will take place by ballot if two members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately when the result is known.

### **16.5 Recorded vote**

If two members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

In accordance with the Local Government (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote must be taken on key budget decisions of the Council.

### **16.6 Right to require individual vote to be recorded**

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

### **16.7 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **17. MINUTES**

### **17.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy and then only by motion.

### **17.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where the next meeting is an extraordinary meeting then the next following meeting that is not an extraordinary meeting will be treated as a suitable meeting for the purpose of signing the minutes.

### **17.3 Form of minutes**

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

## **18. RECORD OF ATTENDANCE**

The names of members present during the whole or part of a meeting shall be recorded in the minutes of the meeting.

## **19. EXCLUSION OF PUBLIC**

- a) Members of the public and press may only be excluded either in accordance with the Access to Information and Decisions and Attendance at Public Meetings Rules in Part 4 (section 2) of this Constitution or Rule 21 (Disturbance by Public).
- b) Unless the Mayor determines otherwise all business to be dealt within Open Council shall be completed before the press and public are excluded.

## **20. MEMBERS' CONDUCT**

### **20.1 Speaking**

When a member speaks at full Council they must address the meeting through the Mayor.

### **20.2 Mayor standing**

When the Mayor rises during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

If a member misconducts him or herself whether by disregarding the ruling of the Mayor or by behaving improperly or offensively or deliberately obstructing business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **20.4 Member to leave the meeting**

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

### **20.5 Conflict of Interests**

Where a member discloses an interest arising from:

- (a) a "disclosable pecuniary interest" (as defined in the Member's Code of Conduct); or
- (b) other interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that is likely to prejudice the member's judgement of the public interest  
the member:
  - (i) may not participate in any discussion of the matter at the meeting
  - (ii) may not vote on the matter at the meeting

- (iii) must leave the room where the meeting is held while any discussion or voting takes place.

## **20.6 Right to address meeting**

Where a Member holds a conflict of interest described in Rule 20.5 above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Procedure Rules

## **21. DISTURBANCE BY PUBLIC**

### **21.1 Removal of member of the public**

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

### **21.2 Clearance of part of meeting room**

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

### **21.3 Mayor's discretion to adjourn**

The Mayor may adjourn any meeting for any reason at any time at his/her complete discretion.

## **22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **22.1 Suspension**

All of these Council Rules of Procedure except Rule 16.6 and 17.2 may be suspended once a motion to that effect has been moved, seconded and carried. Suspension can only be for the duration of the meeting.

### **22.2 Amendment**

These Rules may be amended, added to; varied or revoked once a motion on notice to that effect has been moved seconded and carried by a simple majority of those voting.

## **23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive Board. Only Part 4 Rules 5–9, 11–13, 16–22 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word "Chair" for "Mayor".

## **Section 2**

# **Rules relating to Access to Information and Decisions and Attendance at Public Meetings**

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## **MEETINGS OPEN TO THE PUBLIC**

### **1. SCOPE**

These rules apply to all meetings of the Council, Committees and meetings of the Executive Board (together called meetings).

The meeting of the Executive Board or any Committees or Sub-Committees must be held in public and comply with these rules except to the extent as outlined below.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICES OF MEETING**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Town Hall, Blackburn.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the Town Hall and on publish on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda and any related report will be published and 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 Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors.

### **6. SUPPLY OF COPIES**

The Council will supply copies of:

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

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

## **7. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents is available to the public at the Town Hall, Blackburn.

## **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **8. CONFIDENTIAL INFORMATION**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed

#### **Meaning of confidential information**

Under section 100A of the Local Government Act 1972 public are excluded from meetings where information which is subject to any obligation of confidentiality is being considered.

For the purposes of 100A "confidential information" means--

- (a) information furnished to the council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court;

and, in either case, the reference to the obligation of confidence is to be construed accordingly.

Information which relates in any way to matters concerning national security is also "confidential information".

### **9. EXEMPT INFORMATION - discretion to exclude public**

9.1 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

9.2 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 said Article 6.

9.3 (a) the Executive Board or any Committee (or Sub-Committee) may pass a resolution to exclude the public during the consideration of an item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or

9.3(b) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting

A resolution under rule 9.3(a) must identify the proceedings, or the part of the proceedings to which it applies, and state, by reference to the descriptions in Schedule 12A to the 1972 Act (access to information: exempt information), the description of exempt information giving rise to the exclusion of the public. See 9.4 below

#### **9.4 Meaning of exempt information**



Exempt information means information falling within the following 7 categories (subject to any condition). These categories are as defined by schedule 12A of the Local Government Act 1972 as amended

	<b>Category</b>	<b>Condition</b>	<b>Examples</b>
<b>1.</b>	Information relating to any individual.	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.	Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority
<b>2.</b>	Information which is likely to reveal the identity of an individual	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.	Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a magistrates' court committee or probation committee
			Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority
			Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority
			Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority
			Information relating to the adoption, care, fostering or education of any particular child
			Information relating to a protected informant
<b>3.</b>	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within this paragraph is not exempt information by virtue of that paragraph if it is required to be registered under—  (a) the Companies Acts( as defined in section 2 of	Information relating to the financial or business affairs of any particular person (other than the authority)

		<p>the Companies Act 2006)  (b) the Friendly Societies Act 1974;  (c) the Friendly Societies Act 1992  (d) the Co-operative and Community Benefit Societies Act 2014 (e) the Building Societies Act 1986; or  (f) the Charities Act 2011.</p> <p><b>Otherwise</b>  so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>	
			The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services
			Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services
			The identity of the authority (as well as of any other person,) as the person offering any particular tender for a contract for the supply of goods or services
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between	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.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority

	the authority or a Minister of the Crown and employees of, or office holders under, the authority.		
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	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.	Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceeds) and any advice received, information obtained or action to be taken in connection with: (a) any legal proceedings by or against the authority; or (b) the determination of any matter affecting the authority; whether, in either case, proceedings have been commenced or are in contemplation
6.	Information which reveals that the Council proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	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.	Information which, if disclosed to the public would reveal that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	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.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Information falling within any of categories 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive 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 9, 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.

## **11. 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, details of any alternative options considered, record of any conflict of interest relating to the matter and any dispensations granted for all meetings of the Executive Board) 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.

## **12. BACKGROUND PAPERS**

### **12.1 List of background papers**

Section 100D of the Local Government Act 1972 says that when preparing Part 1 reports for a decision in part 1 then any such documents used by the officer preparing the report should appear on a Background Documents list and they are open to public inspection along with the Part 1 report. Section 100D(4) clearly states a document which discloses "exempt information" is not required to be included in the list of Background Documents or any document which if open to public inspection would disclose confidential information. It therefore follows that for Part 2 reports there can be no "Background Documents" as defined under section 100D(5) and as the Part 2 report itself is confidential.

The Officer responsible for the preparation of the Part 1 report for decision will set out in every report a list of those documents (called Background Papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the Part 1 report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 9) and in respect of Executive reports, the advice of any political advisor.

## **12.2 Publication and public inspection of background papers**

- (a) The Council will publish on its website and make available for public inspection one copy of each of the documents on the list of background papers and the provisions of Rule 5 shall apply in relation to access to such documents as they apply in relation to agendas and reports.
- (b) The Council will make background papers available for public inspection for four years after the date of the meeting.

## **13. PRIVATE MEETINGS**

### **Where an executive decision is to be made**

- (a) Where the public are to be excluded (either wholly or partly) from the meetings under Rule 9.1 the Executive Board (or any committees or sub-committee where an executive decision is to be made) must at least 28 clear days before the meeting make available at the Town Hall a notice of its intention to hold the meeting in private, and publish the notice on the Council's website.  
The notice must include a statement of the reasons for the meeting to be held in private.
- (b) At least five clear days before the private meeting, the Executive Board (or any committee) must make available at the Town Hall a further notice of its intention to hold the meeting in private, and publish the notice on the Council's website.  
This notice must include:
  - i) a statement of the reasons for the meeting to be held in private;
  - ii) details of any representations received by the Executive Board (or any committee) about why the meeting should be open to the public; and
  - iii) a statement of its response to any such representations.
- (c) Where the date by which a meeting must be held makes compliance this Rule 13 impracticable, the meeting may only be held in private where the Executive Board (or any committee) has obtained agreement from:
  - i) the chairman of the relevant overview and scrutiny committee; or
  - ii) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the Mayor; or
  - iii) where there is no chairman of the relevant overview and scrutiny committee or the Mayor, the Deputy Mayorthat the meeting is urgent and cannot reasonably be deferred.
- (d) As soon as reasonably practicable after the Executive Board (or any of its committees) has obtained agreement under paragraph (c) above to hold a private meeting, it must:
  - i) make available at the Town Hall a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
  - ii) publish that notice on the Council's website.

## **14. PROCEDURE FOR TAKING KEY DECISIONS – FORWARD PLAN**

When a key decision is to be made, a document (the Forward Plan) must be published at least 28 clear days before the key decision is made. This document must state:

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

This Forward Plan must be made available for inspection by the public at the Town Hall and published on the Council's website.

Where the public may be excluded from meetings under this Rule 14, or reports relating to the key decision not to be disclosed under Rules 8 & 9, the document must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

## **15. GENERAL EXCEPTION TO RULE 14**

15.1 Subject to Rule 16, where the publication of the intention to make a key decision under Rule 14 is impracticable, that decision may only be made:-

- (a) where the Chief Executive has informed the chairman of the relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the Chief Executive has made available at the offices of the Council for inspection by the public and published on the Council's website, a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five clear days have elapsed following the day on which the Chief Executive complied with sub-paragraphs (a) and (b).

15.2 Where such a decision is taken collectively, it must be taken in accordance with rule 1 & rule 14.

15.3 As soon as reasonably practicable after the Chief Executive has complied with Rule 15.1 he or she must:-

- (a) make available at the offices of the relevant local authority a notice setting out the reasons why compliance with Rule 14.1 is impracticable; and
- (b) publish that notice on the Council's website.

## **16. SPECIAL URGENCY**

16.1 Where the date by which a key decision must be made, makes compliance with Rule 14 impracticable, the decision may only be made where the decision maker has obtained agreement from:-

- (a) the chairman of the relevant overview and scrutiny committee; or
- (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the Mayor; or
- (c) where there is no chairman of the relevant overview and scrutiny committee or the Mayor, the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-

- (a) make available at the offices of Council a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

## **17. REPORTS TO COUNCIL**

### **17.1 Where the Key Decision procedure is not followed**

- (a) Where an executive decision has been made and:
  - i) was not treated as being a key decision (by failure to comply with Rule 14, Rule 15 or Rule 16); and
  - ii) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

then that overview and scrutiny committee may require the Executive Board or Executive Member or Officer who is responsible for the decision to submit a report to the Council within such reasonable period as the committee may specify.

- (b) A report under sub-paragraph (a) must include details of:
  - i) the decision and the reasons for the decision;

- ii) the decision maker by which the decision was made; and
  - iii) if the Executive Board or any Committee) or Sub-Committee, Leader, or any Executive Member are of the opinion that the decision was not a key decision, the reasons for that opinion.
- (c) A report under Sub-paragraphs (a) and (b) will be prepared 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 relevant Overview & Scrutiny Committee, then the report may be submitted to the meeting after that.

## **17.2 Quarterly reports to Council on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include details of each decision made and a summary of the matters in respect of which each decision was made.

## **18. RECORD OF DECISIONS**

As soon as reasonably practicable after any meeting of the Executive Board or any committee or Sub-Committee at which an executive decision was made, whether held in public or private the Chief Executive or, where no officer was present, the person presiding at the meeting, must ensure that a written statement is produced for every executive decision taken at that meeting. The statement must include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the Executive Board or committees or sub-committee at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the Executive Board or committees or sub-committee which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

## **19. DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS AND OFFICERS**

### **19.1 Reports intended to be taken into account**

Where an individual Executive Member or an Officer receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.



## **19.2 Provision of copies of reports to Overview and Scrutiny Committees**

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 the relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

## **19.3 Record of individual decisions by Executive Members and Officers**

The Openness of Local Government Bodies Regulations 2014 makes provision for a decision-making officer to produce a written record of any decision which falls within the Regulations.

A decision falls within the Regulations if it has been delegated to an officer either under a specific express authorisation; or under a general authorisation to officers to take such decisions and, the effect of the decision is to grant a permission or licence, affect the rights of an individual; or award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

As soon as reasonably practicable after an Executive decision has been taken by an individual Executive Member or by an Officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision including the date it was made, a statement of the reasons for it, details of any alternative options considered and rejected, a record of any conflict of interest which was declared by an Executive Member who was consulted by the Member in relation to the decision and a note of any dispensation given by the Chief Executive in respect of such a conflict.

The written record of the Executive decision together with any background papers, must as soon as reasonably practicable after the record is made, be made available for inspection by members of the public.

- (a) at all reasonable hours, at the offices of the relevant local government body;
- (b) on the website of the relevant local government body, if it has one; and,
- (c) by such other means that the relevant local government body considers appropriate.

The provisions of Rules 11 and 12 will also apply to the making of decisions by individual Executive Members and Officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## **20. ACCESS TO DOCUMENTS BY OVERVIEW AND SCRUTINY COMMITTEES**

### **20.1 Rights to copies**

Subject to Rule 20.2 below, a Member of Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive Board or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Executive Board or its committees; or
- (b) any decision taken by an individual member of the Executive Board in accordance with the executive arrangements; or

- (c) any decision that has been made by an officer in accordance with the executive arrangements.

Subject to Rule 20.2 below, where a member of an overview and scrutiny committee requests a document under Rule 21.1 above, the executive must provide that document as soon as possible and in any case no later than 10 clear days after the executive receives the request.

## **20.2 Limit on rights**

The Overview and Scrutiny Committee will not be entitled to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or which is included in the committee's work programme; or
- (b) the advice of a political adviser.

Where the executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason under this Rule 21, it must provide the overview and scrutiny committee with a written statement setting out its reason for that decision

## **21. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS**

### **21.1 Additional Rights – Public Meetings**

Subject to Rules 21.3 and 21.4 all members will be entitled to inspect any document which is in the possession or under the control of the Executive Board or any Committee or Sub-Committee and contains material relating to any business to be transacted at a public meeting.

Any document required under this Rule 21.1 to be available for such inspection for at least five clear days before the meeting except that:-

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under this Rule 21.1 must be available for inspection when the item is added to the agenda.

### **21.2 Additional Rights - Other**

Subject to Rules 21.3 and 21.4 any document which is in the possession or under the control of the executive and contains material relating to:-

- (a) any business transacted at a private meeting;
- (b) any decision made by an individual member of the Executive Board in accordance with executive arrangements; or
- (c) any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any member when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

Any document which is required under this Rule 21.2 to be available for inspection by any member must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

### **21.3 Exempt Information**

21.3.1 Rules 21.1 and 21.2 do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information (Rule 10.4 above) of a description falling within Part 1 of Schedule 12A to the 1972 Act.

21.3.2 Notwithstanding paragraph 21.3.1 above, Rules 21.1 and 21.2 do require the document to be available for inspection by members if the information is information of a description for the time being falling within—

- (a) paragraph 3 (see 9.4 above) of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 (see 19.4 above) of Schedule 12A to the 1972 Act.

### **21.4 Advice of political advisor**

Where it appears to the proper officer that compliance with Rules 21.1 and 21.2 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that Rule will not apply to that document or part.

### **21.5 Nature of rights**

These rights of a member conferred by Rules 21.1 and 21.2 are additional to any other right he/she may have.

**NOTE: EXECUTIVE MEMBERS AND OFFICERS DO NOT MAKE KEY DECISIONS EXCEPT WHERE LEADER AND CHIEF EXECUTIVE EXERCISE THEIR EMERGENCY POWERS.**

## **Section 3 The Budget and Policy Framework Procedure Rules**

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### **1. The framework for Executive decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive Board to implement it.

### **2. Developing the Budget and Policy Framework**

The process by which the Budget and Policy Framework shall be developed is:

- (a) The Executive Board will publicise a timetable for making draft proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee will also be notified. Consultation will take place in a manner and to the extent that is appropriate in the circumstances.
- (b) In relation to proposals associated with the preparation of or alterations to the Development Plan the Executive will develop draft proposals for the purpose of public consultation in accordance with regulations 10 to 22 of the Town and Country Planning (Development Plans) (England) Regulation 1999. The draft consultation proposals will be submitted to Council for approval or amendment.
- (c) At the end of the consultation period, the Executive Board will draw up firm proposals for plans and the budget having regard to the responses to that consultation. The Executive Board's report to Council will reflect the comments made by consultees and the Executive Board's response.
- (d) Once the Executive Board has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.

### **3. Adoption of plans and strategies**

- (a) If the Council has objections to a plan or strategy it may not amend it, approve it for submission to a Government Department or adopt it until the Council has informed the Leader of its objections and allowed him/her time to respond. It may however make an in principle decision.
- (b) If the Council informs the Leader of an objection it shall also instruct the Executive Board to reconsider the draft plan or strategy and specify a date by which the Leader may submit a response to the Chief Executive. That date must be at least five working days from the date when the Leader receives the instruction to reconsider.
- (c) If the Leader does not make a response within the time specified then the in principle decision takes effect automatically.
- (d) When the Executive Board reconsiders the plan it may:
  - (i) accept the Council's objections. In that case no further action is required;

- (ii) make amendments to the draft plan or strategy. In that case the Leader must submit any revised draft to the Chief Executive for consideration by the Council together with the Executive Board's reason for those amendments; or
  - (iii) disagree with the Council's objections. In that case the Leader must inform the Chief Executive that the Executive Board disagrees with the Council's objections and explain why.
- (e) If the Leader submits a revised draft of the plan or strategy or if he/she informs the Chief Executive that the Executive Board disagrees with the Council's objections then a further Council meeting must be arranged within seven working days. In that case the Council must consider the submissions made by the Leader on behalf of the Executive Board before adopting, amending or approving the plan or strategy. The Council may reach a decision based on a simple majority of votes cast.

#### **4. Budget Proposals**

- (a) If, before 8<sup>th</sup> February in any year:
- (i) the Executive Board submits to the Council estimates as required by the Local Government Finance Act 1992 to enable the budget requirement and basic amount of its Council tax to be calculated; and
  - (ii) the Council objects to those estimates
- the Council may not make amendments to those estimates until the Council has informed the Leader of its objections and allowed him/her time to respond. It may however make an in principle decision.
- (b) The procedures in paragraph 3(a) to 3(e) above apply to objections to the budget in the same way that they apply to objections to plans and strategies.
- (c) These rules do not apply in relation to calculations made in response to a notice from the Secretary of State given using his capping powers.

#### **5. Decisions outside the budget or policy framework**

- (a) Any person or body exercising executive functions must normally act within the budget and policy framework. A decision is outside the budget and policy framework if it is contrary to the policy framework set out in Article 4.01 (a) of the Constitution or contrary to or not wholly in accordance with the budget as defined in Article 4.01(b).
- (b) Urgent decisions outside the budget or policy framework may be made in the circumstances described in paragraph 6 below.
- (c) Virement will be possible to the extent described in the Council's Financial Procedure Rules.
- (d) In any other circumstances if a person or body exercising executive functions wishes to make a decision which is outside the budget or policy framework, then that decision may only be taken by the Council. It is the duty of the person or body who wishes to make the decision to refer it to Council.

- (e) In any case if a person or body wishes to make a decision which appears to be outside the budget or policy framework they shall take advice from the Monitoring Officer and/or the Chief Finance Officer. Those officers shall advise as to whether the proposed decision would in fact be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision. The only exception to this is if the decision is a matter of urgency. In that case the provisions in paragraph 6 (urgent decisions outside the budget and policy framework) shall apply.

## **6. Urgent decisions outside the budget or policy framework**

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

- (a) Any person or body 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 approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council must be noted on the record of the decision. The consent of the Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee to the decision being taken as a matter of urgency must also be noted on that record. In the absence of the Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee the consent of the Chair and Vice Chair of an Overview and Scrutiny Committee whose terms of reference would allow it to scrutinise the proposed decision shall suffice. In his or her absence the consent of the Mayor will be sufficient.

- (b) 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.

## **7. Virement**

The Council's Financial Procedure Rules (Section C.6) set out procedures and limitations on virement within budget heads

## **8. In-year changes to policy framework**

All decisions in relation to executive functions must be in line with the policy framework. Only the Council can change any policy or strategy which is part of the framework except that the Executive Board may make changes:

- (a) to give effect to a ministerial requirement in relation to any plan or strategy submitted to him for approval;
- (b) if so authorised by the Council when approving or adopting the plan or strategy.
- (c) Any decisions subject to the provisions of paragraph 6 above.

## **9. Call-in of decisions outside the budget or policy framework**

- (a) Where an Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions, which are the Executive functions, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Board with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive Board must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 14 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
- (i) endorse a decision or proposal of the Executive Board decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

or

  - (ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Board function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

or

  - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive Board to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

## **Section 4 Executive Board Procedure Rules**

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### **1. HOW DOES THE EXECUTIVE BOARD OPERATE?**

#### **1.1 Who may make Executive Board decisions?**

Executive functions may be discharged:

- i) by the Leader
- ii) by the Executive Board as a whole;
- iii) by a committee of the Executive Board;
- iv) by an individual member of the Executive Board;
- v) by an officer;
- vi) through joint arrangements; or
- vii) by another local authority.

#### **1.2 Delegation by the Leader**

All executive functions shall vest in the Leader who may delegate amongst other members of the Executive Board, the Executive Board as a whole, committees of the Executive Board and Officers.

Any such allocation of functions shall be reported to the Council and Part 3 of the Constitution amended accordingly.

#### **1.3 Sub-delegation of Executive functions**

- (a) Where the Executive Board, a committee of the Executive Board or an individual member of the Executive Board is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive Board, then the Executive Board may delegate further to a committee of the Executive Board or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the Executive Board to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

#### **1.4 Conflicts of Interest**

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



- (b) If every member of the Executive Board has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Executive Board, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by Leader otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **1.5 Executive Board meetings – when and where?**

The Executive Board will normally meet at least once per month at times to be agreed by the Leader. The Executive Board shall meet at the Council's main offices or another location to be agreed by the Leader.

### **1.6 Public or private meetings of the Executive Board?**

The Executive Board will meet in public, subject to the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules in Part 4 (Section 2) of the Constitution.

### **1.7 Quorum**

The quorum for a meeting of the Executive Board, or a committee of it, shall be one half of its whole membership (to be rounded up if the Committee has an odd number of members).

### **1.8 How are decisions to be taken by the Executive Board?**

- (a) Executive decisions which have been delegated to the Executive Board as a whole will be taken at a meeting convened in accordance with the Access to Information and Decisions and Attendance at Public Meetings Rules in Part 4 (section 2) of the Constitution.
- (b) Where Executive decisions are delegated to a committee of the Executive Board, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board as a whole.
- (c) Decisions shall be taken by a majority of those present and voting. If there is an equality of votes at a meeting of the Executive Board or one of its Committees, the person presiding shall have a second and casting vote.

## **2. HOW ARE EXECUTIVE BOARD MEETINGS CONDUCTED?**

### **2.1 Who presides?**

If the Leader is present he/she will preside. In his/her absence, then one of the Deputy Leaders present shall preside. In the absence of the Leader/Deputy Leader(s), the Leader may appoint another person to do so.

### **2.2 Who may attend?**

Meetings will be open to the public except where confidential or exempt information as defined in the Local Government Act 1972 is being discussed. There will be an opportunity for members of the public to ask questions of the members of the Executive Board in line with the procedure set out in paragraph 3 below.

Where the press and public are excluded from a meeting of the Executive Board on the grounds that exempt or confidential information is to be discussed the Board may invite non Executive Board Members to remain in the meeting. In deciding whether or not to make that invitation the Leader will have due regard to the individual Member's "need to know" details of the issue under discussion. No member should accept such an invitation where s/he has a personal interest in the matter under discussion.

### **2.3 What business?**

At each meeting of the Executive Board the following business will be conducted:

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) receive questions and provide answers to the public;
- iv) receive questions and provide answers to non-Executive Members;
- v) Executive Board member reports set out in the agenda for the meeting. The reports shall indicate which are key decisions and which reports are not open to public inspection and are except from publication in accordance with the Access to Information and Decisions and Attendance at Public Meetings Procedure rules set out in Part 4 of this Constitution;
- vi) Corporate issues set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information and Decisions and Attendance at Public Meetings Procedure Rules set out in Part 4 of this Constitution;
- vii) matters referred to the Executive Board;
- viii) matters set out in the agenda for the meeting which, in the opinion of the Proper Officer are likely to be considered in the absence of the press and public.

### **2.4 Consultation**

All reports to the Executive Board from any member of the Executive Board or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and 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.

### **2.5 Who can put items on the Executive Board agenda?**

Any member of the Executive Board may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive Board for consideration. If he/she receives such a request the Chief Executive will comply.

## **3. QUESTIONS AND STATEMENTS BY THE PUBLIC**

### **3.1 General**

A period of up to one hour shall be allowed at each Executive Board meeting to enable members of the public to make statements or to ask questions of members of the Executive Board.

### **3.2 Order of questions and statements**

Questions and statements will be asked or made in the order notice in which they were received, except that the Chief Executive may group together similar questions or statements.

### **3.3 Notice of questions and statements**

A question may only be asked or a statement made if details have been delivered to the Chief Executive no later than 4 pm on the day before the meeting. The Chief Executive may require additional information to be provided. Each member of the public asking a question or making a statement must give his or her name and address and must name the Executive Member to whom it is addressed.

### **3.4 Number of questions and statements**

At any one meeting no person may both make a statement and ask a question and no person may submit more than one question or make more than one statement.

### **3.5 Scope of questions and statements**

The Chief Executive may reject a question or statement if:

- he/she feels that insufficient detail has been provided to enable a proper response to be provided;
- it is not about a matter for which the local authority has a responsibility or which affects the borough;
- it is defamatory, frivolous or offensive;
- it is substantially the same as a question which has been put at a meeting of the Council, the Executive Board or a Committee in the past six months; or
- it requires the disclosure of confidential or exempt information.

### **3.6 Record of questions and statements**

The Chief Executive will enter each question and statement in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions and statements will include reasons for rejection.

Copies of all questions and statements will be circulated to all members and will be made available to the public attending the meeting.

### **3.7 Asking the question or making the statement at the meeting**

The Leader will invite the member of the public to address his question or statement to the Executive Member named in the notice. He or she may speak for up to five minutes. If a member of the public is unable to be present, they may ask the Chief Executive to put the

question on their behalf. The Chief Executive may ask the question, indicate that a written reply will be given or decide, in the absence of the member of the public, that the question will not be dealt with.

### **3.8 Supplemental question**

A member of the public who has put a question or made a statement in person may also put one supplementary question or make a supplementary statement without notice to the member who has replied to his or her original question. A supplementary question or statement must arise directly out of the original question, statement or the reply. The Leader may reject a supplementary question or statement on any of the grounds in Rule 3.5 above.

### **3.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member, to whom it was to be put, will be dealt with by a written answer.

### **3.10 Reference to publications**

An answer may take the form of a reference to a publication in which the information sought is contained.

## **4 QUESTIONS BY NON-EXECUTIVE MEMBERS**

A period of up to one hour shall be allowed at each Executive Board meeting to enable non-executive members of the Council to ask any questions, as per rules under Section 3 for questions and statements submitted by the public.

## Section 5 Overview and Scrutiny Procedure Rules

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### 1. Arrangements for Overview and Scrutiny Committees

The Council will have a Policy and Corporate Resources Overview and Scrutiny Committee and such Standing Overview and Scrutiny Committees as are mentioned in Part 3 of the Constitution. Collectively these committees will be known as the Overview and Scrutiny Committees.

### 2. Terms of Reference

The terms of reference for the Overview and Scrutiny Committee will be set out in part 3 (sections 7 & 8) of the Constitution.

### 3. Who may sit on the Committees?

All councillors except members of the Executive Board may be members of the Overview and Scrutiny Committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

### 4. Membership

- (a) The membership of the **Policy and Corporate Resources Overview and Scrutiny Committee** shall consist of eleven Members of the Council appointed at Annual Council.
- (b) The **BwD People Overview and Scrutiny Committee** shall consist of eleven members of the Council appointed at Annual Council.
- (c) The BwD Place **Overview and Scrutiny Committee** shall consist of eleven members of the Council appointed at Annual Council.
- (d) The Call In Committee shall consist of nine members of the Council appointed at Annual Council
- (e) Each overview and scrutiny committee shall have the power to co-opt additional non-voting members.
- (f) Overview and Scrutiny Committees shall be politically balanced.
- (g) The protocol for substitute members set out in the Council Procedure Rules (Part 4, section 1) shall apply to members of the Council who are members of the Overview and Scrutiny Committees. Substitute members are only permitted where there is a long-term absence or where there is a call in situation.

### 5. Meetings of the Overview and Scrutiny Committees

There shall be at least four ordinary meetings of the Overview and Scrutiny Committees in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the relevant Overview and Scrutiny Committee, by any three members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate.

## **6. Quorum**

The quorum for meetings of the Overview and Scrutiny Committee shall be one third of the whole membership.

## **7. Who chairs Overview and Scrutiny Committee meetings?**

The Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee and of each Standing Overview and Scrutiny Committee shall be appointed at Annual Council.

## **8. Work programme**

The Policy and Corporate Resources Overview and Scrutiny Committee will agree with each Standing Overview and Scrutiny Committee an annual work programme and will receive reports on their progress. In agreeing the work programme Committees shall take into account wishes of members on that Committee who are not members of the ruling political administration

## **9. Agenda items**

- (a) Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- (b) The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and the Executive Board to review particular areas of Council activity.

## **10. Reports from Overview and Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development, an Overview and Scrutiny Committee will prepare a formal report and identify whether the report should be referred for consideration to the relevant Executive Member, the Executive Board and, if to the Executive Board whether it should thereafter be submitted to Council.
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration with the majority report.
- (c) A report of a Standing Overview and Scrutiny Committee shall be submitted to the Policy and Corporate Resources Overview and Scrutiny Committee prior to referral for consideration by the relevant Executive Member or the Executive Board or, in the case of a report from the BwD People Overview and Scrutiny Committee relating to health scrutiny, to the Health and Wellbeing Board.
- (d) The Policy and Corporate Resources Overview and Scrutiny Committee shall consider any report submitted and shall either:
  - i) request the Chief Executive to arrange for the report to be referred for consideration by the person or body identified by the Standing Overview and Scrutiny Committee, or ;

- ii) refer it back to the Standing Overview and Scrutiny Committee
- (e) If a report is referred back to a Standing Overview and Scrutiny Committee that Committee shall consider any comments of the Policy and Corporate Resources Overview and Scrutiny Committee and resubmit the report with or without amendment. The Policy and Corporate Resources Overview and Scrutiny Committee shall then arrange for the Chief Executive to refer the report for consideration in accordance with paragraph 10(d)(i)
- (f) When referring a report for consideration the Policy and Corporate Resources Overview and Scrutiny Committee may submit additional comments, but may not amend the report.
- (g) The relevant Executive Member or the Executive Board, as appropriate, shall consider a report of the Overview and Scrutiny Committee as soon as is reasonably practicable after it has been submitted to the Chief Executive and in any event within three months. A report which is to be considered by Council shall be submitted to the next available meeting of the Council following consideration by the Executive Board.
- (h) The relevant Executive Member or the Executive Board shall ensure that a report of his, her or its response to the report is submitted to the Overview and Scrutiny Committee.

#### **11. Rights of Overview and Scrutiny Committee members to documents**

In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Part 4 - Section 2 - Rules relating to Access to Information and Decisions and Attendance at Public Meetings of this Constitution.

#### **12. Members and officers giving account**

- (a) An Overview and Scrutiny Committee may, within its terms of reference, scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive Board the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance

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

- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, and then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

### **13. Attendance by others**

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

### **14. Call-In**

- (a) All decisions of:

- (i) the Executive Board,
- (ii) an individual member of the Executive Board or
- (iii) a committee of the Executive Board, and
- (iv) key or executive decisions taken by an officer;

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 9a.m. on the Thursday following publication of a decision on Friday. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period)
- (c) During that period, the Chief Executive shall Call-In a decision for scrutiny if so requested by any six members of the Council who has given detailed reasons for the Call-In of the decision. The detailed reasons must be provided by the Lead signatory, by the Call In deadline. When a Call In is requested the Chief Executive shall liaise with the Member listed first on the Call-In schedule, to ensure there is sufficient information provided to enable the Call-In to proceed. As long as there is a clear reason given, the call-in should be allowed. He/she shall then notify the decision-taker of the Call-In. He/she shall call a meeting of the Call In Committee on such date as he/she may determine, where possible after consultation with the Chair of the Call In Committee, and in any case within 7 working days of the decision to call-in.

(NOTE: Signing the call-in request does not prevent that member being a member of the Call In Committee.)

- (d) The Chair/Vice Chair of the Call In Committee shall use the following prescribed procedure on every occasion, which includes a named vote and the recording of the reasons for voting in such way. The Chair and or Vice Chair of Policy and Corporate Resources Overview and Scrutiny Committee will also attend Call In meetings wherever possible.
1. *Chair of the Committee hearing the Call In welcomes those present.*
  2. *Chair asks if everyone has a copy of the reasons why the decision had been called in along with a copy of the Call In procedure.*



3. *Chair asks for apologies/substitutes.*
4. *Chair asks whether there are any Declarations of Interest.*
5. *Chair asks the Legal Adviser to explain the process to be followed.*
6. *Chair asks the representative of those Members who requested the Call In and the Executive Member to take their places at the table.*
7. *Chair asks representative of those Members who requested the Call In to speak to explain the reasons for the call in. He/she may do so alone or may do so with another person.*
8. *The Executive Member may seek clarification of any issues from the Member representing those responsible for the Call In.*
9. *Members of the Call In Committee may ask questions of that Member.*
10. *Chair asks the Executive Member to explain the reasons for the decision made. He/she may do so alone or may do so with the relevant Chief Officer.*
11. *The Member representing those who requested the Call In may ask questions.*
12. *Members of the Call In Committee may ask questions of the Executive Member/Chief Officer.*
13. *The Member who requested the Call In and then the Executive Member may sum up.*
14. *The Chair asks the representative of those Members who requested the Call In and the Executive Member to leave the table and sit in the public area. They may remain in the room if they wish.*
15. *Chair requests any final contributions from Members before deciding how to proceed.*
16. *Chair indicates that Members of the Committee will now consider what they have heard and decide how to proceed. He asks the legal adviser to go through the options which are:*

***To accept the decision.***

*If Members do this then they need not do any more. The decision will take effect straight away. It could be that some minor issues arise during the debate which the Executive Member will agree to take on board. These might be dealt with as part of the Minute. As an example when a land sale was called in the Chief Executive gave assurances about how it would proceed and these were simply recorded in the minutes.*

***To refer the decision back to the decision making person or body***

*If Members do this they need to agree what their concerns are. These will be recorded in writing and presented to the decision making person or body who will then make a final decision. The decision will not take effect until it is reconsidered by the decision making person or body. (This decision may not be Called In)*

***To refer the decision to Council***

*Statutory Guidance from the DTLR (formerly ODPM, now DCLG) states overview and scrutiny committees should only use the power to refer matters to the full council if they consider that the decision is contrary to the budget and policy framework or contrary to or not wholly in accordance with the budget. The Committee ought to identify those parts of the policy framework which are not being followed.*

*In these circumstances the Committee should refer the issue to the Monitoring Officer and Chief Finance Officer who would consider and report on whether the issue is within the framework. Their report would then go to the next meeting of the relevant Overview and Scrutiny Committee as well as to the Executive Board. If the view then was that the decision fell outside the policy framework then the Overview and Scrutiny Committee could refer the issue to full Council.*

17. Move to Named Vote and recording of reasons for reaching such a decision.

18. Inform Executive Member of decision reached as soon as possible.

(e) Having considered the decision, the Call In Committee may:-

- (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - (ii) refer the matter to full Council. Such a referral should, in accordance with the Budget and Policy Framework Rules (section 3), only be made where the Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (f) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Call In Committee before a final decision is made.
- (g) If following a call in, the Call In Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Call In Committee meeting. If the Overview and Scrutiny Committee does not meet the decision shall take effect from the date when the Committee should have met.
- (h) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (i) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.

## **15. Call-In and Urgency**

- (a) The Call-In procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair and Vice Chair of the Policy and Corporate Resources Overview and Scrutiny Committee must both agree that the decision is reasonable in all the circumstances and to it being treated as a matter of urgency.

Where agreement cannot be reached the consent of the Chair of the most relevant Overview and Scrutiny Committee as determined by the Chief Executive shall be required.

In the event that any of the above are unavailable one of the following may substitute in the order of priority set out below:

1. The Chair of the most relevant Overview and Scrutiny Committee;
2. The Vice Chair of the most relevant Overview and Scrutiny Committee.
3. Any other Overview and Scrutiny Committee Chair.

- (b) The operation of the provisions relating to Call-In and urgency shall be monitored by the Chief Executive and Monitoring Officer and a report submitted to Council with proposals for review if necessary.

## **16. The party whip**

The 'party whip' means –

*“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”*

Parties will not apply the whip in respect of the consideration of matters by an Overview and Scrutiny Committee.

## **17. Procedure at Overview and Scrutiny Committee meetings**

- (a) Overview and Scrutiny Committees shall consider the following business:
- (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  - (iv) responses of Executive Members and the Executive Board to reports of the Overview and Scrutiny Committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at

Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee shall prepare a report, for submission to the Executive Board and/or Council as appropriate and shall make its report and findings public. The committee shall endeavour to reach consensus whenever possible.

## **18. Establishment of Overview and Scrutiny Committees with Other Councils and Organisations**

The establishment of Overview and Scrutiny Committees with other Councils and organisations shall be allowed to work on cross boundary issues, such as work undertaken by Pennine Lancashire.

## **19. Matters within the remit of more than one Overview and Scrutiny Committee**

- (a) Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny committees, the decision as to which Overview and Scrutiny committee will consider it will be resolved by the Policy and Corporate Resources Overview and Scrutiny Committee. If the matter is within the remit of the Children and Young People Overview and Scrutiny Committee that Committee must consider the educational issues and the Policy and Corporate Resources Overview and Scrutiny Committee shall determine whether it or another Overview and Scrutiny Committee should consider any non educational issues.
- (b) Where a decision cannot reasonably await the next meeting of the Policy and Corporate Resources Overview and Scrutiny Committee it may be taken by the Chief Executive in consultation with the Chair of that Committee.

## Section 6 Code of Corporate Governance

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### 1. Introduction

- 1.1. The Council is committed to ensuring that it has adequate and effective corporate governance arrangements in place and this Local Code describes how the Council intends to achieve this in an open and explicit way. In developing this Code, the Council has considered best practice and guidance, particularly the CIPFA/SOLACE framework “Delivering Good Governance in Local Government 2016”.
- 1.2. Good corporate governance is about how ensuring that the Council fulfils its purpose wisely and openly, with all due accountability to local people. It means that the Council takes sound and lawful decisions - decisions that take into account local people’s needs, their wellbeing, and what is needed for a prosperous, caring and successful borough. It comprises the systems and processes, cultures and values, by which the Council is directed and controlled and through which it accounts to, engages with and, where appropriate, leads the community.

### 2. Definition

- 2.1. The 2014 CIPFA/IFAC International Framework – Good Governance in the Public Sector defines governance as *“Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved”*.
- 2.2. The Framework also states that *‘to deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders’*.
- 2.3. The Council has adopted the ‘Strong Leader’ model of governance whereby the Council Leader exercises power and delegates power to others, in particular his/her Cabinet. The Leader and Cabinet make many of the Council’s decisions, but some, such as agreeing the annual budget, must be made by full Council, i.e., the whole body of elected councillors. A system of audit and scrutiny, standards and ethics ensures that decisions are made within a sound governance framework and that behaviour is monitored to ensure effective and efficient governance.

### 3. The Principles of Good Governance

- 3.1. The Council operates a governance framework that brings together an underlying set of legislative requirements, governance principles and management processes.
- 3.2. The Council recognises the seven core principles of good governance in the public sector as:
  - (a) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law;
  - (b) Ensuring openness and comprehensive stakeholder engagement;

- (c) Defining outcomes in terms of sustainable economic, social, and environmental benefits;
- (d) Determining the interventions necessary to optimise the achievement of the intended outcomes;
- (e) Developing the entity's capacity, including the capability of its leadership and the individuals within it;
- (f) Managing risks and performance through robust internal control and strong public financial management; and
- (g) Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

#### **4. Applying the Principles of Good Governance**

- 4.1. In order to achieve good governance, the Council will seek to apply each of the seven core principles, along with their supporting sub-principles, in accordance with recommended best practice. The Council has a governance framework in place which comprises the systems, processes, culture and values it has to ensure that the intended outcomes for stakeholders are defined and achieved.
- 4.2. We have identified the sources of assurance that are available against each of the seven core principles of good governance in the public sector together with the supporting principles, which allows the Council to demonstrate that it has an effective governance framework in place.
- 4.3. Appendix A provides a summary of how the Council meets the principles and sub-principles of this Code of Corporate Governance. Against each sub-principle the Council's evidence compared to best practice (as recommended by the CIPFA/IFAC International Framework) is recorded under the heading of "Where You Should See Governance in Action". The column entitled "How the Council Demonstrates Good Governance and Issues Identified" records the actual evidence that is available at the Council and where practicable are hyperlinked to the very latest information.

#### **5. Review of Effectiveness**

- 5.1. Twice a year, Directors will report to the Chief Executive on how effectively governance is being applied in their Departments. This reporting uses the Management Accountabilities Framework (MAF).
- 5.2. At the end of each year the Council will produce its Annual Governance Statement (AGS), which includes reviews of MAF exception reports, end of year Directors' assurance statements, external assurance processes and Internal Audit's opinion report. The AGS will also assess the effectiveness of both this Code of Corporate Governance and its application during the year, identifying any necessary changes and making recommendations to the Executive Board.
- 5.3. This review of effectiveness will ensure that the sources of assurance within our Code of Corporate Governance remain current and valid. The evidence supporting this review will be summarised within Appendix A under the column entitled "How the Council Demonstrates Good Governance and Issues Identified". Where our actual

evidence no longer meets best practice we highlight any improvements or changes that need to be made.

- 5.4. Appendix B will outline the significant governance issues identified during the last financial year and will contain an action plan and timetable to secure any required improvement in the Council's governance arrangements. This action plan should consider those significant areas highlighted in Appendix A: "How the Council Demonstrates Good Governance and Issues Identified".
- 5.5. The Audit and Governance Committee is responsible for reviewing the Council's corporate governance arrangements against the good governance framework and considering annual governance reports and assurances. This review will be informed by a report received from the Council's Primary Assurance Group.

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<b>Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.</b> It is essential that the Council is able to demonstrate the appropriateness of its actions across all activities and has mechanisms in place to encourage and enforce adherence to ethical values and respect to the rule of law.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Behaving with integrity</b></p> <ul style="list-style-type: none"> <li>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation.</li> <li>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles).</li> <li>Leading by example and using these standard operating principles or values as a framework for decision making and other actions.</li> <li>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.</li> </ul>	<p><i>Suggested examples</i></p> <ul style="list-style-type: none"> <li>Codes of conduct.</li> <li>Individual sign off with regard to compliance with codes.</li> <li>Protocol on Member/Officer Relations</li> <li>Induction for new members and staff on standards of behaviour expected.</li> <li>Performance appraisals.</li> <li>Communicating shared values with members, staff, the community and partners.</li> <li>Decision making practices.</li> <li>Declarations of interests made at meetings.</li> <li>Conduct at meetings.</li> <li>Shared values guide decision making.</li> <li>Develop and maintain an effective Standards Committee.</li> <li>Anti-fraud and corruption policies are working effectively.</li> <li>Up-to-date register of interests (members and staff).</li> <li>Up-to-date register of gifts and hospitality.</li> <li>Whistleblowing policies in place and protect</li> </ul>	<p>Members sign up to an 'Acceptance of office' under the Local Government Act with the Monitoring Officer at Election Count and are provided with details of mandatory policies.</p> <p>Declarations of interests required at meetings and General Notice of Registerable Interests maintained. Members Induction and Training in place. Training throughout the year including mandatory training for all members and specific training for members of quasi-judicial committee members.</p> <p>New Members Induction Pack Member and Officer Codes of Conduct Officer Appraisal <a href="#">Council Constitution</a> includes Member/Officer Protocol</p> <p>Standards Committee Member/Officer Protocol Complaints procedures for members Dignity at Work Policy</p> <p>Standards Committee <a href="#">Current Committees</a> Publishing Decisions and Call-In Scrutiny (Pre and Post Decision)</p> <p>The Council is committed to the highest possible standards of openness, integrity and accountability. The Council's Whistleblowing Policy was last reviewed in August 2015, and is available to all employees, and members of the public. <a href="#">Teamtalk whistleblowing</a></p>

<b>Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.</b> It is essential that the Council is able to demonstrate the appropriateness of its actions across all activities and has mechanisms in place to encourage and enforce adherence to ethical values and respect to the rule of law.		
	individuals raising concerns. <ul style="list-style-type: none"> <li>• Whistleblowing policy available to members of the public, employees, partners and contractors.</li> <li>• Complaints policy and examples of responding to complaints about behaviour.</li> <li>• Changes/improvements as a result of complaints received and acted upon.</li> <li>• Members and officers code of conduct refers to a requirement to declare interests.</li> <li>• Minutes show declarations of interest were sought and appropriate declarations made.</li> </ul>	<a href="#">Internet whistleblowing</a> Registers of interests and gifts and hospitality are maintained reviewed annually. 2016/2021 Counter Fraud Policy and Strategy approved. <a href="#">Anti-fraud and corruption-prevention and detection</a>  Standards Committee <a href="#">Current Committees Council Constitution</a> updated periodically to reflect changes to Council responsibilities and procedures and to take account of legislative requirements. <a href="#">Council Committees, Meetings and Agendas</a>
<b>Demonstrating strong commitment to ethical values</b> <ul style="list-style-type: none"> <li>• Seeking to establish, monitor and maintain the organisation’s ethical standards and performance</li> <li>• Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation’s culture and operation</li> <li>• Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values.</li> <li>• Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation.</li> </ul>	<ul style="list-style-type: none"> <li>• Scrutiny of ethical decision making.</li> <li>• Championing ethical compliance at governing body level.</li> <li>• Provision of ethical awareness training.</li> <li>• Appraisal processes take account of values and ethical behaviour.</li> <li>• Staff appointments policy.</li> <li>• Procurement policy.</li> <li>• Agreed values in partnership working:                             <ul style="list-style-type: none"> <li>- Statement of business ethics communicates commitment to ethical values to external suppliers.</li> <li>- Ethical values feature in contracts with external service providers.</li> </ul> </li> <li>• Protocols for partnership working.</li> </ul>	The Council has implemented a Behaviour Framework which all employees are expected to work in line with. The behaviours framework is a set of core behaviours which define ‘how’ we are expected to approach our work and sits alongside ‘what’ we do, as outlined in each of our job descriptions.  The framework details the behaviours and attitudes that must be reasonably applied in all situations, are required by all employees and supports the delivery of our corporate priorities.  The Council’s Significant Partnership Register is updated annually and audited periodically. The supporting guidance outlines the need for Terms of Reference, minutes, papers etc.  Advice provided to members regarding Constitutional matters by Democratic Services and Legal staff. Mandatory training during the year for Members on areas such as Safeguarding, Data Protection and Prevent, plus specific training for members of quasi-judicial Committees. Scrutiny process in place. Transparency of Decision Making: <a href="#">Published Decisions</a> Audit & Governance Committee in place, which Internal and External Audit attend.

**Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**  
 It is essential that the Council is able to demonstrate the appropriateness of its actions across all activities and has mechanisms in place to encourage and enforce adherence to ethical values and respect to the rule of law.

		<p>Contract Procurement Procedure Rules, Procurement Strategy and standard procurement and contract documentation help to embed ethical values into contracts procured by the Council. The Procurement Strategy requires updating to ensure that it reflects current regulations and best practise and the Council’s approach to purchasing to obtain continuous improvement and value for money.</p> <p>A draft corporate Social Value Policy has been developed that defines social value for the Council and sets out the Council’s commitment to this area through its commissioning and procurement activity. This has been trialled in one of the Council’s business areas and will be rolled out during 2018/19.</p>
<p><b>Respecting the rule of law</b></p> <ul style="list-style-type: none"> <li>• Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations.</li> <li>• Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements.</li> <li>• Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders.</li> <li>• Dealing with breaches of legal and regulatory provisions effectively.</li> <li>• Ensuring corruption and misuse of power are dealt with effectively.</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory provisions.</li> <li>• Statutory guidance is followed.</li> <li>• Constitution in place.</li> <li>• Job description/specifications.</li> <li>• Compliance with CIPFA’s Statement on the Role of the Chief Financial Officer in Local Government (CIPFA, 2015)</li> <li>• Terms of reference.</li> <li>• Committee support.</li> <li>• Record of legal advice provided by officers.</li> <li>• Monitoring Officer provisions.</li> <li>• Effective anti-fraud and corruption policies and procedures.</li> <li>• Local test of assurance (where appropriate).</li> </ul>	<p>The Director of Finance &amp; Customer Services post complies with the principles and requirements set out in the CIPFA Statement on the CFO role</p> <p>A Counter Fraud Policy and Strategy is in place and published. <a href="#">Anti-fraud and corruption-prevention and detection</a>. A Fraud Response Plan is also in place.</p> <p>A Whistle Blowing guidance and policy is in place and published internally and externally <a href="#">Teamtalk whistleblowing</a> <a href="#">Internet whistleblowing</a></p> <p>A Confidential whistle blowing line is in operation. Legal advice is provided on all Council decision making reports and members of the Legal Services Team attend to provide advice at Committees. Training is provided for officers on report writing. Positive inspection outcomes achieved e.g. RIPA compliance.</p> <p>The Council exercises statutory powers to prosecute and monitors prosecution outcomes.</p> <p>There is a low level of successful appeals on regulatory committee decisions e.g. licensing and planning. Mandatory annual training for regulatory Committee Members.</p> <p>Regular legal training to members and officers e.g.</p>

**Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.**  
It is essential that the Council is able to demonstrate the appropriateness of its actions across all activities and has mechanisms in place to encourage and enforce adherence to ethical values and respect to the rule of law.

		members interests, health and safety, sentencing guidelines. Code of conduct for members and officers. Relevant training for designated officers <a href="#">Constitution</a> updated annually Equality Impact Assessments required for Member and Council decisions <a href="#">Committee minutes</a> published Complaints process in place Standards Committee Internal Audit
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<b>Principle B: Ensuring openness and comprehensive stakeholder engagement.</b> Clear and trusted channels of communication are necessary to ensure that the Council can engage effectively with all groups of stakeholders, including individual citizens, service users, local business and institutional stakeholders in the local community.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Openness</b></p> <ul style="list-style-type: none"> <li>• Ensuring an open culture through demonstrating, documenting and communicating the organisation’s commitment to openness.</li> <li>• Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided.</li> <li>• Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</li> <li>• Using formal and informal consultation and engagement to determine the most appropriate and</li> </ul>	<p style="text-align: center;"><i>Suggested Examples</i></p> <ul style="list-style-type: none"> <li>• Annual report.</li> <li>• Freedom of Information Act publication scheme.</li> <li>• Online council tax information.</li> <li>• Authority’s goals and values.</li> <li>• Authority website.</li> <li>• Records of decision making and supporting materials.</li> <li>• Decision making protocols, including legal and finance sign off requirements.</li> <li>• Report pro-formas.</li> <li>• Record of professional advice in reaching decisions.</li> <li>• Meeting reports show details of advice given.</li> <li>• Discussion between members and officers on the information needs of members to support decision making.</li> <li>• Agreement on the information that will be provided and timescales.</li> <li>• Calendar of dates for submitting, publishing and distributing timely reports.</li> <li>• Community strategy</li> <li>• Use of consultation feedback.</li> </ul>	<p>Officers ensure that the Council website, public news website, The Shuttle and Team Talk are up to date, informative, user friendly and share information effectively with staff and the community. Council Tax information leaflet provided and information published on the Internet at <a href="#">Council tax Freedom of Information Publication Scheme</a> in place, which is reviewed annually. <a href="#">Publication Scheme</a> Transparency Data Share updated in line with the Transparency Code of Practice requirements. <a href="#">Datashare</a></p> <p><a href="#">Corporate Plan</a> updated annually Policy Council in December each year outlines the corporate policy and performance position. Performance against the Corporate Plan is reported bi-annually to Executive Board. The reports are published on the Council’s public Mod.Gov website.</p> <p>Annual statutory accounts report - includes a narrative summary on key performance/ deliverables</p> <p>Freedom of Information responses Mod.Gov/Public documents Publicity of Decisions Signed Minutes Standard report templates and checklists for Executive Member and Executive Board reports requiring Legal and Finance review and sign off to ensure legal, financial and equality requirements are met and to provide assurance for Director approval. Ensures proper checks are carried out for the decision making process and publication requirements are met, along with opportunity for formal challenge.</p> <p>Internal key dates for performance data reporting are produced and circulated to staff (6 monthly )</p>

<b>Principle B: Ensuring openness and comprehensive stakeholder engagement.</b> Clear and trusted channels of communication are necessary to ensure that the Council can engage effectively with all groups of stakeholders, including individual citizens, service users, local business and institutional stakeholders in the local community.		
effective interventions/ courses of action	<ul style="list-style-type: none"> <li>• Citizen survey.</li> </ul>	BwD Prosperity Plan produced through consultation and adopted by all stakeholders and in BwD.
<p><b>Engaging comprehensively with institutional stakeholders</b></p> <ul style="list-style-type: none"> <li>• Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</li> <li>• Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</li> </ul> <ul style="list-style-type: none"> <li>• Ensuring that partnerships are based on:               <ul style="list-style-type: none"> <li>— trust</li> <li>— a shared commitment to change</li> <li>— a culture that promotes and accepts challenge among partners</li> </ul>               and that the added value of partnership working is explicit             </li> </ul>	<ul style="list-style-type: none"> <li>• Communication strategy.</li> <li>• Database of stakeholders with whom the authority should engage and for what purpose and a record of an assessment of the effectiveness of any changes.</li> </ul> <ul style="list-style-type: none"> <li>• Partnership framework</li> <li>• Partnership protocols.</li> </ul>	<p>The Corporate Communications Work Plan acts as the corporate communication strategy. Consultation and engagement is carried out through services and departments, as well as other forms of specific corporate consultation exercises undertaken as required (<a href="#">Consultations</a>), using a range of approaches tailored to the specific exercise, including the use of on-line surveys and face to face meetings.</p> <p>A Corporate Plan is in place with key priorities identified. Feedback is provided through Ward Solutions Meetings (WSM's), Your Call initiative, Budget Consultation 2018/19.</p> <p>Consultation with the Leader of the Council, Executive Members, the Chief Executive, Directors, staff and partners.</p> <p>Partnership Governance Framework and toolkit in place</p>
<p><b>Engaging stakeholders effectively, including individual citizens and service users</b></p> <ul style="list-style-type: none"> <li>• Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• Record of public consultations</li> <li>• Partnership framework</li> </ul>	<p>The Council is committed to carrying out effective consultation exercises using the Council website and other communication channels. Communications and engagement strategies are developed for campaigns and major issues. The Corporate Communications Work Plan acts as the corporate communication strategy, with other engagement and communications devolved to services.</p>

<b>Principle B: Ensuring openness and comprehensive stakeholder engagement.</b> Clear and trusted channels of communication are necessary to ensure that the Council can engage effectively with all groups of stakeholders, including individual citizens, service users, local business and institutional stakeholders in the local community.		
		<p>Regular Ward Solution Meetings are held as part of the community engagement models operated by the Council.</p> <p>The Significant Partnership Register is updated annually and audited periodically. The Register includes details of terms of reference, minutes, papers etc.</p> <p>The <a href="#">Local Strategic Partnership</a> (LSP) and sub-groups meet at least twice a year. These are public meetings. Agendas and minutes are available on Mod.Gov</p> <p>LSP Board events communicated and delivered – media releases, videoed, and media updates in local paper</p>
<ul style="list-style-type: none"> <li>• Ensuring that communication methods are effective and that Members and officers are clear about their roles with regard to community engagement.</li> <li>• Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</li> </ul>	<ul style="list-style-type: none"> <li>• Communications strategy.</li> <li>• Communications strategy.</li> <li>• Joint strategic needs assessment.</li> </ul>	<p>There is a Budget consultation programme.</p> <p>Social media is used to engage with the public.</p> <p>The Corporate Communications Work Plan acts as the Corporate Communications Strategy.</p> <p>The Council’s Vision is used as the basis for working together with strategic partners to agree a shared agenda and work collectively to identify local priorities and review and steer resources.</p>
<ul style="list-style-type: none"> <li>• Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account.</li> <li>• Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.</li> </ul>	<ul style="list-style-type: none"> <li>• Communications strategy.</li> <li>• Processes for dealing with competing demands within the community, for example a consultation.</li> </ul>	<p>Consultations are carried out as and when required using a range of different approaches tailored to the area.</p>

**Principle B: Ensuring openness and comprehensive stakeholder engagement.**

Clear and trusted channels of communication are necessary to ensure that the Council can engage effectively with all groups of stakeholders, including individual citizens, service users, local business and institutional stakeholders in the local community.

<ul style="list-style-type: none"><li>• Taking account of the interests of future generations of tax payers and service users</li></ul>	<ul style="list-style-type: none"><li>• Reports</li><li>• Joint strategic needs assessment</li></ul>	<a href="#">Public Health Report</a> <a href="#">Your Call Annual Report</a>
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<b>Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits.</b> The Council needs to define and plan outcomes and ensure that these are sustainable. Decisions should further the Council's purpose, contribute to the intended benefits and outcomes and remain within the limits of the Council's authority and resources.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Defining Outcomes</b></p> <ul style="list-style-type: none"> <li>• Having a clear vision which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation's overall strategy, planning and other decisions</li> <li>• Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer</li> <li>• Delivering defined outcomes on a sustainable basis within the resources that will be available</li> <li>• Identifying and managing risks to the achievement of outcomes</li> <li>• Managing service users expectations effectively with regard to determining priorities and making the best use of the resources available</li> </ul>	<p><i>Suggested Examples</i></p> <ul style="list-style-type: none"> <li>• Vision used as a basis for corporate and service planning.</li> <li>• Community engagement and involvement.</li> <li>• Corporate and service plans and strategies.</li> <li>• Community strategy.</li> <li>• Regular reports on progress.</li> <li>• Performance trends are established and reported upon.</li> <li>• Risk management protocols.</li> <li>• An agreed set of quality standard measures for each service element and included in service plans.</li> <li>• Processes for dealing with competing demands within the community.</li> </ul>	<p>The Council's Vision is used as the basis for the Council and strategic partners to work together to agree a shared agenda and work collectively to review and steer resources through identifying local priorities. The Council's Corporate Plan priorities are reviewed annually and adopted at Policy Council in December.</p> <p>The Borough's <a href="#">Plan for Prosperity</a> was adopted by the LSP Board and launched in November 2014. A <a href="#">Health and Wellbeing Strategy</a> is in place and published along with the latest <a href="#">Local Plan</a>.</p> <p>Communications and engagement plans are put in place. Updates re service reviews/changes are provided to residents ranging from advertising and on-line updates, social media, and letters and councillors meetings to roadshows and public meetings.</p> <p>Risk Management Strategy and Framework 2015/20 with supporting toolkit in place: <a href="#">Risk management</a>. Corporate and departmental risk registers maintained and monitored. Management Accountabilities Framework reporting and monitoring in place with RAG rated performance Includes risk considerations.</p> <p>Annual refresh of the Corporate Plan Technical Appendix – KPIs and targets for each portfolio.</p>

**Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits.**  
 The Council needs to define and plan outcomes and ensure that these are sustainable. Decisions should further the Council’s purpose, contribute to the intended benefits and outcomes and remain within the limits of the Council’s authority and resources.

<p><b>Sustainable economic, social and environmental benefits</b></p> <ul style="list-style-type: none"> <li>• Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision</li> <li>• Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation’s intended outcomes and short-term factors such as the political cycle or financial constraints</li> <li>• Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs</li> <li>• Ensuring fair access to services</li> </ul>	<ul style="list-style-type: none"> <li>• Capital investment is structured to achieve appropriate life spans and adaptability for future use or that resources (e.g. land) are spent on optimising social, economic and environmental wellbeing:                     <ul style="list-style-type: none"> <li>— Capital programme</li> <li>— Capital investment strategy</li> </ul> </li> <li>• Discussion between Members and officers on the information needs of members to support decision making.</li> <li>• Record of decision making and supporting materials</li> <li>• Protocols for consultation</li> <li>• Protocols ensure fair access and statutory guidance is followed</li> </ul>	<p>Details of Capital Programme included in the <a href="#">Annual Budget Summary Book 2018-19</a>              Business planning guidance issued annually and Departmental Plans produced – team/service plans provide greater depth of key deliverables for the year ahead.</p> <p>Regular Chief Officers' meetings with the political Group Leaders, in addition to Senior Policy Team meetings provide forum for Member briefing and challenge before decisions made.</p> <p>Briefing meetings are held between Executive Members and the respective departmental Officers</p> <p>Minutes published on the Council’s Mod.Gov website in accordance with access to information provisions. Committee agendas available on Mod.Gov</p> <p>Service delivery areas require service user engagement and feedback as part of service reviews. The Strategy and Funding Team are available to support departments in producing appropriate consultation and engagement mechanisms.</p> <p>Consultations carried out with affected parties. Opportunities for petitions and questions from the public to be submitted and considered by Council, or the appropriate Committee or Executive Member.</p> <p>Corporate Equality and Health Impact Assessment guidance and requirements are in place. Equality Impact Assessments are required to be completed for all</p>
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**Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits.**  
The Council needs to define and plan outcomes and ensure that these are sustainable. Decisions should further the Council's purpose, contribute to the intended benefits and outcomes and remain within the limits of the Council's authority and resources.

		policy and strategy decisions and decision papers through Council Committees.  Health Impact assessments are also required when relevant and needed.
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<b>Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes.</b> Determining the right mix of actions is a critically important strategic choice that the Council has to make to ensure that the intended outcomes are achieved. Robust decision making mechanisms are required to ensure defined outcomes can be achieved balancing the various resource inputs whilst enabling the efficient and effective delivery services.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Determining interventions</b></p> <ul style="list-style-type: none"> <li>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided</li> <li>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</li> </ul>	<p><i>Suggested Examples</i></p> <ul style="list-style-type: none"> <li>Discussion between members and officers on the information needs of members to support decision making.</li> <li>Decision making protocols, including legal and financial sign off.</li> <li>Option appraisals.</li> <li>Agreement of information that will be provided and timescales.</li> <li>Financial strategy.</li> </ul>	<p>Regular Chief Officer meetings with political Group Leaders, in addition to Executive Member Briefings, portfolio and departmental briefings and Policy Development Sessions with Members and the Leader. Reporting templates and checklists in place for the Executive Board and Member reporting process to ensure financial, legal and equality requirements are met and provide assurance to Directors and Members prior to approval.</p> <p>Reports on budget, robustness of budget, Medium Term Financial and Treasury Management Strategies and Pay Policy Statement considered annually at <a href="#">Finance Council</a></p>
<p><b>Planning Interventions</b></p> <ul style="list-style-type: none"> <li>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</li> </ul>	<ul style="list-style-type: none"> <li>Calendar of dates for developing and submitting plans and reports that are adhered to.</li> </ul>	<p>The Councils Corporate Plan priorities are reviewed and updated via all Executive Members / portfolio briefing meetings.</p> <p>Business planning guidance and support is provided through the Strategy and Funding Team, six monthly performance framework and Management Accountabilities Framework monitoring arrangements in place.</p> <p>Timetables for Committees Business Plan Risk Register Corporate Plan</p>
<ul style="list-style-type: none"> <li>Engaging with internal and external stakeholders in</li> </ul>	<ul style="list-style-type: none"> <li>Communication strategy</li> </ul>	<p>The Corporate Communications Work Plan acts as the</p>

<b>Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes.</b> Determining the right mix of actions is a critically important strategic choice that the Council has to make to ensure that the intended outcomes are achieved. Robust decision making mechanisms are required to ensure defined outcomes can be achieved balancing the various resource inputs whilst enabling the efficient and effective delivery services.		
<p>determining how services and other courses of action should be planned and delivered</p>		<p>corporate communication strategy, with other engagement and communications devolved to services. Key dates timeline produced and shared re 6 monthly performance reporting / challenge framework.</p> <p>Significant Partnership Register updated annually</p>
<ul style="list-style-type: none"> <li>• Considering and monitoring risks facing each partner when working collaboratively including shared risks</li> <li>• Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.</li> <li>• Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.</li> <li>• Ensuring capacity exists to generate the information required to review service quality regularly</li> <li>• Preparing budgets in accordance with organisational objectives, strategies and the medium term financial plan</li> <li>• Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a</li> </ul>	<ul style="list-style-type: none"> <li>• Partnership framework</li> <li>• Risk management protocol</li> <li>• Planning protocols</li> <li>• KPIs have been established and approved for each service element, included in the service plans and are reported upon regularly.</li> <li>• Reports include detailed performance results and highlight areas where corrective action is necessary.</li> <li>• Evidence that budgets, plans and objectives are aligned</li> <li>• Budget guidance and protocols</li> <li>• Medium term financial plan</li> <li>• Corporate plans</li> </ul>	<p>Risk management roles and responsibilities set out in Risk Management Strategy and Framework 2015/20. Corporate and departmental risk registers maintained and monitored.</p> <p>Six monthly performance challenge framework in place, reported internally within departmental management teams, challenge meetings held by the Deputy Chief Executive with summary reports presented to Executive Board</p> <p>Revenue and Capital Budget reporting in place. Monitoring reports to Council Forum and Finance Council. Quarterly reports to Executive Board. Exception reports for below target KPIs are produced outlining the key issues and actions to improve.</p> <p><a href="#">Medium Term Financial Strategy</a> prepared. Budget guidance included in Standing Financial Instructions and Constitution (Part 4 Financial Procedure Rules). Corporate Plan 2016-2019 adopted by Policy Council</p>

<b>Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes.</b> Determining the right mix of actions is a critically important strategic choice that the Council has to make to ensure that the intended outcomes are achieved. Robust decision making mechanisms are required to ensure defined outcomes can be achieved balancing the various resource inputs whilst enabling the efficient and effective delivery services.		
sustainable funding strategy		<p>The LSP developed and launched a medium term plan: “Plan for Prosperity 2014-20” which was endorsed by the Local Government Association Health and Wellbeing Board peer review team.</p> <p>. The Plan is reviewed and updated annually to ensure KPIs and targets are relevant.</p>
<p><b>Optimising achievement of intended outcomes</b></p> <ul style="list-style-type: none"> <li>• Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</li> <li>• Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</li> <li>• Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage</li> <li>• Ensuring the achievement of ‘social value’ through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is “the additional benefit to the community...over and above the direct purchasing of goods, services and outcomes”</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback surveys and exit/decommissioning strategies</li> <li>• Changes are seen as a result</li> <li>• Budgeting guidance and</li> <li>• Protocols</li> <li>• Financial strategy</li> <li>• Service plans demonstrate consideration of ‘social value’</li> <li>• Achievement of ‘social value’ is monitored and reported upon</li> </ul>	<p>Consideration of social value is built into Procurement process as part of the business case production that requires the Procuring Officer to consider social value act implications.</p> <p>Guidance contained in Constitution (Financial Procedure Rules) and Standing Financial Instructions.</p> <p>Reports on budget, robustness of budget, Medium Term Financial and Treasury Management Strategies and Pay Policy Statement considered annually at <a href="#">Finance Council</a></p> <p>The Council approach is to buy local where possible whilst achieving value for money, to increase monies spent in the local economy. The Council has also introduced its own local living wage to enhance opportunities and wellbeing for its lowest paid employees.</p> <p>A draft corporate Social Value Policy has been developed that defines social value for the Council and sets out the Council’s commitment to this area through its commissioning and procurement activity. This has been trialled in one of the Council’s business areas and</p>

**Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes.**

Determining the right mix of actions is a critically important strategic choice that the Council has to make to ensure that the intended outcomes are achieved. Robust decision making mechanisms are required to ensure defined outcomes can be achieved balancing the various resource inputs whilst enabling the efficient and effective delivery services.

		will be rolled out during 2018/19.
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<b>Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it.</b> The Council needs appropriate structures and leadership in place, with staff who possess the right skills, qualifications and approach to achieve the desired outcomes it has identified in the agreed timeframes. Capacity must be available to enable the Council to fulfil its mandate and arrangements in place that allow the continuous development of its capacity to respond to changes in individuals and the environment, as well as the skills and experience of its staff.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Developing the entity's capacity</b></p> <ul style="list-style-type: none"> <li>• Reviewing operations, performance use of assets on a regular basis to ensure their continuing effectiveness</li>   <li>• Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority's resources are allocated so that outcomes are achieved effectively and efficiently</li>   <li>• Recognising the benefits of partnerships and collaborative working where added value can be achieved</li>   <li>• Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</li> </ul>	<p><i>Suggested examples</i></p> <ul style="list-style-type: none"> <li>• Regular review of activities, outputs and planned outcomes.</li>   <li>• Utilisation of research and benchmarking exercises.</li>   <li>• Effective operation of partnerships which deliver agreed outcomes.</li>   <li>• Workforce plan.</li> <li>• Organisational development plan</li> </ul>	<p>The Council has a workforce strategy and details how we expect to attract, retain and develop our employees. Each strand of the workforce strategy takes account of how we plan to work as an organisation now and in the future.</p> <p>A 'Digital Vision for the Borough' and supporting strategies are also in place. These set out our approach to addressing the challenges of delivering technology across the organisation and ensuring that the maximum benefit is derived for the Council, its workforce, customers and partners.</p> <p>Departmental management teams reviewing progress of their service / team plans – 6 monthly Directors Exception Report produced.</p> <p>Benchmarking data is also used across the Council to outline BwD position in relation to other authorities or other areas. i.e. Lancashire, North West.</p> <p>Departments utilise benchmarking data where applicable to provide context to our Council's performance and data.</p> <p>The LSP Prosperity Plan is owned by the sub-groups of the LSP Board. This identifies 31 KPIs along with targets. The Board meetings are open to the public, with papers published via Mod.Gov.</p> <p>The Workforce Strategy provides details of how the Council will attract, retain and develop staff. Along with the 'Digital Vision for the Borough' and supporting strategies it takes account of how we will work as an organisation to address the challenges of delivering services effectively now and in the future.</p>



**Principle E: Developing the entity’s capacity, including the capability of its leadership and the individuals within it.**  
 The Council needs appropriate structures and leadership in place, with staff who possess the right skills, qualifications and approach to achieve the desired outcomes it has identified in the agreed timeframes. Capacity must be available to enable the Council to fulfil its mandate and arrangements in place that allow the continuous development of its capacity to respond to changes in individuals and the environment, as well as the skills and experience of its staff.

<p><b>Developing the capability of the entity’s leadership and other individuals</b></p> <ul style="list-style-type: none"> <li>• Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</li> <li>• Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</li> <li>• Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other’s authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Job descriptions</li> <li>• Chief Executive and leader pairings have considered how best to establish and maintain effective communication</li> <li>• Scheme of Delegation reviewed at least annually in the light of legal and organisational changes.</li> <li>• Standing orders and financial regulations which are reviewed on a regular basis.</li> </ul> <p>Clear statement of respective roles and responsibilities and how they will be put into practice.</p>	<p>A Leadership Framework has been developed. There is a robust induction programme for elected members supported by an ongoing development programme.</p> <p>Regular Management Board meetings of Directors and Heads of Service to communicate and plan organisational developments.              Regular business continuity exercises to build resilience.              Effective communication methods e.g. Teamtalk, annual Chief Executive staff briefings.              Setting and reviewing Council priorities.              Documented objectives e.g. Corporate Plan.              Networking e.g. AGMA membership and building internal and external partnerships e.g. Pennine Lancashire - Together a Healthier Future and collaborative working with other authorities.              The Chief Executive also holds annual staff briefings for all Council staff.</p> <p>Scheme of Delegation contained with Constitution. Constitutional updates at least annually.              North West Employers currently used for external member training and development as appropriate, with Member representation on the Board              Constitution (Part 4) - Financial Procedure Rules and Standing Financial Instructions in place.</p> <p>Members and Officers roles are set out in the Constitution Part 5 – Section 3 Protocol of Member/Officer Relations</p> <p>The Leader and Executive Member functions are set out in Sections 13 &amp; 14 of the Constitution</p>
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**Principle E: Developing the entity’s capacity, including the capability of its leadership and the individuals within it.**  
 The Council needs appropriate structures and leadership in place, with staff who possess the right skills, qualifications and approach to achieve the desired outcomes it has identified in the agreed timeframes. Capacity must be available to enable the Council to fulfil its mandate and arrangements in place that allow the continuous development of its capacity to respond to changes in individuals and the environment, as well as the skills and experience of its staff.

<ul style="list-style-type: none"> <li>Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:                     <ul style="list-style-type: none"> <li>- ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged</li> <li>- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis</li> <li>- ensuring personal, organisational and system wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.</li> </ul> </li> <li>Ensuring that there are structures in place to encourage public participation</li> </ul>	<ul style="list-style-type: none"> <li>Access to update courses/information briefings on new legislation</li> <li>Induction and ongoing training programme for members.</li> <li>Personal development plans for members and officers</li> <li>For example, for members this may include the ability to:                     <ul style="list-style-type: none"> <li>- scrutinise and challenge</li> <li>- recognise when outside expert advice is required</li> <li>- promote trust</li> <li>- work in partnership</li> <li>- lead the organisation</li> <li>- act as a community leader</li> </ul> </li> <li>Efficient systems and technology used for effective support.</li> <li>Arrangements for succession planning</li> </ul> <ul style="list-style-type: none"> <li>Residents’ panels</li> <li>Stakeholder forum terms of reference</li> <li>Strategic partnership frameworks</li> </ul>	<p>Bite sized training programme in place for Members throughout the year. Mandatory training for members on areas such as data protection, child sexual exploitation and safeguarding. Technical training for members of quasi-judicial Committees.</p> <p>Members roles are set out in the Constitution Part 5 Section 3 Protocol of Members/Officer Relations.</p> <p>Job roles have been developed for Members following the completion of the Boundary Commission review of the Council to reflect the changes to the role of ward and community Councillors and the drive to embrace and improve the approach to agile working and the Council’s digital agenda.</p> <p>The Council works with residents to work together through the innovative <a href="#">Your Call</a> campaign. Consultation and engagement is carried out through services and departments, as well as other forms of specific corporate consultation exercises undertaken as required. Questions and petitions can be submitted by members of the public to appropriate Committee or Council meetings. <a href="#">Ward Solution Meetings</a> are held on a regular basis to allow Members to discuss issues affecting the local community. The LSP Board meetings are open to the public, with papers published via Mod.Gov</p>
<ul style="list-style-type: none"> <li>Taking steps to consider the leadership’s own</li> </ul>	<ul style="list-style-type: none"> <li>Reviewing individual member performance on a</li> </ul>	<p>The Member bite sized training programme addresses</p>

**Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it.**

The Council needs appropriate structures and leadership in place, with staff who possess the right skills, qualifications and approach to achieve the desired outcomes it has identified in the agreed timeframes. Capacity must be available to enable the Council to fulfil its mandate and arrangements in place that allow the continuous development of its capacity to respond to changes in individuals and the environment, as well as the skills and experience of its staff.

<p>effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <ul style="list-style-type: none"> <li>• Holding staff to account through regular performance reviews which take account of training or development needs</li> <li>• Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing</li> </ul>	<p>regular basis taking account of their attendance and considering any training or development needs</p> <ul style="list-style-type: none"> <li>• Peer reviews</li> <li>• Training and development plan</li> <li>• Staff development plans linked to appraisals</li> <li>• Implementing appropriate human resource policies and ensuring that they are working effectively</li> <li>• Human resource policies</li> </ul>	<p>training and development needs.</p> <p>All employees are expected to have an annual appraisal as well as regular 121s.</p> <p>There is ongoing training and development available for all employees, with access to on-line training courses on a wide variety of topics.</p> <p>HR policies are regularly reviewed and updated to reflect statutory and legislative requirements and best practice.</p>
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<b>Principle F: Managing risks and performance through robust internal control and strong public financial management.</b> Organisational and governance structures need to be in place which can sustain effective performance management arrangements that facilitate the effective and efficient delivery of planned services. Robust systems and arrangements for financial and risk management, and internal control, are essential elements for the achievement of intended outcomes. A culture and structure for scrutiny are key parts of accountable decision and policy making, and review.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<p><b>Managing risk</b></p> <ul style="list-style-type: none"> <li>• Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</li> <li>• Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.</li> <li>• Ensuring that responsibilities for managing individual risks are clearly allocated</li> </ul>	<p><i>Suggested Examples</i></p> <ul style="list-style-type: none"> <li>• Risk management protocol.</li> <li>• Risk management strategy/ policy formally approved and adopted and reviewed and updated on a regular basis.</li> <li>• Risk management protocol.</li> </ul>	<p>2015/20 Risk Management Strategy and Framework with supporting toolkit in place. Roles and responsibilities identified. Corporate and departmental risk registers maintained and monitored. Risk owners and key contacts identified.</p>
<p><b>Managing performance</b></p> <ul style="list-style-type: none"> <li>• Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</li> </ul>	<ul style="list-style-type: none"> <li>• Performance map showing all key activities have performance measures</li> <li>• Benchmarking information</li> <li>• Cost performance (using inputs and outputs)</li> <li>• Calendar of dates for submitting, publishing and distributing timely reports that are adhered to</li> </ul>	<p>Management Accountabilities Framework Responses to inspection outcomes-improvements implemented. Filing statutory returns. 1 to 1s Appraisals Participation in CIPFA and other benchmarking exercises. Monitoring performance through regulatory bodies' e.g. monthly returns to General Register Office.</p> <p>Progress on Council's Corporate Plan is reported via the Council's Executive Board. Progress on the Corporate Plan is provided to Policy Council in December each year Performance reports on KPIs provide progress updates via RAG ratings and actual data. In addition those KPIs that are red – below target, are also required to produce an exception report outlining key issues and actions to improve performance.</p>

<b>Principle F: Managing risks and performance through robust internal control and strong public financial management.</b> Organisational and governance structures need to be in place which can sustain effective performance management arrangements that facilitate the effective and efficient delivery of planned services. Robust systems and arrangements for financial and risk management, and internal control, are essential elements for the achievement of intended outcomes. A culture and structure for scrutiny are key parts of accountable decision and policy making, and review.		
		Appraisals Benchmarking- Scrutiny Took Kit Mod.Gov
<ul style="list-style-type: none"> <li>• Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook</li> <li>• Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (OR, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making</li> <li>• Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</li> <li>• Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements)</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion between members and officers on the information needs of members to support decision making</li> <li>• Publication of agendas and minutes of meetings</li> <li>• Agreement on the information that will be needed and timescales</li> <li>• The role and responsibility for scrutiny has been established and is clear.</li> <li>• Agenda and minutes of scrutiny meetings</li> <li>• Evidence of improvements as a result of scrutiny</li> <li>• Terms of reference</li> <li>• Training for members</li> <li>• Membership</li> <li>• Calendar of dates for submitting, publishing and distributing timely reports that are adhered to</li> <li>• Financial standards, budget guidance</li> <li>• Financial regulations and standing orders</li> </ul>	Executive Member briefings and Executive Board arrangements provide forums for robust review and challenge by Executive Members to ensure informed decision making by Directors and Executive Members. The Scrutiny process, presentation of motions and Members questions provide for democratic challenge.  Robust scrutiny arrangements operate with Scrutiny Committees. A Scrutiny toolkit is available to aid Members, which is reviewed regularly. Governance arrangements are also reviewed annually by Members. The outcomes of Overview & Scrutiny are considered by the relevant Executive Member.  Timetables circulated and published  Guidance contained in Constitution (Financial Procedure Rules) and Standing Financial Instructions.
<b>Robust internal control</b> <ul style="list-style-type: none"> <li>• Aligning the risk management strategy and policies on internal control with achieving the objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Risk management strategy</li> <li>• Audit plan</li> <li>• Audit reports</li> </ul>	Risk Management Strategy & Framework 2015/20 Corporate Risk Register Approved Annual Internal Audit Plan Audit & Assurance reports on findings from individual reviews provided to Chief Officers. Progress on plan

<b>Principle F: Managing risks and performance through robust internal control and strong public financial management.</b> Organisational and governance structures need to be in place which can sustain effective performance management arrangements that facilitate the effective and efficient delivery of planned services. Robust systems and arrangements for financial and risk management, and internal control, are essential elements for the achievement of intended outcomes. A culture and structure for scrutiny are key parts of accountable decision and policy making, and review.		
		and summary of findings reported to Audit & Governance Committee and Annual Opinion Report produced.
<ul style="list-style-type: none"> <li>• Evaluating and monitoring the authority's risk management and internal control on a regular basis</li> <li>• Ensuring effective counter fraud and anti-corruption arrangements are in place</li> <li>• Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</li> <li>• Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body:               <ul style="list-style-type: none"> <li>– provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment</li> <li>– that its recommendations are listened to and acted upon</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Risk management strategy/ policy has been formally approved and adopted and is reviewed and updated on a regular basis</li> <li>• Compliance with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA, 2014)</li> <li>• Annual governance statement</li> <li>• Effective internal audit service is resourced and maintained.</li> <li>• Audit committee complies with best practice. See Audit Committees: Practical Guidance for Local Authorities and Police (CIPFA, 2013)</li> <li>• Terms of reference</li> <li>• Membership</li> <li>• Training</li> </ul>	<p>Risk Management Strategy &amp; Framework 2015/20 approved by Executive Member for Resources.</p> <p>Audit and Governance Committee Scrutiny Committees Finance Council Council Constitution Members Allowances Independent Remuneration Panel General risk management advice &amp; guidance</p> <p>Counter Fraud Strategy 2016/21 updated in 2015 to comply with Code. Action plan in place.</p> <p>Annual Governance Statement published with Annual Accounts Peer review reported in 2016, confirmed internal audit service complies with Public Sector Audit Standards requirements: <a href="#">PSIAS Compliance</a></p> <p>Review of compliance with guidance completed: <a href="#">Audit &amp; Governance Committee Self-Assessment and Action Plan</a> <a href="#">Committee Terms of Reference</a> Committee members' skills and knowledge self-assessment carried out.</p>
<p><b>Managing data</b></p> <ul style="list-style-type: none"> <li>• Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data,</li> </ul>	<ul style="list-style-type: none"> <li>• Data management framework and procedures</li> </ul>	<p>The ISMS (Information Security Management Structure) Policy Framework contains a set of defined Data Management frameworks and procedures and</p>

<b>Principle F: Managing risks and performance through robust internal control and strong public financial management.</b> Organisational and governance structures need to be in place which can sustain effective performance management arrangements that facilitate the effective and efficient delivery of planned services. Robust systems and arrangements for financial and risk management, and internal control, are essential elements for the achievement of intended outcomes. A culture and structure for scrutiny are key parts of accountable decision and policy making, and review.		
including processes to safeguard personal data  <ul style="list-style-type: none"> <li>• Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</li>   <li>• Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Designated data protection officer (DPO)</li> <li>• Data protection policies and procedures</li>   <li>• Data sharing agreement.</li> <li>• Data sharing register.</li> <li>• Data processing agreements.</li>   <li>• Data quality procedures and reports</li> <li>• Data validation procedures</li> </ul>	guidelines There is a designated DPO, as required by the General Data Protection Regulations (GDPR) effective from May 2018. Additional roles of Caldicott Guardian and Information Asset Owner are allocated to Senior Officers. Data Protection Policy and procedures available on line at <a href="#">Data-protection</a>  Data Quality Policy in place File Checks are undertaken annually Data quality audit is undertaken annually – KPIs selected via a risk based approach  Data Sharing Agreements in use. Data Sharing initiatives are created on the Lancashire Information Sharing Gateway (ISG) <a href="#">info-sharing-system</a> and previous sharing agreements drafted prior to implementation of ISG are monitored on SharePoint Register (Internal only) <a href="#">data sharing agreements</a> Data Processor agreements are utilised in conjunction with ISPs and Commissioned Services contracts and are held in a central repository.  Information Asset Owners (IAO) are defined at Head of Service level within each service Area. Each IAO is responsible for the data they manage, including assurances relating to quality, validation and security. Assurances are given to SIRO on an annual basis within the Directors Report. Information Asset Register which includes Ownership, Responsibility, Data Flow, Security and Privacy Impact Assessment are located on a central repository on SharePoint. (Internal only)
<b>Strong public financial management</b>	<ul style="list-style-type: none"> <li>• Financial management supports the delivery of services and transformational change as well as</li> </ul>	<a href="#">Medium Term Financial Strategy</a> <a href="#">Annual Budget</a>

**Principle F: Managing risks and performance through robust internal control and strong public financial management.**

Organisational and governance structures need to be in place which can sustain effective performance management arrangements that facilitate the effective and efficient delivery of planned services. Robust systems and arrangements for financial and risk management, and internal control, are essential elements for the achievement of intended outcomes. A culture and structure for scrutiny are key parts of accountable decision and policy making, and review.

<ul style="list-style-type: none"> <li>Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance</li> <li>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls</li> </ul>	<p>securing good stewardship</p> <ul style="list-style-type: none"> <li>Budget monitoring reports</li> </ul>	<p>Annual Governance Statement – (Part of the Statement of Accounts)  <a href="#">Statement of Accounts</a>  <a href="#">Annual Audit &amp; Inspection Letter</a>            Constitution (Part 4) - Financial Procedure Rules            Constitution (Part 4) - Contract &amp; Procurement Procedure Rules            Asset Management Strategy            Corporate Risk Register            Departmental Risk Registers            Standing Financial Instructions</p> <p>Monthly monitoring reports are considered by Executive Members at briefing meetings with their respective portfolio Directors. Quarterly reports are presented to <a href="#">Executive Board</a></p>
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<b>Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability.</b> Those responsible for making decisions and delivering services must be answerable for them. To be effective stakeholders must be able to understand and respond as the Council plans and carried out its activities in a transparent manner.		
Supporting Sub-Principles	Where You Should See Governance in Action	How the Council Demonstrates Good Governance and Issues Identified
<b>Implementing good practice in transparency</b> <ul style="list-style-type: none"> <li>• Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate</li> <li>• Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</li> </ul>	<p style="text-align: center;"><i>Suggested Examples</i></p> <ul style="list-style-type: none"> <li>• Website</li> <li>• Annual report</li>   <li>• Website</li> <li>• Annual report</li> </ul>	<p>A <a href="#">Publication Scheme</a> is in place</p> <p><a href="#">Blackburn Website</a>  <a href="#">Corporate Plan</a>            Annual Statutory <a href="#">Accounts</a>  <a href="#">Public Health Report</a>  <a href="#">Blackburn Facts and Figures</a>  <a href="#">Blackburn Census</a>            The Shuttle (council on-line newspaper)            Mandatory training exercise on effective report writing for decisions delivered by Democratic Services</p>
<b>Implementing good practices in reporting</b> <ul style="list-style-type: none"> <li>• Reporting at least annually on performance, value for money and the stewardship of its resources</li> <li>• Ensuring members and senior management own the results</li> <li>• Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement)</li> </ul>	<ul style="list-style-type: none"> <li>• Formal annual report which includes key points raised by external scrutineers and service users' feedback on service delivery</li> <li>• Annual financial statements</li>   <li>• Appropriate approvals</li>   <li>• Annual governance statement</li> </ul>	<p>Annual Statutory Accounts <a href="#">Annual Audit Letter</a></p> <p>Performance reports on KPIs provide progress updates via RAG ratings and actual data. In addition those KPIs that are red – below target, are also required to produce an exception report outlining key issues and actions to improve performance.</p> <p>Reports are produced for Executive Board on performance reporting and policy performance updates are also provided via the Leaders Report at Council Forum meetings and updates are also provided to the annual Policy Council meeting</p> <p>Annual Governance Statement (AGS) reviewed by External Audit and considered by Audit &amp; Governance Committee prior to sign off and publication. <a href="#">Annual Governance Statement</a></p>

<b>Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability.</b> Those responsible for making decisions and delivering services must be answerable for them. To be effective stakeholders must be able to understand and respond as the Council plans and carried out its activities in a transparent manner.		
<ul style="list-style-type: none"> <li>• Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate</li> <li>• Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Annual governance statement</li> <li>• Format follows best practice</li> </ul>	
<p><b>Assurance and effective accountability</b></p> <ul style="list-style-type: none"> <li>• Ensuring that recommendations for corrective action made by external audit are acted upon</li> <li>• Ensuring an effective internal audit service with direct access to members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon</li> <li>• Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations</li> <li>• Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement</li> <li>• Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met</li> </ul>	<ul style="list-style-type: none"> <li>• Recommendations have informed positive improvement</li> <li>• Compliance with CIPFA's Statement on the Role of the Head of Internal Audit (2010).</li> <li>• Compliance with Public Sector Internal Audit Standards</li> <li>• Recommendations have informed positive improvement</li> <li>• Annual governance statement</li> <li>• Community strategy</li> </ul>	<p>Significant weaknesses identified in AGS and monitored. <a href="#">AGS Progress Report</a> <a href="#">AGS Progress Report Appendix</a></p> <p>Performance data is provided as part of the Annual Statutory Accounts and this is summarised at the beginning of the Annual Report</p> <p>Peer review of Audit &amp; Assurance confirmed compliance with Standards. Reported to April 2016 Audit &amp; Governance Committee.</p> <p>Annual Governance Statement – (Part of the Statement of Accounts)</p> <p>A Corporate Peer Review is planned for 2018/19.</p> <p>BwD Prosperity Plan is the community strategy for BwD – and all members of the LSP board are provided with the constitution which includes Terms of Reference, governance, code of conduct</p>

Appendix B

Significant Governance Issue	CIPFA Criteria	Issue / Actions being taken	Responsible officer(s)
Procurement Strategy requires updating and corporate Social Value Policy requires roll-out across the organisation.	Robust policies and procedures in place which emphasise agreed ethical values. Ensuring external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation.	Procurement Strategy and Policy last revised in 2013. To prepare an updated Procurement Strategy and Policy and develop a corporate Social Value Policy for approval to ensure Council practises reflect current regulations and best practise.	Strategic Procurement Managers
A review of all Financial Procedure Rules and relevant Standing Financial Instructions is underway to reflect the changes arising from the implementation of the new Finance system; this requires completion in 2018/19	Ensure consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements)	The review of Financial Procedure Rules and relevant Standing Financial Instructions requires completion	Head of Financial Services (Resources)

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## **7 The Financial Procedure Rules**

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### **A Status of Regulations**

#### **A.1 The Regulations**

- i. These Regulations are part of the Council's Rules of Procedure. They must be read in conjunction with the Constitution as a whole and with any Standing Financial Instructions issued by the Director of Finance and Customer Services. They are issued in accordance with section 151 of the Local Government Act 1972 and with the Accounts and Audit (England) Regulations 2011. They assist the Council to ensure that it has proper financial and managerial controls in place and that it uses public monies in accordance with the principles of Corporate Governance.
- ii. These Rules must be followed by any person or body authorised to act on behalf of the Council including the Council's Strategic Partner, Capita, and by any other partners where the Council's business or accountable interests are affected.
- iii. They must be followed by schools unless the specific requirements of the Scheme for Financing Schools Regime dictate otherwise.
- iv. A Chief Officer must not enter into any arrangement, which may restrict the ability of the Council to apply these Rules, without the approval of the Executive Board to that arrangement.

#### **A2 Application of the Regulations**

- i. Each Chief Officer has the responsibility to ensure that these Regulations, together with the Contract and Procurement Procedure Rules and Standing Financial Instructions, are observed within his/her Department. The Director of Children's Services has responsibility for ensuring that they are observed within schools.
- ii. Contract and Procurement Procedure Rules, Financial Procedure Rules and Standing Financial Instructions must be followed where the Council acts as agent for any other body, unless the agency agreement specifies otherwise. This regulation also applies where the Council acts as the accountable body for a project.
- iii. Except where these rules identify the Deputy Chief Executive as being the responsible officer, the Director of Finance and Customer Services is responsible for interpreting these regulations and recommending changes to the Council, as and when he/she considers it necessary. The financial limits contained in these Rules may be reviewed and, if need be, revised from time to time by the Director of Finance and Customer Services, in consultation with the Executive Member (Resources).
- iv. The Director of Finance and Customer Services may waive the need to comply with any of these Financial Procedure Rules. He/she must record his/her reasons for the waiver and must set out the scope and duration of the waiver and any substitute regulations.

#### **A3 Chief Finance Officer**

- i. The Director of Finance and Customer Services is the statutory officer responsible for the administration of all the financial affairs of the Council.
- ii. The functions of the Director of Finance and Customer Services as Chief Finance Officer are set out in Article 12 of the Constitution.

## **A4 Code of Corporate Governance**

The Council has a Code of Corporate Governance which will be monitored periodically by the Audit and Governance Committee to ensure that the objectives of the Code are being met. The Committee will also ensure that, to comply with the Accounts and Audit (England) Regulations 2011, both the process for producing the Annual Governance Statement and the Statement itself are robust.

## **B Financial Controls and Procedures**

### **B.1 Internal Controls**

#### **i. Directors' responsibilities**

Chief Officers are responsible for the control and accountability of their staff and for the activities of their Departments. They have the responsibility to establish effective internal controls within their Departments:

- (a) to safeguard the Council's assets
- (b) to ensure reliability of records
- (c) to promote operational efficiency
- (d) to monitor adherence to policies and objectives
- (e) to achieve value for money in the services for which they are responsible
- (f) to keep within cash limited budgets
- (g) to ensure that transactions are completed in accordance with the requirements of both the Council's constitution and legislation
- (h) to ensure that performance targets are met satisfactorily
- (i) generally to identify and manage risks so as to contribute to maintaining a sound system of corporate governance
- (j) to report both annually, in a statement of assurance (which contributes to the annual statutory statement on governance), and half yearly, through the Management Accountabilities Framework, that:-
  - internal controls have been reviewed and are being applied satisfactorily;
  - risks, existing or new, are managed satisfactorily; and
  - any procedural control weaknesses are identified and appropriate action plans are set out.
- (k) to undertake reviews of risks when material changes are to be made either to structures or to working practices.

#### **ii. Role, Objectives and Scope of Audit and Assurance**

- (a) Audit and Assurance is an assurance function that primarily provides an independent and objective opinion to the organisation on the degree to which the internal control environment supports and promotes the achievements of the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources. (In carrying out its duties, Audit and

Assurance complies with the Auditing Practices Board's "Guidance for Internal Auditors and with the Public Sector Internal Audit Standards and CIPFA Local Government Application Note.)

- (b) These Rules recognise the organisational independence of the internal audit function as performed by Audit and Assurance. Although structurally part of the Finance Department and reporting, initially, to the Director of Finance and Customer Services, who has line management responsibilities for the team, the Head of Audit & Assurance has direct reporting and access to all members and directors of the Council.
- (c) To reinforce the independent nature of its work, Audit and Assurance will have, as far as possible, no non audit responsibilities.
- (d) Audit and Assurance aims to provide a high quality and effective audit service that is responsive to the needs of departments.
- (e) Audit and Assurance aims to add value to the Council systems by identifying areas for improvement and offering advice and assistance to clients, in order to ensure effective systems of internal control.
- (f) Audit and Assurance aims to assist the Council discharge its corporate governance requirements.
- (g) Audit and Assurance aims to operate to the auditing standards defined in the Public Sector Internal Audit Standards and other guidance offered by relevant accounting bodies.
- (h) To demonstrate its independence Audit and Assurance will operate within a framework that allows:
  - unrestricted access to senior management;
  - the Head of Audit and Assurance to report unedited to all members, the Audit and Governance Committee, the Chief Executive, all directors, external auditors, and partner bodies, in his or her own name;
  - segregation from operational duties.
- (i) Every effort will be made to preserve objectivity by ensuring that members of the Audit and Assurance team:-
  - are free from any conflicts of interest;
  - that as far as possible, do not undertake any non audit duties;
  - where necessary, are not asked to audit areas where they have previously been employed by Blackburn with Darwen, for at least 12 months after joining Audit and Assurance;
  - that, as far as possible, auditors directly involved in the development of new systems and working procedures will not be required to audit these areas for at least 12 months after their involvement ceases.
- (j) The scope of Audit and Assurance allows for unrestricted coverage of all of the Council's activities. This includes the entire control environment and unrestricted access to all records and assets deemed necessary during the course of an audit. In addition, the Head of Audit & Assurance will have unrestricted access to:
  - the Chief Executive;
  - members;
  - individual chief officers;
  - all employees of the Council.

The scope also includes access to records and assets held by, and staff of, the Council's partners.

(k) Resources

The staffing structure of Audit and Assurance will comprise a mix of qualified, experienced and trainee posts.

As far as is practicable, and except in emergencies, members of the Audit and Assurance team will not carry out the day to day operations of any system of internal financial control.

Upon request from the Deputy Chief Executive, appropriate specialists from other departments should be made available to take part in any audit or review requiring specialist knowledge.

Upon request from the Audit and Governance Committee, or from the Director of Finance and Customer Services, audit resources may be made available for work which does not contribute directly to the assurance role, provided actions are taken to offset any resultant imbalance in the annual audit plan.

The resource requirements of Audit and Assurance are assessed annually as part of the audit planning process and will form part of the annual report presented to the Audit and Governance Committee.

The development and training needs of the Audit and Assurance team, and of individual members of staff, are continuously monitored and assessed. Training, both internally and externally provided, is used to meet both professional and development needs that are identified.

Specific resources will be devoted to specialist training to develop the computer audit, contract audit, insurance, risk management and counter fraud and information governance functions.

### **iii Responsibility of the Head of Audit and Assurance**

It is the responsibility of the Head of Audit and Assurance to review, appraise and report, unedited and in his or her own name, to relevant chief officers, to the Audit and Governance Committee and to relevant partner bodies upon:

- (a) the soundness, adequacy and application of internal controls established by management to manage both financial and non financial risks (This includes reviewing, appraising and reporting upon arrangements in the Council's partnerships).
- (b) the extent to which the Council's, or partnership's, assets are accounted for and safeguarded from losses of any kind, including loss through fraud;
- (c) the extent of compliance with all relevant procedures, policies, regulations, legislation and agreements;
- (d) the suitability and reliability of financial and other management data developed within the Council or partnership;
- (e) value for money processes which are subject to review;
- (f) performance management arrangements;



- (g) the maintenance of an effective system of Corporate Governance, including risk management. (This includes promoting good risk management practice, providing advice and reporting at the earliest stages of new or changing processes.);
- (h) the implementation and effectiveness of anti fraud and corruption arrangements. (This includes promoting awareness of anti fraud and corruption within the organisation.);
- (i) to undertake the role of “nominated officer” or “money laundering reporting officer” in accordance with the Proceeds of Crime Act 2002.
- (j) its opinion on the overall adequacy of the Council’s control environment and of the annual, statutory statement on governance. (These opinions will be reported formally each year).
- (k) to advise on the internal control implications of new systems and procedures;
- (l) to promote good governance and sound systems of internal control within the Council and its partner organisations;
- (m) to lead in the investigation of fraud, including benefit fraud. Consequently, all incidents of fraud or corruption, whether actual or suspected, need to be reported to Audit and Assurance.
- (n) to take overall responsibility for the implementation of the Council’s Risk Management Framework, and arranging and administering all insurance cover.
- (o) at least annually, to report to the Audit and Governance Committee on:
  - the adequacy of the control environment;
  - progress against the annual audit plan;
  - significant matters from both internal and external audit and other agencies, where appropriate;
  - the adequacy, or otherwise of the resources available to Audit and Assurance;
  - any unresolved issues;
  - the results of the performance management and quality assurance programme within Audit and Assurance.
- (p) to provide, for approval by the Audit and Governance Committee, an annual audit plan together with a strategy for achieving the audit plan’s objectives;
- (q) to contribute to the delivery of the key objectives of the Council;
- (r) to provide timely advice to the Council on the need to review the Audit and Governance Committee’s terms of reference;
- (s) to provide timely advice to the Audit and Governance Committee on the need to review the terms of reference for Audit and Assurance.
- (t) to deliver the annual audit plan;
- (u) to facilitate the work of the Audit and Governance Committee by:
  - attending its meetings and contributing to its agenda;
  - participating in the Committee’s review of its own remit and effectiveness;

- ensuring that the Committee receives, and understands, documents that describe how Audit and Assurance will fulfil its objectives (e.g. the audit strategy, annual work programmes, and progress reports)
- reporting the outcomes of audit and assurance work, in sufficient detail to allow the Committee to understand what assurance it can take from that work and/or what unresolved risks or issues it needs to address;
- establishing if anything arising from the work of the Committee requires consideration of changes to the audit plan, and vice versa;
- presenting an annual report including an overall opinion report as outlined in paragraph (n) above.

To discharge these responsibilities the Head of Audit and Assurance will ensure that:

- (a) the resource requirements of Audit and Assurance are assessed annually as part of the audit planning process by establishing, and reporting to the Audit and Governance Committee the annual audit need, together with the extent to which this need can be met with existing resources, details of any imbalance and actions proposed to deal with any shortfall in resources.
- (b) available resources allow the staffing structure of Audit and Assurance to comprise a mix of qualified, experienced and trainee posts.
- (c) in carrying out its duties, Audit and Assurance complies with the Auditing Practices Board's "Guidance for Internal Auditors" and with the Public Sector Internal Audit Standards and CIPFA Local Government Application Note.
- (d) work in partnership with management to implement and continuously develop the effectiveness of the overall control environment;
- (e) good relationships are established and maintained with other auditors and review bodies by, for example, the sharing of audit plans, joint working, regular communication;
- (f) the continuing development of the Audit and Assurance team by designing and implementing an appropriate training and professional development plan based on the needs of the team and individual needs;
- (g) good working relationships are established and maintained with elected members by:
  - meeting regularly with Executive Members;
  - where required, providing briefing and training sessions;
  - involving elected members in the audit planning and reporting processes;
  - providing information relating to the work of Audit and Assurance which members can access

To discharge these responsibilities in respect of partnership arrangements, the Head of Audit and Assurance will:

- (a) ensure that the Council's key partnerships are identified and the risks they present are assessed as part of the annual audit planning process;
- (b) put in place arrangements which ensure that Audit and Assurance has:
  - unrestricted access to records and assets held by the Council's partners;
  - unrestricted access to staff of the Council's partners;

- unrestricted and unedited reporting to senior management of the partnership;
- (c) provide advice to partner bodies on processes needed to comply with the requirements of Article 10 of this Constitution and of the Council's Code of Corporate Governance;
- (d) where possible, arrange to receive reports from partner organisation's own auditors which demonstrate:
- the adequacy of the control environment;
  - progress against the annual audit plan;
  - compliance with procedures, policies, regulations and legislation.
- (e) Where this is not possible, the Head of Audit and Assurance will seek to agree alternative methods of receiving assurance from the partner organisation. These may include:
- use of Audit and Assurance staff ;
  - identification of alternative methods of obtaining assurance;
  - provision of advice and assistance to partner bodies in setting up new, or amending existing, assurance processes

## **B.2 Access to Information**

- i) The Director of Finance and Customer Services shall arrange for such examinations and audits of the accounting, financial and other transactions of the Council as he/she considers necessary or desirable.
- ii) The Director of Finance and Customer Services, or his/her authorised representative, shall have authority:
- (a) to enter any Council premises or land;
- (b) to require any Officer or Member of the Council to produce cash, stores or any other property of the Council under his/her control;
- (c) to require from any Officer or Member access to all records, documents, vouchers and correspondence relating in any way to both the financial or other transactions of the Council and the development of processes or activities within the Council or its partners ;
- (d) to require and receive such information and explanations as are necessary concerning any matter under examination.
- iii) Chief Officers must notify the Director of Finance and Customer Services immediately of any circumstances which involve or which seem likely to involve either loss or irregularity or failure of controls, whether or not of a financial nature and whether from inside or outside the authority . (This includes potential fraud or other irregularities that might result in criminal prosecutions.) The Director of Finance and Customer Services shall then take such steps as he/she considers necessary by way of investigation and report.

## **B.3 Accounting Control**

- i) All accounting systems, procedures and records of the Council shall be in a form approved by the Director of Finance and Customer Services.

- ii) Directors must obtain the Director of Finance and Customer Services agreement before either introducing new systems or procedures or making changes to existing ones, where such changes might affect the Council's principal accounting systems.
- iii) Chief Officers shall consult the Director of Finance and Customer Services about any matter which is liable materially to affect the Council's finances before any commitment, provisional or formal, is incurred or before reporting such matters to either the Council or the Executive Board or an Executive Member. (Such consultations must meet any rules set out, periodically, by the Director of Finance and Customer Services)
- iv) So far as is possible:
  - (a) Officers with responsibility for providing information about monies due to or from the Council and for calculating, checking and recording these sums shall not also be responsible for either collection or disbursement;
  - (b) Officers responsible for examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- v) The Director of Finance and Customer Services may periodically issue written Standing Financial Instructions dealing with any aspects of the proper administration of the Council's financial or related affairs. Chief Officers are responsible for ensuring that these Standing Financial Instructions are followed. These Instructions apply equally to School Governing Bodies, except where the Regulations relating to the Scheme for Financing Schools Regulations relating to Fair Funding specifically state otherwise.
- vi) Each Director shall ensure that there is sufficient financial provision within approved budgets to cover any liability which is incurred and that each item of income and expenditure is allocated to the appropriate and proper head of account.

#### **B.4 Statements of Accounts and Annual Governance Statement**

- i) The Director of Finance and Customer Services shall submit, in accordance with legal requirements, the signed annual Statement of Accounts and the Annual Governance Statement on Internal Control (or statement on governance) for approval to the Council or a Committee of the Council.
- ii) The person presiding at the Council or Committee meeting shall sign the approved accounts.

#### **B.5 Banking Arrangements**

- i) The Director of Finance and Customer Services shall make all banking arrangements on behalf of the Council. He/she may provide any indemnities which are required in connection with those arrangements.
- ii) All cheques drawn on behalf of the Council shall be signed by signatories nominated by the Director of Finance and Customer Services.

#### **B.6 Treasury Management**

- i) The Council has adopted and adheres to the CIPFA Code of Practice on Treasury Management in the Public Services (2011 edition).

- ii) The Council will create and maintain, as the cornerstones for effective treasury management:
- a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
  - suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPs will follow the recommendations contained in sections 6 and 7 of the CIPFA Code of Practice on Treasury Management in the Public Services, subject only to amendment where necessary to reflect the particular circumstances of the Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

- iii) The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum:
- an annual strategy and plan in advance of the year, and
  - a combined mid-year review of the current year and annual report in respect of the outcome of the previous year, after its close.

These reports will be in the form prescribed in the Council's TMPs.

- iv) The Council delegates responsibility for the regular monitoring of its treasury management policies and practices to the Audit and Governance Committee, and for the execution and administration of the treasury management decisions to the Director of Finance and Customer Services, who will act in accordance with the organisation's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- v) The Council nominates the Audit and Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.
- vi) This Financial Regulation does not apply to schools under the fair funding regime.

## B.7 Writing off debts

The Director of Finance and Customer Services shall be authorised to act on the writing off of all debts.

- i) Following review with the Legal Services Team and the respective Chief Officers, details of all debts which are considered to be irrecoverable shall be submitted to the Director of Finance and Customer Services each quarter by the Head of Service (Finance).
- ii) Following review by the Director of Finance and Customer Services, approval for debts to be written off will be given, if applicable, in line with the following authorisation limits;

Value of debtor write-off	Approval level
Up to £5,000	Director of Finance and Customer Services
£5,001 to £30,000	Director of Finance and Customer Services in consultation with the Executive Member (Resources)
Over £30,001	Executive Board

## **B.8 Legal powers to incur expenditure**

- i) Chief Officers must ensure that legal powers exist to carry out any activity for which they are responsible.
- ii) Chief Officers must notify the Director of Finance and Customer Services before incurring any expenditure within section 137 of the Local Government Act 1972. The Director of Finance and Customer Services shall ensure that such expenditure is kept within the limits prescribed by statute and that it is properly accounted for within the Council's accounts.

## **C Revenue Budget**

### **C.1 Budget Preparation and Council Tax Setting**

- i) The Director of Finance and Customer Services, in consultation with the Deputy Chief Executive, shall prepare annually, a medium term financial strategy for submission to the Finance Council.
- ii) The Finance Council is responsible for approving a medium term financial strategy and individual portfolio cash limits and the revenue budget for the following financial year.
- iii) Chief Officers shall review the charges made for services under their control both during the financial year and as part of the budget preparation process. Anticipated variations in income, as a consequence, shall be taken into account when preparing the revenue budget for the following financial year. Changes to pricing or to charging arrangements can be introduced only after consultation with, and the agreement of, the Director of Finance and Customer Services.
- iv) Chief Officers, in consultation with Executive Members, shall report variations in the levels of fees and charges in their respective departments and portfolios to the Executive Board.
- v) Each year, the Finance Council shall approve the revenue budget and the level of Council Tax to be levied for the following financial year.

### **C.2 Authority to Spend**

- i) Expenditure may be incurred and charges levied for the purposes of, and in accordance with, the policies on which the budget is based up to the level in the approved budget. In this context, approved budget includes all approved budget transfers.
- ii) Any additional expenditure or income, which involves a variation from the approved budget, must not be incurred or raised without the approval of the Executive Board.

### **C.3 Budgetary Control**

- i) Chief Officers are responsible for ensuring that proper financial and budgetary control procedures are being carried out in the services for which they are responsible. They will exercise that responsibility by:
  - (a) complying with the Constitution, the Rules of Procedure (in particular the Financial Procedure Rules), Standing Financial Instructions and legislation;

- (b) implementing appropriate procedures and controls in consultation with the Director of Finance and Customer Services;
- (c) ensuring that the processing of payments, commitments, transfers, income, etc. is dealt with promptly and in accordance with prescribed procedures;
- (d) ensuring that each cost centre is the responsibility of a cost centre manager (budget holder) who fully understands how to manage and monitor his/her budgets
- (e) delivering agreed efficiency savings
- (f) effecting sound and robust performance management arrangements
- (g) embedding sound risk management procedures.

#### **C.4 Revenue Budget Monitoring**

- i) The Director of Finance and Customer Services shall ensure that each Chief Officer has access to regular and timely statements of income and expenditure under each approved budget together with any other relevant information which is available to him/her.
- ii) The nominated Chief Officer (for a particular portfolio) shall submit regular reports to the appropriate Executive Member on the current financial position for services within the Member's portfolio, including a comparison of the predicted revenue out-turn for the year with the latest approved portfolio cash limit.
- iii) The level of detail to be contained in the report referred to in **C.4.ii** above will be specified by the Director of Finance and Customer Services
- iv) Periodically, throughout the year, the Director of Finance and Customer Services shall submit a report to the Executive Member (Resources) summarising the information presented in accordance with **C. 4.ii** above, including a projection of the Council's overall financial position.
- v) The Executive Board will regularly review the Council's overall financial position, based on reports submitted periodically by the Director of Finance and Customer Services in accordance with **C. 4.iv** above.

#### **C.5 Budget Flexibility – Budget Transfers (Virement)**

- i) Chief Officers may, in consultation with their Executive Members and in respect of cost centres under their control, transfer budgets between, and within, those cost centres within the same service portfolio provided that:
  - (a) depreciation charges, central and departmental support charges, contributions to other funds of the Council, levies payable to other public bodies and budgets which affect other services of the Council are not the subject of the transfer;
  - (b) if a change in staffing is proposed, continuing increases in costs must be accommodated within existing and/or future cash limits;
  - (c) where the proposed transfer of budgets amounts to a Key Decision (**Part 5, section 4**), the change is subject to the approval of the Executive Board.

- ii) All transfers of budgets between service portfolios are subject to approval by the Executive Board.
- iii) Proper records of all budget transfers must be maintained by budget managers and the Director of Finance and Customer Services must be notified regularly in writing of all budget transfers (and the reasons for them) so that the corporate accounting system can be updated.

## **C.6 Budget Flexibility - Budget Tolerance Within and Between Financial Years**

### **i) In-Year Budget Increases**

- (a) Requests for In-Year Budget increases are subject to preparation of a detailed and fully costed business case by the respective Chief Officer, in consultation with the Executive Member for the portfolio; the format of the business case will be specified by the Director of Finance and Customer Service
- (b) All business cases must be reviewed by the Director of Finance and Customer Services in consultation with the Executive Member (Resources)
- (c) In-Year budget increases must be subject to review and approval by the Executive Board

### **ii) Unapproved Over-spending at year-end**

- (a) When an unapproved or unplanned over-spending or potential overspending is identified, a budget holder must either:-
  - seek to contain it within their area/cost centres of budget responsibility by taking corrective action, or
  - transfer budgetary provision from another budget head (**see C.5.i to iii above**).

### **iv) Windfalls**

- (a) A windfall gain will occur when either increased income is received or reduced expenditure is incurred as a result of a change in circumstances which is deemed to be outside the control of the service. The Director of Finance and Customer Services will determine whether increased income or reduced expenditure constitutes a windfall.
- (b) The decision to retain the windfall gain within the portfolio or to transfer the windfall to central reserves for use within the wider Council will be made by the Director of Finance and Customer Services, in consultation with the Executive Member (Resources), in light of service needs and organisational pressures.

## **C.7 Designated Trading Activities**

- i) If any Chief Officer considers that an existing or a proposed activity within his/her Department should be designated a trading activity and therefore should operate as a quasi commercial undertaking, he/she must submit a report, jointly prepared with the Director of Finance and Customer Services, setting out the business case, assessment of risks etc., to the Executive Board for approval.
- ii) If the Executive Board approves such a proposal, the responsible Chief Officer must ensure that the conduct of the undertaking's activities comply with both any procedures, defined, at the time, by the Director of Finance and Customer Services, and the Council's Constitution.

## **D Capital Programme**



## **D.1 Preparation of the Programme**

- i) The Finance Council is responsible for approval of the annual Capital Programme.
- ii) The Director of Finance and Customer Services, in consultation with the Executive Member (Resources), may define the process to be followed and the criteria to be applied in the preparation of the Capital Programme.

## **D.2 Authority to Spend**

- i) The programme of capital expenditure, as approved by the Council, shall constitute authority for incurring expenditure (including the revenue consequences) up to the limits agreed in that programme.
- ii) To obtain authority to incur capital expenditure, other than that in the approved capital programme, the appropriate Chief Officer, with the Director of Finance and Customer Services, shall submit to the Executive Board a report giving details of the proposed scheme, including such information as the Director of Finance and Customer Services may specify either in Standing Financial Instructions or following consultation with him/her. (This applies equally to both additional capital costs and increased revenue costs.)
- iii) If capital expenditure is to be funded through leasing, the relevant Chief Officer must provide the Director of Finance and Customer Services with such information as he/she requires to draw down the leasing payments.
- iv) Chief Officers must report forecast overspends, underspends or slippage in project delivery dates to the Director of Finance and Customer Services as soon as they have been identified. These will then be included in the corporate capital monitoring report. Chief Officers do not have the authority to exceed budgetary provision without the approval of the Executive Board.

## **D.3 Budgetary Control**

- i) Chief Officers are responsible for ensuring that proper financial and budgetary control procedures are carried out in respect of every capital scheme for which they are responsible. They will exercise that responsibility by:
  - (a) complying with Standing Orders, Financial Procedure Rules, Standing Financial Instructions and legislation;
  - (b) implementing appropriate procedures and controls in consultation with the Director of Finance and Customer Services;
  - (c) ensuring that processing of payments, transfers, income, etc., is dealt with promptly and in accordance with prescribed procedures;
  - (d) ensuring that each approved capital scheme is the responsibility of a Lead Officer who is fully able to manage major projects, whether capital or not.

## **D.4 Capital Monitoring**

- i) A nominated scheme Lead Officer (or Senior Responsible Officer) will be responsible for authorising expenditure, for monitoring and controlling the progress and overall cost of the

project against approvals, for approving remedial action and reporting to the Director of Finance and Customer Services.

- ii) Periodically, throughout the financial year, the appropriate Chief Officer shall submit a report, which sets out the predicted expenditure profile and total cost of each capital scheme within his/her control, to the relevant Executive Member.
- iii) Periodically, throughout the financial year, the Director of Finance and Customer Services shall submit to the Executive Member (Resources) a summary of all monitoring reports, prepared under **D.4.ii** above, together with details of the maximum authority to spend and the total finance available, to enable the him/her to review the overall stewardship of the Capital Programme.
- iv) The Executive Board will regularly review actual financial performance against the Capital Programme, based on the reports submitted by the Director of Finance and Customer Services, and approve variations to the Programme.

## **E Expenditure Requirements**

### **E.1 Payment of Accounts**

- i) All orders for goods and services must be made in accordance with Standing Financial Instructions and, where appropriate, Contract and Procurement Procedure Rules,
- ii) Directors may nominate officers to order goods or services and to certify invoices for payment, determining both the scope and level of delegated authority. Chief Officers must inform the Director of Finance and Customer Services. Such lists must be maintained up to date. Chief Officers shall ensure that staff to whom such responsibilities have been delegated both fully understand and properly carry out their roles in these processes.
- iii) The Director of Finance and Customer Services shall pay all accounts where he/she is satisfied that they represent legal payments and are in order.

### **E.2 Imprest Accounts**

- i) The Director of Finance and Customer Services shall make such imprest advances as he/she considers appropriate to officers of the Council.
- ii) Imprest accounts shall be managed in accordance with Standing Financial Instructions.

### **E.3 Payment of Employees**

- i) All payments to employees or former employees of the Council shall be managed in accordance with Standing Financial Instructions.
- ii) Honoraria paid to staff must be limited to six months as a maximum for any period. An honorarium can be paid for a longer period but the Director must review the position, at least, every six months.
- iii) Subject to the strategic approval of the Executive Board, the Director of HR, Legal & Corporate Services, with the Deputy Chief Executive, may set out limits on gradings, variations to establishments, etc. as he/she considers best suit the Council's objectives.

## **F Income**

### **F.1 Income Arrangements**

- i) The Director of Finance and Customer Services may:
  - (a) agree arrangements for the safe and efficient collection of monies due to the Council
  - (b) approve the procedures, systems and documentation that must be used so that the correct sums due are collected from the right person at the right time.
- ii) All official receipt books, tickets and other vouchers shall be ordered and controlled in compliance with the Director of Finance and Customer Services instructions.

## **F.2 Grants**

- i) Each Chief Officer shall liaise with the Deputy Chief Executive before making any submission for grant approvals to Government Departments or other bodies. (The Deputy Chief Executive shall liaise with the Director of Finance and Customer Services to ensure that budgetary implications and the objectives of the medium term financial strategy are met.)
- ii) The Deputy Chief Executive and the Director of Finance and Customer Services are responsible for signing and submitting all claims for grants as appropriate.
- iii) The Director of Finance and Customer Services may set out additional requirements in Standing Financial Instructions, as he/she deems necessary.

## **F.3 Other initiatives with outside organisations:**

- i) Directors proposing such initiatives as partnering, partnership agreements, PFI projects and work for third parties, including other local authorities, must consult both the Director of HR, Legal & Corporate Services and the Director of Finance and Customer Services and then they may only proceed with the Executive Board's approval.
- ii) Separate legal entities may be established only after the approval of the Executive Board, following its consideration of a joint report from the relevant Chief Officer, the Director of HR, Legal & Corporate Services and the Director of Finance and Customer Services.

## **G Management of Assets**

### **G.1 Asset Registers**

- i) The Manager of the Property Consultancy of the Council's strategic partner, Capita, shall maintain a terrier of all properties owned by the Council. The listing shall include a reference to the holding Department, the purpose for which it is held, the nature of the Council's interest, rents payable and particulars of tenancies granted.
- ii) The Director of HR, Legal & Corporate Services shall have custody of all title deeds.
- iii) The Director of Finance and Customer Services is the asset registrar and he/she must be informed by the Manager of the Property Consultancy whenever changes to the terrier are made.

### **G.2 Inventories**

- i) Each Chief Officer shall maintain an inventory in accordance with Standing Financial Instructions.
- ii) Similarly, each Chief Officer who holds property on behalf of clients must maintain inventories in accordance with Standing Financial Instructions.

### **G.3 Private Funds**

- i) Chief Officer must ensure that, when an employee has to control private monies (e.g. those belonging to a client of the Council), he/she must control them securely, separately from Council monies and in accordance with any instructions issued by the Director of Finance and Customer Services .
- ii) A private fund may be established only with the Director of Finance and Customer Services' approval.
- iii) Private funds must be independently audited annually by auditors approved by the Director of Finance and Customer Services.
- iv) The Director of Finance and Customer Services shall have access to all records relating to private funds. He/she must be informed immediately of any discrepancies.

### **G.4 Disposal of Assets**

- i) In this regulation, the word "land" includes buildings and any interest in land.
- ii) All disposals of land or of any interest in land shall be made in accordance with the Council's disposals policy. Any exceptions to this rule must be authorised by the Executive Board.
- iii) The disposals policy shall be reviewed, at least, every three years by the Head of Property and Development with the strategic client to ensure that it remains fully effective in meeting the Council's needs. The outcome of this review shall be agreed with the Executive Board.
- iv) The Head of Property and Development shall advise the Council in respect of all such disposals and may enter negotiations on the Council's behalf without binding the Council to accept the outcome of any negotiations.
- v) The Director of HR, Legal & Corporate Services may agree to any disposal up to a value of £150,000 or £100,000 where the disposal is by way of lease. He/she may do so only where the disposal has been recommended by the Head of Property and Development.
- vi) Where the disposal value is below a de minimis limit the Director of HR, Legal & Corporate Services, after consulting the Director of Finance and Customer Services, may set out a framework for such transactions. The Director of Finance and Customer Services will determine periodically the de minimis limit.
- vii) The Executive Member for Resources may agree to any disposal of land (above the limits in v. above) where that decision is not considered to be a key decision.
- viii) All other disposals of land are the responsibility of the Executive Board
- ix) Disposals of other assets, with an estimated value on disposal up to £30,000, shall be the responsibility of the appropriate Chief Officer. Disposals, with an estimated value up to

£250,000, shall be made only after consultation with the relevant Executive Member and the Director of Finance and Customer Services.

- x) Disposal of other assets, with an estimated value on disposal above £250,000, shall be the responsibility of the Executive Board.

### **G.5 Purchase of land and buildings**

- i) The Executive Board may agree a policy governing the acquisition of land and buildings which will be incorporated in the disposals policy mentioned above.
- ii) The Head of Property and Development shall advise the Council in respect of all land purchases (including lease and other types of acquisition) and may enter negotiations on the Council's behalf without binding the Council to accept the outcome of any negotiations.
- iii) The Director of HR, Legal & Corporate Services may agree to purchases of land up to a value of £150,000 where the Head of Property and Development has confirmed that the price represents the market value of the land and is within Council policy.
- iv) The Executive Member for Resources may agree to the purchase of any land above the limits set out in iii above where that purchase is not considered to be a key decision. This power may only be exercised where the Manager of the Property Consultancy has confirmed that the price represents the market value of the land.
- v) All other purchases of land must be authorised by the Executive Board.
- vi) The Deputy Chief Executive may determine the ceiling limit below which such transactions need not be treated as key decisions. He/she must obtain the Executive Board's approval to increase the ceiling limit above £500,000. He/she must record the justification for changes to ceiling limits.

### **G.6 Stores**

- i) Each Chief Officer shall be responsible for the safe custody of stores and the maintenance of proper records in accordance with the Director of Finance and Customer Services ' instructions.
- ii) Stocks shall not be held in excess of normal requirements. Decisions by a Chief Officer to hold excess stock must be based upon an assessment of the risk and benefits.
- iii Each Chief Officer shall ensure that:
- Stocks are checked at least annually
  - Significant changes are reported to the Director of Finance and Customer Services
  - Periodical inspections are carried out by an independent person
  - A year-end certificate of the value of stocks held is submitted to the Director of Finance and Customer Services each year within 5 working days of the end of the financial year
  - Surplus or obsolete stocks are disposed of in the most economically advantageous manner, as set out in paragraph 15 of the Council's Contract and Procurement Procedure Rules, (the book value of such disposals must be reported to the Director of Finance and Customer Services).
- iv) A Chief Officer may write off stores with a value of up to £15,000 (For Environment Dept., the value is £50,000.) in any year. For larger values, he/she must obtain the approval of the relevant Executive Member. All disposals must be notified to the Director of Finance and Customer Services.

- v) This rule (and paragraph 15 of the Contract and Procurement Procedure Rules) applies equally to the disposal both of items that are included on inventories but are now no longer needed and of other goods that are surplus to requirements.

## **G.7 Security**

Chief Officer shall be responsible for:

- the safekeeping of all assets under their control
- the security and the confidentiality of information held within their Departments
- ensuring the safekeeping of documents, files, records etc. in their control.

## **G.8 Intellectual Property**

- i) Chief Officer shall ensure that the Council's intellectual property rights are identified, where necessary, and are exercised in a manner which protects the Council's reputation.
- ii) Chief Officer shall inform the Director of HR, Legal & Corporate Services where such rights are identified. Where ownership of intellectual property is identified in a contract, they may only proceed with it after the Director of HR & Legal Services has agreed the terms.
- iii) The Director of HR, Legal & Corporate Services shall maintain an appropriate register and periodically assess Department's controls.

## **H Insurance**

- i) The Director of Finance and Customer Services shall arrange and administer all insurance cover, subject to the approval of the Executive Board.
- ii) Procedures for self-insurance must be approved by the Director of Finance and Customer Services. He/she may give that approval where, in his/her opinion and after consulting with the relevant Chief Officer and Executive Member (Resources), self-insurance is deemed to be the most economically advantageous option.
- iii) Directors must notify the Director of Finance and Customer Services, as soon as possible, of all risks, properties or vehicles which need to be insured. They must also notify the Director of Finance and Customer Services promptly of any alterations affecting existing cover. All notifications under this paragraph should indicate the amount of cover needed.
- iv) In handling claims from third parties or from employees, Chief Officer must ensure that the mandatory requirements relating to response times are met.
- v.) Chief Officers must ensure risk management is promoted within their Departments and, during the year, must ensure that the identified risks and their values remain valid.
- vi) Chief Officers must promptly notify the Director of HR, Legal & Corporate Services and the Director of Finance and Customer Services of any matter likely to result in a claim against the Council.

vii) Uninsured claims against the Council, where appropriate, may be settled by the individual Chief Officers up to £500, in each case. These settlements must be in accordance with guidelines issued by the Director of Finance and Customer Services in consultation with The Director of HR, Legal & Corporate Services. Uninsured claims above this amount, up to a limit of £1,500 in each case, shall be settled, where appropriate, by the Director of Finance and Customer Services, after consultation with the relevant Chief Officer and the Director of HR Legal, & Corporate Services.

## Section 8 Contract and Procurement Procedure Rules

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### 1 Introduction

- 1.1 Member and Officer delegated powers are subject to these rules. **Non-compliance may result in disciplinary action.** If in any doubt about whether the Rules apply, every Member or Officer must always check with the Service Lead – Commissioning and Procurement Service.
2. These rules:
- i. do not apply to internal purchases or service provision; they only relate to purchases made from outside the Council.
  - ii. must be followed by the Strategic Partnership when procuring goods, services or works on behalf of the Council
  - iii. apply to all contracts that result in the Council giving something (usually money) in exchange for goods, services or works.
  - iv. apply to the disposal of surplus goods or equipment and to concession contracts.
  - v. apply to the appointment of consultants
  - vi. does not cover grants which the Council may receive or make, unless the grant arrangements amount to a contract for services
  - vii. do not normally apply to the sale and purchase of property but may apply in relation to development agreements.
- 2.2 The most important principles are **transparency, openness and fair competition**. Whenever buying goods, services or works for the Council, Officers must always:
- i) comply with applicable EU Procurement legislation
  - ii) act to promote competition; and
  - iii) (when spend is over EU thresholds) consider how the procurement of the goods, services or works might improve the economic, social and environmental well-being of the borough.
- 2.3 The Service Lead – Commissioning and Procurement Service is responsible for keeping the Rules under review and monitoring compliance.

### 2 Initial Considerations

- 2.1 All necessary approvals under the Constitution must have been already obtained for incurring the expenditure and undertaking the competitive process.
- 2.2 The “value” of a contract is the estimated total monetary value over the full duration of the contract, including any extension options (**i.e. it is not the annual value of the contract**). Where the duration of a contract is indeterminate, this should be the estimated value of the



contract over a period of four years. Contracts must not be artificially split to reduce the value to avoid the Rules.

### **Authority to Procure**

- 2.3 Directors should ensure that procurement is undertaken by the Council's procurement professionals or, where departments or functions have no specialist capability, by authorised persons who can demonstrate skills and knowledge appropriate to the task and have undertaken any mandatory training put in place by the Service Lead – Commissioning and Procurement Service.
- 2.4 Before starting a procurement process, the needs of the service must be identified and options fully assessed. If a suitable Corporate Contract is available it must be used unless agreed otherwise with the Service Lead – Commissioning and Procurement Service. For procurements with a value less than £80,000, Officers should do this in accordance with any guidance issued by the Corporate Procurement Team. For contracts over £80k in value, a procurement strategy checklist must be approved by Service Lead – Commissioning and Procurement Service before an Officer starts the proposed procurement process.
- 2.5 For contracts over £500,000 or those which involve the transfer of Council employee(s) to a contractor, Officers must:
  - i) seek a decision from the Executive Member as to whether tenders are to be invited under the Officer's recommended contract strategy;
  - ii) once tenders have been evaluated, unless requested by the Executive Member, a further decision from the Executive Member as to whether a contract is to be awarded is not necessary

### **3 Procurement Process**

- 3.1 The Council's primary tool for procuring contracts is the Chest e-tendering system. Contracts which are to be advertised with a contract value over £25,000 must also be advertised on the Government's Contracts Finder website. Use of any system other than the Chest must be approved by the Service Lead – Commissioning and Procurement Service.

### **Advertising**

- 3.2 Contracts over £80,000, including those over EU thresholds, must be advertised via the Chest and, the Government's Contracts Finder website for at least 10 days, inviting expressions of interests for the contract and stating the last date when the expressions of interest or tenders must be submitted to the Council.
- 3.3 When the goods, services or works are to be tendered in collaboration with one or more other public body(ies), separate advertisement is not necessary provided an advertisement is placed by the collaborating group.

### **Full Tender Procedures (over £80,000 but below EU thresholds)**

#### **Route to Market**

- 3.4 Where tenders are to be invited for a high value contract (but not over EU procurement thresholds) the procedure to be followed must be determined prior to advertising and must be one of the following:

- i) Open Procedure - all interested contractors submit a tender in response to an advertisement;
- ii) Restricted Procedure - expressions of interest from interested contractors in response to an advertisement, followed by a pre-qualification exercise to assess contractors capabilities to meet the requirements of the contract, the short listed suppliers are then invited to tender;
- iii) Framework arrangement – where a framework agreement exists in respect of the goods or services to be procured, tenders shall be invited using the Framework arrangement from capable contractors;
- iv) such other procedures as approved by Service Lead – Commissioning and Procurement Service

3.5 A pre-qualification questionnaire must not be used for any contract tendered with a value below EU Thresholds.

#### **Intermediate-value transactions (£3,000 to £80,000)**

3.6 For transactions valued **over £3,000 but at or below £80,000**, at least three quotations must be invited through the Chest before a purchase order or contract is issued. If capable suppliers within the borough are known they must be invited to quote.

3.7 If only one quotation is received, an Officer **must** seek further quotations or obtain an **exemption** from the Rules in accordance with section 13. Receipt of two comparable quotations will be sufficient in these circumstances.

#### **Low-value transactions (less than £3,000)**

3.8 For transactions valued at or below £3,000 at least one written quotation (can be via email) must be obtained, preferably using the Chest, from a supplier before a formal purchase order is issued specifying the supplies, services or works and setting out prices and terms of payment unless a framework agreement already exists. The Purchase Order must contain a standard form of terms and conditions of contract between the Council and the supplier.

#### **Framework agreements**

3.9 Officers **must** investigate whether frameworks are available when they begin a procurement and they must ascertain if they are relevant, as such agreements can generate better value for money for the Council (i.e. existing frameworks (either procured by the Council or another organisation such as another authority or a central purchasing organisation such as the YPO). Officers must also check that the Council is authorised to use/access the framework agreement. Officers **must** consult the Service Lead – Commissioning and Procurement Service before using an existing framework agreement.

3.10 If a framework is not already in place (or if one does not exist with partners which can be used) then Officers must consider if it would be better value to set up a framework, especially where the Council will be procuring the same or similar goods or services again in the future.

3.11 For any procurement (call-off) where the terms laid down in the framework agreement are sufficiently precise to cover the particular requirement, the call-off can be awarded without re-opening competition.

3.12 For any procurement (call-off) where the terms laid down in the framework agreement are not precise or complete enough for the particular call-off, a further competition should be held with all those suppliers within the framework capable of meeting the particular need.

3.13 Select lists and preferred suppliers must not be used without the prior approval of the Service Lead – Commissioning and Procurement Service.

#### **4 The EU Directives**

All procurement projects valued above EU Thresholds should be the responsibility of a Lead Officer who is experienced in managing major projects and has relevant procurement experience.

##### **Additional requirements for transactions valued over EU thresholds**

4.1 Contract values above which procedures governed by the EU Directives apply are currently (from 1<sup>st</sup> January 2018- please note that these thresholds are amended bi-annually):

For supplies and services (including goods and consultancy services) except for services subject to Light Touch Regime:	£181,302
For works:	£4,551,413
For Light Touch Regime Services	£615,278

4.2 If a contract is expected to have a value over the threshold, Officers must consider procurement under the Public Contracts Regulations 2015 and seek advice from the Service Lead – Commissioning and Procurement Service. Officers must follow any applicable requirements of the regulations (including, but not limited to, the publishing of notices and following mandatory timescales).

4.3 Use of a PIN (pre information or periodic indicative notice) should be considered where it would help to stimulate markets or where reduced tendering timescales would be desirable.

4.4 Contracts must be tendered under one of the processes set out in the Procurement Regulations above and, unless Officers are using the Restricted or Open procedure, the process must be approved by the Service Lead – Commissioning and Procurement Service.

4.5 For each contract, except where indicated below, a Contract Notice in the specified form must be published electronically via the Chest in the Supplement to the Official Journal of the European Union (OJEU). Advertisements published additional to this:

- must not appear in any form before a Contract Notice is transmitted to OJEU; and
- must not contain any information additional to that contained in the Contract Notice in OJEU.

#### **5 Receiving and opening tenders**

5.1 Every response to an invitation to tender for a transaction valued over £80,000 must be delivered via the Chest. If a waiver is obtained not to use the Chest, then appropriate safeguards to ensure the fairness, transparency and integrity of the tender process, as the Service Lead – Commissioning and Procurement Service thinks reasonable, must be followed and evidenced.

## **6 Evaluating tenders**

- 6.1 Where written quotations are invited for contracts valued at or below £80,000 then the bidder submitting the lowest priced compliant bid must be awarded any resulting contract, unless alternative pre-determined criteria are detailed in the document used to invite bids, in which case those criteria must always be used.
- 6.2 For contracts valued over £80,000, and for all contracts governed by EU Directives, evaluation should be based on the identification of the Most Economically Advantageous Tender (“MEAT”) unless the Service Lead – Commissioning and Procurement Service agrees to assessment based on lowest price.
- 6.3 A copy of the evaluation criteria and weightings to be used must be approved by the Service Lead – Commissioning and Procurement Service before tenders are invited.
- 6.4 Evaluation involves scoring quotes or tenders objectively by a panel (for tenders, the panel must consist of at least three or more officers and/or independent experts) using criteria which must:
  - i) be pre-determined and weighted, as detailed in the invitation to tender documentation;
  - ii) be strictly observed at all times throughout the tender process;
  - iii) reflect the principles of Best Value;
  - iv) include price;
  - v) consider whole-life costing, particularly in the case of capital equipment where the full cost of maintenance, decommissioning and disposal should be taken into account;
  - vi) be capable of objective assessment;
  - vii) avoid discrimination or perceived discrimination on the basis of nationality, or other cause contrary to any of the Council’s policies; and
  - viii) include, where appropriate, criteria that assess the impact on the economic, social and environmental well-being of the borough in accordance with any Social Value Policy which may be adopted by the Council
- 6.5 Any resulting contract must be awarded to the tenderer which submits the most economically advantageous tender, i.e. the tender that achieves the highest score in the objective assessment.

## **7 Awarding contracts and Audit Trails**

- 7.1 The results of the tender evaluation process must be recorded and uploaded to the Chest.
- 7.2 A contract must only be awarded and signed by an Officer who is authorised to do so on the applicable Department’s Scheme of Delegation, and the Officer must ensure that the appropriate Budget Holder has the funds in place to sustain the contract prior to award.
- 7.3 Officers should ensure that proper records, including records of any savings, are placed on the Chest for all procurement activity conducted on the Chest, and retained in hard copy for all other procurement activity.

- 7.4 Each Director must maintain a register of all contracts in their department that are not on the Chest and have a record of where copies of all contracts are kept.
- 7.5 Purchase Orders relating to any contract awarded, must be via the Council's Civica Financials system, unless otherwise agreed by the Service Lead – Commissioning and Procurement Service.

## **8 Standstill Period**

- 8.1 For all contracts tendered a 'standstill period' must be observed between the decision to award and the final contract signing. For tenders subject to the Procurement Regulations, this must not be less than ten calendar days, for other tenders it must be for a proportionate period which must be approved by the Service Lead – Commissioning and Procurement Service, if less than ten days. Once the decision to award a contract is made, each tenderer must be notified in writing on the outcome of the tender process. This notification must include:
- i) details of the contract award criteria;
  - ii) the reasons for the decision, including the characteristics and relative advantages of the successful tender,
  - iii) the score the tenderer obtained against those award criteria;
  - iv) the score the winning tenderer obtained;
  - iv) the name of the winning tenderer; and
  - v) details of when the standstill period will end.
- 8.2 Where a tenderer requests a debrief within the standstill period this must be given. Even if a tenderer asks for a debrief outside of the standstill period, the Council is still obliged to provide this. If any complaint or objection to the contract award is raised, then the award process must cease and advice obtained from the Service Lead – Commissioning and Procurement Service and must not recommence without the permission of the Service Lead – Commissioning and Procurement Service.

## **9 Contract Award Notice**

All contracts over EU thresholds (including Part B or light touch regime contracts) must be announced by means of a Contract Award Notice in the OJEU, published no later than 48 calendar days after the date of award through the Chest.

## **10 Conditions of contract**

- 10.1 All transactions must use a form of contract approved by the Council Solicitor; usually this will be the Council's Standard Terms and Conditions.
- 10.2 All contracts not executed under seal must be signed by two authorised Council officers.
- 10.3 Contracts with a value over EU Thresholds or considered to be of a strategically important or politically sensitive nature, or where an extended **limitation period** would be of value, must be in writing and executed under seal by Legal Services.
- 10.4 Contracts with other public bodies, or for insurance or banking arrangements, or for the lease or purchase of vehicles, machinery, equipment or software need not be sealed.

10.5 The Council Solicitor must:

- i) keep a record or list of all model sets of conditions of contract;
- ii) review all current conditions of contract, at least every 2 years, or when new legislation is introduced.

## **11 Bonds, Security and Parent Company Guarantees**

11.1 Officers procuring goods, services or works for the Council must consult the Council Solicitor on all tenders where the total value exceeds EU thresholds to determine if a bond, parent company guarantee or other security is required.

## **12 Disposing of surplus goods and stores**

12.1 Service Managers are responsible for the disposal of their own surplus goods, including equipment and items on inventories and stores.

These disposals are subject to the conditions set out in paragraph **G.4** and **G.6** of the Council's Financial Procedure Rules and in **Standing Financial Instruction 23**.

The same competitive process for buying supplies, services and works must also be applied to the disposal of surplus goods or such other competitive procedure is followed as agreed by the Service Lead – Commissioning and Procurement Service and Director of Finance.

12.2 If Officers are in any doubt, professional advice must be sought when making valuations of goods to be disposed of.

## **13 Exemptions from the Rules**

Exemptions from these Rules must be obtained in advance of any procurement in accordance with the following procedure.

13.1 An exemption cannot be given for any procurement which exceeds the EU procurement thresholds – such procurement must always follow a process which is compliant with the EU procurement regulations as advised by the Service Lead – Commissioning and Procurement.

13.2 The relevant Director may agree to a waiver of one or more specific rules if, following consideration of a report from the procuring Officer, containing the recommendations of the Service Lead – Commissioning and Procurement and set out in a format prescribed by the Procurement Team, the Director is satisfied that:

- the nature of the market for the works to be carried out or the goods to be purchased or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Rules is justifiable; or
- the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
- the circumstances of the proposed contract are covered by legislative exemptions (whether under EU Directives or English law); or
- there are other circumstances which are genuinely exceptional.

13.3 Any contracts that are awarded 'subject to a waiver' must be uploaded to the Chest.

## **14 Transfers/Novation of Contracts**

- 14.1 In appropriate circumstances the Council may agree to transfer a contract.
- 14.2 This decision must be taken by the delegated Executive Member for all such contracts with a value in excess of £250,000 OR by the relevant Chief Officer, for contracts of a value up to £250,000.

## **15 Conflicts of Interest**

- 15.1 Any interest which may affect the award of a contract of any value under these Procurement Rules must be declared. Every Officer authorised to buy goods, services or works must make a written declaration of interests to his/her Director and update it immediately when an interest changes. An Officer who enters into a contract without declaring any such interest will have committed a disciplinary offence. Officers must comply with the requirements of Standing Financial Instruction 12 in relation to such declarations.
- 15.2 Employees of the Council are obliged by law to notify the Chief Executive as soon as possible and in writing if they learn that the Council has entered or proposes to enter into a contract in which the employee has a pecuniary interest (direct or indirect).
- 15.3 The Monitoring Officer must either certify such interests as being acceptable or take any necessary action in respect of potential conflicts of interest and the Officer should take no part in the award of a contract by the Council.

## **16 Hospitality**

- 16.1 Officers must comply with the requirements of the Council's Code of Conduct and Standing Financial Instruction 21.

## **17 Variations and extensions**

- 17.1 Subject to any statutory restrictions and compliance with these Procurement Rules, a Director may authorise the following extensions and variations to an existing contract either:
- i) an extension for a particular period provided for within the terms and conditions of the contract (but subject to satisfactory outcomes of contract monitoring); or
  - ii) subject to approval by the Service Lead – Commissioning and Procurement Service that the variation does not amount to the award of a new contract under procurement law, any other variation, and if relevant a consequent change in price, determined in accordance with the contract terms, provided the authorised officer considers that the variation still offers best value to the Council.
- 17.2 Contracts procured under the EU Regulations must not be extended or varied without consulting the Service Lead – Commissioning and Procurement Service.

## Section 9 Officer Employment Procedure Rules

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### 1. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

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

### 2 Appointment in respect of the Head of Paid Service, the Monitoring officer or Chief Finance Officer.

- a) The full council will approve the appointment of the Head of Paid Service, the Monitoring officer or the Chief Finance Officer following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.
- b) The full Council may only approve the appointment of the Head of Paid Service, the Monitoring officer or the Chief Finance Officer where no material or well-founded objection has been made by the Leader on behalf of him/herself or another member of the Executive Board.

(Note: The National Salary Framework & Conditions of Service of Local Authority Chief Executives and subsequent guidance will be used to support the arrangements for the appointment, dismissal and disciplinary action in respect of the Chief Executive)

### 3. Dismissal in respect of the Head of Paid Service, the Monitoring officer or Chief Finance Officer.

The provisions of Schedule 3 (below) of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) are incorporated into the Constitution in respect of the appointment or dismissal of the head of the authority's paid service, or the dismissal of the authority's monitoring officer or chief finance officer.

#### SCHEDULE 3

*(as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881)*

*Provisions to be incorporated in standing orders in respect of disciplinary action*



1. In the following paragraphs—

(a) “the 2011 Act” means the Localism Act 2011;

(b) “chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(c);

(c) “independent person” means a person appointed under section 28(7) of the 2011 Act;

(d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;

(e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;

(f) “relevant meeting” means a meeting of the authority (i.e. Full Council) to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.

3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;

(b) any other relevant independent person who has been appointed by the authority;

(c) a relevant independent person who has been appointed by another authority or authorities.

6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.

7. The authority must appoint any Panel at least 20 working days before the relevant meeting.

8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."

**4. Appointment, dismissal and disciplinary action in respect of Chief Officers and percentage related deputy Chief Officers other than the Head of Paid Service, the Chief Finance Officer, and the Monitoring officer**

- (a) A committee or sub-committee of the Council will appoint, dismiss and take disciplinary action in respect of Chief Officers and percentage related deputy Chief Officers. That committee or sub-committee must include at least one member of the Executive Board.
- (b) The Committee may only approve the appointment or dismissal of a Chief Officer or deputy Chief Officer where no material or well-founded objection has been made by the Leader on behalf of him/herself or another member of the Executive Board.

(Note: The process for the approval of job descriptions and person specifications, plus the advertising and recruitment process for Chief Officers allows the Leader (as Chair) with the Chief Executive, to circulate proposals to the Committee Members for a consultation period of 3 days. At the end of the consultation process the Leader in consultation with the Chief Executive will agree the final process. The Chief Executive will then call a meeting of the Chief Officer Employment Committee to conduct interviews and make appointment(s) on behalf of the Council.)

**5. Appointment and dismissal in respect of the Director of Public Health**

- (a) The arrangements for the appointment of the Director of Public Health must be in accordance with these Officer Employment Procedure Rules, the requirements under the Health and Social Act 2012 and any statutory guidance issued concerning the recruitment and appointment process.
- (b) Before terminating the appointment of the Director of Public Health the Council must consult the Secretary of State.

**6. Executive Board's Powers in respect of appointments and dismissals (other than the dismissal of the Head of Paid Service, Chief Finance Officer, and Monitoring Officer)**

- (a) Before an offer of appointment is made or notice of dismissal is given in respect of:
  - (i) a Chief Officer
  - (ii) a deputy Chief Officer

the Proper Officer must notify every member of the Executive Board of the name of the person who it is proposed should be appointed or dismissed. Each member of the Executive Board must also be notified of any other details relevant to the appointment or dismissal which the

Committee has notified to the Proper Officer and of the date and time by which the Leader must make any objection on behalf of the Executive Board.

- (b) Before the date and time for making an objection has passed the Leader must either:
  - (i) notify the Proper Officer that neither he nor any member of the Executive Board has an objection to the making of the offer of appointment or giving notice of dismissal; or
  - (ii) notify the Proper Officer that there is such an objection and supply details of it.
- (c) An offer of appointment or notice of dismissal may only be given where the Committee is satisfied that no material or well- founded objection has been made by the leader on behalf of himself or another member of the Executive Board.

## **7. Other appointments, dismissals and disciplinary action**

### **(a) Officers other than assistants to political groups.**

Appointment, dismissals and disciplinary action in respect of all other officers with the exception of any assistants to political groups is the responsibility of the Head of Paid Service or his/her nominee. Councillors may not make such decisions.

### **(b) Assistants to political groups.**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **8. Additional provisions in respect of disciplinary action affecting the Head of Paid Service, Chief Finance Officer, and Monitoring officer**

### **(a) Suspension.**

The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months. Suspension is a neutral act.

## **9. Procedures**

The Council will maintain procedures in respect of staff appointment and dismissal and in respect of grievances.

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## **PART 5**

# **CODES AND PROTOCOLS**

## Section 1 Members Code of Conduct

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### Code of Conduct for Members and Guidance

#### 1. Introduction

The Council is determined to provide excellent local government for the people of the Borough. It promotes and maintains high standards of conduct by Members and Co-opted Members and has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011. To help Members understand their conduct responsibilities, they should make sure they read and understand the General Principles below

#### 2. General Principles of Conduct for Members and Co-opted Members

Members and co-opted Members must behave according to the highest standards of personal conduct in everything they do as a Member. In particular they must observe the following principles of conduct, some of which are set out in law.

##### 2.1 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

##### 2.2 Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

##### 2.3 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

##### 2.4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

##### 2.5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

## 2.6 **Personal Judgement**

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

## 2.7 **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

## 2.8 **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

## 2.9 **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

## 2.10 **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

## 3. **Training**

Each Member must attend annual training on the Code of Conduct/ethical standards, in addition to any current requirements to receive training for specific Committees, for example Planning & Highways or Licensing Committees.

# THE CODE OF CONDUCT

## Part 1

### GENERAL PROVISIONS

#### 1. Introduction and interpretation

- 1.1 This Code applies to you as a member of the Council.
- 1.2 It is your responsibility to comply with this Code. Failure to do so may result in a sanction being applied by the Council. Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and a fine of up to £5,000 and /or disqualification from office for a period of up to 5 years.
- 1.3 In this Code: -
- 1.3.1 “meeting” means any meeting of:
- (a) the Council;
  - (b) any of the Council’s committees or sub-committees, joint committees or joint sub-committees;
- 1.3.2 “member” includes a co-opted member and an appointed member.

#### 2. Scope

- 2.1 The Code of Conduct applies to you:
- (a) Whenever you act in your official capacity, including whenever you conduct the business of your authority or act, claim to act or give the impression you are acting, in your official capacity or as a representative of your authority;
  - (b) At any time, where your conduct has led to a criminal conviction. However, the Code of Conduct does not apply to your private life.
- 2.2 Where you act as a representative of the Council—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with this Code, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

#### 3. General obligations

- 3.1 You must not:
- (a) do anything which may knowingly cause your authority to breach the Equality Act 2010;
  - (b) bully or be abusive to any person;



- (c) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant,
  - (ii) a witness, or
  - iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

**4.** You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (a) reasonable and in the public interest; and
    - (b) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

**5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

**6.** You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
  - (i) act in accordance with the Council's reasonable requirements; and
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by
- (a) The Council's chief finance officer; or
  - (b) The Council's monitoring officer,
- where that officer is acting pursuant to his or her personal statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## **Part 2**

### **DISCLOSABLE PECUNIARY INTERESTS**

8. Disclosable Pecuniary Interests" are defined from time to time by the Secretary of State in Regulations. The Regulations current at the time of adoption of this Code are The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are set out below.

A 'disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

- Securities Any beneficial interest in securities of a body where—
- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
  - (b) either—
    - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Definitions**

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“meeting” means any meeting of the Council, the Executive, any of the Council’s or Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees.

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

## **9. Registering and declaring Disclosable Pecuniary Interests**

- 9.1 You must, within 28 days of your election or appointment to office as a member or co-opted member notify the Council’s Monitoring officer of any Disclosable Pecuniary Interests you have (see paragraph 8 above)
- 9.2 You must, notify the Council’s Monitoring Officer within 28 days of becoming aware of any changes to a Disclosable Pecuniary Interest previously notified or of any new Disclosable Pecuniary Interest not previously notified, and provide an update to the Monitoring Officer once every 12 months.
- 9.3 If a Disclosable Pecuniary Interest, has not been entered onto the Council’s register, then the member or co-opted member must disclose the interest to any meeting of the Council at

which they are present, where they have a Disclosable Pecuniary Interest and where the matter is not a “sensitive interest”.

- 9.4 Following disclosure of a Disclosable Pecuniary Interest not on the Council’s register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- 9.5 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest.
- 9.6 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority’s website

## **10 Sensitive Interests**

Where you consider that disclosure of the details of a Disclosable Pecuniary Interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a Disclosable Pecuniary Interest, the details of which are withheld under Section 32(2) of the Localism Act 2011

## **11 Effect of Disclosable Pecuniary Interests on Participation**

- 11.1 If you are present at a meeting of the authority and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered at the meeting:
  - (a) You may not participate in any discussion of the matter at the meeting.
  - (b) You may not participate in any vote taken on the matter at the meeting.
  - (c) If the interest is not registered, you must disclose the interest to the meeting.
  - (d) If the interest is not registered and is not the subject matter of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place

- 11.2 Where an Executive Member discharging a function alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the Interest and must not take any steps or further steps in the matter

## **12 Dispensations**

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter on which you have a Disclosable Pecuniary Interest

## 13 Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest
- As an Executive Member discharging a function, acting alone, and having a Disclosable Pecuniary Interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

## Part 3

### OTHER INTERESTS

#### 14 Notification of Other Interests

14.1 In addition to Disclosable Pecuniary Interests you must, within 28 days of your election or appointment to office as a member or co-opted member notify the Monitoring Officer in writing of details of your interests within the following categories, for inclusion in the register of interests:

- (a) Details of any body of which you are a member or in a position of general control or management to which you are appointed or nominated by your authority;
- (b) Details of any body exercising functions of a public nature, any body directed to charitable purposes or any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (c) Details of any gift or hospitality with an estimated value of at least £25 that you have received in connection with your role as a member of the Council, and details of the donor

14.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under this paragraph notify the Monitoring Officer of the details of that new interest or change.

- 14.3 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.
- 14.4 Where a Disclosable Pecuniary Interest is notified to the Monitoring Officer under Part 2, paragraph 9 above it need not be separately notified or separately registered again as an interest under this Part 3 of the Code.

## **15 Disclosure of Other Interests**

- 15.1 Subject to 15.2 to 15.5, where you have an interest described in paragraph 14 above or in 15.2 below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of that interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 15.2 You have an interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a member of your family or any person with whom you have a close association.
- 15.3 Where you have an interest in any business of the authority of the type mentioned in paragraph 14(c), (gifts and hospitality) you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 15.4 Where you have an interest by virtue of paragraph 14 but, by virtue of paragraph 17 below, (Sensitive interests) relating to it is not registered in the register of members' interests, you must indicate to the meeting that you have an interest, but need not disclose the sensitive information to the meeting.
- 15.5 Where you have an interest in any business of your authority by virtue of paragraph 14 or 15.2, and you have made an Executive Decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## **16 Non participation in case of certain other interests**

- 16.1 Where you have an interest in any business of your authority by virtue of paragraph 14 or 15.2 **AND** the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest **AND** where that business:
- (a) affects your financial position or the financial position of a person or body through whom the interest arises; or
  - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person through whom the interest arises,

you may not participate in any discussion of the matter at the meeting, and you may not participate in any vote taken on the matter at the meeting.

Note: In addition, the Council Procedure Rules require you to leave the room where the meeting is held while any discussion or voting takes place.

- 16.2 Where you have an interest in any business of your authority to which paragraph 16.1 applies, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and provided that you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 16.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest under paragraph 16.1 that relates to the functions of your authority in respect of:
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (b) an allowance, payment or indemnity given to members;
  - (c) any ceremonial honour given to members; and
  - (d) setting council tax or a precept under the Local Government Finance Act 1992.
- 16.4 Where, as an Executive Member, you may discharge a function alone, and you become aware of an interest under paragraph 16.1 in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **17 Sensitive interests**

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

## BLACKBURN WITH DARWEN BOROUGH COUNCIL

# Arrangements for dealing with complaints about the Code of Conduct for Members

## 1. Introduction

- 1.1 These “Arrangements” are made under section 28 of the Localism Act 2011 and set out how you may make a complaint that a Member, Co-opted Member, Parish or Town Council Member has or may have failed to comply with the Code of Conduct for Members (Appendix 1), and sets out how Blackburn with Darwen Borough Council (“the Council”) will deal with allegations of a failure to comply with the Code of Conduct.
- 1.2 The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
- 1.3 No member or officer will participate in any stage of the Arrangements (other than as a witness) if he or she has, or may have, any personal conflict of interest in the matter.
- 1.4 For reference a flowchart of the process is set out at the end of this document.

## 2. Making a complaint

- 2.1 A complainant must be made in writing on the Council's standard form (available on the Council's website) either by post or e-mail to; The Monitoring Officer, HR & Legal, D Floor, Tower Block, Town Hall, Blackburn BB1 7DY.[*email details* ]
- 2.2 The complainant must provide their name and a contact address or an email address, so that the Council can acknowledge receipt of the complaint, request any further information and keep the complainant informed of its progress. If the complainant would like to keep their name and address confidential, they must indicate this in writing, in which case the Council we will not disclose the complainant's name and address to the Subject Member until their request for confidentiality has been considered by the Monitoring Officer Section 5 (Confidentiality) below.  
The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.
- 2.3 The Monitoring Officer will acknowledge receipt of the complaint within five working days of receiving it, and will keep the complainant informed of the progress of your complaint. At the same time the Monitoring Officer will write to the Subject Member (and in the case of a complaint about a Town/Parish Councillor to the Clerk of the Town/Parish Council also) with details of the allegations (subject to any representations from the complainant on confidentiality, which are accepted as valid by the Monitoring Officer under Section 5 (Confidentiality) below).
- 2.4 The Subject Member may, within five working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint



should be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the initial assessment of the complaint.

### **3. Initial Assessment of Complaint**

3.1 The Monitoring Officer will review the complaint and, following consultation with the Independent Person take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if;

- The complaint is not against one or more named Members or co-opted Members of the Council or a Town/Parish Council within its district;
- The Subject Member was not in office at the time of the alleged conduct and a Code of Conduct was in force at the time.
- The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.
- The complaint is anonymous (unless the Monitoring Officer determines that it is the public interest to consider it)

3.2 If the complaint has not been rejected on the grounds in 3.1 the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be considered;

- Whether a substantially similar allegation has previously been made by the complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
  - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
  - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;

- Whether the complaint suggests that there is a wider problem throughout the Authority;
- Whether (after the Monitoring Officer making preliminary enquiries) it is apparent that the Subject Member is relatively inexperienced as a Member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation.

Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the Authority (in appropriate cases) makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

The Monitoring Officer will consult with the Independent Person and then give his decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a Sub-Committee of the Standards Committee.

#### **4. Additional Information**

- 4.1 The Monitoring Officer may require additional information before coming to a decision and may request information from the Subject Member.
- 4.2 Where the complaint relates to a Town/Parish Councillor, the Monitoring Officer may also inform the Clerk of the Town/Parish Council of the complaint and seek the views of the Clerk of the Town/Parish Council before deciding whether the complaint merits formal investigation or other action.
- 4.3 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code.
- 4.4 In circumstances of alleged criminal conduct as set out in paragraph 4.2 above the timescales relating to the handling of the complaint throughout this procedure will be amended to facilitate the investigation by the Police or other prosecuting regulatory authority.

#### **5. Confidentiality**

- 5.1 If a complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

- 5.2 As a matter of fairness and natural justice the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if on request from the complainant, or otherwise, they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the complainant's identity being disclosed.
- 5.3 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the Subject Member.

## **6. Investigation**

- 6.1 The Monitoring Officer will appoint an investigating officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer from another council, or an external investigator.
- 6.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of Council resources and shall be interpreted in line with these principles.
- 6.3 The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to the Monitoring Officer decision on confidentiality.
- 6.4 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account before issuing their final report to the Monitoring Officer.
- 6.5 Although it is not possible to be prescriptive of the length of investigation, however normally it would be expected that any investigation once commenced would not normally exceed 20 working days. In any event both the Complainant and the Subject Member will be advised of the timescale and updated should this require amendment.

## **7. Investigating Officer finding of no failure to comply with the Code of Conduct**

- 7.1 Where the Investigating Officer's report does not find that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code of Conduct.
- 7.2 The Monitoring Officer will write to the complainant and the subject Member (and to the Clerk of the Town/Parish Council, where the complaint relates to a Town/Parish Councillor), with a copy of the decision and the Investigating Officer's report within 10 working days of receipt of the completed report.

7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

## **8 Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct.**

Where the Investigating Officer's report does find that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Hearings Panel normally within 20 working days of receiving the report or resolve the matter under section 9 below without the need for a hearing.

## **9. Resolution**

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the complainant and seek to agree a fair resolution. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Subject Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Town/Parish Council (if appropriate) for information, but will take no further action. If the complainant or the Subject Member refuses the resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter normally within 20 working days for a hearing without further reference to the complainant or the Subject Member.

## **10. Hearing**

Where, in the opinion of the Monitoring Officer, a resolution without a hearing is not appropriate or the complainant and/or Subject Member refuses to co-operate, then the Monitoring Officer will report the Investigating Officer's findings to the Hearings Panel which will conduct a hearing before deciding whether the Subject Member has failed to comply with a Code of Conduct and, if so, what action (if any) to take in respect of the Member.

The Standards Committee will agree and adopt a procedure for local hearings.

## **11. Constitution of the Hearings Panel**

The Hearings Panel is a sub-committee of the Council's Standards Committee. The Council have decided that it will comprise of at least one of the independent members co-opted to the Standards Committee and three members of the Council drawn from at least two different political parties. Where the complaint is about a Town or a Parish Council Member, the Hearings Panel will include at least one of the Town/Parish Council Members co-opted to the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the

code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **12. The Independent Person**

The Independent Person must be a person who has applied for the post following advertisements of a vacancy for the post, and approved by a positive vote from a majority of all the Members of the Council at a meeting of the full Council.

A person is not eligible for appointment if they:

- are, or have been within the past five years a Member, co-opted Member or officer of the Council;
- are, or have been within the past five years a Member, co-opted Member or officer of a Town or Parish Council within the Borough; or
- are a relative or close friend of a person within bullet points 1 or 2 above.

For this purpose, “relative” means that:

- Spouse or civil partner;
- Living with the other person as husband and wife or as if they were civil partners;
- Grandparents of the other person;
- A lineal descendant of a grandparent of the other person;
- A parent, sibling or child of the person within the above bullet points;
- A spouse or civil partner of a person within the above bullet points; or
- Living with a person within the above bullet points or as husband and wife or as if they were civil partners.

## **13. Action**

Where a Hearings Panel find that a Subject Member has failed to comply with the code of conduct, the Council has delegated to the Hearings Panel such of its powers to take action in respect of Subject Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may –

- Publish its findings in respect of the Subject Member’s conduct;
- Report its finding to Council (or to the Town/Parish Council) for information;
- Recommend to Council that the Subject Member be censured;
- Recommend to the Subject Member’s group leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
- Recommend to the Leader of the Council that the Subject Member be removed from the Executive, or removed from their portfolio responsibilities;

- Instruct the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for the Subject Member;
- Recommend to Council (or recommend to the Town/Parish Council) that the Subject Member be removed from all outside bodies, appointments to which they have been appointed or nominated by the Council (or by the Town/Parish Council);
- Withdraw (or recommend to the Town/Parish Council that it withdraws) facilities provided to the Subject Member by the Council such as a computer, website and/or e-mail and internet access; or
- Placing such restrictions on Subject Member's access to staff which may be reasonable in the circumstances and in accordance with the Member/Officer Protocol provided that such restrictions do not impede the Subject Member from carrying out their duties as a Councillor

#### **14 Withdrawal of a Complaint**

In the event that a complainant withdraws a complaint at any time prior to a decision having been made by a Hearings Panel, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint but shall, in taking such a decision take into account any issues which may arise under Paragraph 3.1(c) of the Code of Conduct.

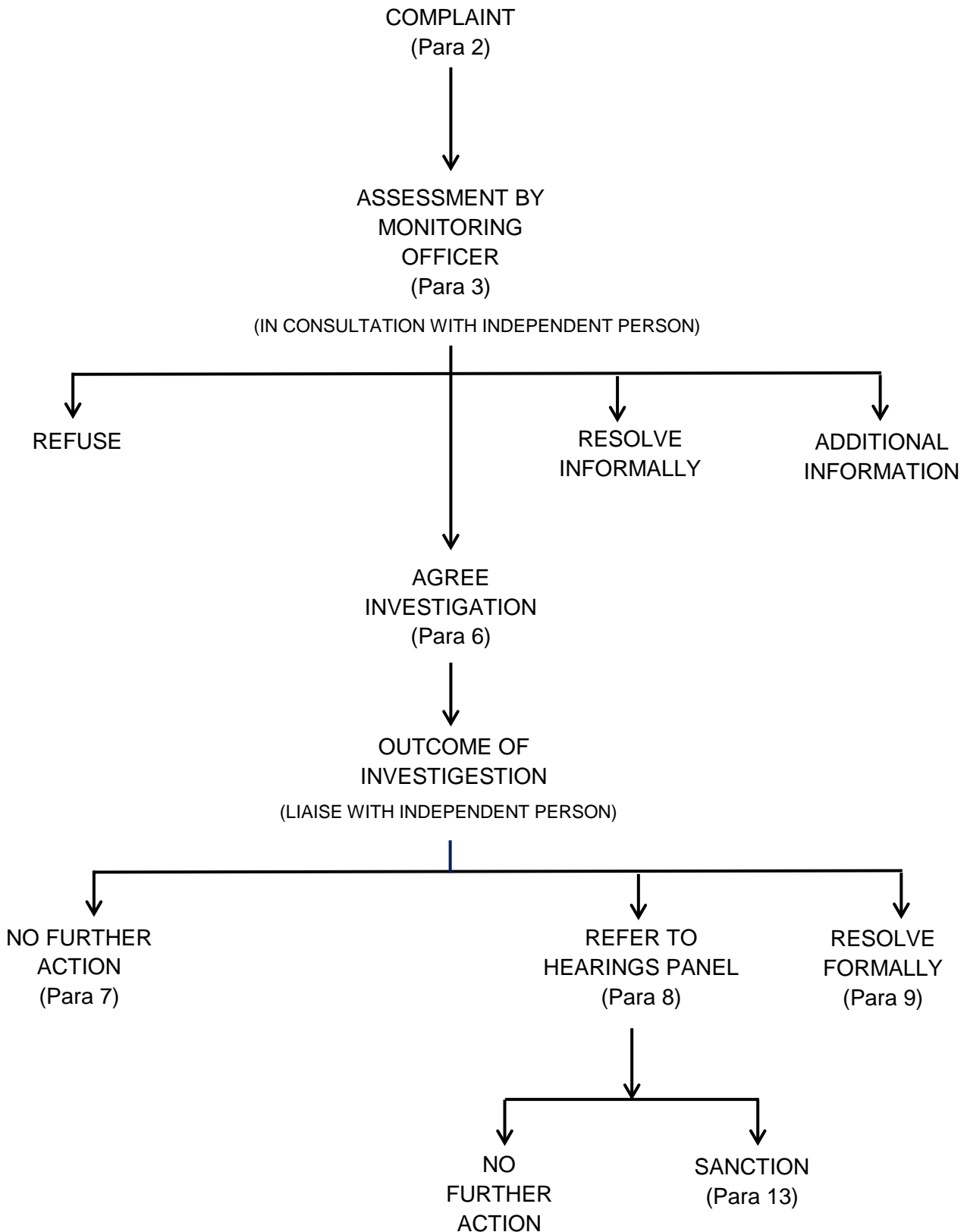
#### **15 Revision of these Arrangements**

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective treatment and fair consideration of any matters.

#### **16. Appeals**

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of a Monitoring Officer or of the Hearings Panel.

# FLOW CHART COMPLAINTS



## Section 2 Officers' Code of Conduct

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### Employee Code of Conduct

#### 1. Introduction

Blackburn with Darwen Borough Council is committed to achieving and maintaining the highest possible standards of conduct.

The Employee Code of Conduct (hereafter referred to as the "Code") is part of the Council's Constitution and outlines the standards of behaviour expected of all employees – morally, ethically and legally.

It forms part of your terms and conditions of employment and applies to all employees. You are required to abide by the standards detailed within it.

The Code is not intended to prohibit social involvement or restrict you in your day to day life and dealings outside work. It is, however, important that you are aware of your actions and how these may impact on the Council's principles of accountability and responsibility.

The Code cannot cover all areas that are likely to arise in practice, but the principles of the Code will apply in order to ensure the integrity of the Council is maintained at all times.

#### 2. Conduct and Standards

You are expected to give the highest possible standard of service and conduct so that the public have confidence in your integrity. This also protects you from any misunderstanding and unfair criticism. Where it is part of your duties to provide advice to councillors and fellow employees, you should do so with impartiality.

You should always be aware of your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

Any departure from these high standards will be treated as a serious matter and could lead to action under the Council's Disciplinary Policy and/or in conjunction with other applicable policies. This may result in formal action up to and including dismissal, and, where necessary through the process of the law, for example, criminal proceedings.

##### 2.1 Behaviours Framework

The Council has developed a Behaviours Framework that employees are expected to demonstrate, which define a Blackburn with Darwen Borough Council employee and is based on its four corporate values:

- Customer;
- Listening;
- Teamwork;
- Honesty.



Employees serving the public must practice and exhibit these through the course of their work

There are six behaviours which sit behind and support the values and underpin the specific requirements set out within the framework.

Further information on the Behaviours Framework can be accessed by the following intranet link:

[Intranet > Human Resources > Advice > BwD Borough Council Behaviour Framework](#)  
[http://cms.intra.blackburn.gov.uk/upload/pdf/Behaviours\\_Framework\\_-\\_v4.0\\_July\\_2013.pdf](http://cms.intra.blackburn.gov.uk/upload/pdf/Behaviours_Framework_-_v4.0_July_2013.pdf)

## **2.2 Equality Issues**

In addition to the requirements of the law you should ensure that you comply with Council policies relating to equality issues, both with regard to employment and service delivery.

All members of the local community, customers and other employees have a right to be treated with fairness and equity in accordance with equality legislation. The Council's equality statement can be accessed by the following link:

[Intranet > Human Resources > Policies > Equality Act 2010 Statement](#)  
<http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.54083>

## **2.3 Dress and Personal Appearance at Work**

You are reminded that standards of dress, personal appearance and hygiene, including standards required in the interests of health and safety, can affect public confidence and you should therefore make yourself aware of and comply with expected standards for your particular employment.

## **2.4 Health and Safety**

In the interests of the public and colleagues, you must adhere to the Council's Health and Safety arrangements.

You must not act wilfully, intentionally or recklessly in a way that could place the public, your colleagues, or yourself at risk, and you must adhere to the duty of care outlined in the Council's Health and Safety Policy. This is particularly the case where there is direct responsibility for a service user's welfare. The Health and Safety Policy can be accessed by the following link:

[Intranet > Health and safety > Policies](#)  
<http://cms.intra.blackburn.gov.uk/server.php?show=nav.2381>

## **2.5 Wages and Recoupment**

There may be times where, for one reason or another, there has been an overpayment made to salary. You are reminded that you have an obligation to contact the HR Service and report any overpayment if you suspect this has occurred. The Council reserves the right to require repayment, either by deduction from salary or other accepted method. In each case individual

circumstances will be taken into account when deciding the period over which the repayment is to be made.

### **3. Disclosure of Information and Confidentiality**

#### **3.1 Media and Social Media**

You should not contact or disclose information relating to the work of the Council to the media, other than as part of your job or as an official spokesperson of the Council. If you are contacted or asked for an opinion, you should refer the enquiry to the Council's Public Relations and Communications Team.

You must not disclose any information on your own personal pages via social media, for example, Facebook, Twitter etc. which is, or may be, protected under the Data Protection Act 1998 relating to Council business, service users, employees or Councillors and you must take care to ensure that any use of social media does not bring the Council into disrepute nor is defamatory or libellous.

Where there is a reasonable belief that the use of social media has been used inappropriately then you should raise this with your line manager or Head of Service, alternatively the Whistleblowing Policy can be referred to. Examples where it may have been used inappropriately include:

- it highlights potential criminal activity;
- the disclosure of confidential information;
- where the suspicion arises that there has been fraud, dishonesty or corruption;
- where there is the potential to bring the Council into disrepute.

The Whistleblowing Policy can be used to raise genuine concerns regarding any aspect of the Council's work and can be accessed using the following link:

[Intranet > Human Resources > Policies > Whistleblowing  
http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.50256](http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.50256)

#### **3.2 Data Protection**

All information containing personal data relating to members of the public and employees must be obtained, held and dealt with fairly and lawfully in accordance with the Data Protection Act 1998. Any information relating to Council business, its service users, employees or Councillors must not be used or given out in any manner that does not comply with that Act, except where this has been expressly authorised.

You must be aware of which information within your authority can be disclosed and which cannot, and act accordingly. You should not use any information you may come across in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. The handling and sight of information should always be treated as being confidential. If in doubt, you should check with your line manager or Head of Service.

You should not prevent another person from gaining access to information to which that person is entitled by law, for example, requests made under the Freedom of Information Act.

### **3.3 Intellectual Property**

Intellectual property is a general term that includes inventions, creative writings and drawings. If any of these are created by you in the course of your employment, for example, plans, then as a general rule they belong to the Council and therefore cannot be sold or lent to any other person or organisation without prior written permission of the Council.

### **3.4 General Disclosures in relation to Council Executive Reports**

The law requires that most of the work undertaken by the Council should be open to inspection and that certain types of information should be available to Elected Members, Government Departments, service users and the public. There are exceptions to this which include:

- confidential or “exempt from publication” information discussed at meetings of the Council, the Executive Board, Executive Member meetings, committees and other meetings when the press and public have been excluded;
- commercially sensitive information in relation to contracts for the supply of goods and/or services;
- personal information relating to service users, employees and Elected Members.

In particular, you should not disclose (without express permission) information relating to Part II agenda items and reports. No reports relating to staffing, financial, commercial, disciplinary, political or other confidential matters should be provided or discussed without the express agreement of the Council, Chief Executive or a departmental Director.

## **4. Corruption**

You must ensure that you use public funds entrusted to you in a responsible and lawful manner.

You must be aware that it may be deemed to be corrupt if you receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity and could amount to a criminal offence as well as gross misconduct and so place you at risk of a criminal sanction as well as disciplinary proceedings. This includes bribing another person, being bribed and/or bribing a foreign public official.

Failing to prevent bribery is also considered to be a ‘corporate offence’. Under this, the Council will be guilty of an offence if an “associated person” bribes someone else with the intention to obtain or retain business, or a business advantage, for the Council. “associated persons” may include employees, agents and subsidiaries.

Further information on the Bribery Act 2010 can be accessed by the following link:

[Intranet > Human Resources > Policies > The UK Bribery Act 2010  
http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.57535](http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.57535)

## **5. Gifts and Hospitality**

With the exception of gifts of a token value, you should refuse any gift or hospitality offered to you or members of your family. All gifts or offers of hospitality over the token value must be recorded on the form attached to Standing Financial Instruction 21 (SFI 21) which must be sent to the Director. Nothing over the token value must be accepted without the written consent of the Director.

A gift should only be accepted where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example, the gift has a token face value of up to £25 (e.g. calendars, pens, key rings, diaries, calendars or other promotional items). As a general rule, therefore, anything with a value of £25 or more must be registered.

No personal gifts from either existing or potential contractors or suppliers should be accepted and gifts should not take the form of cash, bonds or benefits such as hotel accommodation or tickets to major sporting events.

Examples of hospitality are free meals, tickets to attend sporting or entertainment events, or working lunches from potential or current contractors and outside suppliers or people or organisations subject to decisions by the Council.

Normally, visits to exhibitions, inspection of equipment and attendance at conferences by employees will be at the Council's expense. There may be occasions where it may be in the Council's interest to accept offers from outside agencies, organisations or individuals, for example, offers of hospitality which form part of the life of the community or where the Council needs to be represented. The decision to attend will be made by the departmental Director. When receiving authorised hospitality, you should be particularly sensitive with regard to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

If there is any doubt, the approval of the line manager (or the Director where gifts or hospitality above the token value are received directly or without warning) should be sought before accepting any gift or hospitality or the offer should be declined politely.

For further information and guidance on accepting gifts and hospitality, including the value of such goods, please refer to Standing Financial Instruction 21 (SFI 21):

[http://cms.intra.blackburn.gov.uk/upload/doc/SFI 21 Gift and Hospitality Dec12.doc](http://cms.intra.blackburn.gov.uk/upload/doc/SFI_21_Gift_and_Hospitality_Dec12.doc)

## **6. Sponsorship – Giving and Receiving**

The requirements of this Code concerning the acceptance of gifts or hospitality also apply to where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily. Particular care must be taken when dealing with contractors or potential contractors.

Where the Council wishes to sponsor an event or service or where the Council through sponsorship, grant aid, financial or other means, give support in the

community, you must follow the requirements of this Code concerning conflicts of interest and complete the Register of Interest Form (SFI 12).

[Intranet > Human Resources > Forms > Register of Interest Form](http://cms.intra.blackburn.gov.uk/upload/doc/SFI_12_Register_of_Interest.doc)  
[http://cms.intra.blackburn.gov.uk/upload/doc/SFI\\_12\\_Register\\_of\\_Interest.doc](http://cms.intra.blackburn.gov.uk/upload/doc/SFI_12_Register_of_Interest.doc)

## **7. The Selection of Developers, Consultants or Contractors**

The need for accountability and openness is crucial during any tendering exercise. Any relationship, of a private or business nature, with any current or proposed external contractor(s) and/or supplier(s) of services to the Council must be declared to the departmental Director **prior to** any involvement in the tendering or contract process.

No part of the community should be discriminated against when assessing or awarding contracts.

Orders and contracts must be awarded fairly against other tenders, in accordance with the Council's Financial Regulations, Standing Financial Instructions and Contracts and Procurement Procedure Rules. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

You should not behave in a manner that gives the impression that you are in a position of favouring one party over another, or in your dealings, behave in such a way that seeks or implies a gift, loan, fee, reward or advantage, or any offer of such is required in return for an award of contract.

If you are involved in the selection or supervision of contractors who you have previously had, or currently have a relationship or any other official relationships with contractors or potential contractors in a business or personal capacity, you should declare that relationship in writing via the Register of Interest Form to your departmental Director. Where there are concerns from any party with regard to a relationship with an external contractor and/or supplier, then the Whistleblowing Policy should be referred to.

Where you are aware of confidential information on tenders or costs for contractors, this information should not be disclosed to any unauthorised party or organisation.

A link to the Council's Contract and Procurement Procedure Rules is below:

[Resources > Finance > Procurement > Strategy and Rules](http://cms.intra.blackburn.gov.uk/upload/doc/Contract_and_Procurement_Rules_Review_Apr2013_20130430115801)  
[http://cms.intra.blackburn.gov.uk/upload/doc/Contract and Procurement Rules Review Apr2013 20130430115801](http://cms.intra.blackburn.gov.uk/upload/doc/Contract_and_Procurement_Rules_Review_Apr2013_20130430115801)

## **8. Financial, Personal and Conflicts of Interests**

For the purposes of this Code, the following are examples of who should declare an interest. The list is not exhaustive:

- If you have a direct or indirect financial interest in a company or organisation which trades, or could potentially trade with the Council;

- If you or your spouse/partner have a direct personal, financial and other interest which may conflict with the business of the Council or with your employment with the Council.

## 8.1 Personal commitments

A personal commitment outside work which may conflict with your employment in the Council must be declared on a Register of Interest Form (SF1 12). This includes being employed by, or receiving any kind of payment including those 'in kind', such as a gym membership, from a company or organisation which has a contract with the Council. Other examples include:

- directorships, including non-executive directorships of, or employment by, public or private companies likely or possibly seeking to do business with the Council;
- close relative, spouse or partner who has directorship of public or private companies likely or possibly seeking to do business with the Council;
- outside interests that may have conflicting time demands and so could possibly affect the performance of duties in the Council. Examples include, second or third jobs, management of companies, etc.;
- remunerated or honorary positions and other connections with organisations which may give rise to a conflict of interests;
- representational or other non-financial interests in areas covering Council business.
- tenancy or licence agreements with the Council;
- employees who may have small personal interests whereby they do not have contractual relations with the Council but may sell goods on a small scale to employees of the Council. It is arguable that they may be using their position within the Council to secure sales. Although individually these may not be large amounts, over a period of time, it could amount to a substantial sum;
- Membership of a Secret Society.

You should disclose any land, (other than your home), or business in which you have an interest which is, or likely to be, the subject of a Council decision.

The departmental Director will maintain a confidential register of all declared interests to ensure standards of conduct are maintained. This will be reviewed annually by the Council's Monitoring Officer. If your circumstances change you can make a voluntary declaration by completing and submitting the Register of Interest Form (SF1 12).

If you have a personal interest in a matter raised at a meeting where you are in attendance or advising on the matter, this must be declared immediately and you must take no further part. Such a declaration made at an official meeting will be recorded formally in the minutes of the meeting.

The Council requires that you declare if you are a member of any Secret Society.

A Secret Society can be defined as:

"Any lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public, who are not members of that lodge, chapter, society, trust, regular gathering or meeting"

“A society which as part of membership obliges a member to make a commitment, whether by oath or otherwise, of allegiance to the lodge, chapter, society, trust, regular gathering or meeting” and

“Includes, whether initially or subsequently, a commitment, whether by oath or otherwise, of secrecy about the rules, membership, or conduct of the lodge, chapter, society, trust, regular gathering or meeting”.

Please note that a lodge, chapter, society, trust, regular gathering or meeting as defined above, should not be regarded as a Secret Society if it forms part of the activity of a generally recognised religion.

## **8.2 Commitments outside Work**

You should ensure that you are clear about your contractual obligations to the Council and should not take part in any other business or take outside activity which conflicts with the Council's interests. Any interest in which you, your spouse or partner have a financial/indirect interest including being employed by, or receiving any kind of remuneration or benefit ‘in kind’ from an organisation which has a contract with the Council should be declared using the Register of Interest Form. It is a criminal offence to fail to comply with this provision.

The only exception to the legal requirement to disclose a financial/indirect interest is where the interest is so distant or small that no reasonable person would expect it to influence you if you might have dealings with the organisation concerned. In such cases it need not be disclosed.

If in any doubt, you should check out the particular situation with your line manager.

## **8.3 Secondary Employment**

The Council stresses to employees of all grades, that you should not undertake outside work if your official duties overlap in some way with your proposed work, and/or if it causes a conflict of interest, or if it makes use of material to which you have access by virtue of your position (for example, an architect or planner who draws up plans within his or her own authority for an applicant for planning consent). It is irrelevant whether or not the work is paid.

Where there is a possibility of a conflict of interest, you must put a request in writing, seeking permission from your appropriate Director before undertaking any other employment, or private work. The letter must provide clear details of the work to be undertaken, the hours of work, the work location and the remuneration involved.

Until you receive written approval **no** additional employment or private work must be undertaken. Failure to seek and obtain written permission could lead to action being taken in accordance with the Disciplinary Policy.

## **8.4 Whole time service**

If your SCP point is at or above NJC scale 29 (£24,894 as at 2013/2014) you must not take up any paid or unpaid employment, run a business, or take up any other additional appointment, without first receiving the express consent, in writing, from your relevant Director.

Where you disagree with any decision you have the right to appeal to your departmental Director and they will arrange for a review of the decision.

You should not use Council facilities e.g. email, internet, telephones, printers and/or photocopiers for undertaking any outside work interests. Similarly you should be aware that correspondence and incoming telephone calls related to outside work are not allowed.

## **9. Recruitment Policy and Employment Policies**

The Council's Recruitment and Selection Policy and Equality Act 2010 Statement must be followed when recruiting to any post within the Council.

In order to avoid any possible accusation or appearance of bias, you will not be involved in any recruitment and selection exercise for any employee who is a relative, partner, friend or any person in respect of whom the your involvement could reasonably be perceived to be prejudiced or biased.

For the same reasons, you should not be involved in any decisions on discipline, grievance, promotion or pay where there is a direct or indirect link to the employee who is the subject of such procedures.

You must immediately report to you respective Head of Service if there are any individual attempts made to influence you in any way regarding the use or application of policies.

## **10. Personal Relationships**

If you become involved in a personal relationship with someone you manage, or you manage a relative or close personal friend, you should immediately advise your line manager or Head of Service who will consider the individual circumstances and any implications regarding continued management to avoid any accusation or appearance of bias. Relevant issues will be considered on a case by case basis.

## **11. Political Awareness and Impartiality**

Councillors and employees are public servants; however, they do have clearly different and distinct roles and responsibilities.

Councillors are responsible to the electorate whilst in office and you are responsible for undertaking assigned duties and responsibilities appropriate to your job role with the Council.

You must, at all times, be impartial in your dealings with Councillors from all political parties.

You may be required to advise political groups in the course of your duties and in doing so you must not compromise your political neutrality.

You must not at any time allow your own personal or political views or interests to influence you in the work you undertake on behalf of the Council.



## 12. Politically Restricted Posts

The Local Government and Housing Act 1989 contain provisions to restrict the political activity of senior employees.

If you hold a politically restricted post you are disqualified from membership of any Local Authority, other than a parish or community council, from being an MP or MEP and as such cannot have an active political role either in or outside the workplace.

The political restrictions are deemed to be incorporated in the contract of employment of every local authority employee who holds a politically restricted post. Further information on this can be found under the policy at:

[Intranet > IT projects and news > Guide to managing change > Remodelling](#)  
<http://cms.intra.blackburn.gov.uk/server.php?show=ConWebDoc.43927>

## 13. Related Documents

The Employee Code of Conduct must be applied in conjunction with the Council's other relevant policies, these include:

- the Terms and Conditions of Employment – both national and local;
- the Councils Contract Procedure Rules;
- Financial Regulations including Standing Financial Instructions;
- Standing Orders;
- departmental or locally held rules, policies and procedures of conduct that are issued from time to time;
- legislation such as the Local Government and Housing Act 1989 etc.

The Employee Code of Conduct must also be applied in conjunction with relevant professional Codes of Practice such as:

- General Social Care Code of Conduct;
- Health and Social Care Workers in England;
- Solicitors Regulation Authority Code of Conduct.

## 14. Further Guidance

If you require further advice regarding the application of the Employee Code of Conduct please contact the appropriate Human Resources Team for your Programme Area – (**Intranet > Human Resources > Contacts**).

## 15. Approving Body & Date

LJNCC (Council) – Wednesday 23 October 2013

## Employee Code of Conduct – Quick Reference Guide

This quick reference guide has been developed to provide an overview of the Employee Code of Conduct. Please ensure that you refer to the full Employee Code of Conduct (referred to as the “Code”) for full details and further information.

Section	Topic	Information
1.	Introduction	The Code forms part of the terms and conditions of employment and outlines standards of behaviour expected of employees. It will form a key part of the induction process of new employees.
2.	Conduct and Standards	All employees are expected to give high standards of courteous and efficient service to the public and to do so with impartiality.
2.1	Behaviours Framework	The Behaviours Framework is a set of core behaviours which define ‘how’ we are expected to approach our work and sits alongside ‘what’ we do in supporting the delivery of the corporate plan.
2.2	Equality Issues	Employees should ensure they comply with Council policies relating to equality matters and equalities legislation.
2.3	Dress and Personal Appearance at Work	Employees must ensure standards of dress and personal hygiene are to the standards appropriate to the duties and responsibilities of their post.
2.4	Health and Safety	Employees must adhere to the Council’s Health and Safety arrangements including the Health and Safety Policy and procedures.
2.5	Wages and Recoupment	Employees have an obligation to contact Human Resources and report any overpayment where this has occurred and agree an appropriate method of repayment.
3.	Disclosure of Information and Confidentiality	To comply with the Data Protection Act 1998 all personal data must be obtained, held and dealt with fairly and lawfully. Employees should not inappropriately disclose any information obtained during their employment with the Council and should treat this as confidential.
3.1	Media and Social Media	Employees should not contact or disclose any information relating to the work of the Council to the media without authorisation, nor should they disclose any information on social media which is covered by the Data Protection Act or may bring the Council into disrepute.
3.2	Data Protection	The Council supports and promotes the principles of open government and welcomes opportunities to share information with the community. Employees must be aware of the type of information which can be disclosed and to whom, and the type of information which must not be disclosed, except where this has been authorised.
3.3	Intellectual Property	Any intellectual property created by employees during employment belongs to the Council and therefore cannot be sold or lent to any other person or organisation without permission.

3.4	General Disclosures in relation to Council Executive Reports	The law requires that most work undertaken by the Council should be open to inspection and that certain information be available.
4.	Corruption	Where employees have direct responsibility for financial transactions they are responsible for ensuring that public funds entrusted to them are used in a responsible and lawful manner and comply with Financial Regulations.
5.	Gifts and Hospitality	With the exception of gifts of a token value of up to £25.00, employees should refuse any gift or hospitality offered to them or members of their family without the written consent of the Director. All gifts or offers of hospitality over the token value must be recorded.
6.	Sponsorship – Giving and Receiving	Employee must follow the Code in relation to accepting gifts or hospitality in regards to sponsorship from an outside organisation. Where the Council wishes to sponsor an event neither an employee and/or a relative must benefit.
7.	The Selection of Developers, Consultants or Contractors	Any tendering exercises must be open, transparent and in line with the Contracts and Procurement Procedure Rules, and Financial Procedure Rules. Employees must declare any relationship or conflict of interest prior to any involvement in the tendering or contract process and should treat any information confidentially.
8.	Financial, Personal and Conflicts of Interest	Employees must declare a direct or indirect financial interest in an organisation which may trade with the Council.
8.1	Personal Commitments	A personal commitment/private interest that may conflict with employment in the Council must be declared using a Register of Interest Form.
8.2	Commitments outside Work	Employees should not take part in any business or outside activity which conflicts with their Council responsibilities. Any interest falling under this should be declared using a Register or Interest Form and should withdraw from any meetings where they have a direct or indirect financial or personal interest in the matter under discussion.
8.3	Secondary Employment	Employees may not undertake outside work if their duties overlap or causes a conflict of interest unless they have appropriate authorisation.
8.4	Whole time service	Employees on NJC scale 29 (£24,894 as at 2013/2014) or above are required to devote their whole-time service to the work of the Council and may not engage in any other business or take up any other appointment without appropriate authorisation.
9.	Recruitment Policy and Employment Policies	Employees must follow the Council's Recruitment and Selection Policy when recruiting to any post within the Council. Employees will not be involved in any recruitment, discipline, grievance, performance or pay matters where this a conflict of interest by a direct or indirect link to the

		employee subject to such procedures.
10.	Personal Relationships	Employees must inform their line manager if they become involve in a personal relationship with someone they line manage or if they manage a relative or close personal friend so that this can be considered to avoid any accusation or appearance of bias.
11.	Political Awareness and Impartiality	Councillors are public servants and have clear and distinct roles and responsibilities. Employees, must at all times, be impartial in their dealings with Councillors from all political parties.
12.	Politically Restricted Posts	An employee in a politically restricted post cannot have an active political role either in or outside the workplace.
13.	Related Documents	The Code must be applied in conjunction with Council policies and professional Codes of Practice.

The Employee Code of Conduct cannot cover all areas that are likely to arise in practice but the principles of the Code will apply to ensure the integrity of the Council is maintained at all times.

## **Section 3 Protocol on Member/Officer Relations**

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### **A. INTRODUCTION**

#### **1. Purpose of the Protocol**

- 1.1 An effective working relationship between members and officers is critical to the successful operation of the Council's business and to maintaining confidence in the machinery of local government in Blackburn with Darwen.
- 1.2 The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues, which most commonly arise.

#### **2. Status of the Protocol**

- 2.1 This Protocol has been endorsed by the Council's Standards Committee and approved by Council.

#### **3. Roles and Responsibilities – Elected Members**

- 3.1 Members are elected democratically. It is their policies, ideas and decisions which people vote for. Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability and scrutiny ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by the organisation. Members are the advocates for their constituents and deal with individual casework. Members are responsible for making the most senior appointments in the Council through the Chief Executive and Chief Officer Employment Committee.
- 3.2 Members are responsible to the electorate and serve only so long as their term of office lasts.

#### **4. Roles and Responsibilities - Officers**

- 4.1 The role of officers is to deliver services according to the policies and requirements set by Members, to draft policy proposals which accord with the overall framework set by members, to give professional advice in the course of policy development and to manage the organisation.
- 4.2 Directors are responsible for appointments of staff below Chief Officer level. Officers are accountable to their Director. They work to the instructions of their Director and not to individual members - whatever office a Member might hold.

**B. LEGITIMATE EXPECTATIONS**

**1. What members can expect of officers**

Members can expect officers:

- To do their job effectively and efficiently
- To strive to provide services which offer best value
- To behave in a manner which accords with the standards set by the Council
- To be helpful, respectful and courteous
- To assist members in carrying out their role as elected members (but not in any party political or campaigning activity, or with private business)
- To deal with members' enquiries fairly and efficiently
- To be open and honest with members.
- To work with all members equally and fairly
- To act lawfully
- To give advice or recommendations based on reasoned options
- To ensure that members have all the information necessary to make informed judgments
- To maintain confidentiality where it is proper for them to do so
- Not to canvass members or otherwise seek to gain favour from them for personal or career advantage
- To have regard to social hours and generally to be sensible about contacting members at potentially inconvenient times, unless in an emergency or otherwise agreed.
- To remember that they are employed by Blackburn with Darwen Council as a whole and not by any part of the Council or individual member

## 2. What officers can expect of members

Officers can expect members:

- To accept that officers are accountable to their Manager
- To be helpful, respectful and courteous to officers
- Not to become involved in the day to day management of the Council
- To accept that officers act independently of political bias
- To fully consider advice and recommendations for the purpose of making informed judgments
- Not to ask officers to breach Council policy or procedures, or to act unlawfully, or outside the terms of their job
- Not to exert influence or pressure, or request special treatment,
- Not to request unauthorised access to resources or information held by the Council
- To treat officers in a reasonable manner
- To be open and honest with officers
- To act lawfully and to maintain confidentiality when appropriate to do so
- To remember that Officers have a duty to support all parts of the organisation
- To respect that officers have private lives and not to contact them outside normal working hours, or at home, unless in an emergency, or if the officer is officially working from home, or otherwise agreed.

## **C. SPECIFIC GUIDANCE**

### **1. Officer/Member relationships**

#### ***Personal relationships***

- 1.1 It is clearly important that Senior Officers should have a close working relationship with Executive Members, opposition Group Spokesmen, Scrutiny Committee Chairmen and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.
- 1.2 Members must not sit on a Council body or assume an Executive role responsible for any officer with whom they have a close personal relationship.

#### ***Members' Constituency Role & Individual Officers***

- 1.3 A member may be asked for advice and support by an officer who is one of their constituents. Officers are entitled to seek such assistance in the same way as any other member of the public. However, members should be careful not to prejudice the Council's position in relation to employment matters in respect of an officer.

#### ***Dealings with Junior Officers***

- 1.4 Members, as citizens, will deal routinely with junior officers of the Council. However, when acting as Councillors, members should take care not to place junior officers in a difficult position for example by seeking information from them which is not in the public domain or by requesting special treatment for themselves or another person.

#### ***Giving Instructions to Officers***

- 1.5 Members should not give instructions to staff unless they are authorised to do so under the Council's Constitution. Any such instructions should be addressed to the relevant Chief Officer.

#### ***Complaints about officers or services***

- 1.6 Members have the right to criticise reports or the actions taken by officers, but they should always:
- avoid personal attacks on officers
  - ensure that criticism is constructive and well-founded.
- 1.7 Members should avoid undermining respect for officers at meetings, or in any public forum including through the press. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run authority. It is important to note that this requirement is not intended to prevent members from undertaking polite but robust and probing scrutiny of the work of Officers.
- 1.8 Complaints about officers or Council services should be made to the Director of the service where the member feels the fault lies.



### ***Officers and Whole Council***

- 1.9 Officers are required at all times to serve the whole Council and will need to exercise judgement in fulfilling this obligation. Members must recognise this obligation on officers.
- 1.10 Directors are responsible for the contents of all reports submitted in their name. The advice contained in such reports is independent and members must not seek to suppress or amend any aspect of such advice.

## **2. Support to Members and Party Groups**

### ***Equipment, accommodation and staff resources***

- 2.1 Members are provided with ICT (information and communication technology) equipment and support services (e.g. diary management, correspondence handling, stationery provision, typing, printing, photocopying and research support) to enable them to better perform their policy and constituency role as elected members.
- 2.2 Members are also provided with accommodation sufficient for their needs and facilities for holding meetings with their constituents.
- 2.3 Members should not normally use – and officers should not provide - such equipment and support services in connection with party political or campaigning activity or for purposes not related to Council business.
- 2.4 Where it would otherwise cause undue inconvenience the Council may permit Members to use equipment for personal as well as Council business. This permission may extend to the use of Personal Computers, mobile phones etc. Members who use such equipment on personal business must abide by any specific conditions attached to such usage including conditions as to payment.
- 2.5 All requests for support which require staff resources will be subject to the request not being unreasonable, not placing undue demands on resources and there being sufficient resources available to meet the request.
- 2.6 Officer support which is made available is to be used to support Council business only and not for general party political activities.

### ***Officers and Political Party Group Meetings***

- 2.7 It is usual practice for officers to provide support for individual party groups and there is a common understanding that the Chief Executive and Directors will ensure that such support is provided. However, no individual Officer can be *required* to attend a political group meeting or to write a report for such a meeting.
- 2.8 Officer support to individual political groups must not extend beyond providing information in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Officers should not be expected to be present when matters of party business are being discussed.

- 2.9 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Officers are more likely to feel unable to attend such meetings. Where they do attend they may not be able to provide the same level of information and advice as they would to a member only meeting and in certain circumstances may feel constrained to refuse to give advice.
- 2.10 When Officers attend such meetings the members present are responsible for the proper behaviour of non Councillors present.
- 2.11 Officers will respect confidentiality in respect of issues discussed at Group meetings.

### ***Meetings with Individual Members***

- 2.12 Group leaders, Executive Members, Committee Chairs and Vice Chairs and Opposition Spokespersons are entitled to private and confidential briefings from a Director on matters of policy which have already been or may be discussed by the Council or which are within its decision-making process. Normally such briefings will be organised on a Portfolio basis but separate meetings may be arranged with individual Directors where appropriate.
- 2.13 Officers will respect confidentiality in respect of issues discussed at such meetings.

## **3. Information Sharing**

### ***Local Information***

- 3.1 It is essential that members should be fully informed about matters on which they may be required to make decisions or which affect their Wards.
- 3.2 Directors must ensure that all relevant staff are aware of the requirement to keep local members informed of issues affecting their ward and that the timing of such information allows members to contribute to any proposed decisions.
- 3.3 If a public meeting is organised by the Council to consider a local issue, all the members representing the Wards affected should be invited to attend the meeting.
- 3.4 Similarly, whenever the Council undertakes any form of consultative exercise affecting a particular Ward or Wards, the local Ward members should be notified at the outset of the exercise.

### ***Information Sharing with Individual members or Political Groups***

- 3.5 Individual members may request any Director to provide them with factual information. There is much information which will be freely shared with members. However, if a Director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she may decline to provide that information unless the Member establishes a legal right to that information. Any requests made for information shall be kept confidential.

- 3.6 The legal rights of members to information are contained within statute, the Constitution and in common law. The law in relation to information sharing is complex. This section provides an overview of some key principles. It is not intended to be a detailed examination of the specific legal provisions.
- 3.7 In summary, as members of the public, members have the right to see agendas, reports and background papers relating to meetings of the Council and its Committees even where they are not members of the Committee in question. However, this right does not extend to seeing papers which contain confidential or exempt information such as information relating to individual service users or information which is commercially confidential.
- 3.8 Under the Council's Constitution these same rights apply to matters to be dealt with by the Executive Board. In addition members have the right to see other documents which relate to business to be transacted at Committee or the Board. Certain confidential and exempt information is excluded from this right.
- 3.9 Members also have a right to see information relating to any decision of an individual Executive member once the decision has been made. Once again certain confidential and exempt information is excluded from this right.
- 3.10 Members have a right to inspect any Council documents so far as access to the document in question is reasonably necessary to enable the member to perform his/her duties as a member of the Council. This is commonly known as "the need to know" principle. It is for the Director of the Department which holds the document in question, to determine whether an individual member has a need to know. The Director may consult the Director of HR, Legal & Corporate Services in particular cases of difficulty.
- 3.11 In many cases a need to know can be presumed. However, where members wish to see documents containing confidential information, that request will need to be specifically justified if the information is to be provided.
- 3.12 Where confidential information has been shared it must only be used by the Member for the purpose for which it was provided (i.e. in connection with the proper performance of the Member's duties as a Member of the Council). It should not be circulated without the approval of the relevant Director. Failure to comply with this rule may breach the Code and, in certain circumstances may be a criminal offence.
- 3.13 There are separate rules which give members the right to information about the Council's finances.

#### ***Information Sharing and Scrutiny***

- 3.14 Scrutiny Committees have additional rights to information which are set out in the Access to Information and Decisions and Attendance at Public Meetings Rules within the Constitution. Briefly these rules enhance individual members' rights so as allow the Committee to have access to documents which contain information where that information is relevant to an action or decision which is being scrutinised or is within the Committee's work programme. This provision allows the Committee to have access to confidential or exempt information.

- 3.15 When a decision has been subject to call in, the relevant Director should produce a pack of the documents relevant to the decision which may be accessed by members of the Scrutiny Committee. Where that pack would be very large the Director should attempt to identify the most important documents and draw Members attention to these.

#### **4. Correspondence**

- 4.1 Correspondence, including e-mails, between an individual member and officer, should not normally be copied by the officer to any member, unless the member who initiated the correspondence copied it to other members in which case the officer should normally copy his correspondence to those other members.
- 4.2 Members can expect Officers to treat their correspondence with the utmost discretion. However, Officers and particularly more junior officers may need to seek advice on answering Members' queries and Directors need to be able to monitor the quality of information being supplied. For that reason correspondence may, where necessary be copied by an Officer to his /her Manager, Director, the Director of Finance and Customer Services, the Director of HR, Legal & Corporate Services, an Executive Director or the Chief Executive but should not normally be circulated more widely.

#### **5. Members roles in representing individual citizens**

5.1 Members should not normally appear before a quasi-judicial body administered by the Council to represent an individual citizen. Note separate arrangements are in place to facilitate representation for Planning & Highways Committees.

5.2 If a Member proposes to attend a meeting between an officer and a citizen, they should advise the appropriate Chief Officer in advance of this intention.

#### **6. Members involvement in respect of Family members and social care matters**

6.1 In the event that any Member's relative becomes the subject of any Policies/Procedures/Applications related to the conduct of the Council's social care responsibilities the following protocol is to be observed to allow the member to fulfil their family role aside other citizens of the Borough whilst ensuring they do not compromise their role as Councillor's.

- 1 The Member should notify the Monitoring Officer or relevant Chief Officer (DCS or DASS) and may ask for advice or clarity.
- 2 The Member must not seek to influence the Officers/Members who are conducting the proceedings on behalf of the Council – and approved processes will be followed in the same way as for any other citizen of the Borough. (See Code of Conduct references in Guidance – Appendix A).
- 3 At all times during and after the conclusion of the matter, the Member must behave in accordance with The Code of Conduct.
- 4 Dependent upon the particular circumstances of the matter and the legislative framework, the respective Chief Officer may or may not be able to share further information with the Member involved.
- 5 Dependent upon the nature of the matter, a member may request to be temporarily relieved of individual portfolio or committee/sub-committee responsibilities should they identify a potential conflict of interest.

Further information is available via a Guidance note for Members from the Monitoring Officer approved by the Standards Committee on 8<sup>th</sup> January 2015 and is attached as Appendix A to this Protocol.

## **7. Public statements and dealings with the media**

- 7.1 Officers responding to requests from the media must do so in accordance with the corporate media protocol.
- 7.2 Officers will not assist in party political publicity and all publicity issued by the Council will abide by the provisions of the Local Government Act 1986 and the Code of Conduct issued under the Local Government Act 1988.
- 7.3 When making public statements on matters affecting the Council officers should follow the following principles:
  - Statements should be made without political bias;
  - Statements should not be made where they could reasonably be regarded as bringing the Council into disrepute;

Officers should not normally express a view in public as to decisions which members ought to take. This principle does not, of course, prevent officers giving professional advice to decision making bodies. It is also not intended to prevent officers giving advice in respect of planning applications and similar matters.

**APPENDIX A**  
**ADVICE NOTE FOR MEMBERS/OFFICERS**  
**INVOLVEMENT IN RESPECT OF FAMILY MEMBERS AND SOCIAL**  
**CARE MATTERS**

Introduction

In the event that any Member's relative becomes the subject of any Policies/Procedures/Applications related to the conduct of the Council's social care responsibilities the following protocol is suggested be observed to allow the member to fulfil their family role aside other citizens of the Borough whilst ensuring they do not compromise their role as Councillor's.

- 1 The Member should notify the Monitoring Officer or relevant Chief Officer (DCS or DASS) and may ask for advice or clarity.
- 2 The Member must not seek to influence the Officers/Members who are conducting the proceedings on behalf of the Council – and approved processes will be followed in the same way as for any other citizen of the Borough. (See Code of Conduct references below).
- 3 At all times during and after the conclusion of the matter, the Member must behave in accordance with The Code of Conduct.
- 4 Dependent upon the particular circumstances of the matter and the legislative framework, the respective Chief Officer may or may not be able to share further information with the Member involved.
- 5 Dependent upon the nature of the matter, a member may request to be temporarily relieved of individual portfolio or committee/sub-committee responsibilities should they identify a potential conflict of interest.

If these arrangements are followed, this protects both the Council and the Councillor from potential challenge.

More background information:

(i) The Council

For example, looking at social case matters - The Council has certain statutory duties it must fulfil which it must do so with no favour to one citizen over another and at all times **act in the best interests** of the 'vulnerable adult' or 'child' (depending on the type of case). Clearly it must also **be seen to act all times** be act in the best interests of the 'vulnerable adult' or 'child' (depending on the type of case).

(ii) The Member

Clearly the member has a family duty and expectation placed upon them and this can be a very emotional and personally distressing time on occasions. This family event however may come into conflict with their role as Councillor given the duties placed upon the Council only briefly outlined in example in (i) above.

It would be very easy for the member to find themselves in direct conflict with the Code of Conduct if they attempt to influence (or even give the impression of seeking to influence) any formal proceeding the Council is carrying out under its statutory obligations.

The Members Code of Conduct is quite explicit in parts in this respect Paragraph 2 (See Constitution) refers:-

*"2 - Members and co-opted members must behave according to the highest standards of personal conduct in everything they do as a member. In particular they must observe the following principles of conduct, some of which are set out in law.*

*2.1 – Selflessness – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person*

*2.2 – Honestly and Integrity – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour*

*2.7 – Respect for others – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers, and its other employees.*

*2.8 – Duty to uphold the law – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.*

*2.9 – Stewardship – Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.*

*2.10 – Leadership – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.”*

The current Protocol on Member/Officer relations is also very explicit (see Constitution):

“Members can expect officers to:

*To do their job effectively and efficiently*

*To act lawfully*

*To maintain confidentiality where it is proper for them to do so*

Officers can expect of members:

*Not to become involved in the day to day management of the Council*

*Not to ask officers to breach Council policy or procedures, or to act unlawfully, or outside of the terms of their job*

*Not to exert influence or pressure, or request special treatment*

*Not to request unauthorised access to resources or information held by the council*

*To act lawfully and to maintain confidentiality when appropriate to do so”*

What else could we do to help the member and support the protocol being applied reasonably?

It would be advisable to protect the Member and Council further, to instruct another local authority to conduct the case matter in such situations like this example if they arise. This may also include should the matter require legal support, to instruct outside Council ensuring there can be no accusations of the Member not following the Code of Conduct by exerting influence on staff and also protect the social work employees from accusations that they only made case assessment decisions as they were aware of the member family relationship.

## Section 4 Key Decisions

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### Definition

The Council's constitution adopts the statutory definition of "key decision" as meaning an Executive decision, which is likely:

- a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effect on communities living or working in an area comprising two or more Wards of the Council.

### Guidance on Interpretation

#### **A. Financial significance**

1. When the Council approves the annual revenue budget each year this then acts as a decision to incur expenditure on all the matters contained in the budget. For this reason a decision which involves revenue expenditure need only be treated as key where it:
  - a. Requires a budget variation (other than one within a portfolio) of more than £250,000 or where;
  - b. The decision will have a material affect on Council services such as where:
    - i) an existing service will be substantially reduced or will cease all together.
    - ii) a service which is currently provided in house will be outsourced
    - iii) a partnership will be entered with a third party which involves an element of risk share or transfer

*This recognises that decisions on revenue expenditure are only significant financially where they represent substantial deviations from the agreed budget. This means that routine but high value expenditure can proceed without the decision being treated as key. This includes, for example, the gas supply contract, the insurance contract and major software renewal contracts. It also means that funds can be moved around within a service as well as between services.*

*The second part of the definition means that substantial changes to a service will be treated as key decisions.*

2. The Authority's capital programme provides authority to spend up to the limits agreed in that programme. Expenditure within the agreed capital programme will therefore not constitute a key decision in financial terms. Capital expenditure above that provided for in the capital programme will be treated as key if it involves a call on the Council's internal resources of more than £250,000



*Although this means that many capital projects will not need to be treated as key decisions on financial grounds careful thought must also be given as to whether the capital project will have a significant impact on the community and therefore still be a key decisions. Financial Procedure Rules set out procedures for permitting capital expenditure that involves a call on the Authority's internal resources of less than £250,000. That may be because the additional expenditure is less than that figure or because the capital expenditure is externally funded.*

The Council will also treat a decision as being key on financial grounds where:

3. It involves the acquisition or disposal of land having a value that is estimated to exceed £500,000.
4. It involves the disposal of a capital asset other than land having a value estimated to exceed £250,000
5. Its consequences are likely to result in compulsory redundancies or major changes to the terms and conditions of employment of a significant number of employees across the Council's functions.

## **B. Effect On Communities**

In deciding whether a decision is key because of its effect on communities Government guidance suggest that consideration should be given to the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity or well being of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

The following principles should particularly be taken into account:

1. A decision may affect a great number of people but not significantly and these decisions would not normally be key. For example raising charges for leisure facilities in line with inflation may affect a lot of people but the effect is unlikely to be significant and this would not be a key decision.
2. Similarly a decision may affect a number of Wards but not significantly. Such a decision would not be key. An example might be creating a new post, which works across Ward boundaries.
3. A decision that has a significant impact on communities living or working in **only one ward** should be treated as a key decision e.g. a school closure or the introduction or amendment of traffic calming measures.
4. Where a decision is only likely to have a significant impact on a very small number of people in one Ward it will not be key. The people affected should though be informed of the forthcoming decision in sufficient time for them to exercise their rights to see the relevant papers and make an input into the decision making process.

5. Consideration should be given to the level of public interest in the decision. The higher the level of interest the more likely it is that the decision should be considered to be key.
6. A decision that forms part of the development of or a change to the Policy Framework or the Budgetary Framework should be treated as key. This would include any decision, which has financial implications and which are not provided for within the revenue budget, capital programme or virement rules.
7. Where a decision forms part of a series of potential decisions not all of them will necessarily be key. For example, a decision to express an interest in a particular project without binding the Council to proceed or significantly restricting the range of options open to the Council, may not be key even where implementing the project would have very significant impact on the community

**PART 6**

**MEMBERS' ALLOWANCES SCHEME**

**MAY 2018**

## **MEMBERS' ALLOWANCES SCHEME**

### **THIS DOCUMENT FORMS PART OF THE COUNCIL'S CONSTITUTION**

#### **CONTENTS**

##### **Introduction to the Members' Allowances Scheme**

##### **Part 1: Allowances for Councillors**

##### **Part 2: Allowances for Co-optees**

##### **Part 3: Travel Allowances**

##### **Part 4: Subsistence Allowances**

##### **Appendix 1: Schedule of Members Allowances**

##### **Appendix 2: Schedule of Approved Duties**

### **Introduction**

1. This scheme requires approval by Blackburn with Darwen Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. This scheme replaces all previous Members' Allowances Schemes and applies to Members of Blackburn with Darwen Borough Council with effect from May 2018.
3. It is a requirement that this scheme be reviewed at least every four years by the Independent Remuneration Panel
4. This scheme should be read in conjunction with the provisions of the Council's Code of Conduct for Members of the Council.
5. The allowances mentioned in this scheme shall:-
  - 5.1 Be implemented from May 2018.
  - 5.2 Be up rated annually in line with the pay award for local authority NJC staff with each annual increase being reported to a Council meeting for information at the earliest opportunity.
  - 5.3 Payments made to Councillors under this Members' Allowance Scheme will be published each year.
6. Any other amendments to this scheme will be determined by the Council following receipt of recommendations from the Independent Remuneration Panel.
7.
  - 7.1 In this scheme "Councillor" means an elected member of Blackburn with Darwen Borough Council. "Year" means the period of the Municipal Year.
  - 7.2 "Co-optee" means a person (other than a Councillor) who is appointed to the membership of a Committee or Sub-Committee of the Council.

## **Part 1 – Allowances for Councillors**

### **1. Basic Allowance**

A basic allowance shall be paid to each Councillor for each year to enable them to cover the costs associated with their role as an Elected Member of Blackburn with Darwen Borough Council.

### **2. Special Responsibility Allowances**

Special Responsibility Allowance (SRA) shall be paid to those Councillors who have been appointed or recognised by the Council or have been notified to the Chief Executive by their Group as holding the special responsibilities in relation to the Authority that are specified in Appendix 1 to this scheme.

Note that only one SRA shall be paid (the highest amount), where applicable, irrespective of the number of responsibilities held.

### **3. Attendance Allowance**

No Attendance Allowance shall be payable under this scheme either for Council duties or in respect of Council appointments to Outside Bodies.

### **4. Renunciation**

A Councillor may, by notice in writing given to the Chief Executive, elect to forego any part of his or her entitlement to an allowance under this scheme. On giving such notice, the lower amount will then become payable to that Councillor until such notice is rescinded.

### **5. Part Year Entitlements**

In accordance with the requirements of the regulations, pro rata payments of Basic Allowance or Special Responsibility Allowance shall be payable to eligible Councillors in any of the following circumstances:

5.1 If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance.

5.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year.

### **6. Suspension of Allowances**

Where a Councillor is suspended wholly or partially from his or her duties, the allowances payable to that Councillor (including Basic, Special Responsibility, Travel, Subsistence and Dependent Carers/Childcare Allowance) will also be suspended in whole or in part.

### **7. Payment**

Payment of Basic and Special Responsibility Allowances shall be made in equal instalments on a monthly basis directly to a bank account under the Bankers Automated Clearing System.

**8. Travel and Subsistence Allowances**

Travel and Subsistence Allowances may be claimed by Councillors in accordance with Appendix 2 to this scheme.

[Note – subsistence expenses can only be claimed for approved duties outside of the authorities boundaries.]

**9. Dependents Carer's and Childcare Allowance**

Councillors are eligible to claim Dependents Carer's and Childcare Allowances for approved duties as set out in Appendix 2. The sum of £10 per hour for Dependent Carers and £5 per hour for Childcare will be payable.

This will not be payable where the care is provided by any other member of the Councillor's household.]

**10. Digital Councillor Package**

Councillors will be provided with appropriate IT equipment including:

Tablet refreshed in line with Council's policy to cover equipment needs and meet with the Council's data protection, information governance and security standards. This equipment is provided to facilitate digital engagement and communication and support the Councillors active participation in Council and related Council meetings. All Council meetings will utilise digital media.

A smartphone (with secure email) will be provided to Executive and Shadow Board Members and the option of a mobile phone handset for all other members.

As an alternative a member can utilise their own Tablet device and the Council will load secure e-mail and other Council related software (e.g. Modern.gov to facilitate Council meetings and other digital information exchanges).

A monthly cap of £25 on mobile phone bills will be applied in relation to Executive Members\*, and £15 for all Non-Executive Members. Any costs in excess of the set limits will be claimed back from the following month's basic allowance payment. As an alternative, a payment of £14 per month will be made for those Members choosing to use their own mobile phones.

*[\* Executive Members – exceptional circumstances (approved in advance) may allow the monthly limit for calls and data usage costs being exceeded such as occasions when Executive Members are abroad and have requirements related to their roles for international calls and higher than usual data usage costs.]*

## **Part 2 – Allowances for Co-optees**

### **Travel and Subsistence Allowances**

Travel and Subsistence Allowances may be claimed by all co-optees of Council Committees and Sub Committees in accordance with the provisions detailed in Appendix 2.

## **Part 3 – Travel Allowances**

1. These provisions apply to Councillors and co-optees on Council Committees and Sub Committees and members of the Independent Remuneration Panel. Travel allowances are only paid on journeys exclusively for the conduct of Council business.

Travelling allowances can be claimed in respect of each occasion on which one of the persons described above carries out a duty as described in Appendix 2 to this scheme.

### **2. Car Mileage**

2.1 Claims are subject to the claimant having the appropriate insurance (business use) for their car.

2.2 Mileage rates claimable at 45p per mile.

2.3 This rate is the Inland Revenue approved rate at April 2017. Should the rate change the allowance will be adjusted accordingly.

2.4 When claiming mileage the distance claimed for mileage should be the shortest most reasonable journey by road from the point of departure to the point of which the duty is performed and similarly from the duty point to the place of return.

2.5 Where Members are travelling from work for Council meetings/Council business they should only claim the mileage that they have undertaken over and above their normal journey from their place of residence to and from work. This is in accordance with Inland Revenue guidance.

2.6 Any claims for expenses should be made in accordance with paragraph 10.

### **3. Travel by Bus**

The actual cost of bus travel will be reimbursed and councillors who regularly use bus services may claim reimbursement of the cost of a Rover season ticket. This includes the purchase of an annual Rover pass. A personal contribution will be expected where some personal use of the pass is undertaken.

### **4. Travel by Taxi**

The actual cost of fare will be reimbursed. Receipts should be provided for taxi journeys.

### **5. Travel by Rail**

The actual cost of rail travel will be paid.

**6. Travel by Bicycle/Motorbike**

- a. A rate of 20p per mile will be made for the use of bicycle and a rate of 24p per mile for the use of motorbikes.
- b. These rates are the Inland Revenue approved rate at April 2017. Should the rate change the allowance will be adjusted accordingly.

**7. Using a Wheelchair**

A payment of £200 per year will be made to assist motorised wheelchair users. This provision will be reviewed in the light of experience and the needs of individual users.

**8. Longer Journeys**

When travelling longer distances e.g. to attend a conference or seminar, Democratic Services staff can make arrangements for rail tickets or other forms of transport booking which avoids members bearing the cost of fares until reimbursement is received.

**9. Car parking**

A car park pass will be issued for the Brown Street Car Park. Executive Board Members will be issued with a pass for 'B' stack of the Mall Multi-Storey car park. These passes are strictly for use by Councillors only and to be used whilst on Council business only.

Other parking charges will only be reimbursed whilst incurred in respect of approved duties (as defined in Appendix 2) outside the borough.

**10. Making Claims**

Any claims for travelling expenses should be submitted digitally through the Council's MyView system and contain all the information required including details of journey and specific duties or activities undertaken. These should be in line with the approved duties listed in Appendix 2.

Failure to provide the required level of information will unavoidably result in delays to the processing of claims and may result in claims being rejected.

**Part 4 – Subsistence Allowances**

- 4.1 Members may claim subsistence allowances in respect of approved duties undertaken outside the authority's boundaries (as set out in Appendix 2) where meals and accommodation are not otherwise provided and they have actually incurred the expenses claimed. Receipts must always be obtained and submitted with claims.



4.2 The meal allowances rates are as follows:

- Breakfast Allowance £ 5.00
- Lunch Allowance (5 hour rate) £ 5.00
- Dinner (10 hour rate) £10.00
- Late evening meal rate £15.00

4.3 Overnight accommodation must be booked through Governance Services or other Departments (as appropriate) as this will avoid the need for Members to pay directly for accommodation and enable the Council to take advantage of any preferential rates.

- Inner London - £180 per night
- Outside Inner London and the rest of the UK - £120 per night

4.4 Meals which are not provided as part of the accommodation fee or any meals not provided by the Conference, meeting or event being attended may be claimed for at the rates detailed above in paragraph 4.2.

4.5 All claims are to be submitted digitally through the Council's MyView system.

## APPENDIX ONE

### SCHEDULE OF MEMBERS' ALLOWANCES (rates last reviewed 2013/14)

Responsibility	2018/2019	No.
<b>Basic allowance</b>	£7,000.00	51
<b>Special Responsibility Allowances</b>	<b>2018/2019</b>	<b>No.</b>
<b>Leader of the Council</b>	£20,000.00	1
<b>Deputy Leaders (including Executive Member portfolio allowance)</b>	£12,000.00	2
<b>Other Executive Board Members (with portfolios)</b>	£ 7,000.00	5
<b>Assistant Executive Members</b>	£ 3,000.00	15
<b>Chair of Policy &amp; Corporate Resources Committee</b>	£ 3,900.00	1
<b>Vice Chair of Policy &amp; Corporate Resources Committee</b>	£ 1,500.00	1
<b>Scrutiny Committee Chairs</b>	£ 3,000.00	2
<b>Chair of Planning &amp; Highways Committee</b>	£ 4,900.00	1
<b>Vice Chair of Planning &amp; Highways Committee</b>	£ 1,800.00	1
<b>Chair of Licensing Committee</b>	£ 4,700.00	1
<b>Vice-Chair of Licensing Committee</b>	£ 1,700.00	1
<b>Chair of Standards Committee</b>	£ 1,500.00	1
<b>Main Opposition Leader</b>	£ 7000.00	1
<b>Main Opposition Deputy Leaders</b> (if 20% or more seats (i.e. 10 or more))	£ 2,000.00	1
<b>Opposition Spokespersons (Shadow Cabinet)</b> (The Shadow Cabinet shall include the Opposition Spokesperson for Planning & Highways Committee and Licensing Committee)	£ 1,500.00	7 (The number shall be reduced to 6 where SRA is made to an Opposition Deputy Leader,
<b>Minor Opposition Leader</b> (Subject to 10% or more seats (i.e. 5 or more))	£ 2,000.00	1
<b>Appeals Panel Members</b>	£50.00 per meeting	N/A
<b>Mayoral Allowance</b>	£12,000.00	1
<b>Deputy Mayor</b>	£ 4,000.00	1

## APPENDIX TWO

### Schedule of Approved Duties for the purpose of travel, subsistence claims (where incurred outside the authority's boundaries) and dependent carer's and childcare allowances

<b>For Members of the Council</b>
Council Forum and other meetings of Full Council.
Executive Board meetings either as a Member or an observer.
Meetings of any Committee or Sub Committee of the Council either as a member or an observer including any formal briefing meetings.
Attendance at: <ul style="list-style-type: none"> <li>• Senior Policy Teams</li> <li>• Partnership Political Leadership Group</li> <li>• Policy Development Sessions</li> <li>• Scheduled meetings with Directors to discuss Council business</li> <li>• Scheduled meetings with Portfolio holders to discuss matters relevant to their portfolio</li> <li>• Shadow Executive Board meetings</li> <li>• Other Political Group meetings convened solely to discuss Council business</li> </ul>
Attendance by an Executive Member at Council premises for the purposes of making a decision under delegated powers.
All other Council meetings and any other meeting scheduled on the Council's formal calendar of meetings, including formal briefing meetings.
Attendance at any meeting (other than one specifically mentioned in this schedule) the holding of which has been authorised by Full Council, or a Committee or Sub Committee of the Council or a joint Committee of which the Authority is a Member. Members of more than one political group must have been invited to such a meeting.
Meetings of partnership bodies like Blackburn with Darwen Strategic Partnership and meetings of any other external body to which a Councillor has been formally appointed by the Council.*
<small>*where an outside body has its own scheme for the payment of allowances, Councillors should claim travel and subsistence expenses from that body and not from the Council</small>
Opening of tenders where a member is required to be present
Conferences and Seminars (including training events organised by the Council) where attendance is authorised by the Council).
Site and premises visits relating to Council business.
Pre-arranged consultation meetings with officers of the Council.
Visits to inspect Council premises e.g. Regulation 33 visits to Children's Homes
Ward surgeries and ward visits to undertake Council business.
Parish Council meetings, Community Association meetings where Members have been invited to attend regarding Council business.
Attendance at any meeting or event as a representative of the Council where that attendance has been approved in advance by the Chief Executive.
Visits to the Town Hall to undertake essential correspondence, paperwork etc. in relation to the conduct of Council business.
<b>For Co-opted Members on Council Committees and Sub-Committees</b>
Attendance at any meeting of a Committee or Sub Committee of which the claimant is an appointed member
Any arranged visit in connection with the business of a Committee or Sub Committee including conferences, seminars, training events, tours of inspection, site visits.

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## **PART 7**

### **PETITION SCHEME**

## **PETITIONS**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

**Democratic Services  
Floor 2 Old Town Hall  
Blackburn  
BB1 7DY**

Online petitions are available.

The Council will respond to all the petitions it receives. We will be as flexible as we can when handling your petition so that it is considered quickly and in the most appropriate way.

There are three types of petitions:

- **“Ordinary” petitions**  
These must be signed by at least 6 people
- **Petitions requiring debate**  
Petitions which contain 4,200 signatures or more will be debated by the full Council.
- **Petitions to hold council employees to account**  
Petitions which call for evidence from a senior council employee and have at least 2,100 signatures will trigger that response

### **Who can submit a petition?**

Anyone who lives, works or studies in the Borough of Blackburn with Darwen.

### **What are the guidelines for submitting a petition?**

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **What will the Council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

The petition will need to be verified before any action can be taken. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply.

Where a person or organisation (or someone on their behalf) has submitted a petition which is the same or substantially the same as one submitted within the previous 12 months, this will not be accepted.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the Council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting

- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by a Council Overview and Scrutiny Committee\*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

\*Overview and Scrutiny committees are committees of Councillors who are responsible for scrutinising the work of the Council – in other words, Overview and Scrutiny committees have the power to hold the Council’s decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. The table below gives some examples.

<b>Petition subject</b>	<b>Appropriate steps</b>
Alcohol related crime and disorder	<p>If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The council’s response to your petition will set out the steps we intend to take and the reasons for taking this approach.</p>
Anti-social behaviour (ASB)	<p>As the elected representatives of your local area, as social landlord and licensing authority, the Council plays a significant role to play in tackling anti-social behaviour.</p> <p>When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood</p>



	<p>policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and crime and disorder overview and scrutiny committee to the issues highlighted in the petition.</p>
<p><b>Under-performing schools</b></p>	<p>We will consider, in consultation with local partners, all the options available to us when working with schools to secure their improvement. For example, on our behalf, the school improvement partner will play a pivotal role, challenging and brokering support for poorly performing schools. Where a school is under performing we will consider whether it is appropriate in the circumstances to issue a warning notice outlining expectations and a timeframe for the school to improve its performance standards. Other measures available to us, where schools fail to comply with a warning notice or are in an Ofsted category of notice to improve (requiring significant improvement) or special measures including; appointing additional governors, establishing an interim executive board, removal of the school's delegated budgets, requiring the school to enter into a formal contract or partnership or, only if the school is in special measures, closure.</p>
<p><b>Under-performing health services</b></p>	<p>We will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups</p>

	<p>and independently supported – their role to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). The health overview and scrutiny committee will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review.</p>
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If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible here [www.blackburn.gov.uk](http://www.blackburn.gov.uk).

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

**Full Council debates**

If a petition contains more than 4,200 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

**Officer evidence**

Your petition may ask for a senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 2,100 signatures, the relevant senior officer will give evidence at a public meeting a Council Overview and Scrutiny committee. A list of the senior staff that can be called to give evidence can be found in the Appendix. You should be aware that the Overview and Scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Scrutiny Elections and Neighbourhoods Manager (01254 585191) up to three working days before the meeting.

### **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that a Council Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

Director of Finance and Customer Services

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**PART 8**

**COUNCIL STAFF STRUCTURE**

CHIEF OFFICER/MANAGEMENT STRUCTURE TO BE INSERTED HERE



<b>REPORT OF:</b>	<b>DIRECTOR OF HR, LEGAL &amp; GOVERNANCE</b>
<b>TO:</b>	<b>ANNUAL COUNCIL</b>
<b>ON:</b>	<b>17<sup>th</sup> MAY 2018</b>

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**SUBJECT: LOCAL GOVERNMENT ELECTIONS – BLACKBURN WITH DARWEN BOROUGH COUNCIL - MAY 2018**

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## **1. PURPOSE OF THE REPORT**

To report the local election results from the local government elections held on 3<sup>rd</sup> May 2018.

## **2. RECOMMENDATIONS**

To note the results of the elections to the Council May 2018.

## **3. LOCAL ELECTIONS 2018**

Members are aware that following the Boundary Commission recommendations and approval from Government the Council now consists of 17 wards with 3 Councillors in each Ward.

On 3<sup>rd</sup> May 2018 the local elections for the 51 seats on the Council were held and the results are set out in Appendix A

## **4. POLICY IMPLICATIONS**

None

## **6. FINANCIAL IMPLICATIONS**

None

## **7. LEGAL IMPLICATIONS**

The election of 51 Councillors to represent the Borough of Blackburn with Darwen is in accordance with the Blackburn with Darwen (Electoral Changes) Order 2017 and the Constitution of the Council as set out elsewhere on this Agenda.

## **8. RESOURCE IMPLICATIONS**

None

## **9. EQUALITY IMPLICATIONS**

None

## 10. CONSULTATIONS

None

Contact Officer: David Fairclough, Director for HR Legal & Corporate Services  
(01254 585642)

Date: 2 May 2018

Background Papers: Local Government Election results 2018



**Audley & Queen`s Park**

Name of Candidate	Party	Votes
BATAN Maryam	Labour Party	1515 Elected
JAN-VIRMANI Yusuf	Labour Party	1528 Elected
KHAN Tariq	Green Party	316
HAQ, Zafar UI	The Conservative Party Candidate	308
PARKER Lee	The Conservative Party Candidate	219
SIDAT Salim	Labour Party	1484 Elected
Spoilt		18

- Turnout: 36.07%
- Total votes cast:2187

**Bastwell & Daisyfield**

Name of Candidate	Party	Votes
AKHTAR Parwaiz	Labour Party	2192 Elected
COKER Michaely	The Conservative Party Candidate	183
EASTHAM Andrew	The Conservative Party Candidate	193
HUSSAIN Iftakhar	Labour Party	2114 Elected
HUSSAIN Shaukat	Labour Party	2075 Elected
WINKLEY RIDING Francis Mathew	The Conservative Party Candidate	166
Spoilt		27

- Turnout:44.4%
- Total votes cast:2593

**Billinge & Beardwood**

Name of Candidate	Party	Votes
ALI Imtiaz	The Conservative Party Candidate	1080
DALEY Julie Margaret	The Conservative Party Candidate	1206 Elected
ESA Sabir	The Conservative Party Candidate	1159
FAZAL Tasleem	Labour Party	1273 Elected
FLOYD Jackie	Labour Party	1192 Elected
MAHMOOD Arshid	Labour Party	1182
Spoilt		48

- Turnout: 44.93%
- Total votes cast: 2641

**Blackburn Central**

Name of Candidate	Party	Votes
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AFZAL Saima	Labour Party	1174 Elected
HUSSAIN Faryad	Labour Party	1127 Elected
KHAN Zamir	Labour Party	1215 Elected
MAKDA Abdul Gaffar	The Conservative Party Candidate	326
SINDHU Rizwana	The Conservative Party Candidate	236
SZARY Filip	The Conservative Party Candidate	218
Spoilt		63

- Turnout: 29.7%
- Total votes cast: 1720

### Blackburn South & Lower Darwen

Name of Candidate	Party	Votes
GEE Denise	Conservative Party Candidate	1029 Elected
GIBSON Matt	Labour Party	645
HUMPHRYS Tony	Labour Party	624
NUTTALL Carl Peter	Labour Party	610
SLATER Jacquie	Conservative Party Candidate	1055 Elected
SLATER John Harold	Conservative Party Candidate	1014 Elected
Spoilt		36

- Turnout: 29.47%
- Total votes cast: 1675

### Blackburn South East

Name of Candidate	Party	Votes
BAMBER Joan	The Conservative Party Candidate	346
HUSSAIN Athshaam	The Conservative Party Candidate	263
KAY Andy	Labour Party	811 Elected
MADIGAN Michael Andrew	UK Independence Party (UKIP)	280
MCGURK Vicky Ellen	Labour Party	773 Elected
SHORROCK Jim	Labour Party	826 Elected
Spoilt		18

- Turnout: 23.29%
- Total votes cast: 1413

### Darwen East

Name of Candidate	Party	Votes
BROWNE Paul Nathaniel	Liberal Democrat	723
DAVIES Roy Peter	Liberal Democrat	800 Elected
OATES Jane Margaret	Labour Party	828 Elected

PERKINS Lynn	Conservative Party Candidate	293
RICHARDS Kieran Robert	Labour Party	750 Elected
SHEPHERD Katrina Louise	Labour Party	714
SLATER Ryan John David	Conservative Party Candidate	341
TOPPING Emily Kate	Conservative Party Candidate	265
Spoilt		15

- Turnout: 1801
- Total votes cast: 28.86%

### Darwen South

Name of Candidate	Party	Votes
BALL Lee Austin	Labour Party	624
CONNOR Kevin	Conservative Party Candidate	934 Elected
CRAWSHAW Morgan Ann	Labour Party	577
HEPPLE Joan	Liberal Democrats	545
HUGGILL Simon	Liberal Democrat	574
ROSE Sarah Louise	Labour Party	598
SALTON Lilian Gladys	Conservative Party Candidate	817 Elected
SLATER Neil Andrew	Conservative Party Candidate	874 Elected
Spoilt		9

- Turnout: 33.13%
- Total votes cast: 2038

### Darwen West

Name of Candidate	Party	Votes
BROOKFIELD Stephanie Rose	Labour Party	1146 Elected
GRIMSHAW Ian John	UK Independence Party (UKIP)	131
MORGAN Joe Wilson	Conservative Party Candidate	997
SMITH David	Labour Party	1344 Elected

TAPP Konrad Jan	Conservative Party Candidate	1096
TAYLOR Brian	Labour Party	1237 Elected
WALKER Andrew Stuart	Conservative Party Candidate	1056
Spoilt		10

- Turnout: 38.43%
- Total votes cast: 2495

### Ewood

Name of Candidate	Party	Votes
BATESON Maureen	Labour Party	993 Elected
CASEY Jim	Labour Party	889 Elected
GROVES Jamie	Labour Party	928 Elected
MCGARVEY Maureen	The Conservative Party Candidate	634
MURRAY Keith Vincent	The Conservative Party Candidate	680
NEEDHAM Martin	The Conservative Party Candidate	583
Spoilt		21

- Turnout: 1740
- Total votes cast: 27.87%

### Little Harwood & Whitebirk

Name of Candidate	Party	Votes
IQBAL Asad	The Conservative Party Candidate	380
MCFALL Pat	Labour Party	1550 Elected
NOONE Arlene	UK Independence Party (UKIP)	193
PATEL Abdul Samad	Labour Party	1533 Elected
PATEL Ismail	The Conservative Party Candidate	356
SURVE Naushad	Labour Party	1490 Elected
WALSH David Robert	The Conservative Party Candidate	414

Spoilt	21
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- Turnout:38.05%
- Total votes cast:2214

### Livesey with Pleasington

Name of Candidate	Party	Votes
HARDMAN Derek James	The Conservative Party Candidate	1629 Elected
HOLLINGS Pete	Labour Party	623
MARROW Paul David	The Conservative Party Candidate	1578 Elected
MASON Paul Rigby	Labour Party	560
PEARSON John Christopher	Conservative Party Candidate	1583 Elected
WHALLEY Ashley Richard	Labour Party	560
Spoilt		30

- Turnout: 38.43%
- Total votes cast:2334

### Mill Hill & Moorgate

Name of Candidate	Party	Votes
GUNN Julie Louise	Labour Party	948 Elected
LONGBOTTOM Michael	UK Independence Party (UKIP)	236
PEARSON Judith Anne	The Conservative Party Candidate	494
RUSSELL Mark	The Conservative Party Candidate	537
SMITH Jim	Labour Party	959 Elected
TALBOT Damian	Labour Party	903 Elected
TOLLEY Ann Marie Helen	The Conservative Party Candidate	510
Spoilt		3

- Turnout: 30.48%

- Total votes cast:1739

### Roe Lee

Name of Candidate	Party	Votes
AFZAL Bilal	The Conservative Party Candidate	802
ALI Asghar	The Conservative Party Candidate	783
LIDDLE Sylvia	Labour Party	1253 Elected
RILEY Phil	Labour Party	1292 Elected
TEMPERLEY Tommy	The Conservative Party Candidate	875
WHITTLE Ron	Labour Party	1222 Elected
Spoilt		33

- Turnout: 37.5%
- Total votes cast:2284

### Shear Brow & Corporation Park

Name of Candidate	Party	Votes
AKHTAR Hussain	Labour Party	1947 Elected
HUSSAIN Mahfooz	Labour Party	1547 Elected
KHONAT Suleman	Labour Party	2270 Elected
MARROW Mark	The Conservative Party Candidate	255
PATEL Muntazir		960
SAJID Naseer	The Conservative Party Candidate	325
VOEGT Helen Alexandria Roscoe	The Conservative Party Candidate	583
Spoilt		36

- Turnout: 48.97%
- Total votes cast: 2943

### Wensley Fold

Name of Candidate	Party	Votes
FIELD Robin Richard Cubitt	The Green Party	403
HARLING Dave	Labour Party	1781 Elected
KHAN Mohammed	Labour Party	1853 Elected
MAHMOOD Quesir	Labour Party	1742 Elected
MAHMOOD Tariq	The Conservative Party Candidate	415
MARROW Mags	The Conservative Party Candidate	314
SABIR Ghulam	The Conservative Party Candidate	248
Spoilt		48

- Turnout:42.37%
- Total votes cast:2502

### West Pennine

Name of Candidate	Party	Votes
EAST John	Liberal Democrat	581
HOLLINGS David John	Labour Party	648
JACKSON Matt	Labour Party	702
RIGBY Colin	Conservative and Unionist Party	1411 Elected
RIGBY Jean Valerie	Conservative and Unionist Party	1369 Elected
ROWLEY Jude David	Labour Party	697
SLATER Julie Helen	Conservative Party Candidate	1530 Elected
Spoilt		36

- Turnout: 43.87%
- Total votes cast: 2721



<b>REPORT OF:</b>	<b>CHIEF EXECUTIVE</b>
<b>TO:</b>	<b>ANNUAL COUNCIL</b>
<b>ON:</b>	<b>17<sup>th</sup> May 2018</b>

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## **COUNCIL APPOINTMENTS FOR 2018/19**

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### **1. PURPOSE OF THE REPORT**

To make Council appointments for 2018/19.

### **2. ANNUAL COUNCIL APPOINTMENTS**

At the Annual Meeting of the Council each year, Council notes the appointment of various Members as well as appointing Chairs and Vice Chairs to Committees.

The Council is requested to:

1. Note the Leader's appointment of the Executive Board Members;
2. Note the Shadow Portfolio Members; and
3. Appoint Chairs, Vice Chairs and Members to the following Committees:
  - Policy and Corporate Resources Overview and Scrutiny Committee
  - Place Overview & Scrutiny Committee
  - People Overview & Scrutiny Committee
  - Planning & Highways Committee
  - Licensing Committee
  - Audit and Governance Committee
  - Standards Committee
  - Call-in Committee
  - Charitable Funds Committee

The Licensing Committee has established Sub-Committees consisting of three members of the Committee to deal with licensing applications. A rota of Members is drawn up with the Chair or Vice Chair leading each Sub-Committee meeting.

The Call-in Committee is chaired by the Vice Chair of Policy and Corporate Resources and is made up of eight other Members,



appointed by Political Group Leaders according to the proportionality of the Council at the time. For 2018/19, the full membership is Labour 7 Conservative 2.

### **3 MEMBERSHIP OF COMMITTEES**

Members of the Executive Board cannot serve on any Overview and Scrutiny Committee.

Political parties make nominations to the Committees listed in 2 above. Places are allocated in line with the Local Government and Housing Act 1989 (ss.15-17) as regards proportionality. Political Group nominations will be circulated prior to the meeting of Annual Council.

### **4 RECOMMENDATIONS**

- 1) That Council notes the appointment of the Executive Board Members;
- 2) That Council notes the Shadow Portfolio Members;
- 3) That appointments be made to the positions detailed in Paragraph 2, subsection 3; and
- 4) That Council note the provisions relating to political balance, referred to in Paragraph 3.

(Note: That in the event the Group nominations are not available before the Annual Meeting the decisions on appointment of Members to Committees can be delegated to the Group Leaders to agree the appointments).

**Harry Catherall**  
**Chief Executive**  
**9<sup>th</sup> May 2018**

Background Papers: Council Constitution  
Contact Officers: David Fairclough (tel: 585642)  
Asad Laher (tel:585495)



<b>REPORT OF:</b>	<b>THE INDEPENDENT REMUNERATION PANEL</b>
<b>TO:</b>	<b>ANNUAL COUNCIL</b>
<b>ON:</b>	<b>17<sup>th</sup> MAY 2018</b>

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**SUBJECT: REVIEW OF THE MEMBERS ALLOWANCE SCHEME 2018/19**

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## **1. PURPOSE OF THE REPORT**

To review the current Members Allowance Scheme in the light of changes made to the Constitution reflecting the new Council Ward Structure post the Boundary Review and election of 51 Councillors to the revised Council from May 2018.

## **2. RECOMMENDATIONS**

The Annual Council is asked to consider this report and the Proposed Members Allowances Scheme 2018/19 (set out in Appendix A) and agree its introduction from May 2018 on the recommendation of the Independent Remuneration Committee.

## **3. BACKGROUND**

At Council Forum in October 2017 Members resolved that the Chief Executive advertise to refresh the Independent Remuneration Panel in readiness for the new Council Constitution in May 2018 and that the Panel once appointed provide the Council with a report outlining their recommendations for the 2018/19 Scheme at the Annual Council, i.e. the first meeting of the new Council.

## **4. REVIEW OF THE SCHEME**

Following the resolution of the Council an advert was placed to refresh the Panel. The new Panel was subsequently appointed and met twice in April 2018 to consider a revised Scheme reflecting the changes to the Council due in May 2018 and the impact this would have on the roles and responsibility of Councillors elected to the new Wards.

The refreshed Panel was Ian Woolley, ex Chair of a Local Health Authority and Retired Managing Director of a Local Pharmaceutical Business. (Mr Woolley was also a previous member and Chair of the Panel). Graham Burgess. ex local authority Chief Executive and current Chair of Blackburn with Darwen CCG, Alan Cotton, retired Local Government Senior Executive (and previous IRP Panel Member) and Nicola Clayton, Director of Business Development and External Engagement, Blackburn College/Chair of BID. The Panel once again elected Ian Woolley to be Chair. The Panel met with the Chief Executive and the Monitoring Officer and also with the Deputy Chief Executive. The Panel received a range of information in advance of their meetings as follows:

- (i) A full copy and explanation from Officers (as above) of the existing Member Allowance Scheme from 2013.
- (ii) A summary profile of the key allowances paid by other Local Authorities across the region.
- (iii) Information with regards to the responsibilities of various Members roles in the Council – as per the Council Constitution with clarifications from officers present.
- (iv) Information on the numbers, types and responsibilities of internal and external meetings and appointments to various bodies.
- (v) The Training Plan for Members to assess and gauge the range of training required to undertake the role of a modern Councillor effectively.
- (vi) Maps of the new Wards to understand the size and demography of the revised Council structure and the impact on elected Member roles and responsibilities.
- (vii) The written views of party leaders as submitted in respect of their thoughts on the review of the Member Allowance Scheme.

## **5. FINDINGS OF THE PANEL**

The Panel found that the current Scheme should be amended in the light of the changes to the Council and the Structure of Allowances should also be modernised and simplified.

### Basic Allowance

The Panel considered that with the Blackburn with Darwen basic allowance generally being lower than that of similar size council's across the region this should be uplifted.

The Panel also considered the structure of what the Allowance was for and considered in the digital age, there is an expectation that Members should embrace digital solutions and encourage engagement through these channels as well as the more traditional approaches to their work. To recognise this the Panel felt separate allowances for 'broadband' and computer consumables etc. should be removed and assumed into the basic allowance for all members.

Similarly the basic allowance should be sufficient to expect all Councillors to take on active roles within Groups or on Committees/Panels.

For this reason the Panel considered the small and often notional allowances should be ceased with these also being assumed going forward as covered by an uplifted basic allowance.

The Panel felt compelled in the current financial climate to take due care to not impose undue financial burden on the Council by proposing a major increase in the basic allowance, despite the current level being significantly lower than most other Local

Authorities across the region. The Panel however felt it needed to recognise that Councillors in Blackburn with Darwen have an often challenging role. The current agreed allowance had also been frozen for some time by the general public sector pay freeze of recent years which had led to little change in recent years. Nevertheless with pay awards now generally being agreed across the sector, the Panel considered now was the time to re-dress some of the imbalance between Blackburn with Darwen Borough Councillor's allowances and those of regional counterparts.

### **Senior Responsibility Allowances**

In the current scheme there are a number of small allowances for roles which the Panel considered could be covered by a general rise in the Basic Allowance for all Members (as above).

The Panel considered that by investing in the basic allowance all Members should then be encouraged to fully participate in additional roles across the Council, in particular acting as vice chairs to the non-statutory committees.

It was also considered by the Panel that allowances for Non-Unitary Council Councillors should cease as the roles they undertake should be seen as independent of the Council's direct influence.

The Panel were informed that the Council has moved over the years since the last review to include roles of Assistant Executive Members (referenced as Lead Members in the Current Scheme). These Assistant Executive Members will take on lead spokesperson responsibilities especially given the size and range of the portfolio responsibilities of an Executive Member (with portfolio) in the new enlarged Council areas/wards. Reflecting the wider range of responsibilities the number of these allowances have been increased. The Panel now therefore do not consider going forward the current practice of this allowance being shared in some instance, will be necessary and the amount to be paid is considered to be more reflective of the role to be played.

A similar increase in value for the Opposition Spokesperson (Shadow Cabinet) is also suggested, however given these Councillors do not take direct responsibility or accountability for the services in the portfolios, the Panel did not consider the retention of separate allowances for Opposition Shadow Lead Members, could be justified. Similar to the other minor allowances in the existing scheme the Panel considered the increase in the basic allowance would suffice as an appropriate reflection of these Councillors taking an engaged role in Council business.

The Panel noted that Appeals Panels were relatively infrequent and felt that it should be a role widely available to Members and therefore they have proposed a fixed fee per meeting. Leaders of respective parties would in future be asked to nominate participants as and when required.

The Panel was particularly cognisant of the role of Mayor and the level of time and commitment to this role. For this reason, whereas there is a general rise in the main SRA's, the Panel considered the Mayor's payment and to a degree the Deputy Mayor's payment, should be increased more significantly in comparison to other roles.

The Panel also considered the roles of Chair and Vice Chairs of Planning and Highways Committee and Licensing Committee should also be enhanced beyond the general approach taken. Both committees are statutory in nature and actively and require significant time and related work to function effectively.

The Panel also considered the current allowance for the Minor Opposition Leader and considered this should be subject to a minimum 'group' of 5 members (10%) of the Council Member number.

### **Travel and Subsistence Allowances**

The Panel made minor changes to the Travel Allowance Scheme to ensure the payments for subsistence allowances were in line with those available to employees of the Council and proposed travelling expenses be based on Inland Revenue rates. The Panel agreed these respective allowances should be linked to the respective employee rates and Inland Revenue rates on an ongoing basis throughout the life of this proposed new scheme. In this context the Panel confirmed the allowances now proposed should be subject to uprating annually in line with the pay award for local authority NJC staff or Inland Revenue mileage rates as appropriate.

## **6. POLICY IMPLICATIONS**

Local Authorities are required by The Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel to make recommendations on the level of basic and special responsibility allowances and associated matter that are paid to Councillors. This report fulfils this duty and establishes the Council's Policy for the Members Allowances Scheme from 2018/19.

## **7. FINANCIAL IMPLICATIONS**

The cost of the proposals set out in this report by the Independent Remuneration Panel is £26,500 and these costs can be contained in the 2018/19 revenue budget

## **8. LEGAL IMPLICATIONS**

Local Authorities are required by The Local Authorities (Members Allowances) (England) Regulations 2003 to establish and maintain an Independent Remuneration Panel. The Panel has to produce a report making recommendations in accordance with the regulations. The proposals in this report meet this duty by presenting the Independent Remuneration Panel's recommendations on a revised Members Allowance Scheme for the Council. The Council must consider the recommendations in determining the Member Allowances Scheme from 2018/19 onwards.

## **9. RESOURCE IMPLICATIONS**

The payment of Member Allowances is currently incorporated in the Functions of Governance Services and delivered through the Council's HR & Payroll Services. The

allowances and expenses are paid via a modern digitised and automated service to minimise administrative costs to the Council.

## **10. EQUALITY IMPLICATIONS**

Not applicable, all allowances and expenses are paid to the Councillors holding the respective office/role irrespective of any characteristics ad defined in equalities legislation.

## **11. CONSULTATIONS**

As set out in the report, the Independent Remuneration Panel is drawn from open advertisement and their recommendations are presented in full to the Council for Consideration.

### **Chief Officer/Member**

Contact Officer:	David Fairclough
Date:	25 April 2018
Background Papers:	Papers for IRP April 2018 meetings c/o Monitoring Officer, Blackburn with Darwen BC.

**PART 6**

**MEMBERS' ALLOWANCES SCHEME**

**MAY 2018**

## **MEMBERS' ALLOWANCES SCHEME**

### **THIS DOCUMENT FORMS PART OF THE COUNCIL'S CONSTITUTION**

#### **CONTENTS**

##### **Introduction to the Members' Allowances Scheme**

##### **Part 1: Allowances for Councillors**

##### **Part 2: Allowances for Co-optees**

##### **Part 3: Travel Allowances**

##### **Part 4: Subsistence Allowances**

##### **Appendix 1: Schedule of Members Allowances**

##### **Appendix 2: Schedule of Approved Duties**

### **Introduction**

1. This scheme requires approval by Blackburn with Darwen Borough Council in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. This scheme replaces all previous Members' Allowances Schemes and applies to Members of Blackburn with Darwen Borough Council with effect from May 2018.
3. It is a requirement that this scheme be reviewed at least every four years by the Independent Remuneration Panel
4. This scheme should be read in conjunction with the provisions of the Council's Code of Conduct for Members of the Council.
5. The allowances mentioned in this scheme shall:-
  - 5.1 Be implemented from May 2018.
  - 5.2 Be up rated annually in line with the pay award for local authority NJC staff with each annual increase being reported to a Council meeting for information at the earliest opportunity.
  - 5.3 Payments made to Councillors under this Members' Allowance Scheme will be published each year.
6. Any other amendments to this scheme will be determined by the Council following receipt of recommendations from the Independent Remuneration Panel.
7. 7.1 In this scheme "Councillor" means an elected member of Blackburn with Darwen Borough Council. "Year" means the period of the Municipal Year.  
  
7.2 "Co-optee" means a person (other than a Councillor) who is appointed to the membership of a Committee or Sub-Committee of the Council.



## **Part 1 – Allowances for Councillors**

### **1. Basic Allowance**

A basic allowance shall be paid to each Councillor for each year to enable them to cover the costs associated with their role as an Elected Member of Blackburn with Darwen Borough Council.

### **2. Special Responsibility Allowances**

Special Responsibility Allowance (SRA) shall be paid to those Councillors who have been appointed or recognised by the Council or have been notified to the Chief Executive by their Group as holding the special responsibilities in relation to the Authority that are specified in Appendix 1 to this scheme.

Note that only one SRA shall be paid (the highest amount), where applicable, irrespective of the number of responsibilities held.

### **3. Attendance Allowance**

No Attendance Allowance shall be payable under this scheme either for Council duties or in respect of Council appointments to Outside Bodies.

### **4. Renunciation**

A Councillor may, by notice in writing given to the Chief Executive, elect to forego any part of his or her entitlement to an allowance under this scheme. On giving such notice, the lower amount will then become payable to that Councillor until such notice is rescinded.

### **5. Part Year Entitlements**

In accordance with the requirements of the regulations, pro rata payments of Basic Allowance or Special Responsibility Allowance shall be payable to eligible Councillors in any of the following circumstances:

5.1 If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance.

5.2 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year.

### **6. Suspension of Allowances**

Where a Councillor is suspended wholly or partially from his or her duties, the allowances payable to that Councillor (including Basic, Special Responsibility, Travel, Subsistence and Dependent Carers/Childcare Allowance) will also be suspended in whole or in part.

**7. Payment**

Payment of Basic and Special Responsibility Allowances shall be made in equal instalments on a monthly basis directly to a bank account under the Bankers Automated Clearing System.

**8. Travel and Subsistence Allowances**

Travel and Subsistence Allowances may be claimed by Councillors in accordance with Appendix 2 to this scheme.

[Note – subsistence expenses can only be claimed for approved duties outside of the authorities boundaries.]

**9. Dependents Carer's and Childcare Allowance**

Councillors are eligible to claim Dependents Carer's and Childcare Allowances for approved duties as set out in Appendix 2. The sum of £10 per hour for Dependent Carers and £5 per hour for Childcare will be payable.

This will not be payable where the care is provided by any other member of the Councillor's household.]

**10. Digital Councillor Package**

Councillors will be provided with appropriate IT equipment including:

Tablet refreshed in line with Council's policy to cover equipment needs and meet with the Council's data protection, information governance and security standards. This equipment is provided to facilitate digital engagement and communication and support the Councillors active participation in Council and related Council meetings. All Council meetings will utilise digital media.

A smartphone (with secure email) will be provided to Executive and Shadow Board Members and the option of a mobile phone handset for all other members.

As an alternative a member can utilise their own Tablet device and the Council will load secure e-mail and other Council related software (e.g. Modern.gov to facilitate Council meetings and other digital information exchanges).

A monthly cap of £25 on mobile phone bills will be applied in relation to Executive Members\*, and £15 for all Non-Executive Members. Any costs in excess of the set limits will be claimed back from the following month's basic allowance payment. As an alternative, a payment of £14 per month will be made for those Members choosing to use their own mobile phones.

*[\* Executive Members – exceptional circumstances (approved in advance) may allow the monthly limit for calls and data usage costs being exceeded such as occasions when Executive Members are abroad and have requirements related to their roles for international calls and higher than usual data usage costs.]*

## **Part 2 – Allowances for Co-optees**

### **Travel and Subsistence Allowances**

Travel and Subsistence Allowances may be claimed by all co-optees of Council Committees and Sub Committees in accordance with the provisions detailed in Appendix 2.

## **Part 3 – Travel Allowances**

1. These provisions apply to Councillors and co-optees on Council Committees and Sub Committees and members of the Independent Remuneration Panel. Travel allowances are only paid on journeys exclusively for the conduct of Council business.

Travelling allowances can be claimed in respect of each occasion on which one of the persons described above carries out a duty as described in Appendix 2 to this scheme.

### **2. Car Mileage**

- 2.1 Claims are subject to the claimant having the appropriate insurance (business use) for their car.

- 2.2 Mileage rates claimable at 45p per mile.

- 2.3 This rate is the Inland Revenue approved rate at April 2017. Should the rate change the allowance will be adjusted accordingly.

- 2.4 When claiming mileage the distance claimed for mileage should be the shortest most reasonable journey by road from the point of departure to the point of which the duty is performed and similarly from the duty point to the place of return.

- 2.5 Where Members are travelling from work for Council meetings/Council business they should only claim the mileage that they have undertaken over and above their normal journey from their place of residence to and from work. This is in accordance with Inland Revenue guidance.

- 2.6 Any claims for expenses should be made in accordance with paragraph 10.

### **3. Travel by Bus**

The actual cost of bus travel will be reimbursed and councillors who regularly use bus services may claim reimbursement of the cost of a Rover season ticket. This includes the purchase of an annual Rover pass. A personal contribution will be expected where some personal use of the pass is undertaken.

### **4. Travel by Taxi**

The actual cost of fare will be reimbursed. Receipts should be provided for taxi journeys.

### **5. Travel by Rail**

The actual cost of rail travel will be paid.

## **6. Travel by Bicycle/Motorbike**

6.1 A rate of 20p per mile will be made for the use of bicycle and a rate of 24p per mile for the use of motorbikes.

6.2 These rates are the Inland Revenue approved rate at April 2017. Should the rate change the allowance will be adjusted accordingly.

## **7. Using a Wheelchair**

A payment of £200 per year will be made to assist motorised wheelchair users. This provision will be reviewed in the light of experience and the needs of individual users.

## **8. Longer Journeys**

When travelling longer distances e.g. to attend a conference or seminar, Democratic Services staff can make arrangements for rail tickets or other forms of transport booking which avoids members bearing the cost of fares until reimbursement is received.

## **9. Car parking**

A car park pass will be issued for the Brown Street Car Park. Executive Board Members will be issued with a pass for 'B' stack of the Mall Multi-Storey car park. These passes are strictly for use by Councillors only and to be used whilst on Council business only.

Other parking charges will only be reimbursed whilst incurred in respect of approved duties (as defined in Appendix 2) outside the borough.

## **10. Making Claims**

Any claims for travelling expenses should be submitted digitally through the Council's MyView system and contain all the information required including details of journey and specific duties or activities undertaken. These should be in line with the approved duties listed in Appendix 2.

Failure to provide the required level of information will unavoidably result in delays to the processing of claims and may result in claims being rejected.

## **Part 4 – Subsistence Allowances**

4.1 Members may claim subsistence allowances in respect of approved duties undertaken outside the authority's boundaries (as set out in Appendix 2) where meals and accommodation are not otherwise provided and they have actually incurred the expenses claimed. Receipts must always be obtained and submitted with claims.

4.2 The meal allowances rates are as follows:

- Breakfast Allowance £ 5.00
- Lunch Allowance (5 hour rate) £ 5.00
- Dinner (10 hour rate) £10.00
- Late evening meal rate £15.00

4.3 Overnight accommodation must be booked through Governance Services or other Departments (as appropriate) as this will avoid the need for Members to pay directly for accommodation and enable the Council to take advantage of any preferential rates.

- Inner London - £180 per night
- Outside Inner London and the rest of the UK - £120 per night

4.4 Meals which are not provided as part of the accommodation fee or any meals not provided by the Conference, meeting or event being attended may be claimed for at the rates detailed above in paragraph 4.2.

4.5 All claims are to be submitted digitally through the Council's MyView system.

## APPENDIX ONE

### SCHEDULE OF MEMBERS' ALLOWANCES (rates last reviewed 2013/14)

Responsibility	2018/2019	No.
<b>Basic allowance</b>	£7,000.00	51
<b>Special Responsibility Allowances</b>	<b>2018/2019</b>	<b>No.</b>
<b>Leader of the Council</b>	£20,000.00	1
<b>Deputy Leaders (including Executive Member portfolio allowance)</b>	£12,000.00	2
<b>Other Executive Board Members (with portfolios)</b>	£ 7,000.00	5
<b>Assistant Executive Members</b>	£ 3,000.00	15
<b>Chair of Policy &amp; Corporate Resources Committee</b>	£ 3,900.00	1
<b>Vice Chair of Policy &amp; Corporate Resources Committee</b>	£ 1,500.00	1
<b>Scrutiny Committee Chairs</b>	£ 3,000.00	2
<b>Chair of Planning &amp; Highways Committee</b>	£ 4,900.00	1
<b>Vice Chair of Planning &amp; Highways Committee</b>	£ 1,800.00	1
<b>Chair of Licensing Committee</b>	£ 4,700.00	1
<b>Vice-Chair of Licensing Committee</b>	£ 1,700.00	1
<b>Chair of Standards Committee</b>	£ 1,500.00	1
<b>Main Opposition Leader</b>	£ 7000.00	1
<b>Main Opposition Deputy Leaders</b> (if 20% or more seats (i.e. 10 or more))	£ 2,000.00	1
<b>Opposition Spokespersons (Shadow Cabinet)</b> (The Shadow Cabinet shall include the Opposition Spokesperson for Planning & Highways Committee and Licensing Committee)	£ 1,500.00	7 (The number shall be reduced to 6 where SRA is made to an Opposition Deputy Leader,
<b>Minor Opposition Leader</b> (Subject to 10% or more seats (i.e. 5 or more))	£ 2,000.00	1
<b>Appeals Panel Members</b>	£50.00 per meeting	N/A
<b>Mayoral Allowance</b>	£12,000.00	1
<b>Deputy Mayor</b>	£ 4,000.00	1

## APPENDIX TWO

### Schedule of Approved Duties for the purpose of travel, subsistence claims (where incurred outside the authority's boundaries) and dependent carer's and childcare allowances

<b>For Members of the Council</b>
Council Forum and other meetings of Full Council.
Executive Board meetings either as a Member or an observer.
Meetings of any Committee or Sub Committee of the Council either as a member or an observer including any formal briefing meetings.
Attendance at: <ul style="list-style-type: none"> <li>• Senior Policy Teams</li> <li>• Partnership Political Leadership Group</li> <li>• Policy Development Sessions</li> <li>• Scheduled meetings with Directors to discuss Council business</li> <li>• Scheduled meetings with Portfolio holders to discuss matters relevant to their portfolio</li> <li>• Shadow Executive Board meetings</li> <li>• Other Political Group meetings convened solely to discuss Council business</li> </ul>
Attendance by an Executive Member at Council premises for the purposes of making a decision under delegated powers.
All other Council meetings and any other meeting scheduled on the Council's formal calendar of meetings, including formal briefing meetings.
Attendance at any meeting (other than one specifically mentioned in this schedule) the holding of which has been authorised by Full Council, or a Committee or Sub Committee of the Council or a joint Committee of which the Authority is a Member. Members of more than one political group must have been invited to such a meeting.
Meetings of partnership bodies like Blackburn with Darwen Strategic Partnership and meetings of any other external body to which a Councillor has been formally appointed by the Council.*
<small>*where an outside body has its own scheme for the payment of allowances, Councillors should claim travel and subsistence expenses from that body and not from the Council</small>
Opening of tenders where a member is required to be present
Conferences and Seminars (including training events organised by the Council) where attendance is authorised by the Council).
Site and premises visits relating to Council business.
Pre-arranged consultation meetings with officers of the Council.
Visits to inspect Council premises e.g. Regulation 33 visits to Children's Homes
Ward surgeries and ward visits to undertake Council business.
Parish Council meetings, Community Association meetings where Members have been invited to attend regarding Council business.
Attendance at any meeting or event as a representative of the Council where that attendance has been approved in advance by the Chief Executive.
Visits to the Town Hall to undertake essential correspondence, paperwork etc. in relation to the conduct of Council business.
<b>For Co-opted Members on Council Committees and Sub-Committees</b>
Attendance at any meeting of a Committee or Sub Committee of which the claimant is an appointed member
Any arranged visit in connection with the business of a Committee or Sub Committee including conferences, seminars, training events, tours of inspection, site visits.







**REPORT TO: ANNUAL COUNCIL**  
**FROM: CHIEF EXECUTIVE**  
**DATE: 17<sup>th</sup> May 2018**

**PORTFOLIOS AFFECTED: All**

**WARDS AFFECTED: All**

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<b>TITLE OF REPORT</b>	<b>THE MAYORALTY</b>
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## **1. PURPOSE**

To consider arrangements for the nominations to office of Mayor and Deputy Mayor following the Elections in May 2018.

## **2. RECOMMENDATIONS**

The Annual Council:

1. Confirms the agreement of council Forum in December 2017 for Councillor Pat McFall to be Mayor of the Borough for 2018/19
2. Agrees the revised rotation arrangements for the nomination of future Mayors and Deputy Mayors as set out in this report

## **3. BACKGROUND**

Annual Council formally appoints Members of the Council to the office of Mayor and Deputy Mayor for the forthcoming Municipal year. The Member appointed to the position of Deputy Mayor is normally appointed to the office of Mayor in the following year.

At previous meetings of the Council Forum it has been agreed that the rotation of the nomination to the Office of Mayor between the political groups be based on proportionality of the Council, and an agreed rotation would be set for the next five years.

The existing rotation agreement ends in 2018/19 and the Council Forum at their meeting December 2017 agreed that current Deputy Mayor become Mayor (subject to her re-election) in 2018/19 and requested the Annual Council in May 2018 to determine the rotation arrangements for 2019/20 onwards.

The proportionality of the Council following the local elections is as follows:

Labour	37 Seats (72.5%)	<b>Page 321</b>
Conservative	13 Seats (25.5%)	
Liberal Democrat	1 Seat (2%)	

It is therefore suggested that the rotation for the next 5 years be determined as follows:

2018/19 Labour  
2019/20 Labour  
2020/21 Labour  
2021/22 Conservative  
2022/23 Labour

It is suggested that the Leader present a report on the appointment of the Mayor as in previous years to the Annual Council, and in the event that the proportionality of the Council changes going forward in a way that would affect the nomination of Mayor for a particular year, a report on this matter would be submitted for Council's consideration.

In accordance with the above and as previously agreed at Council Forum in December 2017, it would be for the Labour Group to nominate the Mayor for 2018, who in line with usual practice would be the serving Deputy Mayor, which in this case is Councillor Pat McFall.

#### **4. FINANCIAL IMPLICATIONS**

The Office of Mayor is funded from the Council's annual budget..

#### **5. LEGAL IMPLICATIONS**

The Office of Mayor is provided for in the Council's Constitution.

#### **6. RESOURCE IMPLICATIONS**

None

#### **7. EQUALITY IMPLICATIONS**

None

#### **8. CONSULTATIONS**

None

Contact Officer: David Fairclough, Director for HR Legal & Corporate Services (01254 585642)

Date: 9th May 2018

Background Papers: None



<b>REPORT OF:</b>	<b>CHIEF EXECUTIVE</b>
<b>TO:</b>	<b>ANNUAL COUNCIL</b>
<b>ON:</b>	<b>17<sup>th</sup> May 2018</b>

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## APPOINTMENTS TO VARIOUS BODIES, GROUPS AND PANELS 2018/19

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### 1. PURPOSE OF THE REPORT

To request the Council to consider the appointment of representatives to serve on various Bodies, Groups and Panels.

### 2. BACKGROUND

The Council Constitution provides the Council with authority to appoint representatives to Outside Bodies. The Council is asked to consider nominations to the Outside Bodies, and Blackburn with Darwen Borough Council Partnership Bodies.

### 3. APPOINTMENTS

#### Outside Bodies

At the Annual Council Meeting on 21<sup>st</sup> June 2001 the following was approved in relation to Outside Body appointments (Minute 13 refers):-

*This Council believes that when considering appointments to Outside Bodies it should seek to reflect the political composition of the Council as closely as possible.*

*It therefore resolves that, with the exclusion of those nominations made by reference to political office (that is Leader of the Council, Leaders of the Political Groups, Executive Board Members, Chairs of Committees or their nominees) or to the Mayor and Deputy, appointments be made on the following basis:-*

1. *When there is only one representative it is from the controlling Group.*
2. *Where there is more than one representative the places are allocated in the same proportion as the political composition of the Council.*
3. *That discussions take place between representatives of all political Groups at the start of the Council Year to agree the allocation of seats in accordance with (1) and (2).*

*4. When seats become vacant during the Council Year, the political party allocated the seat in (3) has the right to nominate a replacement.*

As referenced below in the recommendations when the Outside Bodies list has been agreed it will be submitted to the next available Council meeting.

### **Blackburn with Darwen Borough Council Partnership Bodies**

Members of the Council serve on various partnership bodies. Appointments to these may be determined by the constitution of the body concerned, or have been made previously by the Executive or an appropriate Committee of the Council.

If the political Group nominations are available they will be circulated before the Annual Meeting.

### **Appeals and other bodies**

The Council is asked to establish a panel of fifteen members to form an Appeals Panel to consider, in accordance with the Constitution and any statutory provisions:

- Discretionary Grant, School and Post School Transport Appeals
- Social Services Review Panel
- Any other Appeals as appropriate

If the Political Group nominations are available they will be circulated before the Annual Meeting.

## **4. RECOMMENDATIONS**

4.1 That in the first instance, (as is usual practice) each of the organisations listed on the outside bodies, and partnership bodies list is contacted to establish;

That their Terms Of Reference / Articles Of Association have not changed and still require Council Representation in the same capacity, for the same tenure, and what added value will be mutually brought by such engagement. Subject to which;

4.2 That following the process outlined in Section 3 above, nominations will be confirmed as the Council's representatives to serve until the end of the current Municipal Year; or if a longer period of office is shown, until that date; unless during the Municipal Year the Leader amends the appointments to take account of changed requirements.

4.3 That fifteen Members be appointed to serve on the panel of Members to deal with appeals.

(Note: As is usual practice, the decisions on representation can be delegated to the Group Leaders to agree the appointments. The nominations to the Lancashire Combined Fire Authority will need to be agreed so that appointments can be affected by the Clerk to the Authority as soon as possible).

**Harry Catherall**  
**Chief Executive**  
**10<sup>th</sup> May 2017**

Background Papers:  
Contact :

Outside Bodies File  
Phil Llewellyn ( Tel 585369)  
Asad Laher (Tel 585495)

# Year Planner 2018-2019

Please note that all meeting dates are subject to change

9<sup>th</sup> May 2018

## YEAR PLANNER 2018

	May	June	July	August	September	October
Monday						1
Tuesday	1 <b>DTC</b>					2 <b>DTC SACRE</b>
Wednesday	2			1		3
Thursday	3 Elections			2		4 <b>CI</b>
Friday	4 Election Count	1 Half Term Ends		3		5
Saturday	5	2		4	1	6
Sunday	6	3	1	5	2	7
Monday	7 May Day BH	4 Schools Reopen	2	6	3 <b>PEOPLE OSC</b> Schools Reopen	8
Tuesday	8 <b>GLSC</b>	5 <b>DTC SACRE</b>	3 <b>GLSC</b>	7 <b>DTC</b>	4 <b>DTC</b>	9 <b>GLSC</b>
Wednesday	9	6	4	8	5	10
Thursday	10	7	5 <b>EB</b>	9 <b>EB</b>	6	11 <b>EB</b>
Friday	11	8	6	10	7	12
Saturday	12	9	7	11	8	13
Sunday	13	10	8	12	9 Rosh HaShannah	14
Monday	14 New Member Induction	11 <b>PEOPLE OSC</b>	9	13	10 <b>PLACE OSC</b>	15
Tuesday	15 Ramadan starts	12 <b>GLSC</b>	10	14 <b>GLSC</b>	11 <b>GLSC</b>	16 <b>LASC AUD</b>
Wednesday	16	13	11	15	12	17 <b>CI/T</b>
Thursday	17 <b>AC</b>	14 <b>EB</b>	12 <b>PH</b>	16 <b>PH</b>	13 <b>EB</b>	18 <b>PH</b>
Friday	18	15 Eid al Fitr	13	17	14	19 School Closes – Half Term
Saturday	19	16	14	18	15	20
Sunday	20 Civic Sunday	17	15	19	16	21
Monday	21	18 <b>PLACE OSC</b>	16	20	17	22 Half Term Starts
Tuesday	22	19 <b>LASC</b> <b>HWB</b>	17	21 <b>LASC</b>	18	23
Wednesday	23	20 <b>CI/T</b>	18 <b>L CI/T</b>	22 <b>CI/T</b> Eid al Adha	19 <b>CI/T</b> Yom Kippur	24
Thursday	24 <b>PH</b>	21 <b>PH</b>	19 <b>CI</b>	23	20 <b>PH</b>	25 <b>SC</b>
Friday	25 School Closes – Half Term	22	20 School Closes – Summer Holidays	24	21	26 Half Term Ends
Saturday	26	23	21	25	22	27
Sunday	27	24	22	26	23	28
Monday	28 Spring Bank BH Half Term Starts	25 <b>RESOURCES OSC</b>	23 Summer Holidays Start	27 August BH	24 <b>RESOURCES OSC</b>	29 Schools Reopen
Tuesday	29	26 <b>DTC</b>	24 <b>AUD</b>	28	25 <b>HWB</b>	30 <b>L</b>
Wednesday	30	27 <b>SC</b>	25	29	26	31
Thursday	31	28	26	30	27	
Friday		29	27	31 Summer Holidays End	28	
Saturday		30	28		29	
Sunday			29		30	
Monday			30			
Tuesday			31			

## YEAR PLANNER 2018/2019

	November	December	January	February	March	April
Monday						1
Tuesday			1 New Years Day			2 <b>DTC</b>
Wednesday			2			3
Thursday	1		3			4
Friday	2		4	1	1	5 Schools Close - Easter
Saturday	3	1	5	2	2	6
Sunday	4	2	6	3	3	7
Monday	5	3 <b>PEOPLE OSC</b>	7 Schools Reopen	4	4 <b>PEOPLE OSC</b>	8 Easter Holiday Start
Tuesday	6 <b>DTC</b>	4 <b>DTC</b>	8 <b>GLSC DTC</b>	5 <b>DTC SACRE</b>	5 <b>DTC HWB</b>	9 <b>GLSC</b>
Wednesday	7 Diwali	5	9 <b>SC</b>	6	6 Ash Wednesday	10
Thursday	8 <b>EB</b>	6 <b>PC</b>	10 <b>EB</b>	7	7	11 <b>EB</b>
Friday	9	7	11	8	8	12
Saturday	10	8	12	9	9	13
Sunday	11 Remembrance Sunday	9	13	10	10	14
Monday	12	10 <b>PLACE OSC</b>	14	11	11 <b>PLACE OSC</b>	15
Tuesday	13 <b>GLSC</b>	11 <b>GLSC HWB</b>	15 <b>AUD</b>	12 <b>GLSC</b>	12 <b>GLSC</b>	16 <b>LASC AUD</b>
Wednesday	14	12	16 <b>CI/T</b>	13	13	17
Thursday	15 <b>PH</b>	13 <b>EB</b>	17 <b>PH</b>	14 <b>EB</b>	14 <b>EB</b>	18 <b>PH</b>
Friday	16	14	18	15 School Closes – Half Term	15	19 Good Friday BH Easter Holidays End
Saturday	17	15	19	16	16	20
Sunday	18	16	20	17	17	21 Easter Sunday
Monday	19	17 <b>RESOURCES OSC</b>	21	18 Half Term Starts	18 <b>SC</b>	22 Easter Monday BH
Tuesday	20	18 <b>LASC</b>	22	19 <b>LASC</b>	19	23 Schools Reopen
Wednesday	21 <b>CI/T</b>	19 <b>CI/T</b>	23 <b>L CI/T</b>	20 <b>CI/T</b>	20 <b>CI/T</b>	24 <b>L CI/T</b>
Thursday	22	20 <b>PH</b>	24 <b>CF</b>	21 <b>PH</b>	21 <b>PH</b>	25
Friday	23	21 School Closes – Christmas	25	22 Half Term Ends	22	26
Saturday	24	22	26	23	23	27
Sunday	25	23	27	24	24	28
Monday	26	24 Christmas Eve	28	25 <b>FC</b> Schools Reopen	25 <b>RESOURCES OSC</b>	29
Tuesday	27	25 Christmas Day	29	26	26	30
Wednesday	28	26 Boxing Day	30	27	27	
Thursday	29	27	31	28	28 <b>CF</b>	
Friday	30	28			29	
Saturday		29			30	
Sunday		30			31	
Monday		31 New Years Eve				
Tuesday						
Wednesday						



## YEAR PLANNER 2019

	May	June	KEY
Monday			<b><u>Council, Executive and Council Committee Meetings</u></b>
Tuesday			<b>AC</b> – Annual Council 6.00 pm
Wednesday	1		<b>FC</b> – Finance Council 6.00 pm
Thursday	2 Elections		<b>CF</b> – Council Forum 6.00 pm
Friday	3 Election Count		<b>PC</b> – Policy Council 6.00 pm
Saturday	4	1	<b>EB</b> – Executive Board 6.00 pm
Sunday	5	2	<b>PH</b> – Planning & Highways Committee 6.30 pm
Monday	6 May Day Ramadan	3 <b>PEOPLE OSC</b> Schools Reopen	<b>AUD</b> – Audit and Governance Committee 5.45 pm
Tuesday	7 <b>DTC</b>	4 <b>DTC SACRE</b> Eid al Fitr	<b>SC</b> – Standards Committee 6.00 pm
Wednesday	8	5	<b>LASC</b> – Licensing Act 2003 Sub-Committee & <b>GLSC</b> General Licensing Sub Committee 6.00 pm
Thursday	9	6	<b>L</b> – Licensing Committee 6.00 pm
Friday	10	7	<b>SACRE</b> - Standing Advisory Council for Religious Education 9.00 am
Saturday	11	8	
Sunday	12	9	
Monday	13	10 <b>PLACE OSC</b>	
Tuesday	14 <b>GLSC</b>	11 <b>GLSC</b>	<b><u>Overview and Scrutiny Committees</u></b>
Wednesday	15	12	<b>PEOPLE OSC</b> – People Overview & Scrutiny Committee 6.00 pm
Thursday	16 <b>AC</b>	13 <b>EB</b>	<b>PLACE OSC</b> – Place Overview & Scrutiny Committee 6.00 pm
Friday	17	14	<b>RESOURCES OSC</b> – Resources Overview & Scrutiny Committee 6.00 pm
Saturday	18	15	<b>CI/T</b> – <u>provisional</u> dates assigned for Call Ins
Sunday	19 Civic Sunday	16	
Monday	20	17	
Tuesday	21	18 <b>LASC</b> <b>HWB</b>	
Wednesday	22	19 <b>CI/T</b>	<b><u>Partnership Meetings:</u></b>
Thursday	23 <b>PH</b>	20 <b>PH</b>	<b>LSP Board</b> – Local Strategic Partnership Board 5.30 pm
Friday	24 School Closes – Half Term	21	<b>HWB</b> – Health & Wellbeing Board 5.30 pm
Saturday	25	22	
Sunday	26	23	
Monday	27 Spring Bank Holiday	24 <b>RESOURCES OSC</b>	
Tuesday	28	25	<b><u>Other Meetings: These Meetings are open to the Public</u></b>
Wednesday	29	26	<b>DTC</b> Darwen Town Council 7.00 pm
Thursday	30	27	
Friday	31 Half Term Ends	28	
Saturday		29	<b>Other:</b>
Sunday		30	BH – Bank Holiday      Blackburn with Darwen School Holidays