



Eastbourne Borough Council Constitution

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For any further queries regarding the Constitution please contact Democratic Services.

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01323 410000

Item 1

Eastbourne Borough Council Constitution
Part 1 – Summary and Explanation



Eastbourne Borough Council Constitution

Part 1

Summary and Explanation

1. The Council's Constitution

Eastbourne Borough Council has agreed a new 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 the people it serves. 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 the ensuing parts of this Constitution.

2. What's in the Constitution?

Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this constitution in pursuit of the Council's corporate aims and values.

The Corporate Plan 2020-24 identifies the Council's priority themes and aims for 2024.

The full [Corporate Plan working document can be found online at: http://www.lewes-eastbourne.gov.uk/about-the-councils/corporate-plans/](http://www.lewes-eastbourne.gov.uk/about-the-councils/corporate-plans/)

The remaining Articles 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 (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory and other committees (Article 8).
- Standards (Article 9).
- Area working arrangements (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).

3. Definitions of Key Terminology

Local Authorities use specific terminology to describe different aspects of their constitution. In Eastbourne and for the purpose of the content of this Constitution, the following Key Terminology is used:

Terminology Used	Definition
Councillor	An elected Member of the Council
Officer	A paid member of staff employed by the Council
The Mayor	Chairman of the Council
The Leader	The Leader of the Controlling Political Party and Chairman of the Cabinet
The Chief Executive	The Council's most senior paid employee "Head of Paid Service"
The Executive	The Body of the Council responsible for the discharge of all Executive Functions
The Scrutiny Committee	The Body of the Council responsible for the overview and scrutiny function

4. How the Council operates

The Council is composed of 27 Councillors each serving elected terms of four years. All Councillors are elected together at elections held every 4 years. There are 3 councillors in each of 9 wards. 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.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council elects the Mayor and Leader of the Council, appoints Councillors to committees and provides opportunity for debate on all decisions taken. Members of the public also have the opportunity to address the Council on any matter on its agenda other than confidential business.

5. How Decisions Are Made

The Executive is part of the Council that is responsible for most day-to-day decisions. The Executive is made up of the Leader of the Council and up to 9 Councillors from the majority political group, all appointed by the Leader of the Council. 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. These major decisions will generally take place in open public meetings except where personal or confidential matters are being discussed. The Executive has to make decisions that are in line with the Council's overall policies and budget. If it wishes to make a decision that is

outside the budget or policy framework, this must be referred to the Council as a whole to decide.

6. Overview and Scrutiny

There is a Scrutiny Committee that supports the work of the Executive and the Council as a whole. It allows Councillors outside the Executive and citizens to have a greater say in Council matters by investigating matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Executive. It can “call-in” a decision which has been made by the Executive but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Executive reconsider the decision. It may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

7. The Council’s Staff

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

8. Structural Summary

A structural diagram is available which gives a general understanding as to how the different key parts of the Council's structure link up to achieve the overall decision making process. Select the “modernised structure” document at part 1 of the constitution.

9. Citizens’ Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail 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 Council tenant, 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;
- attend meetings of the Council, its Committees and the Executive except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate at Council and Committee meetings in accordance with the Council’s public speaking rules;

- find out, from the Executive's Forward Plan, what major decisions are to be discussed by the Executive or decided by the Executive or Officers, and when;
- attend meetings of the Executive where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council, its Committees and the Executive;
- complain to the Council about Council services or how they feel they have been treated by the Council;
- 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 Standards Committee if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor; and
- Request information from the Council under the Freedom of Information Act.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Head of Democratic Services on 01323 415021 or e-mail committees@lewes-eastbourne.gov.uk.

All citizens may attend meetings and inspect agendas and reports. These documents are available at least five clear working days before the meeting and can be viewed at the Town Hall. In addition, the meeting papers are placed on the [Council's website - https://democracy.lewes-eastbourne.gov.uk/mgListCommittees.aspx?CT=13215](https://democracy.lewes-eastbourne.gov.uk/mgListCommittees.aspx?CT=13215).

(NOTE: This summary and explanation shall not be taken into account in the interpretation and operation of this Constitution.)

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Item 2

Eastbourne Borough Council Constitution
Part 2 – Articles of the Constitution



Eastbourne Borough Council Constitution

Part 2

Articles of the Constitution

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Article 1 - The Constitution

This Article sets out the fundamental purpose of the Constitution. It confirms that Eastbourne Borough Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution.

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of Eastbourne Borough Council.

1.03 The purpose of the Constitution is to:

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

1.04 Interpretation and Review of the Constitution

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

Article 2 - Members of the Council (Councillors)

This Article sets out the composition of the Council, eligibility to stand for election as a Councillor and the form of election to be used.

The Article also contains a summary of the roles and functions of Councillors.

The Article also deals with the rights and duties of Councillors, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.

2.01 Composition and eligibility

Composition. The Council comprises 27 Councillors. 3 Councillors are elected by the voters of each of 9 wards in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State [The Borough of Eastbourne (Whole Council Elections) Order 2006 is the current scheme].

Eligibility. Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor.

Note: Certain persons may be disqualified from being Councillors. These include:

- paid employees of the Council;
- anyone holding a "politically restricted post" with any local authority;
- undischarged bankrupts;
- anyone with a conviction within the past 5 years for an offence who received a sentence of imprisonment (whether suspended or not) of not less than 3 months without the option of a fine;
- persons disqualified under sections 17 and 18 of the Audit Commission Act 1998; and
- persons convicted of an illegal or corrupt election practice within the previous 3 to 5 years).

2.02 Election and terms of Councillors

Elections are normally held on the first Thursday in May every 4 years. There is provision in electoral law for the date of local government elections to be delayed so that they can be combined with European parliamentary elections which normally take place in the first week of June.

All Councillors are elected at the same time ("whole council elections"). Elections were last held on 7 May 2015. The next elections are due to be held in May 2019. Elections to the County Council also take place every 4 years and the next elections are due to be held in May 2017.

The term of office of Councillors is 4 years starting on the fourth day after being elected and finishing on the fourth day after the date of the ordinary election four years later.

2.03 Roles and functions of all Councillors

(a) **Key roles.** All Councillors will:

- (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) Effectively represent the interests of their ward and of individual constituents;
- (iv) Respond to constituents' enquiries and representations, fairly and impartially;
- (v) Participate in the governance and management of the Council; and
- (vi) Maintain the highest standards of conduct and ethics.

(b) Rights and duties.

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

A more detailed statement of the roles, duties and responsibilities of Councillors is given in Part 3, Section E of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct, the Protocol on Member/Officer Relations and other local protocols as set out in Part 5 of this Constitution.

2.05 Allowances

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

Article 3 - Citizens and the Council

(updated April 2011)

This Article sets out what citizens can expect from their Council and what rights they have and is therefore an important part of the Constitution. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

3.01 Citizens' rights

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

a) Voting and petitions.

Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Executive. Citizens may sign a petition to request particular actions. Petitions will be managed and responded to in accordance with the Council's petitions scheme set out in Part 4 of the Constitution.

b) Information.

Citizens have the right to:

- (i) attend meetings of the Council, its committees and the Executive except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) find out from the forward plan what key decisions will be taken by the Executive or Officers exercising delegated powers and when;
- (iii) see reports and background papers, and any records of decisions made by the Council, its committees, and the Executive; and
- (iv) inspect the Council's accounts and make their views known to the external auditor.

c) Participation.

Citizens have the right to participate in Council, Cabinet and Committee meetings in accordance with the Council's Public Address rules as set out in Part 4.

d) Complaints.

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;

- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Monitoring Officer about a breach of the Members' Code of Conduct.

3.02 Citizens' responsibilities

A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community in particular by voting at every opportunity, respecting the expression of differing opinions in public debate, and promoting tolerance and respect between their fellow citizens. 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.

Article 4 – The Full Council

(updated February 2013)

The Local Government Act 2000 and associated guidance and regulations give the Council responsibility for approving the policy framework and budget. A list of the statutory and recommended plans and strategies which will make up the policy framework appears below. The Council as a whole retains responsibility for regulatory functions and has a role in holding the Executive to account.

4.01 Meanings

a) Policy Framework.

The Policy Framework means the following plans and strategies (or the equivalent or successor plan or strategy to any of the following, however named):

i) those required by Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and specified in Schedule 3 to the regulations:-

- Corporate Plan;
- Sustainable Community Strategy;
- Community Safety Partnership Plan;
- Local development documents which together comprise the Local Development Framework;

Note: The Council's Statements of Licensing Policy and Gambling Policy do not form part of the Policy Framework, however full Council approval is required under the provisions of the Licensing Act 2003 and the Gambling Act 2005.

ii) other plans and strategies, as the Council shall from time to time, determine:

- Currently there are no other plans or strategies specified. There is however a requirement that any other plans and strategies that the authority may have should conform with the policy framework and budget. Responsibility for these other plans and strategies rests with the Executive.

In addition, certain other plans and strategies will form part of the Council's budget if they relate to the criteria set out in (b) below.

b) Budget.

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax, approving the local council tax support scheme and decisions relating to the control of the Council's borrowing requirement;

investments, the control of its capital expenditure and the setting of virement limits.

c) Housing Land Transfer.

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

The function of modifying, varying or revoking any plan or strategy within categories (a) or (b) above shall be the responsibility of the Executive to the extent that the Council may determine when approving or adopting the plan or strategy or is necessary for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy (or any part thereof) submitted for his approval.

The procedures for developing the budget and policy framework, for taking decisions that are outside the framework, for urgent decisions that are outside the framework, for virement and in-year changes and for the call-in of decisions that are considered to be outside the framework are described in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.

4.02 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) electing the Mayor;
- (e) appointing the Deputy Mayor;
- (f) electing the Leader;

- (g) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them including that of Chairman and Deputy Chairman;
- (h) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (i) adopting an allowances scheme under Article 2.05;
- (j) changing the name of the area, conferring Honorary titles or the Freedom of the Borough;
- (k) confirming the appointment of the Head of Paid Service;
- (l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (m) all local choice functions set out in Part 3 of the Constitution which the Council decides should be undertaken by itself, rather than the Executive;
- (n) to receive the Annual State of the Borough address by the Leader as set out in Part 4 of this Constitution; and
- (o) all other matters which, by law, must be reserved to Council.

4.03 Council meetings and proceedings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (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

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

Article 5 – Chairing the Council

(updated June 2007)

5.01 Title of the person chairing Council Meetings

Council meetings will be chaired by an elected Councillor known as the Mayor.

5.02 Role and function of the Mayor in chairing Council Meetings

The Mayor will be elected by the Council annually. As chairman of Council meetings, the Mayor and in his/her absence, the Deputy Mayor will have the following responsibilities:

- (1) to uphold and promote the purposes of the Constitution, and to interpret the Council Procedure Rules when necessary;
- (2) 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;
- (3) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet or hold Committee chairs are able to hold the Cabinet and Committee chairmen to account;
- (4) to promote public involvement in the Council's activities.

5.03 Ceremonial role

The Mayor will act as the Sovereign's Representative and First Citizen of the Borough and will attend such civic and ceremonial functions as the Council and the Mayor determines appropriate.

Article 6 – Overview and Scrutiny of Decisions

The overview and scrutiny function is a central element to this Constitution. The Scrutiny Committee will meet in public to discuss and make recommendations on the development of policies and hold the Executive to account for their actions. It will also have a key role in considering other matters of local concern.

6.01 Structure

The Council will appoint a Scrutiny Committee to promote consideration of cross cutting issues, inside and outside the Council. Membership of the Scrutiny Committee will be balanced to the overall political proportions of the Council. The Chairman will be appointed from the largest opposition political group and the Deputy Chairman will be appointed from the controlling political group.

6.02 General role

Within its terms of reference, the Scrutiny Committee will:

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

6.03 Specific functions

a) Policy development and review.

The Scrutiny Committee may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Councillors or the Executive and Chief Officers on issues and proposals affecting the area; and

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

b) Scrutiny.

The Scrutiny Committee may:

- (i) review and scrutinise the decisions made by and performance of the Executive and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Councillors or the Executive and Chief 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 reports or recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

c) Finance.

The Scrutiny Committee may exercise overall responsibility for any finances made available to it.

d) Annual Programme.

The Scrutiny Committee must submit its minutes to Full Council.

6.04 Proceedings of Scrutiny Committee

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

Article 7 – The Executive (Cabinet)

(updated May 2011)

The Executive is at the heart of the day-to-day decision-making process. It also has a key role in proposing the budget and policy framework to the Council.

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Form and composition

The Executive will consist of the Leader together with at least 2, but no more than 9 Councillors appointed to the Cabinet by the Leader.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council (normally at the Annual Meeting of the Council following the ordinary election of Councillors). The Leader will hold office for a 4-year term or until:

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

7.04 Deputy Leader

The Leader shall appoint one of the members of the Cabinet to be the Council's Deputy Leader who shall hold office until the end of the Leader's term of office. The rules relating to the retirement, resignation or removal from office of the Deputy Leader shall be the same as those for other Cabinet Members set out below.

If a vacancy occurs in the position of Deputy Leader, the Leader shall appoint another Deputy Leader.

The Deputy Leader shall be able to exercise all the functions of the Leader when the Leader is absent. The Deputy Leader may represent the Leader at meetings, discussions and briefings unless another member of the Cabinet has been nominated by the Leader to attend.

If for any reason the Leader and Deputy Leader are both unable to act or their offices are vacant, then the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to do so.

7.05 Other Cabinet Members

Only Councillors may be appointed to the Cabinet. There may be no co-optees and no substitutes for Cabinet Members. Neither the Mayor nor Deputy Mayor may be appointed to the Cabinet and Members of the Cabinet (including the Leader) shall not be Members of the Scrutiny Committee.

Other Cabinet Members will be appointed by the Leader and shall hold office until

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive. The removal will be effective immediately upon receipt of the notice by the Chief Executive.

Appointments to the Cabinet by the Leader shall have effect from the date of the Annual Meeting of the Council, or if the appointment is at some other time, immediately upon receipt by the Chief Executive of written notice of the appointment.

7.06 Proceedings of the Cabinet

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

7.07 Responsibility for functions

The Leader will maintain a list in Part 3 of this Constitution setting out which individual Cabinet Members, committees of the Cabinet, officers or bodies acting under joint arrangements are responsible for the exercise of particular executive functions.

Article 8 – Regulatory and Other Committees

(updated May 2019)

Committees have been created to undertake Non-Executive functions under powers delegated from Full Council.

8.01 Regulatory committees (and panels)

The Council will appoint the committees set out in the Responsibility for Council Functions in Part 3 of this Constitution to discharge the stated functions.

These include:

- Planning Committee with responsibility for development control and other planning functions.
- Audit and Governance Committee dealing with financial governance, risk management and audit, ethical standards for councillors and general governance matters.
- Licensing Committee dealing with the Council's functions under the Licensing Act 2003 in relation to the sale of alcohol, entertainment and late night refreshment houses and the Gambling Act 2005 and all other licensing and regulatory matters which fall outside the delegated powers of officers. (The Licensing Committee may appoint sub-committees to deal with licensing applications and related matters).
- Panels, established on an ad hoc basis, to deal with staffing matters, appointments and appeals.

Full details are given in Part 3 of this Constitution.

8.02 Other bodies

In addition the Council will establish such other committees, advisory groups, task groups, panels, fora as may be deemed necessary to undertake particular roles.

Full details are given in Part 3 of this Constitution.

Article 9 – Standards

(updated June 2023)

9.01 Standards

The Full Council will establish a Committee to advise it and exercise the functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act.

9.02 Structure

The Audit and Governance Committee as part of its remit will promote and maintain high standards of conduct within the Council and monitor the operations of the Council's codes of conduct and registers of interests, and will make recommendations to Full Council in relation to revisions to the Constitution as set out in Article 15.

It can delegate to a Standards Panel, arrangements for investigating and making decisions on allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct.

Full details are given in Part 3 of this Constitution.

9.03 Independent Persons

Independent Persons will be appointed in accordance with the Localism Act 2011 and shall have the right to attend meetings of the Committee and any Panel established for the purposes of dealing with matters relating to any allegation against a member or co-opted member of the authority in a non-voting capacity.

9.04 Role and Function of Standards

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted Members and representatives on Outside Bodies;
- (b) assisting the Councillors, co-opted Members and representatives on Outside Bodies to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.

- (f) putting in place arrangements to grant dispensations, in appropriate cases, for members or co-opted members with pecuniary interests from the restrictions on speaking and/or voting.
- (g) in relation to allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, putting in place arrangements to investigate and make decisions on complaints.

Article 10 – Area Committees and Forums

(updated July 2003)

10.01 Area Working Arrangements

No decisions have been taken by the Council in respect of area working arrangements.

Article 11 – Joint Arrangements

(updated May 2011)

The Local Government Act 2000 and regulations enable local authorities to make use of joint arrangements with other authorities or persons and delegate to other local authorities.

11.01 Arrangements to promote well-being

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

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

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Cabinet Members to a joint committee and those Councillors need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Cabinet where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive 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 requirements 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 Delegations in Part 3 of this Constitution.

11.03 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Councillors who are not on the Executive of any participating authority then the Access to Information Rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, 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 Council meeting.

11.05 Contracting out

The Council, for functions which are not executive functions, or the Executive 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, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

(updated November 2020)

The use of the word “Officers” means all employees and staff engaged by the Council to carry out its functions.

The appointment of staff cannot be the responsibility of the Executive. Appointments below chief officer level are the responsibility of the Head of Paid Service or nominee.

12.01 Management structure

a) General.

The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

b) Chief Officers.

The Full Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Provides overall strategic leadership of Eastbourne Borough Council in line with the policies and decisions of the elected Councillors.</p> <p>Provision of professional advice to all parties in the decision-making process.</p> <p>Responsibility for ensuring that the Council delivers quality services to Eastbourne’s residents and visitors according to its statutory obligations and stated objectives and in line with Government legislation.</p> <p>Responsibility for legal, democratic services, local democracy and member services.</p>
Director of Regeneration and Planning (and Deputy Chief Executive)	<p>Responsibility for planning, assets and property, regeneration, energy and sustainability.</p>
Director of Tourism and Enterprise	<p>Responsibility for tourism, events, marketing, sports, seafront, cultural centre and the Devonshire Park facilities.</p>

Post	Functions and areas of responsibility
Director of Service Delivery	Responsibility for Service delivery, Customer First, EHL, Bereavement services, Waste services, strategic partnerships, voluntary sector, community engagement, town and parish liaison, community safety, community grants, youth strategy and equality.
Assistant Director of Human Resources and Transformation	Responsibility for human resources, organisational development, Chief Executive's Office, internal and external communications.

c) Statutory Posts

Head of Paid Service, Monitoring Officer and Chief Finance Officer. The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service (Local Government and Housing Act 1989, Section 4(1))
Head of Democratic Services	Monitoring Officer (Local Government and Housing Act 1989, Section 5(1))
Chief Finance Officer	Chief Finance Officer (Local Government Act 1972, Section 151)

Such posts will have the functions described in Article 12.02 – 12.04 below. The duties of both the Monitoring officer and the Chief Finance Officer (apart from the administration of the financial affairs of the Council) are to be undertaken personally, but can be carried out by a deputy nominated by them in cases of absence.

A full listing of designated and proper officer posts is given in Section D of Part 3 of the Constitution.

d) Structure.

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

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 Councillors, Officers and the public.

b) Ensuring lawfulness and fairness of decision making.

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

c) Supporting Standards of Conduct.

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

d) Dispensations.

The Monitoring Officer may grant dispensations from the restrictions on speaking or voting at meetings for members or co-opted members with pecuniary interests in appropriate cases.

e) Conducting investigations.

The Monitoring Officer will conduct investigations into allegations of misconduct by Councillors and may make reports in respect of them to the Standards Panel.

f) Proper Officer for access to information.

The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

g) Advising whether Executive decisions are within the budget and policy framework.

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

h) Providing advice.

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.

i) 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 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 the Mayor 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 Conduct

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

12.07 Employment

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

Article 13 – Decision Making

(updated May 2011)

The Council is required to keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is referred to in Part 3 of this Constitution.

13.01 Responsibility for decision making

A purpose of the Executive structure is to expedite decision making. Accordingly the intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.

13.02 Principles of decision making

All decisions of the Council, its committees, the Executive and those under delegated powers shall have regard to the following principles of good practice:

- consideration of all options available;
- having regard to due consultation;
- consideration of professional advice from Officers;
- clarity of aims and desired outcomes;
- the action proposed must be proportionate to the desired outcome;
- having respect and regard for human rights;
- presumption for openness;
- only relevant matters taken into account;
- due weight to all material considerations;
- proper procedures will be followed.

13.03 Types of decision

a) Decisions reserved to Full Council –

Decisions relating to the functions listed in Article 4 will be made by the Full Council and not delegated.

b) Decisions made by committees appointed by the Council –

Power to make such decisions is delegated by the Council in accordance with Part 3 of this Constitution. (Section 101, Local Government Act 1972).

c) Decisions of the Executive -

Will comprise key decisions (see 13.04 below) and other decisions.

13.04 Meaning of Key Decision

“Key decisions” relate to an executive decision, which is likely:-

- i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or
- ii) to be significant in terms of its effects on communities living or working in an area comprising one or more wards in the Council’s area.

A key decision will relate to a decision on a matter identified in the forward plan, except in cases of urgency when the provisions contained within the Budget and Policy Framework procedure Rules will apply.

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.

Decisions which will not be key decisions under (1) above will include the utilisation of approved annual revenue and capital budgets for the purposes intended and in accordance with approved policies, plans and strategies.

Decisions which will be a key decision include:

- (a) Approval of a new policy, plan or strategy or amendment to an existing one.
- (b) Approval to any service proposal likely to or expected to give rise to a variation in the service’s base budget of 25% or more.
- (c) Approval to any service proposal entailing a significant change in the level or character of the service provided or in the means of its delivery.
- (d) A decision to undertake a new service or to cease to operate an existing service.
- (e) Response to consultations from Government departments and other bodies where the Council is a statutory consultee and where the outcome of the matter upon which views are sought would have like effect to those matters listed at (c) and (d) above.
- (f) The Executive’s recommendations to Council in respect of the policy framework, budget or land transfer (as defined in paragraph 4.01 of Article 4 of this Constitution).
- (g) Setting Council house rents and associated service charges.

- (h) Virement on revenue accounts of £50,000 or more.
- (i) Use of the contingency fund for amounts of £50,000 or more.
- (j) Release of capital resources of £50,000 or more for a scheme not within the approved capital programme.
- (k) Approval to an increase of 10% or greater in the cost of an approved capital scheme and the subsequent release of the required capital resources.

The financial limits indicated above are for the purposes of identifying a key decision. Reference should be made to the Financial Procedure Rules in Part 4 of this Constitution for details of the delegation arrangements to officers and the powers of the Executive in respect of capital and revenue expenditure in the course of the year.

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 of this Constitution when considering any matter.

13.06 Decision making by the Executive

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

13.07 Decision making by Scrutiny Committee

Scrutiny Committee will follow the Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.08 Decision making by other Committees established by the Council

Subject to Article 13.09, other Council committees and sub-committees will follow those parts of the Council Procedures Rules 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.

Article 14 – Finance, Contracts and Legal Matters

(updated May 2015)

This article refers to the authority's Financial and Contract Rules, which are contained in Part 4 of this Constitution.

14.01 Financial management

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

14.02 Contracts

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

14.03 Legal proceedings

The Head of Legal is authorised to institute, defend, settle 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 Head of Legal considers that such action is necessary to protect the Council's interests.

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 Head of Legal 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.

Any contract with a value exceeding £75,000 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 a safe place in the custody of the Head of Legal. 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 Head of Legal should be sealed. The affixing of the Common Seal will be attested by the Head of Legal or some other person authorised by him/her.

Article 15 – Review and Revision of the Constitution

(updated May 2015)

15.01 Duty to monitor and review the Constitution

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

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Council and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Councillors, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, and national examples of best practice.

15.02 Role of others in initiating a review of the Constitution

A review of any part of the Constitution shall be undertaken by the Monitoring Officer following resolution to that effect by the Council, Cabinet or any Committee of the Council. The Monitoring Officer shall advise the body concerned of the outcome of the review and if necessary submit a report to the Council to agree any change of substance.

Any individual Councillor, officer or any other person or body may inform the Monitoring Officer that in their opinion some part of the Constitution requires review or revision. They should give their reasons and proposals for any change. The Monitoring Officer shall consider such requests and decide whether or not to conduct a review. If the Monitoring Officer decides that a review is not required or, if after review, no changes to the Constitution are considered necessary, the person requesting the review shall be notified and given reasons for the decision.

15.03 Changes to the Constitution

a) Review and Approval.

The Constitution Review Working Party will:

- a. Review sections of the constitution to ensure that they are complete, accurate, up to date, clear, lawful and fit for purpose.
- b. Receive and consider requests from the Monitoring Officer, Members, the Council or Committees, Directors or Heads of Service to review specific parts of the constitution.
- c. Consider recommendations on proposed amendments to sections from the constitution from the Monitoring Officer, Members, the Council, Committees Directors or Heads of Service.
- d. Make recommendations on proposed amendments to the constitution to the Audit and Governance Committee, another committee of the Council (where appropriate) or to Cabinet (in relation to executive matters) as appropriate depending upon the subject matter, and for final recommendations to Full Council.

All changes of substance to the Constitution will be approved by the Full Council.

b) Minor or Inconsequential Changes.

The Monitoring Officer has delegated authority to update the Constitution arising from decisions of the Council, or the Executive, or where legislation requires a change in wording or terminology, such changes to be reported to Councillors.

c) Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

(updated May 2015)

16.01 Suspension of the Constitution

a) Limit to suspension.

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

b) Procedure to suspend.

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution 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 contained in Article 1.

16.03 Publication

- a) The Monitoring Officer will advise Councillors that access to the Constitution can be made via the Council's website.
- b) The Monitoring Officer will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by the local press and the public on payment of a reasonable fee. A copy of the Constitution shall be maintained on the Council's website.
- c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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Item 3a

Eastbourne Borough Council Constitution Part 3 – Responsibility for Functions and Roles



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Part 3

Responsibility for Functions and Roles

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Section A

CONTENT SUMMARY

1. Introduction

1.1 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) specify which Functions can and cannot be the responsibility of the Executive.

1.2 In accordance with the legislation, this Part sets out Eastbourne Borough Council's Functions and delegated powers as regards:-

- (a) where they are the responsibility of the Council and/or its Committees;
- (b) where they are the responsibility of the Executive;
- (c) where they are, or are not, the responsibility of the Executive to a specified extent.

1.3 In addition to the above, this Part sets out:-

- (a) functions delegated to Officers by the Council;
- (b) functions delegated to Officers by the Executive;
- (c) the Council approved list of Proper Officer designations;
- (d) the roles, duties and responsibilities of Cabinet Members;
- (e) the roles, duties and responsibilities of Councillors;
- (f) the civic role of the Mayor.

2. Division of Functions

2.1 For all Local Authorities, like Eastbourne Borough Council, operating executive arrangements, the Government specifies the following approach to the division of functions between the Executive and the Council:

- (a) Determination of the Council's policy framework and budget, and other constitutional and quasi-legislative functions are to be the responsibility of Full Council.
- (b) Functions which involve either determining an application from a person for a licence, approval, consent, permission or registration or direct regulation of a person, together with any related enforcement actions are not to be the responsibility of the Executive.
- (c) All other Functions are to be the responsibility of the Executive.

2.2 The Executive is responsible both for proposing new policy and the budget to the Full Council and for implementing and delivering the agreed policy framework and budget.

Item 3b

Eastbourne Borough Council Constitution Part 3 – Responsibility for Functions



Section B

RESPONSIBILITY FOR FUNCTIONS – FULL COUNCIL AND ITS COMMITTEES

Section contents:

(Note: See Section C of Part 3 for the list of Executive functions)

Paragraph	Body
1	Full Council
2	Scrutiny Committee
3	Audit and Governance Committee and Standards Panel and Constitution Review Working Party.
4	Planning Committee
5	Licensing Committee and Sub-Committees
6	Joint Staff Advisory Committee
7	Design Review Panel
8	Task Groups (Standing):
8.1	Conservation Advisory Group
8.2	Grants Task Group
8.3	Equality Steering Group
9	Task Groups (Ad Hoc)
10	Council Panels (Ad Hoc)
11	Recruitment Panels (Ad Hoc)
12	Independent Remuneration Panel
13	Informal Bodies:
13.1	Downland Forum
14	Project Management Boards
15	Eastbourne Homes
16	Outside and Other Bodies
Appendix 1	Licensing Act 2003 – Scheme of Delegation
Appendix 2	Gambling Act 2005 – Scheme of Delegation

1. Full Council

1.1 Composition:

All 27 elected Members of the Council. Chaired by the Mayor. See Article 5 of the Constitution as to the role and functions of the Mayor in chairing meetings of the Council. In the absence of either the Mayor or the Deputy Mayor, the Council will choose one of its number to chair the meeting.

1.2 Terms of Reference:

- (1) The Functions specified in Article 4 – “Functions of the Full Council”.
- (2) Deal with any other business expressly required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, that is not to be the Function of the Executive and not otherwise delegated to a Committee or Panel of the Council.
- (3) Local Choice Functions, other than those delegated to a Committee or Panel of the Council, as follows:-
 - (i) Appoint representatives to outside bodies.
- (4) Other matters:
 - (i) Establish or dissolve a Council committee or other body of the Council, or alter its membership (including the position of Chairman and Deputy Chairman) at any time unless otherwise required by statute, but shall reconsider the appointment of all committees and other bodies at its annual meeting and it shall not appoint any member of a body to hold office later than the next annual meeting of the Council.
 - (ii) Appoint and dismiss non-executive directors to the boards of companies either wholly owned or partly owned by the Council (the timing and duration of appointments to be subject to the arrangements at (i) above.
 - (iii) Consider and determine all matters referred to it for decision by Council Committees.
 - (iv) Receive and approve as necessary the minutes of the Cabinet and Council Committees.
 - (v) Receive and deal with motions by Councillors in accordance with Rules of Procedure.
 - (vi) Consider and approve the proposals from the Scrutiny Committee for its Annual Work Programme.

- (vii) Within the Council's published petitions scheme consider petitions requiring full Council debate.

2. Scrutiny Committee

2.1 Composition:

7 or 8 Councillors (depending on the requirement to achieve political balance at any given time), who are not Members of Cabinet. Also, not to include the Mayor.

Substitution is allowed in accordance with Rule 4 of the Council Procedure Rules (5 or 6 substitute members may be appointed).

Membership to be balanced to political proportions on the Council.

Chairman to be a member of the largest opposition political group and the Deputy Chairman to be a member of the controlling political group.

2.2 Terms of Reference:

The general role and functions of the Committee are described in Article 6 of the Constitution at paragraphs 6.02 and 6.03. The following terms of reference more specifically detail the functions approved for the scrutiny role in the Borough Council, particularly in relation to matters which are due to be decided upon by the Executive or to be the subject of recommendations from the Executive to the full Council in respect of matters within the budget and policy framework.

These terms of reference should, in particular, be read in conjunction with Articles 4, 6 and 13 (The Council, Overview and Scrutiny of Decisions, and Decision Making), together with the Scrutiny Procedure Rules, the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules.

In particular, the Scrutiny Procedure Rules describe in greater detail how the Committee will conduct its business, and also the arrangements for specific and time limited reviews on particular subjects to be conducted by Task Groups of (normally 2) members appointed by the Committee.

- (1) Prepare for approval by the full Council an annual programme of scrutiny work so as to ensure that the Committee's time is effectively and efficiently utilised.
- (2) To make in-year adjustments and additions to the annual programme in light of changing circumstances, subject to:
 - (i) there being no substantial addition to any resources to be called upon to undertake the programme;

- (ii) the relevant Head of Service agreeing to any additional call upon staffing support; and
- (iii) no additional costs arising which cannot be met from existing budgets unless the Executive approve any necessary virement.

Any change to the programme not within the provisions of (i) to (iii) inclusive above will require the approval of the full Council.

- (3) To be entitled to receive for consideration and comment any proposals for the adoption of any plan, strategy or budget by the Council (as part of the Budget and Policy Framework) prior to consideration by the Executive in accordance with the Budget and Policy Framework Procedure Rules.
- (4) Where the Executive approves a proposed matter of new policy (whether part of the Policy Framework or an operational policy matter) for the purpose of public consultation and subsequent report back, part of such consultation shall include an opportunity for consideration by the Scrutiny Committee prior to its report back to the Executive if the Scrutiny Committee so choose.
- (5) In the case of decisions made by the Executive (or a key decision made by an Officer under delegated powers) in respect of new operational policies or strategic initiatives, unbudgeted expenditure or reductions in service, the Scrutiny Committee may exercise discretionary call-in powers in accordance with the Scrutiny Procedure Rules set out in Part 4.
- (6) Be entitled to receive for comment all departmental service plans.
- (7) Be entitled to receive regular performance indicator information and monitor all aspects of performance management activities and make recommendations to the Executive as necessary.
- (8) Act as the Council's Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006 and as such have power to review or scrutinise decisions and action taken by responsible authorities and co-operating bodies or persons in the discharge of their crime and disorder functions.
- (9) Receive requests from Ward Councillors under the "Councillor Call for Action" procedures and consider and make reports and recommendations upon such requests as appropriate.
- (10) Within the Council's published Petitions Scheme consider petitions which call for a senior officer of the Council to attend the committee to answer questions on how a particular service is being delivered; also to review the Council's response to petitions in cases where a petition organiser feels this is inadequate.

3. Audit and Governance Committee and Standards Panel

3.1 Composition:

8 councillors, membership to be balanced to the political proportions on the council (unless the Council agrees to other composition arrangements which shall be subject to a vote at the annual meeting of the Council each year with no votes being cast against the proposition).

The Council's "independent person(s)" (appointed by the Council under Chapter 7 of the Localism Act 2011) shall have the right to attend meetings of the committee and of any sub-committee established for the purposes of dealing with a matter relating to any allegation against a member or co-opted member of the authority. Such attendance shall be in a non-voting capacity.

The Committee may co-opt one person in a non-voting capacity to provide independent advice, primarily, but not exclusively, in relation to its audit functions.

Substitution of Councillor members is allowed in accordance with Rule 4 of the Council's Procedure Rules (up to 4 named substitute members may be appointed).

All members (including substitute members) are expected to attend training and briefings events and otherwise undertake appropriate training in order that they can effectively carry out their role as Audit and Governance Committee members.

3.2 Terms of Reference of the Committee:

General:

- (1) To monitor the operation of the Council's constitution, and to consider any recommendations for amendments to the constitution from the Constitution Review Working Party and make recommendations for their adoption where applicable to Full Council.
- (2) Via the procedure set out in sub-paragraph (6), to recommend to Council the appointment of one or more independent persons:
 - (i) to give general assistance to the committee in the exercise of its functions; and
 - (ii) to give views on allegations of failure to comply with a code of conduct as required by Chapter 7 of the Localism Act.
- (3) To have an overview of the Council's whistleblowing policy.
- (4) To have an overview of complaints handling and Local Government Ombudsman investigations.

- (5) To deal with any audit or ethical standards issues which may arise in relation to partnership working, joint committees and other local authorities or bodies.
- (6) The procedure for the appointment of Independent Persons is as follows:
 - a) The Chair of the Committee shall be a member of the Council's Independent Person Selection Panel whose role is to recommend to Council the appointment of one or more Independent Persons pursuant to section 28(7) of the Localism Act 2011.
 - b) The Independent Person Selection Panel shall also comprise the Council's Monitoring Officer.
 - c) Where it is intended that one or more Independent Persons be appointed to advise both Eastbourne Borough Council and Lewes District Council (LDC), the Selection Panel shall operate as a joint panel for both councils and shall comprise, in addition to those mentioned in (a) and (b) above, the Chair of LDC's Audit and Standards Committee.
 - d) Where the Selection Panel operates as a joint panel, its recommendations as to the appointment of one or more Independent Persons shall be made to a full Council meeting of EBC and, separately, of LDC.

Audit:

- (1) To carry out independent scrutiny and examination of the Council's financial and non-financial processes, procedures and practices to the extent that they affect the Council's control environment and exposure to risk, with a view to providing assurance on the adequacy and effectiveness of:
 - (i) The work of internal and external audit.
 - (ii) The governance arrangements of the council and its services.
 - (iii) The risk management and performance management frameworks and the associated control environment.
 - (iv) The financial management process.
 - (v) Arrangements for the prevention and detection of fraud and corruption.

- (2) To meet the requirements of the Accounts and Audit Regulations Act 2011 in respect of:
 - (i) Conducting an annual review of the effectiveness of the system of internal control.
 - (ii) Conducting an annual review of the effectiveness of internal audit.
 - (iii) Reviewing the outcome of annual review of governance arrangements and approving the annual governance statement, ensuring it contains any actions for improvement.
 - (iv) Considering and approving the Council's annual statement of accounts.
- (3) To consider the External Auditor's annual audit and inspection plan, annual governance report, annual audit letter and other relevant reports.
- (4) Consider and agree the internal strategy and annual audit plan, receive the Audit Manager's annual report, periodic progress reports and other relevant internal audit reports. The Audit Manager to have delegated authority to make in-year changes to the annual plan in liaison with the Chairman of the Committee.
- (5) Review effectiveness of management arrangements to ensure probity and legal and regulatory compliance, including, but not limited to contract and financial procedure rules and related protocols relating to the management, acquisition and disposal of assets including land and property; codes of conduct; anti-fraud and corruption arrangements; policies on raising concerns at work and the Council's complaints process and implement or make recommendations for change as appropriate.

Governance

- (1) To make recommendations to Council, the Cabinet or Scrutiny as appropriate with a view to improving the effectiveness, accountability and transparency of the decision-making process and in relation to the Council's governance arrangements.
- (2) Other than when made at the annual meeting of the Council, to make appointments to outside bodies where such appointments relate to non-executive functions.
- (3) To consider the recommendations of the Council's Independent Remuneration Panel and advise the Council as appropriate and the arrangements for the appointment of members to and the operation of the Independent Remuneration Panel.

- (4) To approve the annual member development plan, in-year adjustments to the plan to reflect changing circumstances and needs, review past activity in including receiving regular monitoring reports on learning and development activities undertaken.
- (5) To consider any other matter relating to the role of and support for members and make recommendations to Council or the Cabinet.
- (6) To consider any other matter relating to the role of and support for members and make recommendations to Council or the Cabinet.
- (7) Receive reports from the Monitoring Officer on any instance of a member or co-opted member persistently failing to undertake or attend learning or development activity that the Council or a committee of the Council has directed should be undertaken as a requirement for their participation in particular activities and decision making with a view to making a recommendation to Full Council that the member's appointment should be revoked (or in the case of a Cabinet appointment, to the Leader of the Council).
- (8) To make recommendations to Council in relation to community governance reviews.
- (9) To make recommendations to the Council in relation to electoral matters, including the statutory 4-yearly review of polling districts, polling places and polling stations and make recommendations in respect of the Council's scheme of elections and changes of name of electoral areas.
- (10) To approve polling district, polling place and polling station arrangements where reviews are undertaken on an ad hoc basis outside the 4-yearly review.
- (11) To make recommendations to the Council in relation to civic matters, including recommendations and protocols in respect of honorary titles, visits of dignitaries, public celebrations and nominations for honours.

Standards

- (1) To advise the Council on the adoption, revision or replacement of codes of conduct for (a) members and co-opted members and (b) officers.
- (2) To exercise all other functions of the Council in relation to ethical standards, in particular those under Chapter 7 of the Localism Act, including the following:
 - (i) Promoting and maintaining high standards of conduct within the Council and monitoring the operations of the Council's codes of conduct and registers of interests.

- (ii) In relation to allegations that a member or co-opted member has failed to comply with the code of conduct, putting in place arrangements to investigate and make decisions.
- (iii) Supporting the Monitoring Officer in the exercise of that officer's ethical standards functions, in particular the duty to establish and maintain registers of interests for the Council.
- (iv) In relation to members or co-opted members with pecuniary interests, putting in place arrangements to grant dispensations, in appropriate cases, from the restrictions on speaking and/or voting.

3.3 Standards Panel

3.3.1 Composition:

At least 3 members chosen from the membership of the Audit and Governance Committee and to be politically balanced (unless the Council agrees to other composition arrangements which shall be subject to a vote at the annual meeting of the Council each year with no votes being cast against the proposition).

3.3.2 Terms of Reference:

- (i) To carry out any arrangements delegated to the Panel by the Audit and Governance Committee in connection with investigating and making decisions on allegations that a member or co-opted member has failed to comply with the code of conduct.
- (ii) In respect of applications in relation to the grant of dispensations from members or co-opted members with pecuniary interests, which have been referred to the Panel by the Monitoring Officer where the Monitoring Officer has chosen not to exercise his/her delegated powers, to hear and determine such applications and in appropriate cases to grant dispensations from the restrictions on speaking and/or voting at meetings of the Council, its committees, sub-committees, joint committees or joint sub-committees.
- (iii) To discharge any other functions of the Audit and Governance Committee which the Committee delegates to the Panel.
- (iv) Any other matter not reserved to the Council or delegated to another committee or sub-committee and related to a non-executive function.

3.3.3 Investigations and Hearings Procedure

Investigations into complaints and hearings at which complaints are determined shall be conducted in accordance with approved procedures.

3.4 Constitution Review Working Party

3.4.1 Status

- (i) The Constitution Working Group is a non-executive working group that sits under the Audit and Governance Committee.
- (ii) Depending upon the subject matter, the Group will report for consideration to Audit and Governance Committee, another Committee of the Council (where appropriate) or Cabinet (in relation to executive matters).
- (iii) Where there is no scheduled meeting of the relevant body by the required timetable, either a special meeting will be convened, or recommendations will be directly reported to Full Council.

3.4.2 Membership

- (i) The Constitution Working Group shall seek 2 representatives from each party.
- (ii) There is no requirement for political balance.
- (iii) A group's representative can be substituted at any point.
- (iv) Chair of the Group will be voted on at the first meeting of the Group (and would typically be a representative from the controlling administration)
- (v) To advise on matters of law and local authority governance, up to two officers from Democratic Services and Legal Services, including either the Monitoring Officer or Deputy Monitoring Officer (with non-voting capacity), will attend each meeting.
- (vi) Officers from specific service areas (internal and external) may be invited to attend a meeting on a case-by-case basis.

3.4.3 Quorum

- (i) The quorum of a meeting of the Constitution Working Group will be 3 elected members and 2 officer representatives (from Legal and Democratic Services/Monitoring Officer/Deputy Monitoring Officer).

3.4.4 Functions

The functions of the Constitution Working Group are–

- (i) To review sections of the constitution to ensure that they are complete, accurate, up to date, clear, lawful and fit for purpose.

- (ii) To receive and consider requests from the Monitoring Officer, Members, the Council or Committees, Directors or Heads of Service to review specific parts of the constitution.
- (iii) To consider recommendations on proposed amendments to sections from the constitution from the Monitoring Officer, Members, the Council, Committees Directors or Heads of Service.
- (iv) To make recommendations on proposed amendments to the constitution to the Audit and Governance Committee, another Committee of the Council (where appropriate) or to Cabinet (in relation to executive matters) as appropriate depending upon the subject matter, and for final recommendations to Full Council. The Monitoring Officer will produce a report presenting any recommendations.

3.4.5 Frequency

- (i) The Constitution Working Group will meet as and when required (as determined by the Monitoring Officer). All meetings will be held in private and take place typically via Microsoft Teams. If required, consideration will be given to hold a physical meeting in a booked meeting room.

4. Planning Committee

4.1 Composition:

12 Councillors shall be appointed to form a pool of Councillors from which 8 shall be appointed as members of the Committee and the remaining 4 shall be the substitute members. None may be Cabinet Members (as a matter of local discretion). All pool Members must undertake relevant training in planning matters.

Substitution is allowed in accordance with Rule 4 of the Council Procedure Rules.

Membership to be balanced to political proportions on the Council.

4.2 Terms of Reference:

- (1) Exercise all the powers and duties of (i) the Council and (ii) the South Downs National Park Authority (under the terms of delegated arrangements) in respect of the control and authorisation of development subject to the requirements of (2) below, including (but not limited to) enforcement of planning controls, Conservation Areas and Listed Buildings, the making and regulation of Tree Preservation Orders, and the making of Article 4 Directions insofar as such powers and duties fall outside the delegated authority of the Planning Manager.
- (2) In exercising the Council's powers and duties under (1) above, the Committee is expected to give the approved Development (Borough) Plan prime consideration, however the Committee should also have regard to other material considerations including any emerging planning policies from the South Downs National Park Authority and to Government advice which may suggest acting otherwise.
- (3) Respond to consultation by the Cabinet on the formulation of the Development (Borough) Plan and other planning policies.

5. Licensing Committee and Sub-Committees

5.1 Composition:

Between 10 and 15 members who undertake relevant training in regulatory matters.

Membership to be balanced to political proportions on the Council

The quorum for the Committee shall be in accordance with Council Procedure Rule 8 (i.e. one-quarter of the membership or 2 members whichever is the greater).

Substitutes will not be allowed.

Note: In relation to the matters concerning the Licensing Act 2003 if not quorate, the Committee is required, by virtue of Section 7(9) of the Licensing Act 2003, to refer any matters which it is unable to deal with to the full Council for determination.

5.2 Licensing Act 2003:

The Committee's proceedings (and that of its sub-committees) shall be in accordance with Regulations made under the Licensing Act 2003.

5.3 Gambling Act 2005:

The Committee's proceedings (and that of its sub-committees) shall be in accordance with Regulations made under the Gambling Act 2005.

5.4 Other Licensing Matters

For all other licensing matters the Committee's proceedings (and that of its sub-committees) shall be in accordance with the Council's approved constitutional procedures.

5.5. Terms of Reference:

- (1) To undertake all the Council's functions as Licensing Authority under the Licensing Act 2003 to do so with a view to promoting the Act's licensing objectives (the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm) and with regard to the Council's Statement of Licensing Policy and any guidance issued by the Secretary of State under S.182 of the Act.
- (2) To undertake all the Council's functions as Licensing Authority under the Gambling Act 2005 and to do so with a view to promoting the Act's licensing objectives (prevention from being a source or used to support or being associated with crime and disorder; fair and open conduct of gambling and the protection of children and other vulnerable people from being harmed or exploited) and with regard to the Council's Statement of Gambling Policy and any guidance issued by the Gambling Commission. The Committee's schemes of delegation under the Licensing Act 2003 and the Gambling Act 2005 are appended at pages B20-B22.
- (3) To undertake all the Council's functions as Licensing Authority in relation to taxi and private hire licences under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- (4) To undertake all the Council's functions with respect to licensing and enforcement (other than the licensing functions as outlined in paragraphs 5.5 (1), (2), and (3) above. In addition, for clarification, the Committee and its sub-committees are not responsible for development control enforcement arising out the Town and Country Planning legislation.
- (5) To delegate its functions to sub-committees or officers subject to the restrictions imposed under the relevant Acts and the Guidance and Regulations made thereunder.
- (6) To appoint sub-committees of 3 members chosen from the membership of the Committee to carry out those functions. Sub-committees need not be politically balanced. The quorum of each sub-committee shall be 3. The sub-committees to act within policy guidelines approved by the Committee and in accordance with Council policies.

- (7) To appoint up to 5 of its membership to act as standing chairmen who will be entitled to chair meetings of the licensing sub-committees.
- (8) To keep the Council's Statements of Licensing Policy and Gambling Policy under review and to make recommendations to the Council in relation to the revision of the Policies.
- (9) To deal with appeals relating to any of the above other than where a separate right of appeal exists to another non-Council body.
- (10) To receive summary reports on determinations made by the licensing sub-committees and decisions made by officers and generally monitor workloads and performance.
- (11) To encourage partnership working between the Council and all other relevant agencies and interests, including local people and business with a view to promoting the licensing objectives of any relevant Acts.
- (12) To give advice and make recommendations to Cabinet in respect of licensing matters where an executive decision is required.

6. Joint Staff Advisory Committee

6.1 Composition:

The Joint Staff Advisory Committee shall comprise:

- 3 Members from Lewes District Council – including at least 1 Cabinet Member and 1 opposition member.
- 3 Members from Eastbourne Borough Council – including at least 1 Cabinet Member and 1 opposition member.
- 2 union representatives
- 2 staff representatives

Named substitutes can be appointed for Councillors and for staff representatives.

6.2 Quorum

Quorum for the Committee shall be at least 3 members of the Committee including 1 Councillor from each authority and 1 staff representative.

6.3 Chairing

The Chair will be appointed at the first meeting of each municipal year.

It will be normal practice for the chairmanship of the Committee to rotate between authorities and a staff representative (e.g. year 1 - Eastbourne Councillor, year 2 - Lewes Councillor, year 3 - staff representative).

A deputy chair will be appointed at the first meeting of each municipal year from any constituent group.

6.4 Frequency

The Committee will normally meet 4 times a year and will usually alternate locations between Eastbourne and Lewes.

Additional meetings can be called if required for any matter that needs to be considered urgently.

6.5 Status

The Committee will meet in public and will be an advisory committee (non-statutory).

It will make recommendations to each Full Council, Cabinet and Chief Officers as appropriate in relation to the matters set out in section 6 below.

6.6 Purpose of Committee

6.6.1 To act as an internal advisory committee which serves as a conduit between members and staff on employment related matters, and to make recommendations on such matters.

6.6.2 To consider and comment upon any policies relating to the application of new relevant legislation and equality issues.

6.6.3 To consider matters of health, safety and welfare of employees which are referred to the Committee for comment (which are not included in the terms of reference of the Joint Safety Committee).

6.6.4 Discussion of matters relating to individuals shall not be within the Committee's jurisdiction except as set out in paragraph 6.5 below.

6.6.5 For all appeals against staff dismissal and grievance, the Assistant Director – HR and Transformation shall invite 2 Councillor Members of this Committee to be a part of the relevant appeals panel.

7. Design Review Panel

7.1 Composition:

No elected Members. Planning Manager and between 6 and 8 external members representing chartered architects and/or related professional

disciplines to be appointed by the Council in consultation with the Royal Institute of British Architects.

The quorum of each Panel shall be 3.

7.2 Terms of Reference:

To advise the Council and the South Downs National Park Authority on the quality of design in respect of applications which fall within the major category of development and have a significant visual impact.

8. Tasks Groups – Standing

8.1 Conservation Advisory Group

8.1.1 Composition:

Up to 5 Councillors who are not members of the Planning Committee or approved substitutes, plus co-opted advisors.

Co-opted advisors to include the Council's Heritage Champion (or nominee if Heritage Champion is appointed to Planning Committee or otherwise unable to act in this capacity) and up to 3 others of which at least two must be external; this to be determined by the Head of Planning in liaison with the Chair of the Conservation Advisory Group on an annual basis, usually at the start of each municipal year.

Quorum to be 3 Councillors and 1 co-opted advisor.

Voting rights remain with the elected members only and the Chair and Vice Chair continues to be appointed by Full Council.

8.1.2 Terms of Reference:

To meet as an informal advisory body.

To advise the Planning Committee and the South Downs National Park Authority with regards to planning applications in Conservation Areas where there is a material effect on the Conservation Area and applications affecting Listed Buildings.

To comment and advise, with regards to planning applications and scheduled works, affecting heritage assets.

To comment and advise on any matter under consideration by Cabinet or the Planning Committee that has a significant material effect (as deemed by Cabinet or Planning Committee) on the Conservation Area and/or listed buildings and/or heritage assets.

8.2 Grants Task Group

8.2.1 Composition:

3 Councillors including the relevant Cabinet member. Membership to be balanced to political proportions on the Council. Chairman to be the Cabinet member.

8.2.2 Terms of Reference:

- To receive details of applications for grant assistance from charitable, social, cultural, educational and sporting groups active within the Borough prior to consideration by the Cabinet and comment thereon having regard to the approved criteria and budget limits.
- To undertake the functions of a Council Panel (paragraph 12.2(1)(b) refers) to consider any appeals lodged in respect of applications for the grant/renewal of discretionary and hardship rate relief and make recommendations to the Director of Service Delivery.
- To foster close liaison with other grant providing agencies (e.g. lottery funding, County Council, Health Authority etc. in order to maximise the benefit of the Council's grant aiding capability and propose joint working and/or contractual arrangements with such bodies where appropriate.
- To review the effectiveness of the Council's grant aiding activities having regard to the Council's corporate aims and objectives.
- To review the criteria and budgets for the allocation of grants generally and advise the Cabinet of its findings.

8.3 Equality Steering Group

8.3.1 Composition:

The lead Cabinet member, Corporate Management Team Director and the lead officer for equalities together with two external members representing disabled people and the black, minority and ethnic community.

8.3.2 Terms of Reference:

To ensure that Eastbourne Borough Council fulfils its statutory duties and its corporate aims in respect of all aspects of equality, by means

of direct action or recommendation to Cabinet as appropriate, and via the production of an Annual Corporate Equality Report.

9. Tasks Groups – Ad Hoc

9.1 Composition:

Normally between 2 and 4 Councillors that may (with the exception of Scrutiny Committee appointed Task Groups) include a Cabinet Member.

Membership to be balanced to political proportions on the Council.

Representation from outside organisations to be invited as appropriate. Council Officers appropriate to the subject matters.

9.2 Recommended Procedure:

- (1) Council, the Executive or Scrutiny Committee can, wherever thought appropriate:
 - (a) Create a Task Group to work on a specific matter.
 - (b) Specify its terms of reference and life-span.
 - (c) Specify its membership.
- (2) All Task Groups to function informally on specific matters as designated by the creating body and submit findings and recommendations to that creating body, through designated accountable Officers.

10. Council Panels (Ad Hoc)

10.1 Composition:

3 or 4 Councillors to be nominated by Group Leaders as appropriate and appointed on behalf of the Council by the Chief Executive. Membership to be balanced to the political proportions on the Council.

All panels to be supported and advised by the relevant accountable Officer. Members of the Panel will normally be drawn from the regulatory pool of Councillors or otherwise provided with training relevant to the consideration of staffing and appeal matters. Where a Panel is dealing with staffing matters consideration should be given to appointing Councillors who are also members of the Joint Staff Committee.

Councillors considering appeals in relation to the allocation of accommodation must not be the local ward Councillor.

10.2 Procedure:

- (1) Panels may be set up on an ad hoc basis to deal with the following matters:
 - (a) Staffing matters (other than recruitment), for example, appeals against dismissals or disciplinary action, salary gradings, grievances, health and safety at work and the exercise of discretion in respect of the local government pension scheme.
 - (b) Determination of an appeal against any decision made by or on behalf of the Council (a Local Choice Function).

NOTE: The Grants Task Group will undertake the functions of a Council Panel in relation to any appeals lodged in respect of applications for the grant/renewal of discretionary and hardship rate relief.

- (2) Panels will have delegated authority to consider and determine all the above matters on behalf of the Council. In respect of disciplinary action against the officers specified in paragraphs 7.1 and 8.1 of the Officer Employment Procedure Rules (Part 4), Panels shall act in accordance with the procedures set out in paragraphs 7.5 and 8.1 of the said Officer Employment Procedure Rules.
- (3) Panels will be convened by the Chief Executive or Assistant Director of Human Resources and Organisational Development after consultation with the relevant Director, Assistant Director as appropriate, the Mayor and Group Leaders.

11. Recruitment Panels (Ad Hoc)

(For positions of Head of Paid Service, Statutory and Non-Statutory Chief Officers and Deputy Chief Officers)

11.1 Composition:

At least 6 Councillors to be nominated by Group Leaders as appropriate and appointed on behalf of the Council by the Chief Executive (or Director acting in the absence of the Chief Executive). Membership must include at least one member of the Cabinet (as specified in paragraph 7.2 of Officer Employment Procedure Rules (Part 4)) and normally include the portfolio holding Cabinet member and Shadow Cabinet member relevant to the position the subject of recruitment.

Membership to be balanced to the political proportions on the Council.

All recruitment panels to be supported and advised by the relevant accountable officer, together with such external consultancy support as may be deemed necessary.

The accountable officer shall take steps to provide members of a Recruitment Panel with appropriate training in the recruitment and selection process.

11.2 Procedure:

Panels may be set up on an ad hoc basis to deal with the recruitment, selection and appointment of the positions covered by paragraph 7 of the Officer Employment Procedure Rules (see Part 4 of this Constitution). (Note: All other appointments are the responsibility of the Chief Executive (as Head of Paid Service), or an officer nominated by the Chief Executive.

A sub-panel of at least 3 members may be appointed to carry out the shortlisting and interview stages of the process.

The Panel will exercise the full powers of the Council to make such appointments subject to and in accordance with the procedures set out in paragraphs 7.2 and 7.4 of the Officer Employment Procedure Rules and to the requirement under Rule 7.2 to obtain the approval of the full Council before an offer of appointment is made in the case of a Head of Paid Service.

12. Independent Remuneration Panel

12.1 Composition:

3 or 4 persons, independent of the Council, appointed by the Head of Democratic Services following the agreed selection process.

The panel would be quorate with 3 members.

Members to be re-appointed each year at the annual council meeting and the maximum number of years that can be served shall be set be 4 years in line with Government guidance.

The selection panel to comprise 3 councillors (nominated by Group Leaders) and the Head of Democratic Services. The panel to have delegated authority to draw up a shortlist of applicants, interview and recommend appointments. The Head of Democratic Services has authority to terminate the appointment of any panel member but only after consultation with Group Leaders.

12.2 Purpose:

To advise and make recommendations to the Council in respect of the Members' Allowances Scheme.

13. Informal Bodies

13.1 Downland Forum

13.1.1 Composition:

3 or 4 Councillors with membership balanced to political proportions on the Council.

13.1.2 Terms of Reference:

To act as a forum:-

- (1) Focusing on the need to protect the Downland for the people of Eastbourne.
- (2) Acknowledge the Council's function as having temporary stewardship of the Downland.
- (3) Maintain, preserve and enhance the Downland, its character, flora and fauna, within available resources.
- (4) Have regard to and interact with tenant farmers and recreational users of the Downland wherever necessary.

14. Project Management Boards

Such boards may be constituted at any time by the Cabinet and/or the Corporate Management Team to assist in the management and delivery of particular projects or schemes. They should be time limited with specific terms of reference. Composition will normally include 2 Councillors (one from each of the two 2 main political groups) together with relevant officers and external participants and experts where appropriate.

A key feature of the operation of such boards will be the use of PRINCE 2* methodology (*Projects IN Controlled Environments).

15. Eastbourne Homes

The Council has delegated many of its housing management service functions to Eastbourne Homes, an arms-length management organisation, established as a private limited company.

The key objects for the company include:

- manage, maintain and improve the housing stock;
- provide amenities and services to the residents in the areas where the stock is located;

- contribute to the regeneration and development of those areas; including economic development and social inclusion activity; and
- promote tenant and leaseholder involvement and community empowerment.

5 Councillors (or exceptionally, others with relevant experience) are appointed as non-executive directors of the company.

16. Outside and Other Bodies

For a list of the outside and other bodies on which the Council has representation please see Part 7 of the Constitution.

APPENDIX 1

LICENSING ACT 2003 – SCHEME OF DELEGATION

The following scheme was approved by the Licensing Act Committee on 26 January 2005.

Matter to be dealt with	Full Committee	Sub Committee	Officers*
Application for personal licence		If a police objection	If no police objection
Application for personal licence with unspent convictions.		All cases	
Application for premises licence/club premises certificate.		If a relevant representation made	If no relevant representation made
Application for provisional statement.		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate.		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor.		If a police objection	All other cases
Request to be removed as designated premises supervisor.			All cases
Application for transfer of premises licence.		If a police objection	All other cases
Applications for interim authorities.		If a police objection	All other cases
Application to review premises licence/club premises certificate.		All cases where relevant representation made	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases in consultation with a sub-committee chairman as appropriate.

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Matter to be dealt with	Full Committee	Sub Committee	Officers*
Decision to object when local authority is a consultee and not the relevant authority considering the application.		All cases	
Determination of an objection to a temporary event notice.		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition.		If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application.			All cases
Determination of minor variation application.			All cases

Other delegations:

Matter to be dealt with	Full Committee	Sub Committee	Officers
Extension of time limits under the Hearings Regulations (Reg. 11).		In cases where the sub-committee is conducting a hearing	All other cases
Appointment of “standing” chairmen of sub-committees.	All appointments		
Appointment of members to serve on a licensing sub-committee.			All appointments (Head of Democratic Services)

*Officers. Delegation is to the Senior Specialist Advisors and Specialist Advisors unless another officer is specified).

APPENDIX 2

GAMBLING ACT 2005 – SCHEME OF DELEGATION

The following scheme was approved by the Council on 18 April 2007

Matter to be dealt with	Full Committee	Sub Committee	Officers
Three-year licensing policy.	X		
Policy not to permit casinos.	X		
Fee setting (when appropriate).			X
Application for premises licence		If a representation made	If no representation made
Application for a variation to a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/club machine permits		If a representation made	If no representation made
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	



Section C1

RESPONSIBILITY FOR FUNCTIONS – LEADER

To exercise any function which is designated as an executive function under the law or under the Council's Constitution. Section 14 of the Local Government Act 2000 (as amended) vests all executive functions in the Leader, who may delegate them to the Cabinet, a committee of the Cabinet, individual Cabinet Members, to a body acting under a joint arrangement or an officer. Any such delegation is without prejudice to the Leader's ability to exercise these powers notwithstanding the delegation.

Specific Functions

- a) Responsibilities aligned with the Chief Executive and including the Community Strategy, Local Strategic Partnership, the Corporate Plan and economic development.
- b) To determine the appointment and dismissal of Cabinet Members, their portfolios and the scheme of delegation for executive functions.
- c) To deal with any executive function not specifically delegated to another member of the Cabinet.
- d) The formulation, co-ordination and implementation of corporate policies and strategies and making decisions relating to such matters to the extent that they are not reserved to Full Council.
- e) To lead on consultation and other liaison with local communities.
- f) To represent the Council in national and regional negotiations and consultations.

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Section C2

RESPONSIBILITY FOR FUNCTIONS – CABINET

Composition:

Leader of the Council plus at least 2 but no more than 9 Councillors appointed by the Leader all from the controlling political group.

(Note: There is a statutory prohibition for either the Mayor or the Deputy Mayor to be appointed to the Cabinet.)

Terms of Reference:

- (a) Make recommendations to the Council in respect of the formulation and revision as necessary of plans and strategies which comprise the Council's Policy Framework to achieve the corporate vision, subject to consultation with the Scrutiny Committee.
- (b) Recommend to the Council an Annual Budget, (comprising the allocation of financial resources to different services and projects, proposed contingency funds, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits) in consultation with the Scrutiny Committee, and with representatives of the business community prior to the Budget Council meeting.
- (c) Approval of the Council Tax Base
- (d) Exercise of the Council's functions in respect of Local Area Agreements
- (e) Make recommendations to the Full Council in respect of the formulation of the Local Development Framework (Borough Plan) and other Planning and Regulatory Policies subject to consultation with the Planning and Licensing Committees.
- (f) Approve the corporate criteria and objectives for Performance Management.
- (g) Approve time-tabling arrangements for reviews in order to ensure that reviews are staggered through the year and allocate specific time-scales and required working hours for each review having regard to the resources available to conduct the review.

- (h) Receive, consider and make decisions on the outcome of reviews and where necessary make recommendations to the full Council on matters that require Council approval as part of or variations to the Policy Framework.
- (i) To make minor modifications to plans and strategies contained within the Policy Framework but only within such limits as the Council may specify at the time they approve the plan or strategy.
- (j) To make adjustments to the Budget in the course of the year but only in so far as the Financial Procedure Rules allow and otherwise as may be determined by the Council when approving the Budget.
- (k) Exercise all other Functions of the Authority other than:-
 - (i) those functions designated to the Full Council and its Committees;
 - (ii) those functions within the approved delegated authority of the Chief Executive, Corporate Management Team and Heads of Service. An officer not exercising their approved delegated authority in relation to a matter shall refer that matter to Cabinet for decision.
 - (iii) any other business expressly required as a function not to be the responsibility of the Executive in the Local Authorities (Functions and Responsibilities) (England) 2000 Regulations as amended;
 - (iv) any Local Choice Function designated as the responsibility of the full Council or delegated to a committee or panel of the Council or to an officer (this includes decisions in respect of the Council Tax Base).



Working in partnership with **Eastbourne Homes**

Section C3

ROLES, DUTIES AND RESPONSIBILITIES OF CABINET MEMBERS

1. INTRODUCTION

- 1.1 The provisions of the Local Government Act 2000 allow for functions to be delegated to individual Members of the Cabinet. The Leader may authorise individual Cabinet Members to undertake such executive functions as he or she considers appropriate.

The current position is that delegations to individual Cabinet Members have not been made and decision-making is by Cabinet as a whole or via delegation to officers.

- 1.2 Cabinet Members will be assigned portfolios by the Leader identifying areas of responsibility for which they provide a political lead at Cabinet meetings and working in consultation with Officers.

2. ROLES AND RESPONSIBILITIES OF CURRENT CABINET MEMBERS

2.1 Councillor Stephen Holt – Leader of the Council and Chairman of the Cabinet

Community Strategy, Local Strategic Partnership, the Corporate Plan, performance and staff

2.2 Councillor Margaret Bannister - Deputy Leader and Deputy Chairman of Cabinet

Tourism, leisure, accessibility and community safety.

2.3 Councillor Peter Diplock

Housing and planning.

2.4 Councillor Robin Maxted

Finance and resources.

2.5 Councillor Jim Murray

Climate change.

2.6 Councillor Colin Swansborough

Enterprise, community spaces and heritage assets.



Part 9

Scheme of Delegations to Officers and Proper Officer List

EASTBOURNE BOROUGH COUNCIL

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Annex A – Chief Officers' and Monitoring Officer's Areas of Responsibility

A General Principles

A1. Statutory authority permitting the Council to delegate the discharge of its functions to an officer is provided by:

- The Local Government Act 1972, section 101(a), in respect of **non-executive** functions. The power to decide which of these functions are to be delegated to an officer resides with full Council or, where full Council has authorised a committee to discharge any function, with that Committee.
- The Local Government Act 2000, section 9E(2)(b), in respect of **executive** functions. The power to decide which executive functions are to be delegated to an officer is in the sole gift of the Leader or, where the Leader has authorised the Cabinet or a Cabinet Member to discharge any function, in the gift of the Cabinet or Cabinet Member as applicable.

The Proper Officer appointments are made under the relevant provisions of section D of this scheme.

An officer or other person is authorised to exercise such powers as are shown in the Scheme of Delegations including those reasonably applied or incidental to the matters specified in respect of the functions of the Council. Functions, matters, powers, authorisations, delegations, duties and responsibilities etc. within the scheme shall be construed in a broad and inclusive fashion.

A2. For the purposes of this scheme:

If the post of an officer to whom a function is delegated (or to which he/she has been appointed as a Proper Officer) is vacant, or if the post-holder is absent through sickness, on leave (of whatever type), or otherwise unavailable, then unless the Council otherwise decides:

- i) In the case of the Chief Executive, the delegation shall be exercisable by the Deputy Chief Executive, a formally-appointed Acting Chief Executive (to include an Interim Chief Executive) or any one of the Chief Officers (as defined below).
- ii) In the case of a Chief Officer the delegation shall be exercisable by the Chief Executive or another Chief Officer.
- iii) In the case of the Officer who carries the role of a Section 151 Officer, the delegation shall be exercisable by the Deputy Section 151 Officer in relation to matters under Section 151 of the Local Government Act 1972.

- iv) In the case of the Officer who carries the role of Monitoring Officer, the delegation shall be exercisable by the Deputy Monitoring Officer in relation to matters which are the responsibility of the Monitoring Officer.
- v) In the case of a Head of Service, the delegation shall be exercisable by the Chief Executive, Deputy Chief Executive or a Director or a Head of Service sub-delegated to in writing by one of these officers, provided that the officer exercising the delegation has the requisite professional qualification, where such is required (e.g. planning).

A3. Where decisions are taken by officers under delegated powers the following conditions and rules shall apply:

- i) Powers shall be exercised in accordance with the Council's Constitution (including budgetary, financial and contractual procedural rules), in accordance with professional advice and, if appropriate, from the relevant lead service officer, in accordance with the Council's approved Policy Framework and other approved plans and policies and also with regard to all relevant legislative provisions.
- ii) Any Officer exercising a delegation, except in cases of emergency, shall only do so:
 - a) in accordance with the relevant policies and procedure of the Council, and
 - b) where provision has been made for any expenditure within the relevant budget.
- iii) In cases of emergency an Officer may, if justified by all of the circumstances, exercise delegations in a manner which is not in accordance with Council policies or procedures and/or where provision has not been made in any budget. A written record of the reasons for deviating from the policies and procedure and/or expenditure without a relevant budget must be made and kept.
- iv) The Officer exercising such power shall give effect to any resolution or decision of the Council, Leader, Cabinet, Cabinet Member or a Committee upon any matter of principle or policy in relation to the functions concerned.
- v) Where an Officer is authorised to take a decision or exercise a function either directly or by virtue of the provisions relating to absence detailed in paragraph A2 above, he/she may authorise any other officer specifically or generally to take such action as is necessary to implement that decision or exercise that function either in the name of the Officer so delegating or in the sub-delegate's own name.
- vi) Officers carrying delegations under this Scheme of Delegations, while retaining the delegation themselves, may also, in writing, further delegate the authority to exercise the delegation to another officer, although final responsibility for the actions taken under any such sub-delegation will remain with the original delegator. Officers entrusted with such sub-

delegations may, with the written agreement of the relevant Director or Assistant Director, further delegate the authority.

- vii) Any sub-delegation is to be recorded in writing.
- viii) A copy of any sub-delegation or its revocation shall be provided to the Head of Democratic Services within five working days. The Head of Democratic Services shall maintain a central register of sub-delegations and the current list of sub-delegations shall be shown on the intranet and be available to Members and Officers.
- ix) An Officer may be required under this Scheme of Delegations to Officers to exercise a delegation after consultation with the Leader, a Cabinet Member or other nominated Councillors. Any sub-delegation or further sub-delegation of the original delegation will retain any original consultation requirement. The Officer dealing with a matter shall also arrange for any inter-departmental consultation that may be required.
- x) Where an Officer is authorised to take decisions, action to implement such decisions shall be taken in the name of (but not necessarily personally by) that Officer.
- xi) Any Officer to whom a delegation or sub-delegation is given may waive his/her right to exercise the delegation or sub-delegation and refer the matter back to the Council, the Leader, the Cabinet, the Individual Cabinet Member or to the relevant Committee or the original delegate for a decision.
- xii) Where an Officer is taking a decision which could attract legal liability to the Council, he/she shall consider whether or not the nature of the decision justifies it being taken in consultation with the Head of Legal Services to the Council (e.g. termination of a contract).
- xiii) Each delegated power includes authority, after consultation with the Council's senior legal officer, for:
 - (a) the prosecution, defence, institution of or appearance in any legal or other proceedings in any Court, inquiry or tribunal or before any similar body; and
 - (b) the conduct of any such proceedings. All legal proceedings shall be undertaken under the name of the Council's senior legal officer.
- xiv) Any decision which has financial implications other than those budgeted for shall be taken in consultation with the Council's Director of Finance and Performance.

- xv) Unless specifically stated, no delegation authorises the taking of decisions as to whether or not simple cautions (as a punishment) should be administered to defendants or legal action should be taken by or on behalf of the Council.
- xvi) Subject to any express provision or instruction from the Council, the Leader, the Cabinet or other decision-making body of the Council to the contrary, any power to approve or deal also includes the power to refuse and the power to impose appropriate conditions.
- xvii) Decisions taken under delegated powers may need to be recorded. Rule 13 of the Access to Information Procedure Rules shall apply in respect of any key decision taken by an Officer under delegated authority of the Leader or the Cabinet. An Officer exercising a delegated power shall, where necessary, append a note to the record of his/her decision detailing the steps taken to inform/consult with the Leader/Cabinet Members/Councillors and the responses received. In accordance with regulation 13(4) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and regulation 7 of the Openness of Local Government Bodies Regulations 2014, where a written statement of executive and non-executive officer decisions must be recorded, it is published as soon as reasonably practicable after a decision has been made.
- xviii) This Scheme of Delegation should be read in conjunction with any of the Council's business plans. These set out the general priorities for the Council's activities and are agreed by the Council on an annual basis. Chief Officers are delegated to carry out the activities described in these plans, with overview by the Council carried out through its performance management and budget monitoring framework.

A4. Other matters

- i) Those Officers designated as proper officers, authorised officers, appropriate person or any other statutory description of officer listed in Section D shall exercise the powers and have the responsibilities attributed to them by legislation.
- ii) The Chief Executive, Deputy Chief Executive, Directors and the Director of Finance and Performance may appoint any appropriate officer to be a proper officer, authorised officer, appropriate person or any other statutory description of officer in respect of any legislation and written confirmation of such appointment shall be conclusive evidence of its application in particular cases.

- iii) In the event that a post to which a delegation is given ceases to exist and its responsibilities are transferred to another post temporarily or permanently, then the delegations given under this scheme shall be exercisable by the post to which the responsibilities have been transferred. There should be written confirmation of the change in responsibilities from the Chief Executive, which shall be provided to the Head of Democratic Services to be retained with the central copy of the Scheme of Delegations and sub-delegations.
- iv) An Officer acting up to or seconded to a post on which delegations have been bestowed in accordance with this Scheme of Delegations shall be able to exercise those delegations in the same way as the original postholder.
- v) The Monitoring Officer may at any time make minor technical or presentational amendments to this Scheme to reflect changes in legislation, policy, or Chief Officer titles and remits. Amendments of a substantive nature must, after consideration by the Senior Managers Forum and the Corporate Management Team, be referred to the Constitution Working Group for consideration and to formulate a recommendation to Audit and Governance Committee.
- vi) A row number in Parts B and C with a blue 'C' suffix indicates a council function. These rows are B19, B20, B35-37, C2, C38-41, C42(ix), C57-70 and C73. All other rows in those Parts are executive functions.
- vii) Text in this Scheme **highlighted in blue** is a function exclusive to Eastbourne Borough Council. These functions are specified in rows C11, C11A, C11B, C11C, C28A, C30, D21 and Annex A.

A5. Interpretation

Term	Definition
Act, Order or other legal provision	Any reference to an Act, Order or other legal provision shall include a reference to any modification or re-enactment thereof and any reference to any Directive, Act, Order or other legal provision shall include any Regulations, Orders, Rules, Instruments, Directions, Statutory Guidance or other legal provision made thereunder.
Chief Officer	The Chief Executive and any of the Directors.
Consultation	Consultation shall mean seeking the comments of the person(s) to be consulted with. Consultation shall not mean obtaining the consent of the person(s) to be consulted with. A written record of the consultation shall be retained by the officer managing the exercise.
The Council	Shall include the Council, the Leader, the Cabinet, an Individual Cabinet Member or a Committee.
Emergency	Circumstances where action is necessary immediately and where inaction may lead to a loss of life, injury to a person or animal or damage to or loss of property.
The Planning Acts	The Town and Country Planning Act 1990, the Town and Country Planning Act 2008, the Planning (Listed Building and Conservation Areas) Act 1990, and the Planning (Hazardous Substances) Act 1990; and, in respect of them all, any amendments as may be made from time to time and any regulations and orders made pursuant to the same.
In writing	When applied to a sub-delegation, further sub-delegation or the cancellation of such a sub-delegation or further sub-delegation from this Scheme of Delegations, “in writing” shall be taken to include email, whether or not by specific reference to the elements of the scheme within such an email, or by a combination of general sub-delegation and attachment to the email of part or parts of this Scheme. As provided at A3(vii) above, the Head of Democratic Services shall be responsible for maintaining an up to date register of such sub-delegations, further sub-delegations or retractions of such delegations and sub-delegations, which shall be available to view on the Council’s Intranet.

A6. Abbreviations

Post	Abbreviation
Chief Executive (and Head of Paid Service)	CE
Director of Regeneration and Planning	DRP
Director of Service Delivery	DSD
Director of Finance and Performance	DFP
Director of Tourism, Culture and Organisational Development	DTCOD
Head of Legal Services	HLS
Head of Democratic Services	HDS
Head of Elections and Local Land Charges	HE & LLC

Act / Regulation or Order	Abbreviation
Planning (Listed Buildings and Conservation Areas) Act 1990	P(LB&CA)A
Town and Country Planning Act 1990	TCPA
Town and Country Planning (Control of Advertisement) Regulations 1992	TCP(CA) Regs
Town and Country Planning (General Permitted Development) Order 2015	GPDO

B Delegations to all Chief Officers

Subject to the foregoing, there are delegated to the Chief Officers those matters detailed in column 2 below, subject to any consultation requirements set out in column 3 and any limitations listed in column 4 below. Chief Officers can make any decision that can be made by a Head of Service or other Officer.

General:

No.	Delegation	Consultees	Limitations
B1.	To manage the functions for which they are responsible as set out in Annex A .		
B2.	To make consequential amendments to any policy, strategy, consultation or similar document and sign notices, other than legal notices, arising from any decision of the Council.		
B3.	To respond to consultations.	Relevant Cabinet Member	
B4.	To dispose of lost or uncollected property.		
B5.	To procure goods and services in accordance with Contract Procedure Rules.	DFP	
B6.	To exercise powers under Section 1 of the Localism Act 2011 (the general power of competence) in respect of the functions for which they are responsible as set out in Annex A .		
B7.	To exercise powers and determine all matters relating to the supply of goods and services to other local authorities and public bodies in respect of the functions for which they are responsible as set out in Annex A .	DFP	

No.	Delegation	Consultees	Limitations
B8.	To carry out the 'Proper Officer' and “authorised Officer” functions as identified in the list set out in Section D below.		
B9.	To carry out minor development for which planning permission is not required.		
B10.	To authorise Officers to carry out inspections, take samples, enter premises, form opinions and take any other necessary action as may be required by law or in accordance with the Council's functions and policies in relation to the functions for which they are responsible.		

Contracts:

No.	Delegation	Consultees	Limitations
B11.	To do all matters in relation to the letting of contracts.		In accordance with Contract Procedure Rules
B12.	To invite and accept tenders received on any matter.		In accordance with Contract Procedure Rules
B13.	To sign contracts on behalf of the Council.		In accordance with Contract Procedure Rules

Financial:

No.	Delegation	Consultees	Limitations
B14.	To manage budgets allocated to the functions for which they are responsible as set out in Annex A, including authority to incur expenditure, and enter into contracts, on items included in the approved Revenue Estimates or Capital Programme except where the Council has placed a reservation on any such item.		In accordance with Financial Procedure Rules and Contract Procedure Rules
B15.	To implement the substance and conditions of a grant provided by the government under s.31 of the Local Government Act 2003.		
B16.	To provide business grants under government schemes.		
B17.	To write off amounts as irrecoverable.	DFP/Relevant Cabinet Member	In accordance with Financial Procedure Rules
B18.	To determine grant applications in relation to the functions for which they are responsible as set out in Annex A.		(NB this delegation does not relate to the award of grants to Voluntary sector organisations)
B19. C	To vary, in exceptional circumstances, annual fixed fees and charges, subject to any relevant Council policies.	Relevant Cabinet Member	
B20. C	To determine charges for the use of relevant services and events not covered by the annual review of fees and charges.	Relevant Cabinet Member	

No.	Delegation	Consultees	Limitations
B21.	To take any action authorised by Financial Procedure Rules.		
B22	To submit bids for the Council to receive grants etc from outside bodies in accordance with the functions of the Council.	DFP	

Assets:

No.	Delegation	Consultees	Limitations
B23.	Disposal of surplus / redundant moveable assets (i.e. not land or buildings).		Not to include any item that may be considered to be of historical significance, interest or value.

Data Protection and Freedom of Information:

No.	Delegation	Consultees	Limitations
B24.	Respond to requests under Data Protection and Freedom of Information legislation, the latter comprising the Freedom of Information Act 2000 and Environmental Information Regulations 2004.		

Emergency Powers:

No.	Delegation	Consultees	Limitations
B25.	To take any action necessary with regard to the Council's Emergency Planning functions, as required under the Civil Contingencies Act 2004 and the Council's other emergency plans, including authority to incur expenditure.		

Land:

No.	Delegation	Consultees	Limitations
B26.	In accordance with Council policies, to manage land, property and other assets allocated to the functions for which they are responsible.		

Health and Safety:

No.	Delegation	Consultees	Limitations
B27.	To exercise all powers, functions, duties and responsibilities of the Council with regard to Health & Safety.		

Equalities:

No.	Delegation	Consultees	Limitations
B28.	To exercise all powers, functions, duties and responsibilities of the Council with regard to equalities.		

Legal:

No.	Delegation	Consultees	Limitations
B29.	To make application for warrants of entry to land or property under the provisions of any legislation, other than warrants for possession of land or property, in relation to functions for which the Chief Officer is responsible.	Where practicable, with the HLS	

No.	Delegation	Consultees	Limitations
B30.	<p>After consultation with the Head of Legal Services,</p> <p>(i) to prosecute, defend, commence or appear in any legal or other proceedings in any Court, inquiry or tribunal or before any similar body; and</p> <p>(ii) to conduct any such proceedings. All legal proceedings shall be undertaken under the name of the Head of Legal Services.</p>		
B31.	To sign, issue and serve all notices required by statute or otherwise to be given by the Council and all necessary advertisements.		

Regulatory:

No.	Delegation	Consultees	Limitations
B32.	To issue fixed penalty notices where permitted by statute in relation to the functions for which they are responsible.		
B33.	The grant, review, renewal and cancellation of authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA) and Investigatory Powers Act 2016, in accordance with the Council's surveillance and communications data acquisition policies.		Applies to RIPA authorising officers only.
B34.	The making of ex gratia payments in cases of maladministration.	DFP	

Licences, notices etc.

No.	Delegation	Consultees	Limitations
B35. C	The determination of any application for permissions, consents or licences or for registration within the functions for which he/she is responsible.		Except where they are reserved to Council, the Leader, the Cabinet, a Cabinet Member or Committee.
B36. C	The issue and service of any notice or requisition for information concerned with matters within the functions for which he/she are responsible.		
B37. C	The carrying out of works in default following non-compliance with any notice concerned with matters within the functions for which the/she are responsible.		
B38.	The management of any internal appeal, challenge or objection process against or in support of any of the Council's decisions, other than before a court or tribunal.		
B39.	The incurring of expenditure on the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the United Kingdom.		To maximum of £2000.

Planning:

No.	Delegation	Consultees	Limitations
B40.	To make application for all consents required in relation to planning permission in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		

Regulation etc:

No.	Delegation	Consultees	Limitations
B41.	To make application for all consents required in relation to Building Regulation Approval in respect of Council land or property in relation to the functions for which they are responsible as set out in Annex A .		

Staffing:

No.	Delegation	Consultees	Limitations
B42.	To determine and take action in relation to all staff matters relating to permanent and temporary staff below Chief Officer level, allocated to the functions for which they are responsible.		In respect of applications for ill health retirement, and applications from former employees to have their LGPS pensions released on compassionate or exceptional grounds, directors may proceed only in consultation with DTCOD and Council appointed Occupational Health Team.
B43.	To appoint officers as ‘Authorised Officers’, ‘Inspectors’, ‘Proper Officers’ or similar and to undertake enforcement functions excluding the issuing or defending of legal proceedings in respect of functions for which the officer is responsible.		
B44.	In accordance with section 113(1) of the Local Government Act 1972, to place officers at the disposal of other local authorities.	The individual officer(s) to whom the disposal applies	Where the disposal relates to a high profile matter or one of strategic importance, the Chief Officer should give due consideration to consulting the relevant Cabinet member.

C Delegations to Specific Chief Officers

Subject to the foregoing, there are delegated to the Officers listed below those matters detailed in column 2 subject to any consultation requirements in column 3 and any limitations in column 4.

No.	Scope of Delegations
C1.	<p>Chief Officers and Head of Legal Services shall exercise the following powers or may authorise suitably experienced or qualified officers who shall have, save for any consultation requirements and limitations listed, the range of powers set out below. The powers referred to shall not include the following:</p> <ul style="list-style-type: none"><li data-bbox="338 603 1995 671">a) Powers where an individual officer is required by law to hold a relevant qualification and he/she does not hold that qualification.<li data-bbox="338 719 1984 788">b) Powers which fall outside the individual's actual authority as determined by his/her post or are not covered by the authorisation issued by or on behalf of the delegating Officer.<li data-bbox="338 836 1957 871">c) Any situation where an individual Officer is prevented, for whatever proper reason, from exercising such power.<li data-bbox="338 919 2163 987">d) Powers to determine whether or not civil or criminal proceedings should be issued once evidence to support the issue of such proceedings is available save as set out below in respect of cautions and administrative penalties.<li data-bbox="338 1035 1081 1070">e) Powers to authorise civil or criminal proceedings.

Chief Executive:

No	Function	Consultation	Limitation
C2. C	The taking of any action required in connection with the organisation or holding of neighbourhood, parish, district, county, general elections or referenda.		
C3.	To take urgent action on behalf of the Council.		<p>This power may be exercised only where all efforts, so far as reasonably practicable, have been made to inform the Leader or Deputy Leader in advance.</p> <p>Where it is not practicable to inform the Leader or Deputy Leader in advance, the Chief Executive should do so at the earliest feasible time thereafter.</p> <p>For the purposes of this delegation, “urgent action” means action that needs to be taken immediately or in a very short timescale to meet operational needs and cannot reasonably be deferred to allow the normal decision making process.</p>
C4.	The grant and supervision of exemptions from political restriction.	HLS	
C5.	To maintain a register of politically restricted posts and ancillary matters.	HLS / HDS	
C6.	To convene and cancel meetings of the Council, the Leader, the Cabinet, Cabinet Members, Committees and all other Council bodies.	HLS / HDS	

Chief Officers other than the Chief Executive:

No	Function	Consultation	Limitation
C7.	In the absence of the Chief Executive, to take urgent action on behalf of the Council.		The Leader or Deputy Leader will be kept informed, if they are available.

Director of Tourism, Culture and Organisational Development:

No	Function	Consultation	Limitation
C8.	To confirm the appointment of staff on the satisfactory completion of probationary period.	Relevant Chief Officer.	
C9.	To implement the Council's pay and grading procedure.	DFP.	
C10.	To implement any nationally agreed pay settlements.	DFP.	
C11.	To exercise the Council's functions relating to the provision and management of cultural facilities and activities, including but not limited to the provision of hospitality and catering. In this paragraph, "cultural facilities" include The Congress Theatre, Devonshire Park Theatre, The Welcome Building, Winter Garden and the Bandstand. ¹		
C11A.	To manage the Council's functions relating the provision and management of The Stage Door pub.		
C11B.	To exercise the Council's functions relating to the provision and management of the International Tennis Centre at Devonshire Park.		

¹ Text highlighted in blue indicates a function unique to Eastbourne Borough Council

No	Function	Consultation	Limitation
C11C.	To exercise the Council's functions relating to the provision and management of the Eastbourne Downs Golf Club.		

Director of Service Delivery:

No	Function	Consultation	Limitation
C12.	To determine any applications for Housing, Council Tax or similar benefits; and, where appropriate, make payments of Housing and Council Tax or similar benefits.		Housing benefit determinations to follow the procedure in row C12A
C12A.	To exercise determinations, discretionary powers and all functions contained under the Social Security and Housing Benefit Act 1982 including any regulations and amendments thereto and any subsequent relevant legislation.		
C13.	To take all necessary actions including legal enforcement relating to the demand, collection and the recovery of Council Tax (as specified in row 13A), Business Rates (as specified in row 13B) and any other local levy or collected taxes.		
C13A	To administer the functions of the Council under the Local Government and Finance Act 1992 and regulations made thereunder in connection with the collection and enforcement of the Council Tax including, without limitation, the Council's functions regarding:		

No	Function	Consultation	Limitation
	<p>(i) determinations as to persons to be disregarded for the purposes of discount under Section 11(5) and Schedule 1 to the Act;</p> <p>(ii) the administration etc of the Council Tax under regulations made pursuant to Section 14(1) and Schedule 2 to the Act;</p> <p>(iii) the imposition of penalties under Section 14(2) and Schedule 3 to the Act;</p> <p>(iv) the enforcement of the Council Tax under regulations made pursuant to Section 14(3) and Schedule 4 to the Act;</p> <p>(v) the administration of and making determinations under legislation relating to Council Tax benefits and reductions; and</p> <p>(vi) the authorisation of officers to levy distress on behalf of the Council pursuant to regulation 45 of the Council Tax (Administration and Enforcement) Regulations 1992.</p>		
C13B	To administer the Council's functions in relation to the collection of non-domestic rates in accordance with the Local Government Act 1988 and all relevant regulations made thereunder.		

No	Function	Consultation	Limitation
C14.	To determine entitlement to mandatory or discretionary rate relief.	Relevant Cabinet Member	
C15.	To serve on the Valuation Officer notice of objection to any proposals for alteration of the Valuation List.		
C16.	To make proposals for the alteration of the Valuation List or for inclusion of particular properties in the Valuation List.		
C17.	To sign off Valuation Agreements.		
C18.	[Deleted]		
C19.	To determine and take all action in relation to the management and maintenance of the Council's housing accommodation including the letting, transfer, exchange and repossession of dwellings, garages, open spaces and parking spaces. To determine and where appropriate give consent for alterations or extensions to former Council houses and flats.		
C20.	In relation to all and any council owned housing properties: (i) to acquire or dispose of land, and to grant and/or modify leases, easements, licences and way-leaves of, in, or over such properties, in accordance with the limits specified in paragraphs C1 a) to e) above. (ii) To vary the terms and conditions of, or negotiate the	Where any value exceeds the limits specified in paragraphs a) to e), the DSD may exercise the powers	a) Where the payment from the other party does not exceed £50,000 (£25,000 for amenity land); or b) where the payment to the other party does not exceed £50,000; c) where the annual rent does not exceed £25,000 (except for a rent review); or d) where the lease term of the property does not exceed 10 years; or

No	Function	Consultation	Limitation
	surrender of, leases and licences. (iii) To determine as landowner or landlord, applications for licences, consents and permissions in respect of properties.	referred to in C20(i) but only after consulting with the relevant cabinet portfolio holder.	e) if an easement or way-leave, the annual fee does not exceed £1,000.
C21.	To make the necessary application for permission to dispose of 5 or more HRA assets direct to the Secretary of State.		
C22.	To investigate allegations of council tax benefit fraud.		
C23.	To determine whether or not a simple caution or administrative penalty should be administered following an investigation into an alleged criminal offence	HLS	There must be a full admission. It must be a first offence. It must be in the public interest. It must be a minor matter. It must not be a complex fraud or attempted fraud.
C24.	To administer simple cautions and administrative penalties, following determination in accordance with paragraph C23 above.		
C25.	To implement the Council’s policies regarding Community Safety and the reduction of crime and disorder.		
C26.	To take appropriate enforcement action in relation to – (i) any Council byelaw; and (ii) any anti-social behaviour regulated by the Council under powers conferred by the Anti-social Behaviour, Crime and Policing Act 2014, such enforcement to		

No	Function	Consultation	Limitation
	include the issuing of fixed penalty notices.		
C27.	<p>To exercise the Council’s functions relating to homeless persons.</p> <p>This includes the power to carry out and/or arrange for the carrying out of homelessness reviews in accordance with Part VII of the Housing Act 1996. The Director of Service Delivery may carry out such reviews personally or may instruct another council officer to carry out such a review or may instruct a third party individual or body to carry out such a review on his/her behalf. A third party individual or body may be instructed to carry out such a review by the Director of Service Delivery personally or by a council officer acting on his/her behalf.</p>		
C28.	To determine applications for appropriate Housing Grants and the taking of all steps concerned with certification of payment of the same.		
C28A.	To cast any vote the Council may have at General Meetings of Eastbourne Homes Ltd.		
C29.	To devise, manage and maintain the Housing Register maintained by the Council under the relevant statutory provisions in accordance with the Council’s Housing Allocations Policy.		
C30.	To nominate people on the Council’s Housing Register to properties managed by Homes First (on behalf of Eastbourne Homes Ltd) and the Registered Social Landlords in accordance with the Council’s allocations		

No	Function	Consultation	Limitation
	policy.		
C31.	To exercise the Council’s regulatory and any associated management functions in relation to fitness and standards of housing and residential accommodation.		
C32.	To exercise the Council’s regulatory and any associated management functions in relation to houses in multiple occupation and private housing.		
C33.	To exercise all the Council’s functions in relation to cremations, burials and all bereavement-related services.		
C34.	To collect, remove, recycle and dispose of waste and fly tipping waste to ESCC’s nominated Waste Disposal Authority (WDA) site.		
C35.	To collect, remove, recycle and dispose of litter to ESCC’s nominated WDA site.		
C36.	To authorise revisions to charges in relation to the following “charged for” services: Garden Waste, Trade Waste, Bulky Waste, as well as replacement bin provision.		

Director of Service Delivery:

No	Function	Consultation	Limitation
C37.	To manage, including the authority to agree usage (and, where appropriate, agree temporarily reduced charges for usage where such reduction is in the financial and/or		

No	Function	Consultation	Limitation
	overall interests of the Council) and, to maintain all the parks, pleasure grounds, gardens, open spaces, commons, recreational facilities, museums, nature reserves and allotments within the Council's control.		
C38. C	All matters relating to pleasure boats, boatman's licences, fisherman's agreements and all such other matters related to the Council's powers and duties in relation to the coast, rivers and harbours.		
C39. C	<p>Regulatory functions.</p> <p>To exercise all the regulatory and any associated management functions for which the Council has responsibility, including but not limited to the following:</p> <ul style="list-style-type: none"> a. Amenities on the highway. b. Animal welfare and control c. Caravan Sites d. Environmental protection e. Fitness and Standards of Housing f. Food Safety and Hygiene g. Gambling h. Gaming permits i. Hackney Carriages and Drivers j. Health and Safety at Work k. Houses in Multiple Occupation and Private Housing. l. House to house collections m. Highway management n. Licensable activities under the Licensing Act 2003 o. Lotteries 		

No	Function	Consultation	Limitation
	<ul style="list-style-type: none"> p. Markets q. Motor Salvage Operators r. Pest Control s. Leisure Boats t. Private Hire Vehicles drivers and operators u. Public Health v. Public Safety w. Registration Plates x. Residential Accommodation y. Scrap metal dealers z. Shops and Sunday trading aa. Street Collections bb. Street Trading cc. Water and Sewerage dd. Street Closures ee. Cremations, Burials and all Bereavement-related services. 		
C40. C	All matters relating to the investigation and prosecution of matters under the Health & Safety at Work legislation.	HLS	Using duly appointed inspectors as appropriate.
C41. C	To issue and serve notices pursuant to the Building Act 1984 and Building Regulations and to carry out works in default.		

Director of Finance and Performance (Section 151 Officer):

No	Function	Consultation	Limitation
C42.	In respect of Treasury Management:		

No	Function	Consultation	Limitation
	<p>(i) to arrange the borrowing of money authorised by the Council and manage the Council's debt in accordance with any guidelines laid down by the Council, but this authority does not extend to matters other than the strict management of debt and does not include (for the sake of illustration only) other measures, such as interest rate swaps, any financial arrangements which are based on notional amounts of debt, or any speculative proposals of any kind;</p> <p>(ii) to borrow by way of bank overdraft from the Council's current bankers, in accordance with the Treasury Management Strategy and any other relevant Council budgetary policy, subject to annual review by the bank and the Relevant Cabinet Member;</p> <p>(iii) to manage the investment of the funds of the Council but not in equities or any investment of a speculative nature;</p> <p>(iv) to implement and monitor a treasury management policy statement setting out the matters detailed in CIPFA's Code of Practice on Treasury Management in Local Authorities;</p> <p>(v) to have control of all money in the hands of the Council and to manage the Council's banking arrangements;</p>	<p>Relevant Cabinet Member</p>	<p>In the event of the Director of Finance and Performance wishing to depart in any material respect from the main principles of CIPFA's Code of Practice, the reasons must be disclosed in a report to Cabinet.</p>

No	Function	Consultation	Limitation
C	<p>(vi) to report, at or before the start of the financial year, to the Cabinet on the strategy for treasury management it is proposed to adopt for the coming financial year;</p> <p>(vii) to take all executive decisions on borrowing, investment or financing and to act in accordance with CIPFA's Code of Practice on Treasury Management in Local Authorities; and</p> <p>(viii) to report to the Cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.</p> <p>(ix) quarterly reporting to the Audit Committees on treasury management activities and performance.</p>		<p>In the event of the Director of Finance and Performance wishing to depart in any material respect from the main principles of CIPFA's Code of Practice, the reasons must be disclosed in a report to Cabinet.</p>
C43.	<p>To deal with all matters relating to the Council's insurances including without limitation:</p> <p>(i) the authorisation of the payment of increased premiums as necessary, subject to any general direction of the Cabinet or the Council, and to a report being made to the Cabinet upon the matter of insurance generally from time to time;</p> <p>(ii) the making of payments into the insurance fund.</p>		

No	Function	Consultation	Limitation
	(iii) the making of payments in respect of any claims where the Council's insurers may be involved.		
C44.	[Deleted]		
C45.	To invest available funds on appropriate terms and in accordance with the Council's investment strategy.		
C46.	Where annual contributions have been made to specific reserves for either repairs and maintenance to land and buildings and facilities or replacement of equipment, vehicles, plant and transport, to incur the expenditure, subject to there being sufficient funds available to meet the expenditure.		
C47.	With the approval of the Chief Executive, to roll forward specified amounts within the revenue budget between financial years where it has not been possible to incur the expenditure within the approved financial year and where the appropriate budget is not overspent, and the purpose of the expenditure is to remain the same. Any amounts rolled forward shall be reported to the next meeting of the Cabinet.		
C48.	[Deleted]		
C49.	[Deleted]		
C50.	To maintain an adequate and effective Internal Audit Service and to be responsible for staff engaged in financial and key business plan target performance management work		

No	Function	Consultation	Limitation
C51.	To make payment of any sums due from the Council.		
C52.	To make repayments to the Council’s Pension Fund from those reserves earmarked for pension’s contribution.		
C53.	To write off debts in accordance with the Council’s Financial Procedure Rules.		
C54.	To investigate and report upon any allegations of fraud or dishonesty.		
C55.	For the purposes of the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA) and associated codes of practice, to perform all functions required of the Council’s RIPA Monitoring Officer.	HLS in their capacity as Senior Responsible Officer for the Council’s functions under RIPA and IPA	
C56.	Functions relating to: (i) preparation and updating of the Medium Term Financial Strategy (ii) preparation of the Councils’ annual budget proposal for consideration by Cabinet (iii) invoicing of debtors (iv) preparation of proposed fees and charges for consideration by Licensing Committee and Cabinet		

No	Function	Consultation	Limitation
	(v) calculation of Council Tax Base and setting of precepts (vi) responsibility for financial reporting including the preparation of annual report and accounts relating to both Councils and their trading companies (vii) the financing of the Capital Programme; (viii) any other services allocated to the Director of Finance and Performance by the Chief Executive. (ix) quarterly reporting to Cabinet and audit committees on revenue and capital budget performance and forecast		

Director of Regeneration and Planning:

No	Function	Consultation	Limitation
	Planning		
C57. C	To determine applications for planning permission, to vary planning permission, listed building consent, express consent to display advertisements, hazardous substances consent and footpath diversions pursuant to the Planning Acts, including: i) development specified in the GPDO where express planning permission is required by reason of limitations or conditions by that order;		The delegation shall not be exercised in relation to: a) applications for development which significantly conflicts materially with adopted policy, unless to refuse. b) applications requiring the Secretary of State to be notified under the Town and Country (Development Plans and Consultations)(Departures) Direction 2009, unless to refuse.

No	Function	Consultation	Limitation
	<p>ii) determinations in connection with prior notification procedure under T&CP (General Permitted Development) Order; and</p> <p>iii) [not applicable]</p> <p>(iv) reserved matters as defined in article 2 of the Town and Country Planning (Development Management Procedure (England) Order 2015.</p>		<p>(c) applications materially affecting ancient monuments, and sites of special scientific interest, unless to refuse.</p> <p>d) where the application has been made by an elected member (or their spouse/partner) of the Council; or any direct employee (or their spouse/partner) of Lewes District Council or Eastbourne Borough Council.</p> <p>e) where the Development Management Lead dealing with the matter considers that the application should be dealt with by the Committee.</p> <p>f) where a member of the Council not more than 28 days after the validation of an application requests the matter be determined by committee and that this request is based on material planning grounds and in the view of the Development Management Lead has the potential to lead to a substantive/sustainable reason(s) for refusal.</p> <p>g) where a substantial number of objections have been received on material planning grounds and in the view of the Development Management Lead have the potential to lead to a substantive/sustainable reason(s) for refusal and these objections are in opposition (contrary) to the officer’s recommendation.</p>
C58. C	To negotiate the terms of and authorise section 106 planning obligations, to include applications to vary		Unless a Member of the Council not more than 28 days after the validation of an application to vary an existing

No	Function	Consultation	Limitation
	existing obligations and to determine all requests for approval made pursuant to these obligations.		section 106 obligation requests the matter be determined by committee and that this request is formed by material planning grounds and in the view of the Development Management Lead have the potential to lead to a substantive/sustainable reason(s) for refusal.
C59. C	To discharge applications for consent pursuant to the conditions and limitations imposed under the Planning Acts.		
C60. C	To determine applications for lawful development certificates (Town and Country Planning Act 1990, sections 191 and 192).	HLS in respect of section 191 applications (existing use)	
C61. C	To give, make and confirm any order or direction under the Planning Acts.	HLS	
C62. C	To issue, serve, modify and withdraw any notice under the Planning Acts, to include all types of planning enforcement activity and to carry out works in default.	HLS in respect of enforcement notices and temporary stop notices	
C63. C	The issue and service of a requisition for information on planning matters under the Local Government (Miscellaneous Provisions) Act 1976		

No	Function	Consultation	Limitation
	Trees		
C64. C	To make and confirm Tree Preservation Orders with or without modification (and associated applications for consent for works) and to deal with notification of works to trees in conservation areas.		Not to confirm Tree Preservation Orders if there are any objections, unless the objection(s) are not based on valid planning grounds and in the view of the Development Management Lead in consultation with the Chair of Planning Committee do not have the potential to lead to a substantive/sustainable reason(s) not to confirm the Order.
C65. C	To determine applications and to take any action under the Anti-Social Behaviour Act (2003) Part 8 (High Hedges).		
	Planning Policy		
C66. C	To determine the Council's stance in respect of and respond to consultation and opinions sought concerning cross boundary and neighbouring authority planning matters, and ESCC and the South Downs National Park Authority planning applications.	Chair of Planning Committee	
C67. C	To exercise all powers and duties under the Community Infrastructure Levy regulations, to include the determination of any applications for discretionary or exceptional circumstances relief from liability.		
	Building Control		
C68. C	To issue, serve, modify and withdraw any notice under the Building Act 1984, including in respect of ruinous and dilapidated buildings and neglected sites		

No	Function	Consultation	Limitation
	(section 79).		
	Other Regulatory Functions		
C69. C	All matters relating to the Planning (Hazardous Substances) Act 1990.		
C70. C	To issue and serve notices and take any further regulatory action where required, including enforcement in consultation with the HLS, under planning, environmental and other relevant legislation applicable to the Council as local planning authority.		Action must have regard to the Council's Regulatory Services Enforcement Policy
C71.	To exercise the Council's powers in respect of water supply, sewerage and drainage, including land drainage.		
C72.	All matters relating to the naming and numbering of streets.	Relevant Cabinet Member and Ward Cllrs	
C73. C	To exercise the Council's powers affecting the design or maintenance of highways.		
C74.	All matters relating to coastal and dredging licence applications.		Such development must be permitted by a General Permitted Development Order or have been granted planning permission.
C75.	All matters relating to on and off-street parking.	Relevant Cabinet Member	

No	Function	Consultation	Limitation
C76.	To manage the improvement, refurbishment and maintenance of the Council’s non-housing property portfolio where not specifically the responsibility of other officers, this to include all tasks related to new build provision.		
C77.	To acquire land in connection with the Council’s functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council’s functions.		
C78.	To dispose of land in connection with the Council’s functions and to grant and/or modify leases, easements, licences and way-leaves of, in, or over buildings or land in connection with the Council’s functions.		
C79.	To vary the terms and conditions of, or negotiate the surrender of, leases and licences.		
C80.	To determine as landowner or landlord applications for licences, consents and permissions in respect of the Council’s buildings or land.		
C81.	To determine asset of community value nominations and/or applications for compensation, pursuant to sections 87 to 108 of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012; and to review successful nominations on receipt of a valid request made under section 92 of		

No	Function	Consultation	Limitation
	the Act.		

Head of Legal Services:

No	Function	Consultation	Limitation
C82.	<p>Legal Proceedings:</p> <p>a) To determine what, if any, legal action should be taken following any investigation into a criminal matter.</p> <p>b) To institute, prosecute or terminate any proceedings which the Council is empowered to undertake in or before any Court, Tribunal, Inquiry or by way of Fixed Penalty Notice.</p> <p>c) To defend or settle any proceedings brought against the Council.</p> <p>d) To take any action incidental or inclusive to or which would facilitate any action under this paragraph, including instruction of Counsel and appearance in any Court, or any Inquiry, Tribunal or other forum on behalf of the Council.</p> <p>e) To advise the relevant Chief Officer who is contemplating administering a formal caution to a person that has admitted an offence.</p> <p>f) To determine whether or not any legal proceedings should be taken in any particular case or set of circumstances.</p>		Except in relation to Health & Safety at Work in relation to a), b), c) and f).

No	Function	Consultation	Limitation
C83.	To appoint and instruct external legal service providers where necessary, by reason of technical or specialist competence, rights of audience, resource availability or otherwise.		
C84.	To settle any claims where the Council's Insurers may be involved.	DFP	
C85.	To negotiate and enter into planning or other agreements regulating or controlling the use of development of land.		
C86.	To make minor amendments in planning or other agreements regulating or controlling the use or development of land.		
C87.	To issue, serve, modify, or withdraw any enforcement action or notices under the Planning Acts, the Building Acts, the Environmental Protection Acts and any other such regulatory legislation enforced by the Council etc.		
C88.	To carry out or authorise the carrying out of works in default under any statutory provisions including but not limited to notices concerning ruinous and dilapidated buildings and neglected sites (Building Act 1984, Section 79).		
C89.	To give, make and confirm any Order or Direction under the Planning Acts including Tree Preservation Orders (and associated applications for consent for works) and notification of works to trees in conservation areas.		Not to confirm if there are any objections
C90.	To seal any document.	Relevant Chief Officer	

No	Function	Consultation	Limitation
C91.	To negotiate and agree the terms of any contract.		
C92.	To sign any contract on behalf of the Council.		
C93.	To authorise the attendance of officers at Court under any statutory provision.		
C94.	To authorise service of any statutory requisition for information as to interests in land.		
C95.	To execute any legal document on behalf of the Council.		
C96.	All matters relating to consultations with Sussex Police and other bodies in relation to anti-social behaviour.		
C97.	All matters relating to the consecration of land.		
C98.	To issue, serve, suspend or withdraw any notices in respect of any matter for which the Council has power to act.		
C99.	To carry out any and all functions of Senior Responsible Officer in connection with Part 2 of the Regulation of Investigatory Powers Act 2000, Part 3 of the Investigatory Powers Act 2016 and any related secondary legislation, as specified by the codes of practice issued under those Acts.		
C100.	To exercise the following functions for the management and administration of assets of community value (ACV) pursuant to Part 5, chapter 3, of the Localism Act 2011 and associated secondary legislation: 1. to conduct reviews of the Council's decisions to		

No	Function	Consultation	Limitation
	<p style="text-align: center;">include land/buildings in the Council’s ACV list;</p> <p style="text-align: center;">2. to conduct reviews of the Council’s decisions in respect of ACV owners’ claims for compensation; and</p> <p>to put in place all necessary procedures and processes to support the functions numbered 1 and 2 above.</p>		
C101.	To take all and any measures necessary to exercise high standards of client care, regulatory compliance relevant to the solicitors profession, and practice management, whether by applying for and maintaining a recognised legal practice mark such as Lexcel or by adopting equivalent standards.		
C102.	To formulate and implement a general undertakings policy and an undertakings policy for property transactions, to enable legally qualified members of the Legal Practice to give undertakings on behalf of the Council in appropriate circumstances and subject to any limitations or other controls set out in the policies.		

Monitoring Officer (MO):

No	Function	Consultation	Limitation
C103.	Pursuant to sections 28(6) and (7) of the Localism Act 2011, to decide, in relation to members of the Council, whether to investigate allegations that a member has failed to comply with the Code of Conduct.	Independent Persons appointed by the Council.	

No	Function	Consultation	Limitation
C104.	Establish, maintain and publish the register of interests in accordance section 29(1) of the Localism Act 2011.		
C105.	To grant dispensations for relief of interest restrictions	Independent Persons appointed by the Council if appropriate.	

D Proper and/or Authorised Officer Functions

No	Act	Function	Officer	Deputy
D1.	All legislation prior to 1 st April 1972	Proper Officer in relation to references to Treasurer or Borough Treasurer	DFP	DDFP
D2.	All legislation prior to 1 st April 1972	Proper Officer in relation to declarations and certificates with regard to securities	DFP	DDFP

Local Government Act 1972:

No	Act	Function	Officer	Deputy
D3.	Section 83(3)	Declarations of acceptance of office of Councillors	CE	HDS
D4	Section 84(1)(a)	Receipt of resignations of Councillors	CE	HDS
D5.	Section 88(2)	Convene a meeting of the Council to fill a vacancy of Chair of the Council	CE	HDS
D6.	Section 89(1)(b)	Receive from electors Notices of Casual Vacancies of Councillors	CE	HE & LLC
D7.	Section 100B(2)	Excluding from the public reports which are not likely to be considered in open session	HLS	HDS
D8.	Section 100C(2)	Where part or the whole of the report has been exempt the Proper Officer shall make a written summary of the proceedings or a part to provide a record without disclosing the exempt information	HLS / HDS	
D9.	Section 100D	Compilation of list of background documents	Director or actual author of report for Director	
D10.	Section 100F(2)	Deciding whether documents for inspection contain exempt		

No	Act	Function	Officer	Deputy
		information under relevant paragraph of Schedule 12A which are not required to be open to inspection by Members of the Council	HLS / HDS	
D11.	Section 115(2)	For receipt of monies due to the Council from Officers	DFP	
D12.	Section 146(1)(a)	Statutory Declaration regarding change of name of the Authority in connection with the Companies Act 2006.	HLS	
D13.	Section 191(2)	Applications under the Ordnance Survey Act 1841	DSD	
D14.	Section 210	In respect of powers with regard to charities	HLS	
D15.	Section 225	Deposit of documents in accordance with Standing Orders of either House of Parliament, Enactment or Statutory Instrument	HLS	
D16.	Section 229	To certify photographic copies of documents to be a true copy.	HLS	
D17.	Section 234	To sign notices, orders or other documents authorised or required by or under any enactment.	HLS	
D18.	Not applicable			
D19.	Section 238	Certification of printed copies of Byelaws	HLS	
D20.	Section 248	To keep roll of persons admitted to the Freedom of the Borough	CE	HDS
D21.	Parts IV and Schedule 12	Signing and serving of summonses to attend meetings of the Council.	CE	HDS
D22.	Schedule 14 Paragraph 25(7)	To certify copies of resolutions applying or disapplying provisions of the Public Health Act 1875 to 1925	HLS	

Local Government Miscellaneous Provisions Act 1976:

No	Act	Function	Officer	Deputy
D23.	Section 41	To certify copies of resolutions, orders, reports or minutes of the Council or any predecessor authority	CE	HLS

Local Government & Housing Act 1989:

No	Act	Function	Officer	Deputy
D24.	Section 2	To receive a list of politically restricted posts	CE	DCE
D25.	Section 4	Designation as Head of Paid Service	CE	DCE
D26.	Section 5	Designation as Monitoring Officer	HDS	HLS

Representation of the People Act 1983:

No	Act	Function	Officer	Deputy
D27.	Sections 8 and 52	Appointed as Electoral Registration Officer (s. 8). Power to appoint Deputy Registration Officer (s. 52).	CE	HE & LLC
D28A	Section 28(1)(a)	Acting Returning Officer for Parliamentary elections	HE & LLC	
D28.	Section 35(1)	Returning Officer at Borough Elections	CE (appointed by the Council when post-holder changes)	HE & LLC
D29.	Sections 82 and 89	To receive declaration of election expenses and holding of documents for public inspection	CE	HE & LLC

Local Government (Committees and Political Groups) Regulations 1990:

No	Regulation	Function	Officer	Deputy
D30.	Regulation 8	Receipt of Notice of Political Groups	CE	DCE
D31.	Regulation 10	Receipt of Notice of cessation of membership of Political Group	CE	DCE
D32.	Regulation 13	To accept wishes of Political Groups in respect of proportionality	CE	DCE
D33.	Regulation 14	To notify Political Groups of allocations	CE	DCE

Local Government Act 1974:

No	Act	Function	Officer	Deputy
D34.	Part 3	Local Government Ombudsman	CE	HLS

Local Authorities (Referendum) (Petitions and Directions) Regulations 2000:

No	Regulation	Function	Officer	Deputy
D35.	All	Proper Officer function	CE	HLS / HE & LLC

Local Authorities (Conduct of Referendums) (England) Regulations 2007:

No	Regulation	Function	Officer	Deputy
D36.	All	Proper Officer function	CE	DCE / HE & LLC

The Neighbourhood Planning (Referendums) Regulations 2012

No	Regulation	Function	Officer	Deputy
D36A	Regulation 9	To be the Counting Officer for Referendums	HE & LLC	

Public Health Act 1936

No	Act	Function	Officer	Deputy
D37.	Section 79	Removal of noxious matter	DSD	
D38.	Section 84	Verminous Articles	DSD	
D39.	Section 85	Verminous People	DSD	

National Assistance Act 1948:

No	Act	Function	Officer	Deputy
D40.	Section 47	Removal of people in need	DSD	Officers of Health Authority etc authorised under S 113 (1A) of the Local Gov Act 1972

Public Health Act 1961:

No	Act	Function	Officer	Deputy
D41.	Section 37	Verminous Articles	DSD	

Public Health (Control of Disease) Act 1984

No	Act	Function	Officer	Deputy
D42.	Whole Act	Infectious Diseases and Dead Bodies	DSD	

Public Health (Infectious Diseases) Regulations 1988

No	Regulation	Function	Officer	Deputy
D43.	All	Infectious Diseases	DSD	

Food Safety Act 1990

No	Act	Function	Officer	Deputy
D44.	All	Food Safety	DSD	

Police Reform and Social Responsibility Act 2011

No	Act	Function	Officer	Deputy
D45.	Section 54	Local Returning Officer for Police and Crime Commissioner elections	HE & LLC	

Any other legislative provisions for which arrangements are not specifically made under this Scheme of Delegations:

No	Act	Function	Officer	Deputy
D46.	All	Proper/Authorised etc. Officer functions or similar	CE	DCE

E Specific authorisations for Court

E1 Officers authorised to represent the Council in Court etc:

- A. Every solicitor, barrister or legal executive employed or engaged by the Council shall be authorised to appear on its behalf before any Court, Tribunal or other Hearing before which they have a Right of Audience and to exercise the powers given by the relevant professional body.
- B. The following post holders are authorised to appear on behalf of the Council and to conduct proceedings in court and these are additional to the powers delegated by the Scheme of Delegation to Officers and the rights to appear in Court given to solicitors, barristers and legal executives:
- a. pursuant to the Local Government Act 1972 section 223 and the County Courts Act 1984 section 60 (in respect of possession matters) and for any purpose for which the Council is empowered to authorise Officers to appear on its behalf:
 - (i) Legal Assistants
 - (ii) Trainee Solicitors
 - (iii) Other suitably experienced and/or qualified Officers specifically authorised in writing so to appear by the Head of Legal Services.
 - b. pursuant to the Local Government Act 1972 section 223 in respect of rating or council tax matters:
 - (i) The Director of Service Delivery
 - (ii) Officers of the Council authorised in writing so to appear by the Director of Service Delivery
 - c. pursuant to Part I of the Health and Safety at Work etc Act 1974
 - (i) Director of Service Delivery
 - (ii) Officers of the Council so authorised in writing to appear by the Director of Service Delivery and/or in accordance with the legislation.
 - d. pursuant to the Insolvency Rules 1986 Part 9 (examination of persons concerning company and individual insolvency)
 - (i) The Director of Service Delivery
 - (ii) Officers of the Council so authorised in writing to appear by the Director of Service Delivery

F Authorisation to enter land or premises

F1 General:

- a. This authorisation authorises those Officers named in paragraphs 2-7 to enter land or premises for or in connection with their duties and pursuant to the functions mentioned.
- b. The authority to enter land or premises shall be exercisable subject to any statutory constraints.
- c. A reference to any Act shall include reference to any amendment or re-enactment and any subordinate legislation.
- d. In the event that a post ceases to exist, or the name of the post is changed or the responsibilities of that post are transferred to another post temporarily or permanently, then the authority given by this authorisation shall be exercisable by the officer in whose area of responsibility the previous responsibilities now reside.
- e. The right to enter given by paragraphs 2-7 below shall extend to the exercise of the power to make inspections, to provide samples and to examine and seize goods as and if appropriate.
- f. A person authorised to enter land may take with him or her or such other persons and equipment as may be necessary.
- g. This authorisation entitles the person authorised to enter land to seek a warrant to enter.
- h. The authorisation of an Officer to enter land shall be taken as this appointment of that Officer among other things for that purpose.

F2 All purposes:

- a. Chief Executive
- b. Deputy Chief Executive
- c. Directors
- d. Director of Finance and Performance
- e. Operational Lead – Emergency Planning

F3 Environmental Health, Housing etc

The following are authorised to enter land or premises for the following function:

No	Function	Officer	Deputy
a.	Animal Welfare and Control	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time	
b.	Caravan Sites	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time	
c.	Environmental Protection	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time	
d.	Food Safety and Hygiene	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time	
e.	Health and Safety at Work	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time	
f.	Housing	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
g.	Licensing Act 2003	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
h.	Pest Control	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
i.	Public Health	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
j.	Public Safety	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
k.	Scrap Metal Dealers	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
l.	Shop Acts	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
m.	Street Trading	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
n.	Sunday Trading	Director of Service Delivery and such other Officers as	

No	Function	Officer	Deputy
		shall be delegated to in writing by them from time to time.	
o.	Environmental Protection	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
p.	Gambling Act 2005	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
q.	Street Closures	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	
r.	Cremations and Burials	Director of Service Delivery and such other Officers as shall be delegated to in writing by them from time to time.	

F4 Planning

The following are authorised to enter land or premises for the following function:

No	Function	Officer	Deputy
a.	The Town and Country Planning Act 1990, sections 178, 196A, 196B, 214B, 214C, 324 and 325A	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time	
aa	Order made under the Plant Health Act 1967, including but not limited to those relating to Dutch Elm Disease	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time	
b.	Planning (Listed Buildings and Conservation Areas) Act 1990, sections 88 and 88A	Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time	
c.	Planning (Hazardous Substances) Act 1990, sections 36, 36A, 36B and 36C	Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time	
d.	Anti-Social Behaviour Act 2003, Part 8, sections 74 and 77(5)	Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time	

No	Function	Officer	Deputy
e.	Local Government (Miscellaneous Provisions) Act 1976, sections 23 and 24	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	
f.	Hedgerows Regulations 1997, regulations 12 and 13	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	
g.	Community Infrastructure Levy Regulations 2010, regulation 109	Director of Regeneration and Planning and such other Officers as shall be delegated to in writing by him/her from time to time.	

F5 Building Control

The following are authorised to enter land or premises pursuant to the following power:

No	Function	Officer	Deputy
a.	Building Act 1984, section 95	The Director of Regeneration and Planning and such Officers as may be delegated to in writing by him/her from time to time.	

F6 Local Taxation

The following are authorised to enter land or premises pursuant to the following power:

No	Function	Officer	Deputy
a.	Collection of Local Taxes	The Director of Service Delivery and such Officers as may be delegated to in writing by him/her from time to time	

F7 Land Drainage and Sewerage Undertaking

The following are authorised to enter land or premises pursuant to the following function:

No	Function	Officer	Deputy
a.	Water Industry Act 1991	The Director of Service Delivery and Director of Regeneration and Planning and such Officers as may be delegated to in writing by them from time to time.	
b.	Land Drainage Act 1991	The Director of Service Delivery and Director of Regeneration and Planning and such Officers as may be delegated to in writing by them from time to time.	

ANNEX A

Chief Officers’ and Monitoring Officer’s areas of responsibility:

Chief Executive (and Head of Paid Service)	<i>Strategic leadership and the delivery of quality services. Legal and Democratic Services, Member Services, devolution and governance. Information and communications technology (ICT).</i>
Director of Service Delivery	<i>Service delivery, including but not limited to Customer First, Neighbourhood First, Environment First, Homes First, Eastbourne Homes Ltd, bereavement services and waste services. Business improvement and transformation.</i>
Director of Regeneration & Planning	<i>Planning First (planning policy and development control), property development, regeneration, energy and sustainability, Corporate Plan, procurement, asset management, strategic partnerships, voluntary sector, community engagement, community safety, community grants, youth strategy and equality.</i>
Director of Tourism, Culture and Organisational Development	<i>Human Resources, organisational development, Chief Executive’s Office, internal and external communications, information management, and civil contingencies. Employee health and safety policy and procedure.</i> <i>Tourism, events, marketing, sports, seafront, cultural centre and the Devonshire Park facilities</i>
Director of Finance and Performance (Section 151 officer)	<i>Accountancy, internal audit, counter-fraud, purchasing and payments, general income & system support, business planning and performance.</i>
Monitoring Officer	<i>The assurance that all actions and decisions taken by the Officers and Members of the Council are lawful and that the interests of the Council are legally protected and enhanced. All arrangements related to the maintenance and promotion of high standards of conduct among Councillors and arrangements for dealing with complaints about Councillor conduct.</i>

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Section E

Roles, duties and responsibilities of Councillors

List of Contents;

1. **Summary**
2. **Being Effective**
3. **Different roles for some Councillors**
4. **Standards of Conduct and Probity**
5. **Working as part of the Council**
6. **Community Representative and Advocate**
7. **Working with others in the Local Community**
8. **Promoting the Council's Interests**
9. **Accountability**

1. **Summary**

- 1.1 To serve your constituents and the people of Eastbourne by acting as an effective advocate, campaigner and representative.
- 1.2 To promote the economic, social and environmental wellbeing of your constituents and the residents and visitors of the Borough as a whole, and to act in accordance with the high standards of probity in public life, seeking to serve the community without personal gain.

2. **Being effective**

2.1 To be effective:

You must fully understand and act in accordance with the Members' Code of Conduct and the General Principles that govern Members' conduct.

You need to have a knowledge and understanding of the Council's Constitution.

You need to know the Council's organisation and management structure and who to ask for information and advice.

You should attend all meetings of bodies on which you serve together with seminars and training sessions on subjects of relevance to you and your particular areas of involvement and interest.

You should accept personal responsibility to take up opportunities for training and development that may be provided and generally to extend and broaden your knowledge of local government affairs through reading, discussion and enquiry.

3. Different roles for some councillors

- 3.1 Some Councillors will undertake markedly different roles (e.g. the Mayor, the Leader, Cabinet Member, Opposition Leader, Committee Chairman, etc.). The special role of the Mayor, Leader and the Cabinet Members are covered in separate statements. The status of Opposition Spokespersons, Committee Chairmen, etc., and their rights to information and briefings is set down in the Council's Rules of Procedure.

4. Standards of conduct and probity

- 4.1 Your attention is drawn to the Codes and Protocols in Part 5 of this Constitution. All Councillors must agree to abide by these and you will be given a copy on taking Office.
- 4.2 Councillors must also abide by all the requirements of the Council's own Constitutional arrangements. Any breach of these Codes and Protocols may be a matter for the Council's Standards Panel and you should note the procedures for dealing with complaints.
- 4.3 You are expected to behave at all times in accordance with the high standards of personal conduct and in a manner that is consistent with the principles as appended to achieve best value for residents and maintain public confidence in the Borough Council.

5. Working as part of the Council

- 5.1 At meetings of the Council and as a Member of one or more of the different Council bodies, including the Cabinet, Committees and Task Groups, you will be expected to contribute to the formulation and review of policies and strategies and the review and development of services and programmes as appropriate.
- 5.2 You should be constructive and forward looking. An innovative and questioning approach is required.
- 5.3 The work of the Council is conducted in a political environment. As a Councillor, elected with the endorsement and backing of a political party and as a Member of a political group, you will naturally wish to secure aims and objectives that match your political affiliation. A political approach is legitimate, however, you should guard against pursuing political objectives to the point that it impedes the effective management of the Council's affairs and undermines peoples' confidence in the Council's ability to exercise a leadership role in the wider community.

- 5.4 You should have regard to the Corporate Plan and other Council policies and strategies, especially when considering the quality and scope of services and weighing the merits of competing interests and demands upon the Council Budget.
- 5.5 When participating in the Scrutiny function you should have regard to the Council's Scrutiny Rules of Procedure and in particular the requirement to take an independent approach, seek consensus on outcomes, be constructive and not judgmental.

6. Community representative and advocate

- 6.1 Be aware of the needs, priorities and aspirations of your local community. To do this, you should make yourself known to those who live and work in your Ward (your constituents). You may wish to hold regular surgeries, publish newsletters or otherwise make yourself accessible. Liaise/consult extensively and meet with local groups and organisations.
- 6.2 Represent the views of your constituents and local groups. Take careful note of the different, often conflicting, interests, and attempt to represent the community as a whole. Act as an advisor or advocate to local groups with a special interest, or generally provide advice and assistance on matters within your Ward and the implications of particular courses of action.
- 6.3 Such a representational role must be undertaken responsibly. As a politician you will naturally want to have regard to the views of voters and avoid, or at least minimise criticism by political opponents. You do, however, have a wider responsibility to protect the Council's interests and reputation and help reach the best decision. You must remember that you are not simply a delegate of the local community.
- 6.4 Encourage constituents to raise matters of importance or personal concern and take appropriate action. Either respond yourself or ensure a response is provided. Where necessary seek advice on any response made as you may be seen to be acting on behalf of the Council as a whole.

7. Working with others in the local community

- 7.1 As a Councillor you will be expected to work with partners and other organisations with which the Council is actively involved.
- 7.2 As a Council appointed representative on such bodies you will have a responsibility to explain the Council's policies and position where appropriate and to listen to the views of others and report back to the Council.
- 7.3 Make a point of explaining to others outside the Council with whom you have dealings, how the decision-making process operates and the level of authority that Councillors and Officers have. No individual Councillor may presently take

decisions formally. Make clear and otherwise seek to avoid giving rise to any misapprehension about your ability to commit the Council to any particular course of action or expenditure.

- 7.4 You may also be involved in other local organisations, especially those in the voluntary sector, and although such involvement may pre-date your election as a Councillor, you should recognise that as an elected Councillor others may regard statements you make as having Council backing. Always make it clear when you are speaking in an individual capacity, otherwise others may believe you are speaking for the Council as a whole.

8. Promoting the council's interests

- 8.1 You should promote the Council's corporate aims and objectives and the Council's standing as a body locally and further a field (regionally, nationally and internationally).
- 8.2 If appointed or elected to serve on such bodies as the Local Government Association or other representative bodies covering particular areas of interest or location, you should seek to contribute to and influence the work of that body, to explain the Council's position, and where this does not unduly conflict with any wider representation role you may have in that body, to promote the Council's interest. You should ensure that you report back to the Council on matters of importance to the Council and where necessary seek to promote mutual understanding between the Council and the body on which you also serve.
- 8.3 You should seek to foster a sense of civic pride within the community and encourage all citizens to develop and maintain a personal commitment to civic responsibility. You should avoid statements and actions that serve to undermine confidence in the institutions of local government without justification or good cause.

9. Accountability

- 9.1 The roles, duties and responsibilities outlined in this statement relate to the political or Member level activities of the Borough Council. Accountability for a Councillor's performance is through the political and electoral process.

The Seven Principles of Public Life

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

2. Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

Objectivity

3. Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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Item 3f



Section F

CIVIC ROLE OF THE MAYOR

INTRODUCTION

The following is a summary of information on the civic role of the Mayor. The Mayor is ex-officio, Chairman of the Council, with the responsibilities of that office. Specific responsibilities in respect of chairing Council meetings are set out in Article 5 and Part 4 of this Constitution.

1. Chains of Office

The Chain of Office is worn for civic functions when the Mayor is the host and for other functions at the Mayor's discretion. Whenever the Chain is worn, the Mayor's Attendant remains on the same premises to safeguard this irreplaceable and historic symbol of office. The Robe is worn on those occasions when the Mace precedes the Mayor, i.e. on "In State" occasions.

2. Presidency and Patronage

The Mayor is invited to become president/patron of long-standing organisations during their term of office.

3. Invitations

The Mayor is invited to attend a wide range of community events during the mayoral year.

4. The Mayoress/Mayor's Consort

The Mayor may choose a Mayoress/Consort for the year. This can be any person over the age of 18. The nomination is then approved by Council.

5. The Deputy Mayor

The Deputy Mayor supports the Mayor during the year and represents the Mayor at events he/she is unable to attend. The protocol guiding the Mayor also guides the Deputy Mayor.

6. The Poor Fund

The Poor Fund is a Registered Charity which operates under the terms of a Trust.

Its objectives are expressed as, "to the relief of persons in the Borough of Eastbourne temporarily in need of financial assistance by reason of poverty, unemployment, illness or such like causes as the Mayor or Town Clerk or their successors in office in their absolute discretion may determine". Grants are only available to individuals for the relief of poverty and they must be residents of Eastbourne.

7. The Mayor's Charity

The Mayor nominates a Registered Charity to support every year and will establish a Charity Committee to organise fund raising events.

8. The Lord Lieutenant

The Lord Lieutenant is the Sovereign's representative within the County of East Sussex and takes precedence over the Mayor at functions

9. The High Sheriff

The High Sheriff is the Sovereign's representative in the County for all matters relating to the Judiciary and the maintenance of law and order.

The High Sheriff takes precedence in the County immediately after the Lord Lieutenant except when precedence is deferred to the Mayor when he/she is attending an event within the Borough.

11. Attendance at Political Events

A Mayor is traditionally neutral and steps back from politics for the term of office therefore it is not usual for a Mayor to attend any public party-political event.

It must be recognised, however, that the Mayor remains an elected Councillor with a political affiliation.

12. Returning Officer – Elections

The Mayor is the Returning Officer for the Parliamentary Elections. The Chief Executive as 'Acting Returning Officer' exercises all functions of a Parliamentary election, with the possible exceptions of receipt of the writ and declaration of result.

Item 4a

Eastbourne Borough Council Constitution
Part 4 – Rules of Procedure
Updated: March 2024



Section A

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 May.

The annual meeting will:

- (i) elect a person to preside if the Mayor or Deputy Mayor is not present;
- (ii) elect the Mayor;
- (iii) appoint the Deputy Mayor;
- (iv) Approve the minutes of the last meeting;
- (v) receive the report of the Mayor regarding his/her appointment of the Mayor's Chaplain for the civic year;
- (vi) receive any announcements from the Mayor and/or Chief Executive;
- (vii) elect the Leader of the Council;
- (viii) receive from the Leader the names of those Councillors to serve on the Cabinet;
- (ix) appoint the Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council and Committees for the year; and
- (xii) 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 terms of reference for those committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body;
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (vi) appoint the chairmen and deputy chairmen of standing committees; and
- (vii) appoint or make nominations for appointment as appropriate to positions of non-executive director on the boards of Council owned companies.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from Councillors;
- (iv) receive any announcements from the Mayor;
- (v) receive notification of requests from members of the public to address the Council in relation to matters which are on the agenda for business of the meeting;
- (vi) receive petitions in accordance with Rule 11.3
- (vii) receive reports from the Cabinet and the Council's committees where Council is required to ratify a recommended course of action;
- (viii) consider motions put forward by Councillors;
- (ix) receive minutes of the Cabinet and Council committees and allow for discussion, subject to prior notification, on the content of those minutes;
- (x) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the

Council's budget and policy framework and reports of the Scrutiny Committee for debate.

3. EXTRAORDINARY MEETINGS

3.1. 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;
- (iii) the Monitoring Officer; and
- (iv) any five Councillors 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.

3.2. Business

The business of the extraordinary meeting will be specifically restricted to the item for which the meeting has been called, the minutes of the previous Council meeting, and no other items of business.

3.3. Change of Political Control

In the event of the political control of the Council changing during the course of the municipal year, an extraordinary meeting of the Council shall be called if the Leader of the new majority group gives notice to the Chief Executive requesting such a meeting. The meeting to be held within fourteen days of the request being received. The business to be transacted shall be the re-election of the Leader of the Council, the reporting of councillors appointed to the Cabinet by the Leader, and the re-appointment of Chairmen, Deputy Chairmen and Councillors of other Council Bodies.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

4.1 Allocation

As well as allocating seats on committees the Council will allocate seats for substitute Councillors. Substitute members must be selected from among those Councillors who would be entitled to sit on the Committee in question. (The restrictions on certain Councillors sitting on particular committees are listed in the Responsibility for Functions - Full Council and its Committees section of Part 3 of this Constitution).

4.2. Number

For each committee where substitution is allowed the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee, up to a maximum of three. (To see if substitution is allowed see under the terms of reference for the committee in the Responsibility for Functions - Full Council and its Committees section of Part 3 of this Constitution).

4.3. Powers and duties

Substitute Councillors 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.

4.4. Substitution

Substitute Councillors may attend meetings in that capacity only:

- (i) to take the place of the Councillor for whom they are the designated substitute;
- (ii) where the Councillor will be absent for the whole of the meeting; and
- (iii) after notifying the Head of Democratic Services before the meeting or the Chairman at the commencement meeting of the intended substitution.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Executive and notified on the agenda.

6. NOTICE OF AND AGENDA FOR 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 Rules. At least 5 clear days before a meeting, the Chief Executive will send an agenda signed by him or her by post to every Councillor or leave it at their usual place of residence. The agenda 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.

7. CHAIRMAN OF MEETING - THE MAYOR

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee meetings, references to the Mayor also include the Chairmen of Committees.

8. QUORUM

- 8.1 The quorum of a meeting will be one quarter of the whole number of the membership of that Body or two members, whichever is the greater.
- 8.2 During any meeting if the Mayor counts the number of Councillors 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.

See note under Rule 24(2) below as to the application of this rule to the Cabinet and certain Council bodies.

9. DURATION OF MEETING

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for four hours 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 BY THE PUBLIC

10.1 General

Members of the public may ask questions at ordinary meetings of the Cabinet and Council Committees (but excluding full Council meetings, meetings of the Planning Committee and Panels). Up to 15 minutes will be allowed for questions.

10.2 Order of questions

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

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by e-mail to the Chief Executive no later than 12 Noon two working days before the day of the meeting. Each question must give the name and address of the questioner and the body to which it is to be put.

10.4 Number of questions

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

10.5 Scope of questions

The Chief Executive may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is in furtherance of an individual's particular circumstances;
- is about any matter where there is a right of appeal to the courts, a tribunal or to a Government Minister;
- is about the appointment, promotion, dismissal, salary, superannuation, conditions of service of any person employed by the Council;
- is defamatory, frivolous, vexatious or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months, or
- requires the disclosure of confidential or exempt information.

10.6 Record of questions

The Chief Executive will place on record each question which will be open to public inspection and will immediately send a copy of the question to the Chairman of the Body to which it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors who are members of the relevant Body and will be made available to the public attending the meeting.

The minutes of the meeting will record the fact that a question has been asked and by whom and indicate briefly the subject but will not give details of the question or of the answer.

10.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Form of answer at the meeting

An answer may take the form of:

- a direct verbal answer;

- or where the reply to the question cannot be reasonably be given verbally, a written answer given to the member of the public submitting the question and circulated to the members of the Body and to the public attending the meeting.

An answer may be given by the Chairman or another Councillor or Officer at the Chairman's discretion.

10.9 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor or officer who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.10 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-availability of sufficient information to respond, will be dealt with by a written answer.

11. PUBLIC RIGHT OF ADDRESS

11.1 Members of the Public

Members of the public who have formally requested in writing an opportunity to speak shall be allowed to do so subject to:

- (a) The request being submitted to the Chief Executive by 12 noon two working days before the meeting, e.g. 12 noon on Monday before a meeting on the following Wednesday.
- (b) The request being in connection with a specific item on the agenda for the meeting within referred matters or motions.
- (c) Where a third party is involved, the applicant to speak will only be heard where the third party has been notified, in advance and given the opportunity to respond.
- (d) Normally only one speaker should be allowed to address the Council on any item but it would be open to the Council to allow more than one speaker in exceptional circumstances.
- (e) Speakers must be heard before the Council debates the item and can only be heard once, unless it is in response to a question from a Councillor.

- (f) No speech shall exceed three minutes except by consent of the Council.

The provisions set out in Rule 11.1 above will also apply to requests to speak at Cabinet and all other Council Bodies.

In the case of Planning and Licensing applications, additional provisions as set out in Rule 11.2 will apply. The provisions will not apply to sub-committees of the Licensing Act Committee when dealing with hearings under the Licensing Act 2003.

11.2 Planning and Licensing Applications

In the case of planning and licensing applications there are the following additional provisions:

- (a) The primary facility to speak will be for objectors to or supporters, including applicants or their agents, of planning and licensing applications.
- (b) Objectors will only be allowed to speak where they have already submitted objections in writing and must not introduce new objections when speaking.

11.3 Petitions – Full Council Debates

- (a) Some petitions may trigger debates at a Council meeting if they contain sufficient signatures within the Council's Petitions Scheme. In these cases, the subject will be set out in the meeting agenda.
- (b) Petitions may be presented to a Council meeting by petition organisers or a councillor on their behalf.
- (c) The spokesperson for the petition may speak for a maximum of five minutes.
- (d) The petition will be debated by councillors for a maximum of 15 minutes.
- (e) The council will decide how to respond to the petition and the petition organiser will be told, in writing, of the Council's decision.

11.4 Members of the Council

Members of the Council who wish to address Council Bodies, of which they are not a member, on agenda items of business, shall only be allowed to do so with advance notification to the Chairman of the Body concerned.

11.5 Mayor at Council Bodies

The Mayor shall have the right to attend and speak but not to vote at any meetings of all bodies established by the Council.

12. MATTERS REFERRED TO FULL COUNCIL AND OTHER MATTERS FOR DECISION

12.1 Definition

Items of business shall be referred to full Council where:

- (a) The item of business falls outside the delegated authority of the Body concerned and is submitted to Council as a recommended course of action, or
- (b) The Body concerned decides via proposer, seconder and by majority vote to not exercise its delegated authority on a particular item of business, and refer the matter to Council for final decision.

Where an item is referred, a report shall be circulated with the Council agenda as supporting information.

12.2 Other matters for decision

In addition to referred matters, Council may also receive reports on other matters relating to their functions. These may be submitted in the name of a lead Member or Officer.

12.3 Procedure

- (a) The Mayor will call upon the Chairman or in his/her absence, the Deputy Chairman, or nominated member of the Body from which the matter has been referred or in respect to which the matters in the report relate, to introduce the matter and propose a course of action. The Mayor will then call for a seconder to the proposal.
- (b) When introducing the matter, the Chairman or nominated Member may call upon the relevant Officer to assist in this process.
- (c) When the proposal has been presented and duly seconded the matter will be dealt with in accordance with Rule 13.6 (Procedure for Debate) and subsequent paragraphs of Rule 13 as appropriate.

13. MOTIONS AT FULL COUNCIL MEETINGS

13.1 Notice of Motions

Except for motions which can be moved without notice under Rule 13.13, written notice of every motion, signed by the proposer, must be delivered to the Head of Democratic Services not later than 12.00 noon, 7 working days before the date of the next meeting. Motions sent via e-mail or fax will be acceptable.

13.2 Receipt of Motions

As soon as practicable following the deadline for the receipt of motions, the Head of Democratic Services shall notify the Group Leaders, Corporate Management Team and other relevant Officers of any motions received. Notification shall normally be by e-mail.

13.3 Motions 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.

13.4 Scope

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

13.5 Briefing

The Mayor shall be briefed prior to the Council meeting by the Chief Executive and/or the Head of Democratic Services, Group Leaders shall be invited to attend the briefing which shall normally take place after 10.00 am on the morning of the Council meeting.

13.6 Procedure for Debate

Procedural note:

The following procedure for debating applies to Matters Referred to Full Council and Other Matters for Decision (see Rule 12 above) and Notices of Motion. The term “proposal” is used to refer to both referred and other matters and to motions. Alternative proposals (amendments) will be dealt with as set out below and in accordance with Rule 13.11.

- (a) The Mayor will call upon the nominated member to put the proposal.
- (b) The Mayor will then call for a seconder.

- (c) The Mayor will call for members to submit any alternative proposals. All alternative proposals must be tabled at this stage.
- (d) The Mayor will then call for a seconder to any alternative proposals tabled.
- (e) The Mayor will call any members of the public who have made a formal request to speak on an item under debate to address the Council in accordance with Rule 11.1.
- (f) The Mayor will call the mover of the original proposal to speak and then in turn any member who has moved an alternative proposal.
- (g) The Mayor will call in turn other members, in no particular order who have indicated a wish to speak including the seconder of the original proposal and seconders of any alternative proposals.
- (h) At the end of the debate, the Mayor will invite the mover of the original proposal to respond before the vote is taken.
- (i) Where submitted, the vote will be taken on the first tabled alternative proposal.
- (j) If the vote is successful the Mayor shall declare the proposal carried and no further votes shall be taken.
- (k) If the vote is lost the Mayor will put to the vote in turn any other alternative proposals submitted.
- (l) On a successful vote the Mayor shall declare the proposal carried and no further votes shall be taken.
- (m) If all alternative proposals are lost the Mayor will put the original proposal to the vote and if successful it shall be carried and no further votes shall be taken.
- (o) Where a decision is required to be relayed to an external agency, this will be undertaken on the Council's behalf by the Head of Democratic Services and any responses to such decisions shall be circulated to all Councillors.

13.7 No speeches until proposal seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the proposal has been seconded. If no seconder is forthcoming, the matter will be closed and the meeting will proceed to the next item of business.

13.8 Right to require proposal in writing

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

13.9 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Council.

13.10 When a Councillor may speak again

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

- (a) as the mover of the original proposal (but not of an alternative proposal), to exercise the right to reply at the end of the debate and before a vote is taken in accordance with Rule 13.12.
- (b) on a point of order; and
- (c) by way of personal explanation.

13.11 Alternative Proposals (Amendments)

- (a) An alternative proposal must be relevant to the subject matter and can be a proposal to:
 - (i) refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) propose an alternative course of action
 - (iii) add, replace or leave out words;as long as the effect of (iii) is not to negate the original proposal.
- (b) All alternative proposals shall be moved and seconded prior to debate.
- (c) No further alternative proposals may be submitted by any of the speakers during the debate.
- (d) Where submitted the vote will be taken on any seconded alternative proposals first and only if defeated will the original proposal be put to the vote.

13.12 Right of reply

- (a) The mover of a proposal has a right to reply at the end of the debate, immediately before a vote is taken.
- (b) The mover of an alternative proposal has no right of reply at the end of the debate.

13.13 Motions that may be put without notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond four hours in duration;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13.14 Alteration of motion

- (a) A Councillor 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 Councillor 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.

13.15 Withdrawal of motion

A Councillor 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 Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.16 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) that the meeting continue beyond four hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Councillor named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

13.17 Closure motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) To proceed to the next business;

- (ii) That the question be now put;
 - (iii) To adjourn a debate; or
 - (iv) To adjourn a meeting.
- (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.
- (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.

13.18 Point of order

A Councillor may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

13.19 Personal explanation

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

13.20 Officer Participation

Any Councillor may, if he/she considers it to be conducive to the conduct of any of the Council's business, request through the Mayor that an Officer be invited to contribute by way of advice, guidance or presentation, to any debate.

13.21 Cross Reference with other rules

The rules set out at 13.10, 13.11, 13.18 and 13.20 will also apply in respect of Matters Referred to Full Council (Rule 12) and Discussion on Minutes of Council Bodies (Rule 14).

14. DISCUSSION ON MINUTES OF COUNCIL BODIES

14.1 Submission and Notification

Items for discussion at Council meetings must be submitted to the Head of Democratic Services no later than 10.00am on the day of the meeting. The Head of Democratic Services will circulate a list of items raised for discussion prior to the start of the meeting.

14.2 Qualification

All items for discussion shall relate to a specific minute (other than those considered under referred matters) of a Council Body being submitted at the same meeting. In the event of an item being submitted which, in the opinion of the Mayor, in consultation with the Chief Executive, is not relevant the Mayor may rule that the item not be discussed.

14.3 Procedure

- (a) The Mayor will refer to the list of items for discussion submitted by Councillors in advance of the meeting.
- (b) The Mayor will call upon the Councillor who raised the item to make his/her speech.
- (c) The Mayor will then call in turn any other Councillors who have indicated a wish to speak.
- (d) If any Councillor makes a proposal to refer the item to the Cabinet or other Council Body and it is seconded, a vote will be taken and, if successful, the matter will be referred. Otherwise, the item is noted.
- (e) At the conclusion of items for discussion the Mayor will call for any Councillor to propose acceptance of all the minutes of Council Bodies, together with a seconder. The Council will then vote to accept the minutes.

15. STATE OF BOROUGH OF EASTBOURNE DEBATE

15.1 Calling of debate

The Leader of the Council may call a State of the Borough of Eastbourne debate annually on a date and in a form to be agreed with the Mayor.

15.2 Form of debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. The purpose of the debate will be to:

- (a) focus on the key issues arising within the Council's area and amongst its communities;
- (b) firmly establish the Council in its role as community leader; and
- (c) assist the Council in engaging with the local community.

The debate should be outward looking rather than focused simply on issues faced by the Council itself. Representatives of other stakeholders and the public generally should be invited to participate.

15.3 Chairing of debate

The debate will be chaired by the Mayor.

15.4 Results of debate

The results of the debate will be:

- (i) Disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) Considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

16. PREVIOUS DECISIONS AND MOTIONS

16.1 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 14 Councillors.

16.2 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 14 Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. VOTING

17.1 Majority

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

17.2 Mayor's casting vote

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

Procedural note:

The Mayor may exercise a casting vote to break a deadlock when the vote would otherwise be tied. The Mayor may do so whether he/she has cast a vote or whether he/she previously abstained.

17.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Ballots

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

17.5 Recorded vote

If two Councillors 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.

Any decisions relating to setting the annual budget and council tax will be subject to a mandatory recorded vote and the names for and against motions and amendments or abstaining from voting will be taken down in writing and entered into the minutes.

17.6 Right to require individual vote to be recorded

Where any Councillor 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.

17.7 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.

18. MINUTES

18.1 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.

18.2 No requirement to sign minutes of previous meetings at extraordinary meeting.

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

18.3 Form of minutes

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

19. RECORD OF ATTENDANCE

All Councillors present during the whole or part of a meeting will be recorded in the minutes as being in attendance.

20. EXCLUSION OF THE PUBLIC

20.1 Reason to Exclude

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

20.2 Issues affecting Persons Employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as

to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council has decided whether or not the power of exclusion of the public shall be exercised.

21. COUNCILLORS' CONDUCT

21.1 Asking to speak

When a Councillor speaks at full Council he/she must raise a hand to indicate to speak, wait to be called and address the meeting through the Mayor. If more than one Councillor indicates, the Mayor will ask one to speak and the others must wait. Other Councillors must remain wait whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Mayor raises a hand or stands

If the Mayor raises a hand or stands during a debate, any Councillor speaking at the time must stop and wait. The meeting must be silent.

21.3 Councillor not to be heard further

If a Councillor persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.

21.4 Councillor to leave the meeting

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

21.5 General disturbance

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

22. DISTURBANCE BY PUBLIC

22.1 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.

22.2 Clearance of part of meeting room

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

23. RECORDING, FILMING, BROADCASTING AND REPORTING OF COUNCIL AND COMMITTEE MEETINGS

23.1 With the knowledge of the Council, the public have the right to record, film, broadcast and report meetings of the Council that are open to the public, which includes the use of digital and social media recording tools such as twitter, blogging etc.

23.2 The Mayor will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting.

23.3 While those attending Council and Committee meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

23.4 Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them doing so.

24. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

24.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

24.2 Amendment

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

25. APPLICATION TO COUNCIL AND COMMITTEES

25.1 Council

All of the Council Rules of Procedure apply to meetings of full Council with the exception of Rules 4 and 10.

25.2 Cabinet and Committees

Only Rules 4.3, 4.4, 5 – 11 (but not Rule 11.3), 17 – 24 (but not Rule 21.1) apply to meetings of the Cabinet and Committees.

Rule 7 (Quorum) does not apply to meetings of the Cabinet and any sub-committee of the Licensing Act Committee where the quorum shall be not less than 3.

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Section B

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, the Executive and individual Cabinet Member meetings, Scrutiny Committee, the Audit and Governance Committee, Regulatory Committees and public meetings in general (together called meetings).

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. RIGHT TO ATTEND MEETINGS

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

4. NOTICES OF MEETINGS

The Council will give at least 5 clear days' notice of any meeting by posting details of the meeting at the Town Hall, Grove Road, Eastbourne.

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 at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the agenda has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

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. ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report,

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC’S RIGHTS

A written summary of the public’s rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Town Hall.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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.

10.2 Exempt information – discretion to exclude public

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

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

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

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

Category of Exempt Information	Condition
1. Information relating to any individual.	See conditions 9 and 10 below.
2. Information which is likely to reveal the identity of an individual.	See conditions 9 and 10 below.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	See conditions 8, 9, 10 and 12 below.

Category of Exempt Information	Condition
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	See conditions 9, 10, 11 and 12 below.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	See conditions 9 and 10 below.
6. Information which reveals that the authority proposes— <div style="margin-left: 40px;">(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</div> <div style="margin-left: 40px;">(b) to make an order or direction under any enactment.</div>	See conditions 9, 10 and 12 below.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	See conditions 9 and 10 below.

Conditions

- | |
|--|
| <p>8. Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Acts (as defined in section 2 of the Companies Act 2006 (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993. <p>“Financial or business affairs” includes contemplated as well as past or current activities.</p> |
| <p>9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> |

Conditions

10. Information which:

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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

For guidance on the application of the public interest test see the Information Commissioner Guidance's at www.ico.gov.uk or seek advice from the Council's Monitoring Officer.

11. "Labour relations matter" means:

- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- (b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

"Office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

"Employee" means a person employed under a contract of service.

12. "The authority" is a reference to the council or a committee or sub-committee of the council or a joint committee of more than one council.

11. 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 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13 – 24 apply to the Cabinet, its committees and individual Cabinet Members. If the Cabinet, its committees or individual Cabinet Members meet to take a key decision then it must also comply with Rules 1 – 11 above unless Rule 15 (general exception) or Rule 16 (special urgency) apply.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.04 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief Councillors.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, its committees or at an individual Cabinet member meeting, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of forward plan

Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of forward plan

The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

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

The forward plan must be published at least 14 days before the start of the period covered. The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's Offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and

- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's Offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Executive has informed the Chairman of the Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Chief Executive complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Scrutiny Committee, or if the Chairman of the Scrutiny Committee is unable to act, then the agreement of the Mayor or in his/her absence the Deputy Mayor will suffice.

17. REPORT TO COUNCIL

17.1 When the Scrutiny Committee can require a report:

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

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Scrutiny Committee Chairman, or the Mayor/Deputy Mayor under Rule 16;

the Committee may require the Cabinet or individual Cabinet Members to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested by any three of its members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

17.2 Cabinet's report to Council

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

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the Cabinet or individual Cabinet Member decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

- 18.1 After any meeting of the Cabinet or any of its committees, whether held in public or private, the Cabinet Secretary will produce a record of every decision taken at that meeting as soon as practicable. The record will include the reasons for each decision and any alternative options considered and rejected at that meeting.
- 18.2 In addition a notice of decisions made in respect of key decisions will be published and circulated in accordance with Rule 9 of the Cabinet Procedure Rules and Rules 18.1 and 18.2 of the Scrutiny Procedure Rules.

19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

Cabinet or individual Cabinet Member meetings relating to matters which are not key decisions will normally be held in public other than when exempt or confidential information is to be considered.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet will be entitled to receive 5 clear working days' notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT PRIVATE MEETINGS OF THE CABINET

- (a) Notice of private meetings of the Cabinet will be served on the Chairman of the Scrutiny Committee, at the same time as notice is served on members of the Cabinet. Where the Scrutiny Committee does not have a Chairman, the notice will be served on all the members of that Committee.
- (b) Where a matter under consideration at a private meeting of the Cabinet is within the remit of the Scrutiny Committee the Chairman of that Committee or in his/her absence the Deputy Chairman may attend that private meeting with the consent of the person presiding, and speak if those present agree.
- (c) The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.
- (d) A private Cabinet meeting may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

22.1 Reports intended to be taken into account

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

22.2 Provision of copies of reports to the Scrutiny Committee

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

22.3 Record of Individual Decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Head of Corporate Development to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 concerning access to minutes and papers after a meeting will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

23. SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, the Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

23.2 Limit on rights

The Scrutiny Committee will not be entitled to:

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

24. ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

24.1 Material relating to previous business.

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies:

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5, or 7 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

24.2 Material relating to key decisions

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

24.3 Nature of rights

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



Section C

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Introductory Note: These rules incorporate provisions contained in Part II of Schedule 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) which the Council is required to incorporate in its Constitution.

1. The Framework for Cabinet Decisions

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

2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) The Cabinet will publicise by including in the forward plan a timetable for making 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 Chairman of the Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than four weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Committee has responsibility for fixing its own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the firm proposals, the Chief Executive will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.

- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph (h).
- (h) Before the Council -
 - (a) amends the draft plan or strategy;
 - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (c) adopts (with or without modification) the plan or strategy.it must inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (i) Where the Council gives instructions in accordance with paragraph (h), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may -
 - (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (j) When the period specified by the Council, referred to in paragraph (i), has expired, the Council must, when -

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

- (k) Subject to paragraph (o) where, before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year -
 - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such a calculation;
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (l).

- (l) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- (m) Where the Council gives instructions in accordance with paragraph (l), it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may -
- (a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts") which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (n) When the period specified by the Council, referred to in paragraph (m), has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Cabinet's reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the authority's objections; and
 - (d) the Cabinet's reasons for that disagreement,
- which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.
- (o) Paragraphs (k) to (n) shall not apply in relation to -
- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

- (p) The decision arising from steps outlined in paragraphs (g) to (o) shall then be made public in accordance with Article 4, and shall be implemented immediately.
- (q) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet, officers, or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, committees of the Cabinet, individual Members of the Cabinet, officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice 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, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions outside the Budget or Policy Framework

- (a) The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet, officers, or joint arrangements 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 Chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chairman of the Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy 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.

5. Virement

Steps taken by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet, officers, or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads only in accordance with constraints agreed by Council. Beyond that limit, approval to any virement across budget heads shall require the approval of the Full Council.

6. In-year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet, officers, or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes necessary to ensure compliance with the law, ministerial direction or government guidance.

7. Call-in of Decisions outside the Budget or Policy Framework

- (a) Where the 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 responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet 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 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 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 ten days of the request by the 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 Cabinet 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 regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors 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 Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

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Section D

CABINET PROCEDURE RULES

1. The Operation of the Cabinet

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out and explained in Part 3 of the Constitution. The arrangements may provide for executive functions to be discharged by:

- (i) the Leader;
- (ii) The Cabinet as a whole;
- (iii) a committee of the Cabinet;
- (iv) An individual Member of the Cabinet;
- (v) An officer;
- (vi) A body acting under joint arrangements; or
- (vii) another local authority

1.2 Delegation by the Leader

At the Annual Meeting of the Council the Leader will present details of any allocation of executive functions and delegations made by him/her to officers for inclusion in or annexation to the Council's scheme of delegation and detail:

The Councillors appointed to the Cabinet and the individual portfolios allocated by the Leader. The extent of any authority delegated to Cabinet members individually including details of the limitation on their authority.

The terms of reference and constitution of such cabinet committees as the Leader appoints and the names of the Cabinet Members appointed to them.

The nature and extent of any delegation arrangements to any bodies acting under joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year.

The nature and extend of any delegation to officers with details of any limitation on that delegation.

1.3 Sub-delegation of Executive Functions

Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an executive function, they may delegate further to a body acting under a joint arrangement or an officer.

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

1.4 The Council's Scheme of Delegation to Officers and Details of Allocation of Executive Functions

- (a) Subject to (b) below, the Council's scheme of delegation to officers will be subject to adoption and/or amendment by the Council.
- (b) The Leader may amend the arrangements relating to the allocation of executive functions and if appropriate the scheme of delegations to officers at any time during the year having giving written notice to the Head of Local Democracy and to the person, body or committee concerned. The Head of Local Democracy will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.5 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 the Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

2. Cabinet Meetings

- 2.1 The Cabinet will be scheduled to meet at least 7 times per year at times to be agreed by the Leader in the Town Hall or another location to be agreed by the Leader.
- 2.2 The Quorum for a meeting of the Cabinet shall be three.
- 2.3 Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution. Where executive decisions are delegated to a committee of the Cabinet, or a Cabinet member, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by Cabinet as a whole.
- 2.4 Members of the public and press may only be excluded in accordance with the Access to Information Rules in Part 4 of this Constitution.

3. Presiding at Cabinet meetings

- 3.1 The Leader will preside at any meeting of the Cabinet at which he/she is present. In his/her absence, the Deputy Leader will preside. In the absence of both the Leader and the Deputy Leader a person elected by those present shall preside.

4. Business to be conducted

- 4.1 At each meeting of the Cabinet the following business will be conducted:
- (i) consideration of the minutes of the last meeting;
 - (ii) declarations of interest, if any;
 - (iii) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
 - (iv) consideration of reports from the Scrutiny Committee; and
 - (v) matters 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 Procedure rules set out in Part 4 of this Constitution.

- 4.2 The timetabling of the Cabinet agenda preparation process shall be as outlined in the Cabinet Schedule. Subject to compliance with all other provisions in these rules, the timetabling arrangements may be amended from time to time by the Cabinet Secretary.
- 4.3 The agenda shall generally be structured to arrange matters for consideration by reference to their service or theme area.
- 4.4 Matters on which the public have exercised their right of address may be advanced on the agenda.
- 4.5 The Lead Officer in all Cabinet matters shall be the Chief Executive or nominated representative.
- 4.6 Reporting on major policy and strategic matters should normally be made by the Chief Executive or relevant Director. Cabinet Members may also submit reports. The relevant Director or other responsible officer should normally make reports on service issues.
- 4.7 The Cabinet Secretary will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Scrutiny Committee or the Full Council has resolved that an item be considered by the Cabinet.
- 4.8 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

5. Consultation

- 5.1 All reports to the Cabinet from any member or officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and Scrutiny Committee, 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.

6. Access and provision of agenda papers

- 6.1 Councillors' rights of access to papers are no less than those of the press and public, with the addition that they may have papers containing confidential or exempt information.

- 6.2 All agendas, reports and minutes will normally be available via the Council's website within two working days of their publication.

7. Arrangements for Opposition Group Briefings

- 7.1 The Leader and Deputy Leader of the Opposition or, if established, the Shadow Cabinet, shall receive a briefing from the Chief Executive (or other appropriate Officer) on the Cabinet agenda and reports. The timing of this briefing is a matter for the Opposition to agree but would normally take place a day or two after the despatch of the agenda for ordinary Cabinet meetings.
- 7.2 In addition to the briefing described at 7.1 above, the Opposition Leader and Deputy Leader/Shadow Cabinet Members will have rights to briefings on other matters of importance affecting the Council. Briefings or information should be provided where matters are due to be reported direct to full Council or where Ward or other non-Cabinet Members have been consulted. Reference should be made to paragraph 5 of the Protocol for Member/Officer Relations in Part 5 of the Constitution dealing with the provision of information to Councillors).

8. Officer consultation with Cabinet Members

- 8.1 Cabinet Members are entitled to be consulted by Officers upon matters falling within the scope of their portfolios and may hold discussions with the relevant Officers with a view to progressing policies and service delivery objectives.

9. Notice of Key Decisions

- 9.1 Within two working days of the Cabinet meeting, the Cabinet Secretary will publish a Notice meeting the requirements of Rule 18.2 of the Access to Information Procedure Rules and Rules 18.1 and 18.2 of the Scrutiny Procedure Rules. The notice will be circulated to the Leader and Members of the Cabinet, the Opposition Leader and Deputy Leader and the Chairman and Members of the Scrutiny Committee. It will also be placed on the Council's website and otherwise available for inspection by Councillors and the public. Implementation of the decision may be made on the expiry of 5 working days after publication of the notice unless "called-in" by the Scrutiny Committee.

10 Clearance of draft minutes

- 10.1 The Cabinet Secretary shall have responsibility for drawing up the minutes of Cabinet meetings.
- 10.2 Draft minutes are to be circulated to the Chairman, the Chief Executive, Directors and any other relevant officers, and comments invited within a reasonable period of time.

- 10.3 The Cabinet Secretary shall take account of any comments and send a copy of any revised draft to the Chairman and Chief Executive. The minutes will in due course go before the next meeting of the Cabinet for approval as a correct record.
- 10.4 Cabinet minutes will be submitted to the Full Council along with the other minutes of meetings of Council Bodies. Any key decisions taken under Rule 16 of the Access to Information Procedure Rules will therefore be reported to the Council by this route.
- 11. Reports to Council**
- 11.1 The Cabinet Secretary shall have responsibility for drafting the Cabinet's reports to Council on matters requiring Council approval.
- 11.2 The Leader in whose name they will be made shall agree these reports. The Chairman of Cabinet will present the report to Council. The Leader may ask that a report be submitted to Council in the name of another Cabinet Member or an Officer and for that Cabinet Member or Officer to present the matter to Council.
- 12. Post Election Changes**
- 12.1 Following an election, interim arrangements shall be put in place to cover the post election period until the Annual Meeting of the Council when the Council elects a new Leader.
- 12.2 In the event that the Leader during this period no longer commands the support of a majority of the members of the council, the Leader (or the deputy leader if acting in the absence of the leader) and cabinet (if appointed) shall only exercise their powers with the agreement of the Chief Executive who will consult with the leader of the majority group or other group leaders as appropriate.
- 12.3 Officers will continue to exercise delegated authority but will consult with the Chief Executive or Deputy Chief Executive and the Leader.

Item 4e

Eastbourne Borough Council Constitution
Part 4 - Rules of Procedure
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Section E

SCRUTINY PROCEDURE RULES

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Definitions in relation to crime and disorder matters:

(1) The ‘Responsible Authorities’ are the Local Authority (Borough and County Council), the Police Force, the Police Authority, the Fire and Rescue Authority and the Primary Care Trust (and as from April 2010 it is expected that Probation Authorities will become a Responsible Authority).

(2) The ‘Co-operating Bodies’ are Probation Authorities, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and Further Education Governing Bodies.

(3) ‘Crime and Disorder Functions’ is defined in Section 5 of the Crime and Disorder Act 1998 (formulation and implementation of crime and disorder strategies).

(4) A ‘Local Crime and Disorder Matter’ in relation to the Councillor Call for Action Procedures, means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour or other behaviour adversely affecting the local environment) in the area represented by the Councillor; or this misuse of drugs, alcohol and other substances in that area.

1. Structure

- 1.1 The Council will have one Scrutiny Committee which will perform all Overview and Scrutiny functions on behalf of the Council.
- 1.2 The Committee shall also act as the Council’s Crime and Disorder Committee for the purposes of overview and scrutiny of the formulation and implementation of the Crime and Disorder strategies of the local Crime Reduction Partnership.
- 1.3 The composition and terms of reference of the Scrutiny Committee will be as set out in Part 3 of this Constitution.
- 1.4 Scrutiny Committee has a duty to scrutinise the discharge of the executive functions of the Council and other related functions of the Authority and to make reports and recommendations thereon. The Scrutiny Committee should be the key mechanism for enabling councillors to represent the views of their constituents and other organisations and hence to ensure that these views are taken into account in policy development. The Committee should take a cross-cutting rather than a narrow service-based view of the conduct of the Council’s affairs. The Committee should consider different approaches and formats for their meetings.
- 1.5 The scrutiny process is different from the traditional committee approach in at least four ways:
 - Members must take a lead role and set the agenda (within limits set by the Council).

- Scrutiny Committee is not a decision-making body.
- Officers supporting the scrutiny function should be allowed to do so without constraint from the Cabinet (subject to agreed resource limits).
- The reports of the Scrutiny Committee are prepared in an entirely different way after hearing and debating written and oral evidence.

1.6 Councillors serving on the Scrutiny Committee should strive to be independent. They should seek consensus on outcomes whilst recognising political balance. They should be constructive and not judgmental. They should be open and transparent in their approach.

2. Who May Sit on the Scrutiny Committee?

2.1 All Councillors except the Mayor and Members of the Cabinet may serve on the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

3.1 The Scrutiny Committee shall be entitled to recommend to Council the appointment of co-optees.

3.2 A scheme for the co-option of members shall specify the number of co-optees, their term(s) of office and any criteria for their selection and appointment and the Scrutiny Committee shall only make appointments in accordance with a scheme approved by Full Council. In addition, the scheme shall specify whether a co-opted person's membership is to be limited to the exercise of the Committee's powers in relation to a particular matter or type of matter.

3.3 Additionally, when the Committee is carrying out the Council's functions as a Crime and Disorder Committee, the following statutory provisions shall apply:

- (a) The Committee shall only co-opt a person to serve on the Committee who -
 - (a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and
 - (b) is not a member of the executive of the Committee's local authority.
- (b) A co-opted person shall not be entitled to vote on any particular matter, unless the Committee so determines.
- (c) Membership may be withdrawn at any time by the Committee.

4. Meetings of the Scrutiny Committee

- 4.1 There shall normally be 5 ordinary meetings of the Scrutiny Committee scheduled to meet in each year. This recognises that much of the work of the Committee will be done in task groups. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chairman of the Scrutiny Committee or by the Chief Executive if he/she considers it necessary or appropriate.
- 4.2 In addition to formal meetings, the Chairman may arrange for briefings and seminars to be held.

5. Quorum and Substitution

- 5.1 The Quorum for the Scrutiny Committee shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.
- 5.2 Substitution shall be allowed in accordance with the Council Procedure Rules in Part 4 of this Constitution.

6. Who Chairs Scrutiny Committee Meetings?

- 6.1 The Council shall appoint as Chairman a Councillor from the largest opposition political group on the Council and as Deputy Chairman, a Councillor from the controlling political group.

7. Work Programme

- 7.1 The Scrutiny Committee will be responsible for setting its own work programme and in doing so they shall take into account wishes of Councillors on that Committee who are not members of the largest political group on the Council. The programme should be prepared on a 3-year rolling programme basis and reviewed annually in liaison between the Scrutiny Committee, the Cabinet and the Corporate Management Team before being submitted to Full Council for approval. The programme will have full regard to the availability of resources and in particular the Officer support required.
- 7.2 The Committee should focus on a small number of large issues and/or service area reviews selected primarily on the basis of maximum impact to the local community and in meeting key corporate priorities. Work should so far as possible be undertaken by task groups set up on a “task and finish” basis.
- 7.3 When putting forward the proposed programme, the Scrutiny Committee shall ensure that the following matters are clearly stated:

- The subject matter.
- Specific details as to what issues are to be covered.
- An initial indication of the groups and organisations to be invited to contribute and the persons to be invited to attend.

Those putting forward suggestions for items for inclusion in the programme should therefore keep the above requirements in mind.

- 7.4 In-year variations of the programme may be made in accordance with the provisions set out in the Committee's terms of reference for Full Council and its Committees in Part 3 of this Constitution.
- 7.5 The programme shall also make provision for consideration of crime and disorder issues at a minimum of one of the Committee's meetings in every 12 month period as required under Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009. It is expected that prior liaison will be undertaken with the Chairman of the local Crime Reduction Partnership in relation to the matters to be considered.

8. Agenda Items

- 8.1 Any member of the 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 after advising the Chairman of the Committee will ensure that it is included on the next available agenda.
- 8.2 See section 9 below as to items raised under the Councillor Call for Action procedures.
- 8.3 The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee at its next available programmed meeting.

9. Councillor Call for Action (CcfA)

- 9.1 The Council has adopted procedures to allow for any Councillor to raise certain matters for consideration by the Committee under the CcfA powers of Section 119 of the Local Government and Public Involvement in Health Act 2007. These are set out in Appendix 1 to these Procedure Rules. A summary flow-chart is also given in Appendix 2.

9.2 Use of the CcfA power should be seen as longstop and used only when other attempts to deal with an issue or solve a problem have failed. Matters which can be the subject of a CcfA include those for which the Council has a responsibility or which directly affect the Borough of Eastbourne and for which the Council can reasonably be expected to exercise some degree of influence. Certain matters should normally be excluded from being a CcfA in line with the provisions of The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) England) Order 2008. These are:

- (a) Matters relating to a planning or licensing decision.
- (b) A matter relating to an individual or entity in respect of which that individual or entity has recourse to a right of appeal conferred by legislation.
- (c) Any matter which is vexatious, discriminatory or unreasonable.

However, an allegation that a function for which the council is responsible has not been discharged at all or that its discharge has failed on a systematic basis may still be the subject of a valid CCFA notwithstanding (a) and (b) above.

9.3 The Scrutiny Committee has issued guidance to Councillors on how issues subject to a potential CcfA might be handled in order to reflect best practice and ensure that issues are dealt with effectively and in a timely fashion.

9.4 The CcfA procedures require that the Chairman and Deputy Chairman of the Committee are notified of CcfAs and sets out their responsibilities for agreeing the appropriate course of action to be taken in respect of a CcfA once received.

10. Policy Review and Development

10.1 The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

10.3 The Scrutiny Committee may hold hearings and investigate the available options for future direction in policy development. They may ask witnesses to attend to address them on any matter under consideration.

11. Means of Conducting Hearings and Investigations

11.1 It is recommended that the Committee should normally set up task groups for the purposes of conducting initial hearings and investigations into policy matters and issues relating to service delivery and performance. Such a task

group will normally comprise 2 councillors (one from each of the controlling group and the main opposition group) and nominated by the lead Scrutiny councillor for each of the respective groups.

- 11.2 The Scrutiny Committee will set the task group's terms of reference and time-scale for report back to the Scrutiny Committee.

12. Reports from Scrutiny Committee

- 12.1 Once it has formed recommendations on proposals for development and/or service improvement, the Scrutiny Committee will prepare a formal report and in the case of functions the responsibility of the authority submit it in writing to the Chief Executive for consideration by the Cabinet if the proposals are consistent with the existing budgetary and policy framework, or to the Council if the recommendation would require a departure from or a change to the agreed budget and policy framework.
- 12.2 The Council or Cabinet shall consider the report of the Scrutiny Committee at the next available programmed meeting after submission to the Chief Executive.
- 12.3 In the case of reports to other bodies, including reports on crime and disorder matters, the report shall be submitted in writing to the Chief Executive (or other appropriate person) of that body.
- 12.4 The Committee's report and findings shall be made public except where disclosure of information would be classed as either exempt or confidential under the Council's Access to Information Procedure Rules.
- 12.5 If the Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted with the majority report.

13. Making sure that Scrutiny Reports are considered by Cabinet.

- 13.1 Once a Scrutiny report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of eight weeks from the date the report was adopted by the Scrutiny Committee. In such cases, the report of the Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Scrutiny report within eight weeks then the matter will be referred to Council for review, and the Chief Executive will call a Council meeting to consider the report and make a recommendation to the Cabinet.
- 13.2 The Scrutiny Committee will have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item

is not the subject of detailed proposals from the Scrutiny Committee following a consultation of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

14. Requests for information and response to reports on Crime and Disorder matters

14.1 The Committee may ask for information relevant to its crime and disorder functions from a responsible authority or a co-operating person or body. Such information must be provided subject to the following provisions:

(a) Information shall be provided by the date requested or if some or all of the information cannot be reasonably provided on such date, as soon as reasonably possible.

(b) Information shall be depersonalised, unless the identification of such individual is necessary or appropriate in order to enable the Committee to exercise its powers, and shall not include information that would prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.

14.2 An authority, person or body to which a report or recommendation is given must consider the report or recommendations and respond indicating what (if any) action it proposes to take and must have regard to the report or recommendations in exercising its functions. The response shall be in writing and submitted to the Committee within 28 days from the date the report or recommendation was made, or, if this is not reasonably possible, as soon as possible thereafter.

14.3 Notwithstanding the requirements of paragraph 14.2 above, it should be the normal practice for the responsible authority or co-operating person or body to be consulted informally before a report or recommendation is submitted with the objective of making it more likely that the recommendations, when finally made, are relevant and realistic.

14.4 Following receipt of the response, the Committee will be expected to agree with a responsible authority or co-operating person or body how progress in implementing the recommendations will be monitored.

15. Rights of Scrutiny Committee Members to Documents

15.1 In addition to their rights as Councillors, Members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

15.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committee as appropriate depending on the particular matter under consideration.

16. Councillors and Officers Giving Account

16.1 The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, and shall do so if a petition has been received, within the Council's Petitions Scheme, calling for a senior officer to attend to answer questions on the delivery of a service.. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, 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.

16.2 Where any councillor or officer is required to attend the Scrutiny Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the councillor or officer in writing giving at least three 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 councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

16.3 Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date then the Scrutiny Committee shall in consultation with the councillor or officer arrange an alternative date for attendance.

16.4 In respect of petitions calling for a senior officer of the Council to attend the Committee to answer questions, the Scrutiny Secretary will, in addition to giving the petition organiser notice of when the meeting will be held, ensure that the organiser is given the opportunity of suggesting questions to the Chairman and for these to be received no later than 3 working days before the meeting.

17. Attendance by Others

- 17.1 The Scrutiny Committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and officials in other parts of the public sector and shall invite such people to attend. Such attendance will be optional except in the circumstances set out in paragraph 17.2 below.
- 17.2 The Scrutiny Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body (as defined in Section 5 of the Crime and Disorder Act 1998) in connection with the scrutiny of a crime and disorder matter to answer questions.
- 17.3 Where any person is required to attend the Scrutiny Committee under the provision at 17.2 above, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall give the person reasonable notice of the intended date of attendance.

18. Call-in

- 18.1 When a decision is made by the Cabinet, an individual Member of the Cabinet, or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman and Members of the Scrutiny Committee (and others as described in Rule 9 of the Cabinet Procedure Rules) will be sent copies of the records of all such decisions within the same time-scale, by the person responsible for publishing the decision.
- 18.2 That notice will bear the date on which it is published and will specify that the decision(s) will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called-in.
- 18.3 During that period, the Chief Executive shall call-in a decision for scrutiny by the Committee if so requested in accordance with paragraph 19.1 below, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in.
- 18.4 If, having considered the decision, the Scrutiny Committee is still concerned about it then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then

reconsider within a further ten working days, amending the decision or not, before adopting a final decision.

- 18.5 If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of that further five working day period, whichever is the earlier.
- 18.6 If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, 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 Cabinet 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.
- 18.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

19. Exceptions and Manner of Call-in

- 19.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- (a) only decisions involving new operational policies or strategic initiatives, unbudgeted expenditure or reductions in service may be called in
 - (b) a recommendation of the Executive to the full Council is not a decision that may be called-in;
 - (c) a minimum of three members of the Scrutiny Committee from at least two political groups must request that a decision be called in;
 - (d) substitute members of the Scrutiny Committee shall not be entitled to call-in decisions except when the call-in request is made at a meeting of the Committee and when the substitute member is taking the place of another member in accordance with Rule 4.4 of the Council Procedure Rules; and

- (e) written notice of a request to call-in a decision shall be given to the Chief Executive and the notice shall be signed by the Councillors making the request.

20. Call-in and Urgency

- 20.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive 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 Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 20.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

21. The Party Whip

- 21.1 When considering any matter in respect of which a Member of the Scrutiny Committee is subject to a party whip the Councillor must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

22. Procedure at Scrutiny Committee Meetings

- 22.1 The Scrutiny Committee shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee in relation to call-in of a decision;
 - (iv) responses of the Executive to reports of the Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- 22.2 Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development and/or service improvement), 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 be 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.

23. Procedure at a Scrutiny Task Group

- 23.1 A preliminary meeting will be held attended by the councillors appointed to the task group, the Scrutiny Secretary and the relevant Lead Officer for the purposes of:
- (a) Determining the overall content and scope of the issue, subject to any terms of reference already established by the Scrutiny Committee.
 - (b) Agreeing the persons to be invited to answer questions and/or give evidence.
 - (c) Setting the approach to be taken (e.g. workshops, interviews, presentations, etc.)
 - (d) Scheduling sessions (e.g. full day, one or two half days, one or two evenings).
- 23.2 A scrutiny task group may meet in public or private as desired. When meeting in public notice of their meetings shall be given in accordance with the Council's Access to Information Procedure Rules.
- 23.3 Task group sessions shall normally include:
- (a) Interviews, discussions, representations involving councillors, officers and external invitees as appropriate, followed by;
 - (b) Councillors debating the matter and making decisions upon their findings and recommendations.
- 23.4 Paragraphs 22.1(ii) and 22.2 above shall apply to a task group.
- 23.5 References to the rights of the Scrutiny Committee to request councillors and officers to attend and to invite persons from outside the Council to

attend (paragraphs 16 and 17 above) shall apply in respect of the proceedings of a scrutiny task group.

- 23.6 The relevant Lead Officer will be responsible for preparing the report and findings on behalf of the task group.
- 23.7 The reports, findings and recommendations of a scrutiny task group shall be made public except where disclosure of information would be classed as either exempt or confidential.

24. Officer Support for Scrutiny Committee

- 24.1 One of the Committee Officers shall be designated “Scrutiny Secretary” and shall have a role in ensuring the efficient and effective operation of the scrutiny process. So far as is practical the Scrutiny Secretary and Cabinet Secretary roles will be kept separate and not be undertaken at any one time by the same person.
- 24.2 The Scrutiny Secretary will maintain an overview of the progress of scrutiny work. Where recommendations of the Scrutiny Committee are approved (either in full or in part) by either the Executive or the Council, the Scrutiny Secretary shall monitor implementation of those recommendations and draw the Scrutiny Committee’s attention to any failures to “follow through” in line with agreed action plans.
- 24.3 The Scrutiny Secretary will not be expected to undertake detailed research or investigation on behalf of the Scrutiny Committee and such support will be drawn from the Council’s resources as a whole. It is accepted that for a small Authority like Eastbourne it is not feasible to provide Scrutiny Committee with a separate team of officer support. Officers must be able to provide impartial advice and support and feel free to do so without fear of any discrimination as a result.
- 24.4 With respect to the proceedings of a scrutiny task group, the Scrutiny Secretary shall co-ordinate invitations, venue and facilities. The relevant Lead Officer shall produce research and background documentation.
- 24.5 The arrangements for preparing the agenda for meetings of the Scrutiny Committee will be as follows:
- The Scrutiny Secretary will draw up a menu of items drawing upon the Work Programme, outstanding issues or requests by the Committee and items referred by the Executive or other Council bodies.
 - The menu will be the subject of informal discussion between the Chairman and the relevant Director.

- A draft agenda will then be circulated to the Chairman and Deputy Chairman of the Scrutiny Committee and, the Lead Scrutiny councillor for the controlling political group, all Members of the Cabinet and the Corporate Management Team and relevant officers.
- A cross-party pre-agenda meeting will be held at which the Chairman, Deputy Chairman (and other Lead councillor if appropriate), will attend together with the relevant Lead Officers and Scrutiny Secretary.

25. Meetings of the Chairman and Deputy Chairman

- 25.1 The Chairman and Deputy Chairman of the Committee shall meet on a monthly basis along with the Scrutiny Co-ordinator. This meeting may be held in conjunction with the pre-agenda meeting. The purpose of this meeting shall be to:
- Review progress in respect of reviews currently underway by task groups.
 - Review the Forward Plan of Key Decisions and consider which, if any, of the matters listed on the Plan should be the subject of an item on the agenda for a forthcoming meeting of the committee.
 - Review performance monitoring information.
 - Develop a draft work programme for the coming year.
 - Be notified of any Councillor Calls for Action that have been received and agree the appropriate course of action having regard to the CCfA Procedure Rules at Appendix 1 below.
 - Be notified of any petitions that have been received in accordance with the Council's Petitions' Scheme (Part 4, Section K of the Constitution) and if requested receive updates on progress in relation to the matter raised in a petition and consider if an item should be placed on the Committee's agenda in respect of a petition.

In addition, the Chairman may invite other Councillors (including Cabinet members) and officers to attend the monthly meeting in connection with the discussion of matters relating to their particular areas of responsibility.

26. Access and Provision of Scrutiny Committee Agenda papers and Publication of Minutes

- 26.1 Councillors' rights of access to papers are no less than those of the press and public, with the addition that they may have papers containing confidential or exempt information.
- 26.2 All agendas, reports and minutes will normally be available via the Council's website and on the intranet within two working days of their publication.

Appendix 1

Councillor Call for Action Procedure Rules

The following procedures will be followed:-

1. A councillor raises the item with the Scrutiny Chairman. This should be done via the Scrutiny Co-ordinator. The Councillor would be expected to provide some basic information, including the following:

- Description of issue
- What has prompted raising issue (e.g. concerns of local residents)
- Who is affected (e.g. neighbourhood, local children etc)
- Action to date? (what's been done so far to solve problem)
- What's needed to solve problem? (possible solutions, desired outcomes)
- Any critical timescales or deadlines?

(N.B. A notification form is available for Councillors' use. At the time the CCfA is received, the Scrutiny Co-ordinator will seek to find out from the relevant senior manager the current circumstances in relation to the CCfA in order to advise the Chair and Deputy Chair of Scrutiny. It may also be possible to resolve the issue at this stage.)

2. Chairman decides if item is to go forward. It is expected that discussion of any CCfAs will take place at the monthly meeting of the Chairman and Deputy Chairman of the Scrutiny Committee. In deciding if the matter should be placed on the Committee's agenda, the Chairman will wish to take account of the following:
 - Do alternative avenues for resolution exist (complaints procedures, planning/licensing appeals etc)?
 - Have efforts to deal with the issue/solve the problem been sufficiently exhausted to justify Committee consideration?
3. Do any of the other statutory exclusions apply (vexatious, discriminatory, unreasonable etc.)?
4. Chairman decides what steps should be taken to bring the issue before the Committee (e.g. officer report, attendance, including attendance by a Cabinet member or other councillor if appropriate, invitation to partner organisations, outside groups and individuals to attend).
5. Discussion at Committee should be based on achieving the outcomes desired by the member raising the issue – explore options and solutions – and make recommendations for certain action to be taken. Committee

discussion alone may not achieve result but act as a spur to members and officers to work together to jointly develop policies to overcome problem.

6. Committee may decide that best course is to establish a scrutiny review task group to look further at the issue and report back to the full Committee.
7. Councillor raising CCfA to be kept advised of progress at all stages and will be invited to attend any meeting of the Scrutiny Committee giving consideration and also invited to give evidence to a review task group if one is established. The Councillor will also be consulted as to who else should be invited to give evidence or have an opportunity of speaking to the Committee.
8. Councillor raising CCfA to keep the person (or the representative of a group) who either drew the matter to the Councillor's attention or asked for the Councillor to take action informed of progress.
9. In the event that the Committee choose not to make a report or recommendations on the matter, the Councillor raising the CCfA shall be informed of its decision and given reasons for it.
10. In relation to a crime and disorder matter, the Councillor raising the CCfA shall be sent a copy of the report or recommendations which is submitted to a responsible authority or a co-operating person or body.

Appendix 2 Councillor Call for Action (CCfA) Flowchart



Item 4f



Section F

PROCEDURE RULES FOR APPOINTMENTS AND MEMBERSHIPS

1. Nomination of Mayor and Deputy Mayor

- 1.1 The political groups may make known their nominations for the election of Mayor and the appointment of Deputy Mayor at any time prior to the publication of the Annual Council Meeting agenda. Group Leaders are however asked to advise the Head of Democratic Services at the earliest opportunity (and preferably no later than the end of March) to assist with planning for Mayoral engagements and briefings for the new Mayor. It is recognised that in an election year it may not be possible to advise intended nominations until the outcome of the election is known.
- 1.2 In the event of more than one name being put forward for these positions, the Head of Democratic Services will consult with all nominated people in the planning of Annual Council. The relevant Group Leader may inform the Head of Democratic Services at any time of the withdrawal of any nomination.

2. Annual Appointments to Standing Bodies

- 2.1 Appointments to all the Council's standing bodies together with the appointments of Non-Executive Directors of Council owned companies are made at Annual Council. In the case of Cabinet, the Leader, once elected, will advise the Annual meeting of the Council of the appointment of Councillors to serve on the Cabinet.
- 2.2 Group Leaders will submit lists of nominations to the Head of Democratic Services in advance of the Annual meeting. In an election year, a meeting of Leaders and Deputy Leaders will be held prior to Annual Council at which the nominations will be submitted and then reported to Council. In the event that the Council is balanced alternative lists will be submitted for the Council to determine on an "either/or" basis.
- 2.3 Political balance rules will apply to all standing body appointments with the exception of the Cabinet and the Standards Committee.

3. The Executive and Council Bodies/Change of Political Control

- 3.1 Council Rules of Procedure provides for an extraordinary meeting of the Council to be held in the event of the political balance changing part way

through the year. The business to be transacted shall be the re-election of the Leader of the Council and the re-appointment of Chairman, Deputy Chairman and Councillors of other council bodies. The former Controlling Group Chairmen of Cabinet and other Council Bodies shall remain in office until the meeting of the Council but shall only undertake any formal duties in liaison with the Chief Executive and the incoming administration's Chairmen designates.

4. Appointment of Co-opted Members on Council Bodies

- 4.1 The Council may agree to co-opt a person who is not a Councillor to membership of a Council Body other than the Full Council and the Cabinet. Such a person shall be entitled to the same rights and will have the same obligations in relation to that body as a Councillor with the exception that they do not have a vote.
- 4.2 The Council must agree to the creation of a co-opted position on a Council body, although it may be left to the body in question to select the person. The Council may choose to designate an organisation from which the co-optee will be selected and to invite that organisation to submit the name of a nominee.
- 4.3 All co-options shall have effect for the year and co-optees will need re-appointing or replacing at the body's first meeting in the new Council year.

5. Advisors

- 5.1 The Council may provide for persons to attend meetings of specified council bodies in an advisory capacity. The Council may designate an organisation or group by name and invite that body to choose its own representative or alternatively the Council may reserve the right to select an individual of its own choosing.
- 5.2 The choice of advisor may be left to the council body concerned to agree but the Council (with the exception of ad-hoc Task Groups) will need to agree the number, the organisations/groups from which they are drawn and/or the areas of expertise they are expected to cover.

6. Vacancies on a Council Body

- 6.1 If a vacancy arises on a Council body (with the exception of the Cabinet) the Head of Democratic Services shall have delegated authority to appoint another Councillor to that position on the nomination of the relevant Group Leader.
- 6.2 In the case of a vacancy arising on the Cabinet, the Leader of the Council will appoint a replacement Cabinet Member.

6.3 In the event of the Leader of the Council resigning, a meeting of the Full Council will be required to elect a new Council Leader. In the meantime the Deputy Leader will act pro tem. If the new Leader of the Council is an existing Cabinet Member, he/she will appoint a new Member to the Cabinet.

6.4 If, following a by-election, the political composition of the Council changes, a review of seat allocations shall be undertaken by the Head of Democratic Services in liaison with Group Leaders. The Head of Democratic Services shall have authority to adjust the number of seats on those Council bodies to which the political balance rules apply with the agreement of and in accordance with the nominations of the Group Leaders.

7. Creation of New Standing Bodies

7.1 Establishment of a new standing body and appointment of Chairman, Deputy Chairman and other members may only be done by Full Council.

8. Establishment of Task Groups and Panels

8.1 Council bodies have powers under Rules of Procedure to set up ad-hoc Task Groups and in some cases Panels. Membership should comprise Councillors who are members of the parent body (or “regulatory” Councillor as may be appropriate) however other Councillors may be appointed where their particular expertise would be of value, or where there is a need to have a Councillor from a particular Ward or area of the town.

8.2 The selection of officers to serve on Task Groups shall be determined by the Chief Executive or relevant Head of Service.

8.3 Group Leaders shall be consulted in advance of any proposal to appoint a Councillor to a Task Group who is not a Member of the parent body.

8.4 Group Leaders and the Head of Paid Service shall be consulted in advance of any proposal to appoint a person from outside the Authority (not a Councillor or Officer) to membership of a Task Group.

9. Councillors with Designated Fields of Interest

9.1 The Council may agree to fields of interest being designated and for certain Councillors to be appointed to hold a particular brief in this regard. Political balance rules shall apply to such designations. Councillors so designated shall be accorded similar rights to be informed and consulted upon matters as Ward Councillors.

10. Outside Bodies

10.1 Appointments and nominations to outside bodies are made by the Full Council. Persons appointed need not be Councillors and this will be dependent upon the rules and views of the outside body in question.

- 10.2 Where a single appointment or nomination is made, the political balance rules do not apply, however it is expected that Councillors from minority political groups will be appointed or nominated to some of the bodies.
- 10.3 Where an outside body relates to a particular Ward or area of the town, Councillors or persons from that Ward or area should normally be appointed, unless the need to have a person with particular expertise is considered to be of greater importance.
- 10.4 The qualification, experience or expertise of a particular Councillor or person should be regarded as having greater importance than political affiliation in the Council's appointment or nomination.
- 10.5 Appointments shall normally be for one year unless the outside body requires a longer period.
- 10.6 In the event of a vacancy or request for nomination arising in the course of the year, Group Leaders should both be notified and given a reasonable opportunity to seek a suitable candidate. Where Group Leaders are in agreement, the Head of Democratic Services shall have delegated authority to make the appointment or nomination.
- 10.7 Where the Council exercises a vote in the elections of an outside body the vote shall normally be cast by the Council's representative on that body or in the alternative, by the Leader of the Council. If it is practicable to do so, the Councillor casting the vote shall consult with the Leader of the Council and the Opposition Group Leader. Where the Council has a single vote, the Leader of the Council may direct the Councillor to vote in a particular way. In other cases the Council's vote should reflect the political balance.

EASTBOURNE BOROUGH COUNCIL

FINANCIAL PROCEDURE RULES

February 2020

Part 4 of the Council's Constitution - Section G

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1. INTRODUCTION

1.1 Role of the Chief Finance Officer (CFO)

1.1.1. Financial Procedure Rules are designed to maintain an acceptable standard of financial administration. They must be available to, and followed by, all Officers, Members and agents acting for the Council. Together with Standing Orders they regulate the conduct of the Council's business.

1.1.2. Section 151 of the Local Government Act 1972 requires every local authority "to make arrangement for the proper administration of their financial affairs and ensure that one of their officers has responsibility for the administration of those affairs". The officer designated by the Council as having the statutory responsibility set out in Section 151 is the Chief Finance Officer and the Deputy Chief Finance Officer is the designated deputy.

1.1.3. The Chartered Institute of Public Finance and Accounting (CIPFA) "Statement on the Role of the Chief Financial Officer (CFO) in Local Government 2016" defines the role of a CFO as:

- a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the organisation's strategic objectives sustainably and in the public interest;
- must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the organisation's financial strategy; and
- must lead the promotion and delivery by the whole organisation of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

1.1.4. To deliver these responsibilities the CFO:

- must lead and direct a finance function that is resourced to be fit for purpose;
- and
- must be professionally qualified and suitably experienced.

1.2 Financial Procedure Rules

1.2.1 The Financial Procedure Rules provide the framework for the financial administration of the Council with a view to ensuring that financial matters are conducted in a sound and proper manner, constitute value for money and minimise the risk of legal challenge. Financial Procedure Rules are not intended to constitute a set of detailed rules to respond to every contingency.

- 1.2.2. All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to the appropriateness of a financial proposal or correctness of a financial action must be clarified in advance of the decision or action with the CFO.
- 1.2.3. Detailed procedure notes and other financial instructions may be issued from time to time by the CFO, where assistance is needed with the interpretation of Financial Procedure Rules.
- 1.2.4. Failure to observe Financial Procedure Rules (including any supplementary procedure notes and financial instructions), may result in action under the Council's disciplinary procedures.
- 1.2.5. These Financial Procedure Rules should be read in conjunction with the Contract Procedure Rules and the Scheme of Delegation.
- 1.2.6. The CFO is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. An annual review shall be undertaken.
- 1.2.7. The CFO is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet. The CFO is authorised to temporarily suspend Financial Procedure Rules in exceptional circumstances and, where such a suspension is authorised, a written record shall be kept of the reasons for this.
- 1.2.8. Directors, Assistant Directors and Heads of Service are responsible for ensuring that all staff in their Directorates/Services are aware of the existence and content of the Financial Procedure Rules and that they comply with them.

1.3. Responsibilities

To the Council

- 1.3.1 Councillors and employees of the Council are responsible for ensuring that they use the resources and assets entrusted to them in a responsible and lawful manner. They should strive to achieve value for money and avoid legal challenge to the Council.
- 1.3.2. These responsibilities apply equally to councillors and employees when representing the Council on outside bodies.

Personal

- 1.3.3. Any person charged with the use or care of council resources and assets should make themselves aware of the Council's requirements under the Financial Procedure Rules. If anyone is in any doubt as to their obligations,

then they should seek advice. Unresolved questions of interpretation should be referred to the CFO.

- 1.3.4. All employees must report immediately to their manager, supervisor or other responsible senior officer any illegality, impropriety, serious breach of procedure or serious deficiency in the provision of services that they become aware of or suspect. Employees are able to do this without fear of recrimination providing they act in good faith via the Council's Whistle Blowing Policy. Compliance with the Council's Anti-Fraud and Anti-Corruption Strategy and the Code of Conduct for Officers is mandatory for all officers.

Chief Finance Officer

- 1.3.5. Section 114 of the Local Government Finance Act 1988 requires the CFO to report to Council, Cabinet, and the External Auditor if the Council, any of its committees, or any person holding any office or employment with the Council:

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

- 1.3.6. Section 114 of the 1988 Act also requires:

- The CFO to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally; and
- The Council to provide the CFO with sufficient staff, accommodation and other resources, as are in his/her opinion sufficient to carry out his/her duties under Section 114.

- 1.3.7. The CFO has a range of general responsibilities, which underpin an overriding responsibility to ensure the proper administration of the financial affairs of the Council. These include:

- Setting financial management standards and to monitor compliance with them;
- Ensuring proper professional practices are adhered to, and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Council;

- Advising on the key strategic controls necessary to secure sound financial management; and
- Ensuring that financial information is available to enable accurate and timely monitoring and reporting of financial and non-financial performance indicators.

Directors/ Assistant Directors and Heads of Service

- 1.3.8. Directors/ Assistant Directors and Heads of Service are responsible for ensuring that the Financial Procedure Rules are observed throughout all areas under their control and shall:
- Provide the CFO with such information and explanations as the CFO feels is necessary to meet their obligations under the Financial Procedure Rules;
 - Consult with the CFO and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred;
 - Ensure that Cabinet Councillors are advised of the financial implications of all significant proposals and that the financial implications have been agreed by the CFO;
 - Inform the CFO of failures of financial control resulting in additional expenditure or liability, or loss of income or assets;
 - Wherever any matter arises which may involve irregularities in financial transactions consult with the CFO and, if a serious irregularity is confirmed, the matter shall be reported to the Chief Executive, appropriate Cabinet Member and Assistant Director HR and Transformation; and
 - Ensure the legality of their Directorate/Service's actions.
- 1.3.9. Directors/ Assistant Directors and Heads of Service are also responsible for:
- Promoting the financial management standards set by the CFO in their departments and to monitor adherence to the standards and practices, liaising as necessary with the CFO; and
 - Promoting sound financial practices in relation to the standards, performance and development of staff in their service areas.

2. FINANCIAL PLANNING

2.1. Budgeting

a) Budget Format

The budget format determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets limits at which funds may be reallocated.

CFO Responsibilities

- 2.1.1. Advise Cabinet on the format and content of the budget to be approved by Council.

Directors/Assistant Directors and Heads of Service

- 2.1.2. Comply with budgetary guidance provided by CFO.

b) Budget and Medium-Term Planning

The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighted priorities. The budget is the financial expression of the Council's plans and policies. The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for a council to budget for a deficit. Medium-term planning involves a cycle in which managers develop their own plans in conjunction with the CFO. As each year passes, another future year will be added to the Medium-Term Financial Strategy (MTFS). This ensures that the Council is always preparing for events in advance.

CFO Responsibilities

- 2.1.3. Prepare and submit reports on revenue budget forecasts to Cabinet, including resource constraints set by Government. Reports should take account of medium-term forecasts, where appropriate.
- 2.1.4. Determine detailed form of revenue budgets and the methods for preparation, consistent with the budget approved by Council, and after consultation with Cabinet, Directors/Assistant Directors and Heads of Service.
- 2.1.5. Prepare and submit reports to Cabinet on aggregate spending plans of service areas and on the resources available to fund them, identifying, where appropriate, implications for the level of taxation to be levied.

- 2.1.6. Advise on the medium-term implications of spending decisions and alternative options.
- 2.1.7. Work with Directors/Assistant Directors and Heads of Service, and all council officers, to identify opportunities to improve economy, efficiency and effectiveness, encouraging good practice financial appraisals of development or savings options, and in developing the financial aspects of service planning.
- 2.1.8. Advise Council on Cabinet proposals in accordance with responsibilities under Section 151 of the Local Government Act 1972.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 2.1.9. Prepare detailed draft revenue budgets in consultation with the CFO, for submission to Cabinet and approval by Council.
- 2.1.10. Integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.1.11. When drawing up draft revenue budgets, have regard to spending/income patterns and pressures, volatility to external influences, legal requirements, policy requirements, initiatives already underway and external grants and contributions.

c) Capital Programme

Capital expenditure involves acquiring or enhancing fixed assets with long-term value to the council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

CFO Responsibilities

- 2.1.12. Prepare capital budgets jointly with Directors/ Assistant Directors and Heads of Service and report them to Cabinet for approval. The Cabinet will make recommendations on the capital budgets and on any associated financing requirements to Council. Cabinet Member approval is required where a Director/Assistant Director and Head of Service proposes to bid for or exercise additional borrowing, not anticipated in the Capital Programme (extra borrowing will create future commitments to financing costs).
- 2.1.13. Prepare and submit reports to Cabinet on projected income, expenditure and resources compared with approved budgets.
- 2.1.14. Issue guidance on capital schemes and controls e.g. revenue costs, project appraisal techniques. The definition of capital will be determined by the

CFO, having regard to government regulations and accounting requirements.

- 2.1.15. Obtain Cabinet authorisation for individual schemes where estimated expenditure exceeds Capital Programme provision by more than 10% or £50,000 whichever is the lower (subject to minimum overspend of £5,000)

Directors/ Assistant Directors and Heads of Service Responsibilities

- 2.1.16. Comply with guidance on capital projects and controls issued by CFO.
- 2.1.17. Develop and implement asset management plans in conjunction with CFO.
- 2.1.18. Ensure that all capital projects have undergone a robust appraisal which has been approved by Financial and Legal Services, before being presented and discussed by the appropriate management group.
- 2.1.19. Prepare regular reports reviewing Capital Programme provisions for their services, and prepare a quarterly return of estimated final costs of schemes in the approved Capital Programme for submission to CFO.
- 2.1.20. Ensure adequate records are maintained for all capital contracts.
- 2.1.21. In consultation with the CFO, accelerate the progress of a scheme by deferring the start of another scheme in that year's programme or, if delays are occurring generally, may bring forward a scheme programmed to start in a later year.
- 2.1.22. Proceed with projects only when there is adequate provision in the Capital Programme, following Cabinet or Council approval, and with the agreement of the CFO where required. Cabinet can approve projects up to a cumulative value of £500,000 (General Fund) and £500,000 (Housing Revenue Account) in any one financial year. Projects that breach the £500,000 limits – either alone or cumulatively – require Council approval.
- 2.1.23. Prepare and submit reports, jointly with the CFO, to Cabinet, of any variation in contract costs greater than approved limits. The Cabinet may meet cost increases of up to 5% of the project by virement from identified savings arising from other projects within the capital programme.
- 2.1.24. Prepare and submit reports, jointly with the CFO, to Cabinet on completion of schemes where the final expenditure varies from the approved budget by more or less than 10% or £50,000 whichever is the lower (subject to minimum overspend/underspend of £5,000).
- 2.1.25. Ensure credit arrangements, such as leasing agreements, are not entered into without prior CFO approval, who will need to undertake an assessment of the type of lease arrangement being entered into and, if applicable, approval of the scheme through the Capital Programme.

- 2.1.26. Consult with the CFO and seek Cabinet approval where Director/ Assistant Director and Head of Service proposes to bid for Government approvals to support expenditure that has not been included in current year's Capital Programme.

2.2. Maintenance of Reserves

The Council must decide the minimum level of General Reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the council to provide for unexpected events and thereby protect it from overspending, should such events occur. There are also reserves earmarked for specific purposes.

CFO Responsibilities

- 2.2.1. To advise Cabinet and/or Council on prudent levels of reserves for the Council, and to take account of the advice of CIPFA in this matter.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 2.2.2. To ensure that reserves are used only for the purposes for which they were intended.

3. FINANCIAL MANAGEMENT

3.1. Managing Income and Expenditure

a) Budget Monitoring and Control

Proper budget management ensures that, once the budget has been approved by Council, allocated resources are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account, managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budget targets, the council can identify changes in trends and resource requirements at the earliest opportunity. The council itself operates within an annual revenue limit, approved when setting the annual budget. To ensure that the council does not overspend in total, each service is required to manage its own income and expenditure within the budget allocated to it. For the purposes of budgetary control by managers, a budget will usually be the planned income and expenditure excluding support and capital charges, for a Department.

CFO Responsibilities

- 3.1.1. Submit reports to Cabinet and Council, in consultation with the relevant Director/ Assistant Director and Head of Service, where a Director/ Assistant Director and Head of Service's expenditure and resources are significantly outside the approved budgets under their control.
 - 3.1.2. Prepare and submit quarterly reports on the Council's projected income and expenditure compared with the budget to the Cabinet.
 - 3.1.3. Establish an appropriate framework of budgetary management and control that ensures that:
 - Budget management is exercised within the approved budget unless Cabinet approves a supplementary estimate;
 - Each Director/Assistant and Head of Service has timely information on income and expenditure on each budget which is sufficiently detailed to enable managers to monitor their budgetary responsibilities;
 - As a minimum, quarterly updates are held between a Head of Service, budget holder and their Finance representative;
 - Expenditure is committed only against the approved budget cost centre;
 - All Officers responsible for income and expenditure, comply with the relevant guidance and the Financial Procedure Rules;
 - Each cost centre has a single named manager, designated by the relevant Director/Assistant Director and Head of Service. As a general principle, budgetary responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure; and
 - Significant variances from approved budget are investigated and reported by budget holders monthly and advised to the Corporate Management Team and Cabinet.
 - 3.1.4. Administer the Council's Scheme of Virement (refer to subsection b) below).
- Directors/ Assistant Directors and Heads of Service Responsibilities**
- 3.1.5. Consult with CFO on any matter which is liable materially to affect the finances of the Council before any provision or other commitment is incurred and before reporting to Members.
 - 3.1.6. Maintain budgetary control within their services, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.
 - 3.1.7. Ensure that an accountable budget holder is identified for each item of income and expenditure under the control of the Director/ Assistant Director

and Head of Service (grouped together in a series of department codes). Budget responsibility should be aligned as closely as possible to the decision-making that commits the expenditure.

- 3.1.8. Ensure that spending remains within the service's overall budget limit, and that individual budget heads are not overspent, by monitoring and taking appropriate corrective action where significant variations from the approved budget are forecast and to report these to the CFO. This regulation shall also apply to any action or decision, which will give rise to a reduction in income.
- 3.1.9. Ensure that a monitoring process is in place to review performance levels in conjunction with the budget and is operating effectively within the guidelines set down by the CFO.
- 3.1.10 Obtain prior approval from the relevant Cabinet portfolio holder, Cabinet or Council, as appropriate, for new proposals (Supplementary Estimates) outside of the budget and policy framework in accordance with the following rules:

Capital programme:

- If a supplementary estimate is less than 10% of the original budget estimate or £250,000 (whichever is the higher), obtain written approval of the Cabinet portfolio holder in consultation with the CFO and relevant Director/Assistant Director (if any). Make a record for audit purposes.
- If a supplementary estimate is greater than £250,000, obtain Cabinet approval
- If the cumulative Cabinet approvals in any single financial year will exceed £500,000 individually for the General Fund and/or the HRA, obtain Council approval.

Revenue Budget:

- If a supplementary estimate is £50,000 or less, obtain written approval of the Cabinet portfolio holder in consultation with the CFO and relevant Director/Assistant Director (if any). Make a record for audit purposes.
- If a supplementary estimate exceeds £50,000, obtain Cabinet approval
- If the cumulative Cabinet approvals in any single financial year will exceed £500,000 individually for the General Fund and/or the HRA, obtain Council approval.

- 3.1.11 Ensure compliance with Scheme of Virement (refer to subsection b. below).
- 3.1.12 Consult with the relevant Director/ Assistant Director and Head of Service, where it appears that a budget proposal, including a virement proposal, may impact on another service area or another Director/ Assistant Director or Head of Service's service activity, prior to any action being taken.

b) Virement

A virement is the transfer between budgets that enables Cabinet, Directors, Assistant Directors and Heads of Service and their staff, to manage budgets with a degree of flexibility within the overall budget and policy framework determined by the Council, and therefore to optimise the use of resources.

3.1.13 The Scheme of Virement is administered by the CFO within guidelines set by Council and any variation from the Scheme requires Council approval.

3.1.14 Virement does not create additional overall budget liability and should not be used to create additional budget demand in future years.

3.1.15 Virement is not allowed:

- From capital financing charges, interest credits, council tax and housing benefit payments and projects financed by external grants and contributions, corporate finance costs (e.g. bank charges), precepts etc. or internal recharges (e.g. departmental support service recharges); or
- For a transfer of resources between funds or Capital projects.

3.1.16 Virement is only allowed from employee costs with the approval of the CFO and after consideration of the overall budget position on employees, since the budget anticipates savings on employee budgets from natural staff turnover.

CFO Responsibilities

3.1.17 Prepare, jointly, with the relevant Director/Assistant Director and Head of Service a report to Cabinet on proposed virements, where required under the Scheme.

Directors/ Assistant Directors and Heads of Service Responsibilities

3.1.18 Directors/Assistant Directors and Heads of Service may exercise virement on budgets under their control for gross amounts up to £30,000 in total (cumulative within a single financial year), within Departmental budgets or between Departmental budgets within the same Service budget (any combination thereof), following the approval of the CFO and subject to the conditions in paragraphs 3.1.19 to 3.1.22 below.

3.1.19 Amounts greater than £30,000 require Portfolio Holder approval, following a joint report by the CFO and the Director/Assistant Director and Head of Service, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Each Cabinet Member has a cumulative limit of £250,000 per financial year.

- 3.1.20 Amounts greater than £250,000 require Cabinet approval. The Cabinet has a cumulative limit of £500,000 per financial year. Amounts greater than £500,000 require Council approval.
- 3.1.21 Prior Cabinet approval is required for any virement where it is proposed to:
- vire between budgets of different accountable Cabinet Members; and
 - vire between budgets managed by different Directors/ Assistant Directors and Heads of Service.
- 3.1.22 Virements relating to a specific financial year should not be made after 31st March in that year.
- 3.1.23 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- The amount is used in accordance with the purposes for which it has been established; and
 - Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.

c) Year-End Balances

The treatment of year-end balances is administered by the CFO within guidelines set by the Council. The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward.

Year – End Balances (carry forwards)

- 3.1.24 The Scheme of Carry-Forwards is administered by the CFO within guidelines set by Council and any variation from the Scheme requires Council approval.
- 3.1.25 The rules cover arrangements for transferring resources between accounting years (i.e. carry-forwards).

CFO Responsibilities

- 3.1.26 Administer the Scheme of Carry-Forwards within guidelines approved by Council:
- Underspent Capital budgets at year-end will be carried forward in the Capital Programme automatically unless no longer required
 - Underspent Revenue budgets up to £30,000 on individual budgets may be carried forward with CFO approval

- Underspent Revenue budgets in excess of £30,000 on individual budgets may be carried forward with Cabinet approval
- All underspent Revenue budgets approved to be carried forward will be retained in an earmarked reserve.

3.1.27 Report jointly with relevant Director/Assistant Director and Head of Service on all material overspends and underspends on service budgets carried forward to the Cabinet and to Council.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 3.1.28 Underspends on service budgets up to £30,000 under the control of the Director/Assistant Director and Head of Service may be carried forward with prior CFO approval. Underspends over £30,000 require Cabinet approval.
- 3.1.29 Take account of Capital underspends carried forward into the following years Capital Programme.

d) Emergency Expenditure

The Council needs a procedure in place for meeting immediate needs if an emergency situation arises in the borough.

- 3.1.30 The Chief Executive and CFO shall have authority to approve expenditure on items essential to meet immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Council depending on whether or not the expenditure can be met within the current budget framework.
- 3.1.31 The Leader or Deputy Leader (having received report from Chief Executive and CFO), shall have power to incur expenditure essential to meet immediate needs created by an emergency, or which is referable to Section 138 of the Local Government Act 1972 (or subsequent legislation) which is not otherwise authorised, or where it is necessary in the Council interest to settle legal proceedings. A subsequent report shall be submitted to Cabinet and/or Council, depending on whether or not the expenditure can be met within the current budget framework.
- 3.1.32 The CFO will ensure, retrospectively, the submission of a claim for reimbursement under the "Bellwin Scheme" for any eligible emergency costs incurred i.e. costs incurred on, or in connection with, immediate actions to safeguard life and property or to prevent suffering or severe inconvenience as a result of a disaster or emergency in the borough. Grant is limited by Section 155 of the Local Government and Housing Act 1989 and local authorities are expected to have budgeted for a certain amount of emergency expenditure (the 'threshold').

4 FINANCIAL ACCOUNTING

4.1 Accounting Policies

The CFO is responsible for preparing the council's Statement of Accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom (the Code) issued by (CIPFA/LASAAC), for each financial year.

CFO Responsibilities

- 4.1.1 Select suitable accounting policies and ensure they are applied consistently. Accounting policies are set out in the annual Statement of Accounts.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 4.1.2 Adhere to accounting policies, timetables and guidelines approved by the CFO.

4.2 Accounting Records

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for the stewardship of public resources. The Council has a statutory responsibility to prepare an annual Statement of Accounts that give a "true and fair view" of the financial position and transactions of the Council. The accounting records are subject to external audit. The audit provides assurance that the Statement of Accounts have been prepared properly, that proper accounting practices have been followed and that robust arrangements have been made for securing economy, efficiency and effectiveness in the use of council resources.

CFO Responsibilities

- 4.2.1 Determine the accounting procedures and records for the Council. Where these are maintained outside of Financial Services, the CFO should consult the Director/Assistant Director and Head of Service concerned.
- 4.2.2 Arrange for the compilation of all accounts and accounting records under his or her direction.
- 4.2.3 Comply with the following principles when allocating accounting duties:
- Separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them; and
 - Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

- 4.2.4 Ensure that claims for funds, including grants, are made by the due date.
- 4.2.5 Make proper arrangements for the audit of the Council's Statement of Accounts in accordance with the latest Accounts and Audit (England) Regulations.
- 4.2.6 Prepare and publish the Statement of Accounts for each financial year in accordance with the statutory timetable, and present audited Statements for approval by the Audit and Governance Committee before 31st July each year. Submit provisional outturn results for financial year to Cabinet as soon as practicable.
- 4.2.7 Ensure the retention of financial documents in accordance with the Council's Document Retention Policy.
- 4.2.8 Undertake or receive monthly reconciliations for all fundamental IT financial systems and sign off as evidence of CFO's review.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 4.2.9 Consult and obtain the approval of the CFO before making changes to accounting arrangements, records and procedures.
- 4.2.10 Comply with segregation of duties principles outlined in Paragraph 4.2.3 when allocating accounting duties.
- 4.2.11 Maintain records that provide a management trail, leading from income/expenditure source through to the accounting statements, and carry out regular monthly reconciliations of fundamental IT financial systems to the Council's corporate financial management information system.
- 4.2.12 Supply information required to enable the Statement of Accounts to be completed by the statutory deadline of 31st May each year and in accordance with guidelines issued by the CFO.

4.3 Statement of Accounts

The Council has a statutory responsibility to prepare its own Statement of Accounts, which give a "true and fair view" of the financial position and transactions of the council.

The Audit and Governance Committee is responsible for approving the statutory annual Statement of Accounts.

CFO Responsibilities

- 4.3.1 Select suitable accounting policies and to apply them consistently.
- 4.3.2 Make judgements and estimates that are reasonable and prudent.

- 4.3.3 Ensure compliance the CIPFA/LASAAC Accounting Code of Practice.
- 4.3.4 Sign and date the Statement of Responsibilities with the Statement of Accounts, stating it gives a true and fair view of the financial position and transactions of the Council (including group financial statements where applicable) at the year ended 31st March.
- 4.3.5 Draw up the timetable for final accounts preparation and to advise Officers and external auditors accordingly.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 4.3.6 Comply with accounting guidance provided by the CFO and supply the CFO with information when required.

5 RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 Risk Management

All organisations, whether in the private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk Management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure its continued financial and organisational wellbeing. In essence it is an integral part of good business practice. Risk Management is concerned with evaluating the measures an organisation already has in place to manage perceived risks and then recommend the actions the organisation needs to take to control these risks effectively. The Audit and Governance Committee monitors the effective development and operation of Risk Management, and it is the overall responsibility of Cabinet to approve the Risk Management Strategy, and to promote a culture of risk management awareness throughout the Council.

CFO Responsibilities

- 5.1.1 Develop and maintain a Risk Management Strategy.
- 5.1.2 Develop and maintain a Risk Register.
- 5.1.3 Develop and promote a proactive and positive corporate Risk Management culture, including awareness and the implementation and maintenance of Risk Management controls.
- 5.1.4 Include all appropriate employees in suitable Fidelity Guarantee insurance cover.

- 5.1.5 Arrange suitable corporate insurance cover, through external insurance and internal funding, and negotiate claims for losses in consultation with other Officers, and partner organisations, where necessary.

Directors/Assistant Directors and Heads of Service Responsibilities

- 5.1.6 Promote a proactive and positive Risk Management culture within service area, including raising awareness and the implementation and maintenance of Risk Management controls.
- 5.1.7 Show due regard to advice from specialist Officers (e.g. health and safety) and review risks through the Service Planning process at least quarterly.
- 5.1.8 Promptly notify CFO of all significant new risks, properties, vehicles or other assets that require insurance and of any alterations affecting existing insurances and to provide information when requested.
- 5.1.9 Immediately notify CFO of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the CFO or the Council's insurers.
- 5.1.10 Consult with the CFO and the Assistant Director Legal and Democratic Services on the terms of any indemnity that the Council is requested (or has offered) to give.
- 5.1.11 Ensure that employees, or anyone covered by council insurance, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

5.2 Internal Controls

The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives and to monitor compliance with statutory obligations.

The Council faces a wide range of financial, legal, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks and to protect the Council from the impact of uncertainties.

CFO Responsibilities

- 5.2.1 Assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

- 5.2.2 Ensure an effective internal audit function is resourced and maintained.
- 5.2.3 Ensure that the Council has put in place effective arrangements for internal audit of the control environment and systems of internal control as required by professional standards and in line with CIPFA's Code of Practice.
- 5.2.4 Ensure an effective audit committee is developed and maintained.
- Directors/ Assistant Directors and Heads of Service Responsibilities**
- 5.2.5 Ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets which the external auditors consider necessary for the purposes of their work.
- 5.2.6 Ensure that all records and systems are up to date and available for inspection.
- 5.2.7 Review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the CFO. Directors/ Assistant Directors and Heads of Service should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- 5.2.8 Ensure Officers have a clear understanding of the consequences of lack of control.

5.3 Audit Requirements

a) Internal Audit

The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. More specific requirements are set out in the Accounts and Audit Regulations 2015, which require the council to “undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance.”

Chief Executive

- 5.3.1 Ensure that the Chief Internal Auditor has direct access to and freedom to report in his or her own name and without fear or favour to the Chief Executive and the CFO, the Cabinet and the Audit and Governance Committee, all levels of management, Officers and elected Councillors. This should include the ability to meet the Chair of the Audit & Governance Committee alone (outside of the Committee meeting) and External Auditors to discuss significant concerns that they may have over the adequacy and effectiveness of internal controls and risk management activities.

CFO Responsibilities

- 5.3.2 Implement appropriate measures to prevent and detect fraud and corruption and ensure that effective procedures are in place to investigate promptly any identified fraud or irregularity.
- 5.3.3 Report to Cabinet requesting additional funding where insufficient internal audit resources have been identified.

Chief Internal Auditor Responsibilities

- 5.3.4 Ensure that Internal Audit has unrestricted access to all information (including records, computer files, property and personnel) and activities undertaken by the Council, and those of partner organisations and third party service providers where contract terms include Internal Audit access rights.
- 5.3.5 Assisting the CFO in discharging their responsibilities under Section 151 of the Local Government Act 1972 in relation to internal controls.
- 5.3.6 Providing and maintaining an Internal Audit function which meets the requirements of the Public Sector Internal Audit Standards (PSIAS).
- 5.3.7 Developing and delivering an Annual Audit Plan for the Council using a risk based methodology. Following consultation with the Chief Executive Officer, CFO and CMT, the Chief Internal Auditor will submit such plan to the Audit & Governance Committee for review and approval prior to the commencement of each financial year.
- 5.3.8 Providing an annual Internal Audit opinion, compliant with PSIAS requirements, which informs the Annual Governance Statement on how the Council's control environment, including risk management processes, accounting records, governance and value for money arrangements, established by management, are operating within the Council.
- 5.3.9 Issuing other reports which provide assurance to the Chief Executive, CFO, Monitoring Officer and the Corporate Management Team, and making recommendations for improvement.
- 5.3.10 Comply with any requests from the External Auditor or access to any information, files or working papers obtained or prepared during audit work that is required to discharge their responsibilities.
- 5.3.11 Reporting to the Chief Executive, CFO and the Audit and Governance Committee, if the Chief Internal Auditor concludes that resources are insufficient.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 5.3.12 Ensure that Internal Audit are given access at all reasonable times to premises, human resources, documents and assets that the auditors consider necessary for the purposes of their work.

- 5.3.13 Ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 5.3.14 Consider and respond promptly to recommendations/actions in Internal Audit reports.
- 5.3.15 Ensure that agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 5.3.16 Notify the Chief Internal Auditor immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of council property, assets or resources. Pending investigation and reporting, the Director/ Assistant Director or Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 5.3.17 Ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Chief Internal Auditor prior to implementation.

b) External Audit

The Local Audit and Accountability Act 2014 (“the Act”) sets out the framework for audit of local authorities. It replaces the provisions of the Audit Commission Act 1998 following the closure of the Audit Commission. The duties and responsibilities of external auditors are primarily set out in Part 5 of the Act and reflected in a Code of Audit Practice issued by the National Audit Office.

The Statement of Accounts is scrutinised by the external auditors, who must be satisfied that they give a “true and fair view” of the financial position and transactions of the council (including any group financial statements where applicable) during the year and complies with all legal requirements.

CFO Responsibilities

- 5.3.18 Ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets that the external auditors consider necessary for the purposes of their work.
- 5.3.19 Ensure there is effective liaison between external and internal audit.
- 5.3.20 Work with the external auditor and advise Council, Cabinet and Directors/Assistant Directors and Heads of Service on their responsibilities in relation to external audit.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 5.3.21 Ensure that external auditors are given access at all reasonable times to premises, human resources, documents and assets which the external auditors consider necessary for the purposes of their work.
- 5.3.22 Ensure that all records and systems are up to date and available for inspection.

5.4 Preventing Fraud and Corruption

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

The Council's expectation of propriety and accountability is that Members and Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations, including partner organisations, suppliers, contractors and service providers with whom it comes into contact will act towards the council with integrity and without thought or actions involving fraud and corruption.

Chief Executive Responsibilities

- 5.4.1 Maintain adequate and effective internal control arrangements.

CFO Responsibilities

- 5.4.2 Implement appropriate measures to prevent and detect fraud and corruption.

Chief Internal Auditor Responsibilities

- 5.4.3 Develop and maintain a comprehensive Anti-Money Laundering Strategy.
- 5.4.4 Develop and maintain a comprehensive Anti-Fraud and Anti-Corruption Strategy.
- 5.4.5 Report all suspected irregularities (as appropriate) to the Chief Executive, the CFO, and the Audit & Governance Committee.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 5.4.6 Ensure that all suspected irregularities are reported to the Chief Internal Auditor without delay.
- 5.4.7 Instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 5.4.8 Ensure that where financial impropriety is discovered, the CFO and Chief Internal Auditor are informed as soon as possible, and where sufficient evidence exists to believe that a criminal offence may have been committed, this will be investigated by Counter Fraud Officers of the Councils.

5.4.9 Maintain a Register of Interests' for both Councillors and Officers.

5.5 Assets

a) Security of Property

The Council holds assets in the form of property, vehicles, plant, software, equipment other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

CFO Responsibilities

5.5.1 Maintain an Asset Register in accordance with good practice for all fixed assets with a value in excess of £10,000. The function of the Asset Register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively and adequately maintained.

5.5.2 Receive and process information required for accounting, costing and financial records from each Director/ Assistant Director and Head of Service.

5.5.3 Ensure that assets are valued in accordance with the Code issued by (CIPFA/LASAAC).

5.5.4 Issue guidelines on best practice ("Local Authority Assets: Disposal Guidance - DCLG March 2016") for asset disposals.

5.5.5 Ensure appropriate accounting entries are made to remove the value of asset disposals from the Council's records, including the proceeds of sale where appropriate.

5.5.6 (Independently) review and authorise proposed stock write-offs (including obsolete and surplus stock) submitted by Directors/ Assistant Directors Heads of Service, within predetermined limits. Values in excess of predetermined limits should be forwarded for approval by the Portfolio Holder for Finance and/or Cabinet as appropriate.

Directors/ Assistant Directors and Heads of Service Responsibilities

5.5.7 Notify the CFO immediately of any additions/disposals/variations to the Asset Register. Any use of property by a service area or establishment, other than for direct service delivery, should be supported by documentation identifying terms, responsibilities and duration of use.

5.5.8 Arrange for the valuation of assets for accounting purposes to meet requirements specified by the CFO.

- 5.5.9 Recommend surplus land and buildings for sale to the Asset Management Group (AMG), followed by a joint report prepared by the relevant Director/ Assistant Director and Head of Service and the CFO to Cabinet.
- 5.5.10 Follow best practice guidelines for asset disposals, issued by the CFO.
- 5.5.11 Ensure prospective occupiers of council land are not allowed to take possession or enter until a lease or agreement (in a form approved by the Director/ Assistant Director and Head of Service in consultation with the Assistant Director – Legal and Democratic Services) has been established as appropriate.
- 5.5.12 Ensure security of buildings and other assets, including vehicles, plant, equipment, furniture, stock, stores and other property, within service area. Consult CFO where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 5.5.13 Pass title deeds to Assistant Director - Legal and Democratic Services, for safe custody. The Head of Property, Delivery and Compliance must keep a record of all properties owned by the Council, recording Portfolio, the purpose for which it is held, the location, the plan reference, purchase details, particulars of interest and rent payable, and particulars of tenancies granted.
- 5.5.14 Ensure that cash holdings on premises are kept within insurance limits (determined by CFO) and keys to safes and similar receptacles are carried on the person of those responsible at all times. Loss of any such keys must be reported to the CFO immediately.
- 5.5.15 Ensure all employees are aware of their personal responsibility to protect and retain the confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council.

Inventories

- 5.5.16 Maintain an Inventory List within service area, recording descriptions of any furniture, fittings, equipment, plant and machinery, with individual values of £75 or more. The CFO must be notified if the value of a single item exceeds £10,000.
- 5.5.17 Carry out annual check of all significant inventory items to verify location, condition and take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Portable items such as computers, cameras and video recorders should be identified with council security markings.

- 5.5.18 Make sure that property is only used in the course of council business, unless the Director/ Assistant Director and Head of Service concerned has given permission otherwise.

Stocks and Stores

- 5.5.19 Make appropriate arrangements for the care and custody of stocks and stores within service area.
- 5.5.20 Maintain stocks at reasonable levels and ensure regular (minimum quarterly) independent physical stock checks. Stock discrepancies should be immediately investigated and pursued to a satisfactory conclusion.
- 5.5.21 Recommend stock write-offs (including obsolete and surplus stock) by submitting proposal in writing to CFO (seeking advice from purchasing advisors where appropriate).

5.6 Treasury Management, Banking and Petty Cash

Millions of pounds pass through councils' accounts each year. This has led to the establishment of CIPFA's "Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes" (the Code).

The Code aims to provide assurance that council money is properly managed in a way that balances risk with return, with overriding consideration given to the security of capital sums.

Banking arrangements and petty cash should also be managed appropriately with key responsibilities confined to the CFO and a limited number of authorised individuals.

CFO Responsibilities

- 5.6.1 Undertaking borrowing and investment activities in full compliance with CIPFA's "Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes". Any other lending or borrowing cannot be undertaken without the approval of Council, following consultation with the CFO.
- 5.6.2 Ensuring that all borrowing and investing activities are undertaken in the name of the Council (or nominee approved by council) and detailed records/registers maintained and appropriate arrangements are made for the safe custody of all securities and title deeds.
- 5.6.3 Arranging and administering banking arrangements, including negotiate banking arrangements, opening accounts, signing Direct Debit mandates, ordering cheque books and arranging BACS payments.

- 5.6.4 Along with the Chief Executive, signing bank mandates authenticating the signatures of Officers designated as cheque signatories, and signatories for other instruments for the payment, collection or transfers of monies. All cheques must bear the signature of two authorised Officers of the Council and dispatched directly from the CFO (or his or her staff) to payees.
- 5.6.5 Making arrangements with the bank for the issue of corporate Purchasing Cards.
- 5.6.6 Developing, maintaining and disseminating a detailed Purchasing Card Policy, ensuring that all card holders sign their acceptance of its terms and conditions.
- 5.6.7 Developing and operating a Petty Cash Imprest system (including a set of CFO prescribed rules), which balances operational need with efficiency and appropriate cash control measures.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 5.6.8 Following instructions on banking and purchase cards issued by the CFO.
- 5.6.9 Utilising Purchasing Cards in accordance with the corporate Purchasing Card Policy. Cardholders must formally sign to indicate their acceptance of the Policy, prior to usage.
- 5.6.10 Ensure Trust Funds are held in the Council's name wherever possible. Officers acting as Trustees, due to their official position, must deposit securities etc. relating to the Trust with the CFO, unless the deed otherwise provides.
- 5.6.11 Ensure Trust Funds are operated within relevant legislation and the specific requirements for each Trust. Secure administration arrangements must be approved by the CFO.
- 5.6.12 Ensure employees within service area operate Petty Cash Imprest system in compliance with CFO prescribed rules.

6 FINANCIAL SYSTEMS AND PROCEDURES

6.1 General

Service areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. Service areas are increasingly reliant on ICT for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed, errors detected promptly and system reconciliations completed and evidenced monthly.

The CFO has a professional responsibility to ensure that council financial systems are sound and should therefore be consulted at an early stage in the process prior to the implementation of any new developments or changes/upgrades to existing systems.

CFO Responsibilities

6.1.1 Make arrangements for the proper administration of the Council's financial affairs, including:

- Issuing advice, guidance and procedures for Officers and others acting on the Council's behalf
- Determining the accounting systems, form of accounts and supporting financial records
- Establishing arrangements for audit of the Council's financial affairs
- Approving any new financial systems to be introduced; and
- Approving any changes to be made to existing financial systems.

Directors/ Assistant Directors and Heads of Service Responsibilities

6.1.2 Comply with procedures and guidance issued by the CFO.

6.1.3 Ensure that accounting records are properly maintained and held securely.

6.1.4 Ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements set out in the approved Document Retention Policy.

6.1.5 Ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

6.1.6 Incorporate appropriate controls to ensure that, where relevant:

- All input is genuine, complete, accurate, timely and not previously processed
- All processing is carried out in an accurate, complete and timely manner
- Output from the system is complete, accurate and timely; and
- Output is reconciled, at least monthly, to the Council's general ledger and signed off by the preparer and reviewer of the reconciliation.

- 6.1.7 Ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 6.1.8 Ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 6.1.9 Ensure systems are documented and Officers trained in operations.
- 6.1.10 Consult with CFO before changing existing financial systems or introducing new financial systems.
- 6.1.11 Establish a scheme of delegation identifying Officers authorised to act upon the Director/Assistant Director and Head of Service's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 6.1.12 Supply lists of authorised Officers, with specimen signatures and delegated limits, to the CFO, together with any subsequent variations.
- 6.1.13 Ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Where possible, back-up information should be retained in a secure location, preferably off site or at an alternative location within the building.
- 6.1.14 Ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 6.1.15 Ensure relevant standards and guidelines for computer systems issued by Directors/Assistant Directors and Heads of Service are observed.
- 6.1.16 Ensure computer equipment and software is protected from loss and damage through theft, vandalism etc.
- 6.1.17 Comply with the copyright, designs and patents legislation. In particular, ensure that only software legally acquired and installed by the Council is used on its computers.

6.2 Income and Expenditure

a) Income

Income can be a vulnerable resource and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and properly banked. It is preferable to obtain

income in advance of supplying goods or services as this improves cash flow and avoids the time and cost of administering debts.

CFO Responsibilities

- 6.2.1 Agree arrangements for the collection of income due to the Council and approve the procedures, systems and documentation for its collection.
- 6.2.2 Periodically issuing guidance on charging policy, including key principles on fees and charges (e.g. full cost recovery and benchmarking), taxation and inflationary assumptions.
- 6.2.3 Order and supply to service areas receipt forms, books or tickets and similar items and satisfy themselves regarding control arrangements.
- 6.2.4 Agree the write-off of bad debts (in consultation with the relevant Director/ Assistant Director or Head of Service) up to £15,000 in value in each case and refer sums in excess of this limit, but up to £100,000, to the Cabinet Member for Finance for approval. Individual sums to be written off that exceed £100,000 require Cabinet approval.
- 6.2.5 Keep records of all sums written off and ensure appropriate accounting adjustments are made.
- 6.2.6 Ensure that refunds are not made for sums under £5.00, unless specifically requested by the individual.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 6.2.7 Establish charging policy for the supply of goods or services in accordance with guidance issued by the CFO, reviewing it regularly, in line with corporate policies.
- 6.2.8 Separate responsibility for identifying amounts due and responsibility for collection, as far as is practicable.
- 6.2.9 In consultation with the CFO, establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 6.2.10 Issue official receipts for all cash transactions (except where a legal document is the receipt for money received) and maintain other documentation for income collection where receipts are not required.
- 6.2.11 Ensure wherever practical that at least two employees are present when post is opened at a site where income is regularly received.
- 6.2.12 Securely hold receipts, tickets and other records of income in accordance with Document Retention Policy.

- 6.2.13 Lock away all cash to safeguard against loss or theft, and to ensure security of cash handling.
- 6.2.14 Ensure income is paid promptly and fully into council bank account in the form in which it is received. Appropriate details should be recorded to provide a full audit trail. Money collected and deposited must be reconciled to bank account on a monthly basis (minimum).
- 6.2.15 Ensure income received is not used to cash personal cheques or make any other payments.
- 6.2.16 Supply CFO with details relating to work done, goods supplied, services rendered or other amounts due, to enable the CFO to record correctly the sums due to the Council and to ensure accounts are sent out promptly. To do this, Directors/Assistant Directors and Heads of Service should use established debt recovery systems to monitor the recovery of income and flag up areas of concern to the CFO. Heads of Service have a responsibility to assist the CFO in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.
- 6.2.17 Keep a record of every transfer of money between employees of the Council. The receiving Officer must sign for the transfer and the transferor must retain a copy.
- 6.2.18 Recommend debts for write-off to the CFO and keep a record of all sums written off. Once raised, bona fide debts must not be cancelled, except by full payment or by formal write off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, a waiver or reduction in charges.
- 6.2.19 Where delegated authority has been granted by the CFO, individuals can write-off bad debts up to their specified limit in each case (Note – delegated authority must be exercised in strict observance of 'separation of duties' principles; referred to above in Paragraph 6.2.8). Sums in excess of their limit must be referred to the CFO for approval, who in turn will seek Cabinet Member approval for write-off of bad debt exceeding £15,000 in line with Paragraph 6.2.4 above.
- 6.2.20 Notify CFO of outstanding income relating to the previous financial year as soon as possible after 31 March in line with timetable determined by the CFO, and not later than 10 April or nearest working day thereafter.

b) Ordering and paying for work, goods and services

Public money should be spent with demonstrable probity and in accordance with council policies. Councils have a statutory duty to

achieve best value, in part through economy and efficiency. Council procedures should help to ensure that services obtain value for money from their procurement arrangements. These procedures should be read in conjunction with the council's Contract Procedure Rules.

- 6.2.21 Officers and Members engaged in contractual or procurement decisions on behalf of the Council have a responsibility to declare links or personal interests that they may have with purchasers, suppliers and/or contractors, in accordance with appropriate codes of conduct.
- 6.2.22 Official orders must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, corporate purchasing card purchases, petty cash purchases or other exceptions specified by the CFO. Purchase orders must be raised at the time the goods or services are ordered or within 5 working days at the most.
- 6.2.23 Purchase orders must conform to guidelines approved by council for the procurement of goods, services and suppliers. Standard terms and conditions must not be varied without the prior CFO approval.
- 6.2.24 The normal payment method will be by BACS payment direct to the customer, drawn on the Council bank account, approved by the CFO. Direct debits will require prior CFO agreement, or a designated bank signatory, before any agreement is signed. Purchasing card payments may be made by Officers preauthorised by the CFO and identified on the Authorised Signatory List. VAT receipts for all goods must accompany monthly statements submitted to the CFO. Spending limits will be set/approved the CFO.
- 6.2.25 Official orders must not be raised for personal or private purchases, nor must personal or private use be made of council contracts.

CFO Responsibilities

- 6.2.26. Ensure council financial systems and procedures are sound and properly administered, approving changes to existing systems (whether new systems or upgrades) before implementation.
- 6.2.27. Approve the form of official orders and associated terms and conditions.
- 6.2.28. Make payment from council funds on Directors/Assistant Directors and Heads of Service authorisations that expenditure has been duly incurred in accordance with Financial Procedure Rules.
- 6.2.29. Make payment (irrespective of budget provision) where it is required by statute or court order.

- 6.2.30. Arrange for the keeping of a Contract Register where contracts provide for payment by instalments.
- 6.2.31. Make payments to contractors upon receipt of properly completed certificates from Directors/Assistant Directors and Heads of Service. Such payments must be entered and appropriately cross referenced in the Contract Register.
- 6.2.32. Provide advice and encouragement on making payments by the most economical means.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 6.2.33. The Assistant Director - Legal and Democratic Services will determine the form of contract to be used for building, constructional or engineering work.
- 6.2.34. Ensure that all contract variations are in writing and agreed before work on the variation commences.
- 6.2.35. Refer claims from contractors on matters not clearly within existing contract terms to Assistant Director - Legal and Democratic for consideration of council liability and to the CFO for financial consideration, before settlement is reached.
- 6.2.36. Take appropriate action, in consultation with Assistant Director - Legal and Democratic Services, in respect of any claim for liquidated and ascertained damages where contract completion is delayed. This provision will not apply if there are reasons qualifying for an extension.
- 6.2.37. Ensure that unique Cafi generated official orders are used for all goods and services, other than the exceptions specified in Paragraph 6.2.22.
- 6.2.38. Ensure orders are only used for goods and services provided to the relevant service area. Members and Officers must not use official orders to obtain goods or services for private use. Neither may Officers place orders for goods or services for personal use using the Council's e-procurement system.
- 6.2.39. Ensure that only staff authorised by Directors/Assistant Directors and Heads of Service authorise orders and maintain an up-to-date list of such authorised staff, including specimen signatures, identifying the limits of their authority. The authoriser of the order should be satisfied that works, goods, supplies and services ordered are appropriate and needed, that there is adequate budgetary provision and that Contract Procedure Rules have been followed.
- 6.2.40. Ensure that works, goods, supplies and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different Officer from the authoriser of the order.

Entries should then be made in inventories or stores records where appropriate.

- 6.2.41. Ensure payment is not made unless a proper VAT invoice or equivalent has been received, checked, coded and certified for payment.
- 6.2.42. Ensure a minimum of two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different Officer from the person who signed the order, and in every case, a different Officer from the person checking a written invoice, should authorise invoices.
- 6.2.43. Periodically review a list of their staff approved to authorise invoices. New authorising Officers, together with specimen signatures, and details of their authority limits, must be forwarded to the CFO.
- 6.2.44. Ensure that payments are not made on photocopied or faxed invoices, statements or other documents. Any instances of these being rendered should be reported to the Chief Internal Auditor. In exceptional circumstances, where payment is made against such a document and where properly authenticated, the transaction must be processed in accordance with CFO guidance.
- 6.2.45. Encourage suppliers to accept payment by the most economical means for the Council. Payments made by Direct Debit must have the prior approval of the CFO or an authorised bank signatory.
- 6.2.46. Ensure service area achieves value for money by taking appropriate steps to obtain competitive prices for works, goods, supplies and services of appropriate quality, in line with best practice guidelines issued by the CFO, consistent with best value principles and contained within the Contract Procedure Rules.
- 6.2.47. Utilise the Procurement Team in putting purchases, where appropriate, out to competitive quotation or tender. These will comply with Contract Procedure Rules.
- 6.2.48. Ensure that employees are aware of the Code of Conduct (Part 5 of the Constitution).
- 6.2.49. Ensure that loans, leases or rental arrangements are not entered into without prior CFO agreement. This is to protect the Council against entering into unapproved credit arrangements that might adversely affect financial standing and to ensure that value for money is being obtained.
- 6.2.50. Notify CFO of outstanding committed expenditure relating to previous financial year as soon as possible after 31st March in line with timetable determined by CFO and, in any case, not later than 10th April.

- 6.2.51. With regard to construction contracts and alterations to buildings and for civil engineering works, to document and agree with CFO the systems and procedures to be adopted in relation to all financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedure for validation of subcontractors' tax status.
- 6.2.52. Notify the CFO immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 6.2.53. Ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the Document Retention Policy.

c) Payments to employees and Members

Staff costs are the largest item of expenditure for most council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the council and that payments accord with individuals' Contract of Employment. It is also important that all payments are accurately and completely recorded and accounted for and that Member allowances are authorised in accordance with the scheme adopted by Council.

CFO Responsibilities

- 6.2.54. Ensure appropriate arrangements are in place to control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by them, on the due date.
- 6.2.55. Record and make arrangements for the accurate and timely payment of tax, pension contributions and other deductions and to complete all relevant HMRC returns.
- 6.2.56. Make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- 6.2.57. Make arrangements for paying Members travel or other allowances upon receiving the prescribed documentation, duly completed and authorised.
- 6.2.58. Provide advice and encouragement to secure payment of salaries by the most economical means.
- 6.2.59. Ensure that there are adequate arrangements for administering pension matters on a day-to-day basis.
- 6.2.60. Act as an advisor on areas such as taxation and monitoring of the East Sussex County Council Pension Fund, as appropriate.

Directors/Assistant Directors and Heads of Service Responsibilities

- 6.2.61. Ensure that appointments are made in accordance with the regulations of the Council and the approved Establishment List, grades and scale of pay and that adequate budget provision is available.
- 6.2.62. Notify the Head of Human Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Head of Human Resources.
- 6.2.63. Ensure that adequate and effective systems and procedures are operated, so that:
- Payments are only authorised to bona fide employees
 - Payments are only made where there is a valid entitlement
 - Conditions and contracts of employment are correctly applied; and
 - Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 6.2.64. Provide and maintain an up-to-date list of the names of Officers authorised to complete and return records to the Head of Human Resources, together with specimen signatures, where appropriate. The CHRIS HR system should contain update lists of Human Resources Officers and Officers authorised to approve timesheets and claims.
- 6.2.65. Ensure that payroll transactions are processed only through the payroll system. Directors/Assistant Directors and Heads of Service should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis and take advice from the Head of Human Resources.
- 6.2.66. Approve travel and subsistence claims and other allowances, but only when they have been made on an approved travel expenses form and within three months of the travel or subsistence being incurred. Approval is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Head of Human Resources is informed where appropriate.
- 6.2.67. Ensure that the Head of Human Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 6.2.68. Ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Policy.

- 6.2.69. The Head of Human Resources to act as an advisor to Directors/Assistant Directors and Heads of Service on areas such as employment status, National Insurance and Pension Contributions, as appropriate.
- 6.2.70. Ensure that the staffing budget is an accurate forecast of staffing levels in accordance with the approved Establishment List and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- 6.2.71. Ensure the Chief Executive (or the Officer delegated by them) has approved any changes in employment conditions where the full year cost of such changes would exceed £1,000.
- 6.2.72. Monitor staff activity to ensure adequate control over costs such as sickness, overtime, training and temporary staff.
- 6.2.73. Ensure that the staffing budget is not exceeded without prior authority from the CFO / Head of Human Resources and that it is managed to enable the agreed level of service to be provided.
- 6.2.74. Ensure that the Head of Human Resources and the CFO are immediately informed if the staffing budget is likely to be significantly overspent or underspent.

Member Responsibilities

- 6.2.75. Submit claims for Member travel and subsistence allowances on a monthly basis (or within three months of incurring the travel or subsistence) and, in any event, within one month of year end.

6.3 Taxation

The Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to be aware of their role. The creation and use of Local Authority Trading Companies (LATC's), has resulted in added Tax considerations, including Corporation Tax and 'different VAT rules'.

CFO Responsibilities

- 6.3.1. Complete council VAT returns and annual Partial Exemption calculations in accordance with HMRC timescales.
- 6.3.2. Discharge Tax related responsibilities for council-owned trading companies (LATCs), including all Corporation Tax and VAT duties and returns.
- 6.3.3. Provide details to the HMRC regarding the Construction Industry Scheme (CIS).
- 6.3.4. Maintain up-to-date guidance for council employees on taxation issues.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 6.3.5. Ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.
- 6.3.6. Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary CIS requirements.
- 6.3.7. Ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 6.3.8. Follow the guidance on taxation issued by the CFO.

6.4. Trading Accounts and Business Units (including Local Authority Trading Companies)

Trading accounts and business units have been growing in importance for many years as local councils have progressively developed a more commercial culture. Under proper accounting practices, councils are required to keep trading accounts for services provided on a basis other than a straightforward recharge of cost in accordance with the Accounting Code of Practice.

Ongoing reductions in Government support is further increasing the rate of 'council commercialisation'. Councils are seeking ever more innovative ways to achieve financial self-sufficiency, with legislative changes (notably the introduction of a "general power of competence" under Section 1 of the Localism Act 2011) aiding the proliferation of local authority trading companies.

CFO Responsibilities

- 6.4.1. Advise on the establishment and operation of trading accounts and business units.
- 6.4.2. Advise on the establishment and operation of local authority trading companies, including the professional financial appraisal of proposed commercial investments, projects and trading opportunities.
- 6.4.3. Prepare financial statements for local authority trading companies in accordance with relevant proper accounting practice.
- 6.4.4. Ensure compliance with all relevant extant companies and tax legislation in respect of local authority trading companies, including the preparation of taxation and other financial returns.
- 6.4.5. Arrange and maintain adequate insurance cover for local authority trading companies, where appropriate.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 6.4.6. Follow CFO advice on the establishment and operation of trading accounts and business units.
- 6.4.7. Follow CFO advice on the establishment and operation of local authority trading companies. In particular, it is essential that the robustness of all commercial proposals is established through CFO input at the concept and development stage(s).
- 6.4.8. Consult with the CFO where a business unit wishes to enter into a third party contract where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- 6.4.9. Ensure that appropriate accounting principles (as guided by the CFO) are applied in relation to council trading accounts, and statutory accounts required for trading companies, including any tax implications, where applicable.
- 6.4.10. Ensure that each business unit and trading company prepares an annual business plan.

7. EXTERNAL ARRANGEMENTS

7.1 Partnerships

Partnerships can exist in many forms and play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Councils are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Councils still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user and community wishes.

Councils will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Councils will be measured by what they achieve in partnership with others.

Jointly Controlled Operations (JCO's) are activities undertaken by the council in conjunction with partners that involve the use of assets and resources of the partners, rather than the establishment of a separate entity.

- 7.1.1. A partner is defined as either:

- (a) An organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- (b) A body whose nature or status gives it a right or obligation to support the project

CFO Responsibilities

- 7.1.2. Advise on effective controls and the key elements of entering into any partnership, including JCO's, to ensure that resources are not wasted. Examples include, but are not limited to:
- (a) A scheme appraisal for financial viability in both the current and future years, together with capital/revenue cash flow forecasts for at least three years
 - (b) Risk appraisal and management
 - (c) Resourcing, including taxation / VAT issues
 - (d) Audit, security and control requirements
 - (e) Carry-forward arrangements; and
 - (f) Ensure that an annual business plan is prepared.
- 7.1.3. Ensure that the partnership accounting and governance arrangements comply with all relevant regulations and codes of practice.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 7.1.4. Ensure that, before entering into any agreement with external bodies, including the terms of operation, the CFO is consulted and the Cabinet approval is obtained.
- 7.1.5. Maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the CFO.
- 7.1.6. Ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the CFO.
- 7.1.7. Ensure that arrangements are in place for cessation of a partnership, including an exit strategy.
- 7.1.8. Ensure that such agreements and arrangements do not impact adversely upon existing council services.
- 7.1.9. Ensure that all agreements and arrangements are properly documented.

- 7.1.10. Provide appropriate information to the CFO to determine if any requirement for a note to be entered into the Council's Statement of Accounts in accordance with relevant accounting Codes of Practice is required.

7.2 External Funding

External funding is an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council. Councils are increasingly encouraged to provide seamless service delivery through working closely with communities, other agencies and private service providers.

In some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the council's overall corporate/spending plans.

CFO Responsibilities

- 7.2.1. Ensure that arrangements are approved in advance by Cabinet.
- 7.2.3. Ensure that funding notified by external bodies is received and properly recorded in the Council's accounts.
- 7.2.4. Ensure that match-funding requirements are considered prior to entering into agreements and that future revenue budgets reflect these requirements.
- 7.2.5. Ensure that internal and external audit requirements are met.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 7.2.6. Ensure that the CFO is consulted prior to the completion of all applications for external funding and is provided with a written copy of all grant approvals, together with grant and auditing conditions, and that all claims for funds are made in conjunction with Finance staff and submitted by the due date.
- 7.2.7. Ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- 7.2.8. Records of achievements against key targets to be met must be maintained for both financial and Non-Financial indicators.
- 7.2.9. Documentation must be made available for access by either internal and/or external audit where required.
- 7.2.10. To ensure that the retention and archiving of records complies with the conditions and requirements of the funding body.

7.3 Working with Third Parties

Legislation has enabled the Council to provide a range of services to other bodies for some time. Such work may enable a unit to maintain economies of scale and existing expertise. Such services may increasingly be delivered through local authority trading companies.

Whatever service-delivery arrangements are used (either 'in house' or through a company), robust procedures should be in place to ensure that any risks associated with such work are minimised, and that such work is legal.

CFO Responsibilities

- 7.3.1. Advise on appropriate service delivery arrangements for third party working proposals.
- 7.3.2. Where work is to be delivered through a trading company, ensure compliance with the Rules in respect of that.
- 7.3.3. Issue guidance with regard to the financial aspects of third party contracts.
- 7.3.4. Provide financial information in order for the relevant Director/Assistant Director and Head of Service to monitor the contract.
- 7.3.5. Arrange and maintain adequate insurance cover for third party contracts through corporate policy, where appropriate.

Directors/ Assistant Directors and Heads of Service Responsibilities

- 7.3.6. Follow CFO advice on appropriate service delivery arrangements for third party working proposals.
- 7.3.7. Where work is to be delivered through a trading company, ensure compliance with the Rules in respect of that.
- 7.3.8. Ensure that potential proposals are properly costed in advance in accordance with CFO guidance. It is essential that no contract is subsidised by the Council.
- 7.3.9. Ensure Cabinet approval is obtained before negotiations are concluded to work for third parties.
- 7.3.10. Maintain third party contracts register in accordance with procedures specified by CFO and ensure all contracts are properly documented.
- 7.3.11. Ensure that, wherever possible, payment is received in advance of service delivery, but in any event, payments must be promptly paid in accordance with the contract.

- 7.3.12. Ensure service area has the appropriate expertise to undertake the contract.
- 7.3.13. Ensure contracts do not adversely impact on services provided for the Council.
- 7.3.14. Provide appropriate information to CFO to determine any Accounting Code of Practice requirements.

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Part 4

CONTRACT PROCEDURE RULES

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1. INTRODUCTION

1.1. BASIC PRINCIPLES

Contracts for the supply of works, goods, services and disposal of assets have a high profile in terms of public accountability. Not only does the public expect that the *Organisation* achieves best value from its procurement and contractual arrangements, but it also expects fair competition, the highest standards of honesty and integrity from those involved, and transparency in respect of all decisions made as part of this process.

Accordingly, all procurement or the disposal of assets carried out by the *Organisation* must:

- a) Achieve best value.
- b) Be consistent with the highest standards of integrity.
- c) Ensure fairness in allocating public contracts or disposal of assets.
- d) Comply with all legal requirements.
- e) Support the *Organisation's* corporate and departmental aims and policies.
- f) Comply with the *Organisation's* Procurement Strategy where there is a current one in place.

A contract is a legally enforceable agreement which gives rise to new rights and duties for those who agree to its terms. A contract is formed when the following key elements coincide:

- Offer.
- Acceptance.
- Consideration.
- Intention to create legal relations.
- Certainty of terms

This can include purchase orders, emails, letters and other forms where the above criteria are met.

1.2. OFFICER RESPONSIBILITIES

1.2.1. All officers responsible for purchasing or disposal must comply with these Contract Procedure Rules and the *Organisation's*:

- a) Financial Procedure Rules;
- b) Contract Manual;
- c) Code of Conduct; and
- d) all UK binding legal requirements which may include retained EU law and international law such as the WTO General Procurement Agreement.

Where there is a conflict between the *Organisation's* internal rules, codes and policies and these Contract Procedure Rules, then these Contract Procedure Rules will take precedence.

1.2.2. Officers must ensure that agents, consultants and contractual partners acting on the *Organisation's* behalf must also comply with the matters listed in 1.2.1.

1.3. MEMBERS RESPONSIBILITIES

Members should refer to the Code of Conduct at their *Organisation*. They should also have regard to the Councillor Protocol for Procurement Annexed to these Rules.

1.4. WHERE TO GET ADVICE

- 1.4.1. These Contract Procedures Rules are divided into two sections to cover the situations where the *Organisation* is acting either as a “purchaser” (when public procurement rules will apply) or as a “seller” or generating an income (when other regulatory requirements will apply).
- 1.4.2. *Officers* who are uncertain as to whether or not the Rules apply, or how the Rules apply, should seek advice from their *Procurement Team* and/or *Legal Services* at an early stage.

2. COMPLIANCE AND EXCEPTIONS

2.1. COMPLIANCE

Every contractual arrangement entered into by the *Organisation* shall comply with these Contract Procedure Rules unless an *exception* or *waiver* applies.

2.2. NON-COMPLIANCE

- 2.2.1. Any non-compliance with any of these Contract Procedure Rules must be notified to the *Chief Finance Officer* and the *Monitoring Officer* at the earliest opportunity.
- 2.2.2. Failure to adhere to these Contract Procedure Rules could result in disciplinary proceedings.
- 2.2.3. If these Contract Procedure Rules are not complied with, this will not invalidate any contract entered into by the *Organisation*, except where English law (including retained EU law) provides to the contrary.

2.3. EXCEPTIONS

2.3.1. These Rules do not apply to:

- a) Public services contracts which are excluded from the application of the PCR 2015 under Regulation 10 (Specific exclusions for services contracts) and Regulation 12 (Public Contracts between entities within the public sector).
- b) Public contracts excluded from the application of the UCR 2016 Section 2 (Excluded contracts and design contests; special provisions for procurement involving defence and security aspects).
- c) Public contracts excluded from the application of the CCR 2016 under 10 (General Exclusions) Regulation 14 (Concession contracts awarded to a joint venture or to a utility forming part of a joint venture) and Regulation 17 (Concession contracts between entities within the public sector).
- d) Contracts of employment making an individual a direct employee of the *Organisation*.
- e) Contracts for the acquisition or rental, by whatever financial means, of land, existing buildings or other immoveable property, or which concerns interests in or rights over any of them (other than those situations covered by Section 2 of these Rules).
- f) Unconditional grants; for example, for community services. When deciding if a grant is subject to procurement rules, officers must consider the project as a whole. It is possible that an arrangement referred to as a grant could actually meet the definition of a contract set out in the PCR 2015, UCR 2016 or CCR 2016. Whatever the nature of the grant, legal advice should always be sought when considering the making of a grant, to determine whether it is in fact a contract.
- g) In the case of Eastbourne Borough Council only contracts made to engage artists, orchestras, shows or similar events or attractions at the *EBC's* theatres and other such performance venues provided by the Council PROVIDED THAT the Senior Head of Tourism and Enterprise consults the relevant *Cabinet Portfolio Holder* before agreeing to a contract for seasonal engagement of more than four weeks and that such services fall below the *Applicable Threshold Value* for *Schedule 3 Service Contracts*.

2.4. WAIVERS

2.4.1. Subject to paragraph 2.4.2:

- a) The *Cabinet* has power to waive any requirements within these *Rules* for specific projects, in which case its reasons for doing so shall be recorded in the Minutes of the *Cabinet* meeting;
- b) The *Accountable Officer* has power to waive any requirements within these *Rules* in cases of urgency, after consultation with the *Leader of the Council*. Any necessary resulting action must be reported to the next meeting of the *Cabinet*.
- c) The *Accountable Officer* has power to waive the requirement within these *Rules* that requires the use of *Constructionline* to select those to quote for Works contracts with a value above £25,000 and not exceeding £1,000,000.
- d) In cases of contracts above the *Applicable Threshold Level*, the *Accountable Officer* has power to waive any requirements within these *Rules*, so as to allow the use of the negotiated procedure without prior publication in the specific cases and circumstances laid down in Regulation 32 of the *PCR 2015*, after consultation with the *Leader of the Council*.
- e) In cases of contracts below the *Applicable Threshold Level*, the *Accountable Officer* has power to waive any requirements within these *Rules*, so as to allow negotiation with only one potential contractor without prior advertisement, requests for quotations or tenders where:
 - i. the circumstances are analogous to those set out in Regulation 32 of the *PCR 2015* for above the *Applicable Threshold Level* contracts;
 - ii. the contract is one to which Regulation 8 PCR 2015 or Regulation 11 CCR 2016 (Specific exclusions in the field of electronic communication) or Regulation 12 CCR 2016 (Specific exclusions in the field of water) applies;
 - iii. the contract is one to which Regulation 14 PCR 2015 or Regulation 25 CCR 2016 (Research and development services) applies.

As a general principle, waivers should only be authorised where there are objectively demonstrable grounds for doing so.

2.4.2. Where a proposed contract is subject to the provisions of UK legislation or EU retained law then there will be no power to waive or depart from the requirements of the mandatory provisions set out in that legislation.

2.4.3. Nothing in these *Rules* prevents the acceptance of a quote or tender, or requires a waiver, simply because less than the minimum number of quotations or tenders have been submitted in response to a procurement process, as long as at least the minimum number of entities were actually requested to quote or tender as required under the *Rules*.

3. AUTHORITY FOR THE CONTRACT

3.1. Sufficient budget approval should be obtained before a procurement process is commenced. No contract for the supply of goods or services or for the execution of any work shall be entered into, nor any order given for such work unless the appropriate financial provision has been made in the capital or revenue estimates, except pursuant to a specific resolution of the *Organisation* or the *Cabinet*. (See also the Financial Procedure Rules).

3.2. The *Designated Officer* will be required to produce confirmation of the authorisation for the contractual arrangement before it is entered into (see also the Scheme of Delegations to Officers).

SECTION 1 PURCHASING

4. PRE-PROCUREMENT CONSIDERATIONS

Before *Officers* consider undertaking a procurement process, they should liaise with the Strategic Procurement Manager to check if there is already a Corporate Contract in place that covers their requirements and can be utilised without the need for a new procurement.

Officers should appraise the purchase, in a matter commensurate with its complexity and value, taking into account any guidance in the Contract Manual.

It is important that *Officers* have considered the content of these *Rules* and the Contract Manual in advance of undertaking a procurement process to ensure that all the relevant issues have been taken into account and any internal consultation undertaken. There are obligations which impact on purchasing decisions beyond the procurement regulations which may need to be taken into account as appropriate, for example:

- The Public Services (Social Value) Act 2012: how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area.
- Local Government Act 1999: best value duty.
- Local Government Act 1988: non-commercial considerations.
- Application of TUPE and pension rules.
- ICT and potential data security issues.
- The applicable state aid regime

Where *Officers* consider that it may be helpful in undertaking some early **pre market engagement** with potential contractors they should refer to the Contract Manual or *Legal Services* for assistance.

4.1. TYPES OF CONTRACT

More detail can be found in the Contract Manual, but outlined below are the types of contract categories governed by the procurement regulations:

- Public Service Contract
- Public Works Contract
- Public Supply Contract
- Specialist Contracts
 - Design Contests
 - Subsidised Contracts Works and Services Contracts
 - Works Concession Contracts
 - Services Concession Contracts
 - Framework Agreements
- Dynamic Purchasing Systems
- Innovation Partnership
- Utilities Contracts

4.2. WHAT IS BEING PROCURED?

Officers planning a procurement process must consider what type of contract is being considered in order to understand and plan the application of these Rules. For many purchases this will be a straightforward matter, however, this can be a complex area in relation to some projects. Further guidance can be found in the Contracts Manual or *Legal Services* should be consulted. In summary, it is necessary to have considered the following questions to determine the procurement rules applicable:

- 4.2.1. If the transaction involves more than one element (e.g. it includes works and services), is the transaction capable of being structured as an indivisible whole? If so what is the main object of the contractual arrangements?
- 4.2.2. Alternatively, are the elements of a mixed contract capable of being structured as stand-alone transactions? If so what are the main objectives of each of the contractual arrangements?
- 4.2.3. Where there is only a single subject matter for the transaction, or if (with regard to 4.2.2) the elements of a mixed transaction can be taken as separate contracts, do they amount to public contracts or concessions under the procurement regime? If so what is the correct classification of each contract and which set of regulations apply? Do the procurement regulations in relation to Utilities or Concessions apply?
- 4.2.4. If there is a public contract (including a concession or utilities contract), is it one that requires advertisement and competition under the regulations or are there exemptions that apply?
- 4.2.5. Regardless of how the public procurement regulations apply, do these *Rules* apply? Are there any *exceptions* or does there need to be a *waiver*?

5. PUBLIC SECTOR JOINT WORKING, USE OF CENTRAL PURCHASING ARRANGEMENTS AND FRAMEWORKS

- 5.1. In the event that recourse to a *central purchasing arrangement* or *framework agreement* is being considered or any form of joint working with other public sector bodies, then *Legal Services* must be consulted at an early stage. This is to ensure that the proposed arrangements have been established in accordance with the relevant procurement regulations and are available to be used by the *Organisation* in the way intended.
- 5.2. The *Organisation* fulfils its obligations under these Rules when it acquires supplies or services from a central purchasing body offering the centralised purchasing activity. The *Organisation* also fulfils its obligations where it acquires works, supplies or services by:
 - a) using contracts awarded by the central purchasing body;
 - b) using dynamic purchasing systems operated by the central purchasing body; or
 - c) by using a *framework agreement* concluded by the central purchasing body offering the centralised purchasing activity.
- 5.3. Call-off contracts entered into under a *framework agreement* must be awarded under the terms set out in the *framework agreement*. These may include a mini-competition between those contractors on the framework or the award of a contract to one contractor without re-opening competition. Where the *framework agreement* terms for call-offs are complied with then competitive quotations or tenders are not required under these *Rules*.
- 5.4. Where the *Organisation* is procuring through joint working with other contracting authorities, the procurement must be compliant with these *Rules* or those of the lead authority. In so far as that is

the case and the process followed is compliant with the public procurement regulations, then the process will be deemed to comply with these *Rules*.

5.5. It should be noted that *Constructionline* is not a framework agreement.

6. SUMMARY OF THRESHOLDS AND PROCEDURES REQUIRED

6.1. The estimated value of a contract should be calculated at the moment at which the procurement procedure is to be commenced. The Public Contract Regulations 2015, Concession Contracts Regulations 2016 and Utilities Contracts Regulations 2016 contain detailed rules as to how the estimated value of a contract is calculated and when the value of one contract has to be aggregated with contracts awarded by the *Organisation* as a whole to see whether it is over the threshold for the Regulations to apply. Guidance is attached at Annexure 2 but further clarification should be sought from *Legal Services* or the *Procurement Team* if needed.

Estimated Value of the Contract (including VAT) Service and Supplies	Estimated Value of the Contract (including VAT) Works	Minimum Requirement	Advertisement
Contracts Below £25,000 See Para. 8 for details	Contracts Below £25,000 See Para. 8 for details	Obligation to consider best value but no obligation to go out for a particular number of quotes. However consideration should always be given to whether three quotes should be sought. <i>Officer</i> discretion. Reason for direct award should be agreed with <i>Accountable Officer</i> and recorded by <i>Designated Officer</i> .	No requirement to advertise. IF advertised then NO requirement to also advertise in <i>Contracts Finder</i> .
Contracts exceeding £25,000 and not exceeding £100,000 See Para. 9 for details	£25,000 and not exceeding £1,000,000 See Para. 9 for details	Seek minimum three written quotes. Must use <i>constructionline</i> to select those to be invited to quote for Works contracts unless waiver given.	No requirement to advertise. IF advertised then MUST also advertise in <i>Contracts Finder</i> if under PCR 2015.
Contracts exceeding £100,000 but under <i>Applicable Threshold Value</i> See Para. 10 for	Contracts exceeding £1,000,000 but under <i>Applicable Threshold Value</i>	Seek minimum four written tenders. PCR 2016 No pre-selection stage for services/supplies contracts (so number of contractors invited to tender	Requirement to advertise in all cases. Advertise in <i>Contracts Finder</i> in all cases if

Estimated Value of the Contract (including VAT) Service and Supplies	Estimated Value of the Contract (including VAT) Works	Minimum Requirement	Advertisement
details	See Para. 10 for details	cannot be limited in this way) but suitability questions can be asked. Use of <i>constructionline</i> optional for PQQ process for works contracts.	under PCR 2015. If use <i>constructionline</i> then no requirement to advertise.
Above <i>Applicable Threshold Value</i> See Para. 11 for details	Above <i>Applicable Threshold Value</i> See Para. 11 for details	Regulated process to be followed unless an <i>exception</i> or <i>waiver</i> applies (for example to allow the negotiated procedure without competition). Consult <i>Legal Services or Procurement Team</i> .	Requirement to advertise in all cases. Advertise in <i>Contracts Finder</i> if under PCR 2015.
Where appropriate, any contractor properly nominated under section 20 of the Landlord and Tenant Act 1985 must also be invited to tender.			

7. SUMMARY OF ADVERTISEMENT RULES AND REQUIREMENTS

- 7.1. Where a proposed contract meets or exceeds the thresholds set out in the applicable Regulations, (*Applicable Threshold Value*) a public contract notice or a Prior Indicative Notice (depending on the procedure) must be placed in the UK e-notification service (Find a Tender)(FTS) if and when required under the applicable Regulations
- 7.2. Any *national advert* should not be published until the Find a Tender (FTS) advert has been published or after 48 hours of having submitted a notice to Find a Tender (FTS).
- 7.3. Where procurement is commenced through a contract notice to the FTS under the PCR 2015 then the *Designated Officer* must also ensure that the contract is advertised on *Contracts Finder* within 24 hours of the time when the *Organisation* can publish a national advert (see above).
- 7.4. Where the *Organisation* chooses to advertise an opportunity to be awarded a below threshold contract (regardless of how specific that opportunity is) to which the Public Contracts Regulations 2015 would apply if it were above the *Applicable Threshold Value*, then if the estimated value of the contract opportunity is £25,000 or more (including VAT), the *Designated Officer* must also advertise the opportunity through *Contracts Finder*. The information must be published in *Contracts Finder* within 24 hours of the time when it first advertises the award opportunity in any other way.

7.5. The contract is not 'advertised' for the purpose of triggering a requirement to advertise in Contracts Finder if the invitation to quote is only made available to a number of particular contractors who have been selected for that purpose either ad hoc or by virtue of their membership in some closed category such as a framework agreement.

7.6. *Officers* should also assess the need for wider advertisement in:

- a) relevant newspapers;
- b) any national or trade journal applicable to the industry.

8. CONTRACTS BELOW £25,000

8.1. The *Designated Officer* has an obligation to consider securing best value for these contracts, but is under no obligation to go out for a particular number of quotes. However consideration should always be given to whether three quotes should be sought.

8.2. Where a decision is taken not to seek multiple quotes in any particular situation then the reason for direct award should be agreed with *Accountable Officer* and recorded by the *Designated Officer*.

9. CONTRACTS EXCEEDING £25,000 AND NOT EXCEEDING £100,000 OR £1,000,000 FOR CONTRACTS FOR WORKS

9.1. Where the appropriate *Designated Officer* estimates a contract is likely to fall within this category they shall, wherever practicable, obtain at least three competitive quotations in writing. Where practicable, at least one quote shall come from a local supplier.

9.2. It is not the intention that there should be any advertisement when obtaining quotations, but it should be noted that where the value of the contract is estimated to be £25,000 or more and the *Organisation* chooses to advertise then the requirements set out in paragraph 7.4 must be observed.

9.3. The procurement regulations provide that when using the PCR 2015 you cannot have pre-selection stage for a contract above £25,000 but below the *Applicable Threshold Value*. For this purpose only, the threshold that applies to works contracts is the same as for services/supplies contracts.

9.4. An invitation to supply a quotation shall, as a minimum, comprise the following information (which may, at the discretion of the *Designated Officer*, be bound within a composite letter):

- a) Instructions for return.
- b) The basis on which a quotation will be assessed and on which the winning quotation will be accepted.
- c) Terms and conditions under which the works, goods or services are to be provided.
- d) Specification of the works, goods or services to be provided.
- e) Pricing schedule or similar from which the bid price can be readily ascertained.
- f) A statement that the Council is under no obligation to accept any quotation.

9.5. The *Designated Officer* must keep a record of:

- a) All contractors that were asked to provide a quotation
- b) The reasons why those particular contractors were selected to provide a quotation.

- 9.6. Where practicable, quotations shall be returned through the electronic tendering system of the *Organisation*. Where this is not possible contractors should be asked to provide quotations by a specified date in plain envelopes/packages which have been securely sealed and marked with the word "Quotation" followed by the contract or subject to which it relates. Telephone quotes are not to be considered. Email quotes may only be accepted if a separate email account is set up for the purpose of the quotation which cannot be accessed until after the deadline for return has passed.
- 9.7. Quotations should not be accessed or opened until after the deadline for return has passed. They should be opened in the presence of the *Designated Officer* plus one other *Officer*. The *Designated Officer* must record the following details on the Quotation Control Form or within the electronic tendering system:
- a) The name of the company.
 - b) The value of the quote.
 - c) The date the quote was received.
 - d) The form in which it was received from the company.
 - e) The recommendation as to which quote if any to accept.
- 9.8. The *Designated Officer* shall seek the written authority of the *Accountable Officer* to authorise the recommendation by the *Designated Officer*. All documents relating to the quotation exercise shall be provided to the *Accountable Officer* by the *Designated Officer*. The *Accountable Officer* shall certify the acceptance of the quote on the Quotation Control Form or within the electronic tendering system. The Quotation Control Form can be found in the Contract Manual.
- 9.9. A quotation may be accepted on the basis on which it was indicated in the invitation to quote that the winning quotation would be identified i.e. either:
- a) The lowest price quotation; or
 - b) The highest scoring quotation where evaluated against acceptance criteria previously disclosed to those participating in the competition.

No quotation which exceeds the approved budget provision shall be accepted until approval to further expenditure has been obtained.

10. CONTRACTS EXCEEDING £100,000, OR £1,000,000 IN CASE OF A CONTRACT FOR WORKS, BUT UNDER APPLICABLE THRESHOLD VALUE

- 10.1. All tendering procedures from planning to contract award and signature must be undertaken in a manner so as to ensure:
- a) Sufficient time is given to plan and run the process;
 - b) Equal opportunity and equal treatment;
 - c) Openness and transparency;
 - d) Probity; and
 - e) Outcomes that deliver sustainability, efficiency and whole life costing.
- 10.2. Contract opportunities should be advertised by public notice, which may take the form of a notice or advertisement on a readily accessible website or other electronic media and/ or in the press, relevant trade journals or UK e-notification service (Find a Tender) (as appropriate). The *Designated Officer* may choose to place one or more public notices. Where the *Organisation* advertises an opportunity to be awarded at below *Applicable Threshold Value* (regardless of how specific that opportunity is) to which the Public Contracts Regulations 2015 would apply if it were above the *Applicable Threshold Value*, then if the estimated value of the contract opportunity is

£25,000 or more (including VAT), the *Designated Officer* must also advertise the opportunity through *Contracts Finder*. The information must be published in *Contracts Finder* within 24 hours of the time when it first advertises the award opportunity in any other way if covered by the PCR 2016.

- 10.3. It should be noted that the procurement regulations provide that when using the PCR 2015 you cannot have pre-selection stage for a contract above £25,000 but below the *Applicable Threshold Value*. For this purpose only, the threshold that applies to works contracts is the same as for services/supplies contracts. It is possible to ask suitability questions and further guidance on this is in the Contract Manual.
- 10.4. Where a works contract is above the *Applicable Threshold Value* the pre-selection stage can use the Crown Commercial Services standard Selection Questionnaire or the industry-standard *PAS 91* for public contracts for Works. Constructionline PQQs are aligned to *PAS 91* and so can be used for this purpose in accordance with the guidance in PPN 8/16.
- 10.5. The invitation to tender shall (unless otherwise agreed by *Legal Services*) state that no tender will be considered unless it is received by the date and time stipulated in the invitation to tender. No tender delivered in contravention of this clause shall be considered.
- 10.6. An invitation to tender shall (unless otherwise agreed by *Legal Services*), as a minimum, comprise the documents listed below:
 - a) Form of tender, which must include a statement that the *Organisation* is under no obligation to accept any tender
 - b) Certificate that the tender is bona fide
 - c) Instructions to tenderers, including notification that where electronic means are not used that no tender will be considered unless it is enclosed in a sealed envelope or container which bears the word "Tender" followed by the subject to which it relates to but no other name or mark indicating the sender.
 - d) Form of contract including contract conditions.
 - e) Specification of the works, goods or services to be provided
 - f) Bill of quantities or pricing schedule (as necessary)
 - g) Award criteria for the selection of the successful tender.

11. ABOVE APPLICABLE THRESHOLD VALUE CONTRACTS

- 11.1. Whilst the rules set out in paragraph 10 above also apply to fully regulated procurements, additional steps must also be taken in accordance with the law and relevant guidance. For this reason, additional time must be allowed at an early stage of project planning
- 11.2. Where the estimated contract value is above the *Applicable Threshold Value* ("a fully regulated procurement"), the *Accountable* or *Designated Officer* must consult with *Legal Services* in the very early stages of project planning, to determine the appropriate method of conducting the purchase and to ensure the correct procedures are followed.
- 11.3. Where a contract is fully regulated there are four main procedures available. These are the open, restricted, competitive dialogue procedures and competitive procedure with negotiation.
- 11.4. The *Accountable* or *Designated Officer* must consider the minimum time frames which apply to fully regulated projects and consult *Legal Services* at the outset.
- 11.5. Where the Public Contract Regulations 2015, Concession Contract Regulations 2016 or Utilities Contract Regulations 2016 require a prior indicative notice (PIN) or public contract notice to be

placed in the UK e-notification service (Find a Tender) then any other *national advert* should not be published until the FTS advert has been published or after 48 hours of having submitted a notice to Find a Tender. Where a procurement exercise is commenced under the PCR 2015 through a contract notice to the FTS then the *Designated Officer* must also ensure that the contract is advertised on *Contracts Finder* within 24 hours of the time when the *Organisation* can publish a *national advert*.

12. EXTENSIONS AND CHANGES TO EXISTING CONTRACTS

12.1. No variation and/or extension must be made to a contract without an agreed budget.

12.2. Variations and/or extensions to existing contracts will normally be permitted **only** where all of the following criteria are met:

- a) The variation and/or extension is not so materially different from the scope of the original contract that a new procurement exercise needs to be run having regard to the provisions in Regulation 72 of the PCR 2015, Regulation 42 of the CCR 2016 or Regulation 88 UCR 2016; and
- b) Value for money can be demonstrated; and
- c) The variation and/or extension is approved by *Legal Services*.

12.3. Delegated authority to authorise extensions and variations are as follows:

- a) any extension or variation to a contract resulting in an increase of more than 10% of its total value or duration, to a maximum value of £50,000, must be authorised by the relevant *Chief Officer*;
- b) any extension or variation resulting in an increase of more than £50,000 must be authorised by the relevant *Cabinet Portfolio Holder*;
- c) where the extension or variation would lead to a significant change in the level of service or have cost implications for future years outside of the *Organisation's* overall budget framework, *Organisation* approval must be given.

12.4. In **exceptional** and/or **extremely urgent** circumstances, extensions and/or variations may be granted by the *Chief Officer* after consultation with the *Leader of the Council*. Any necessary resulting action must be reported to the next meeting of the *Cabinet* and if necessary, *Council*.

12.5. Where any variation or extension results in a need for budget virement, this will be subject to the virement provisions in the *Financial Procedure Rules*.

13. RECEIPT AND OPENING OF TENDERS

13.1. *Officers* should ensure that contractors who may tender are aware of the rules relating to the tendering process set out.

13.2. A tender should only be considered if received in accordance with the *Organisation's* tendering protocols set out in the invitation to tender or where otherwise agreed in consultation with *Legal Services*.

13.3. Where not submitted electronically through the approved procurement portal, the *Accountable Officer* or his or her nominated officer will keep the tenders securely. Tenders, however received, must not be opened or accessed until expiry of the time limit for submission and the time appointed for their opening.

13.4. Tenders must be opened in a fair and secure fashion in the presence of the *Designated Officer* and at least one other *officer*. The presence may be virtual where the electronic approved procurement portal is used.

13.5. The *Designated Officer* must record the following tender details:

- a) The names of those present during the Tender opening
- b) The date and time the Tenders were opened
- c) The name and estimated value of the contract.
- d) The *Accountable Officer* instigating the contract.
- e) The closing date and time for tenders to be received.
- f) The name of each invited tenderer.
- g) The tender amount. In the event of the value of the tender being unclear e.g. dependent upon further calculation or based on a schedule of rates, the Tender amount should be recorded as "To be assessed".
- h) In the event that an invited tenderer fails to tender, the tender sum should be recorded as "No Tender Received".
- i) With regard to tenders received after the specified date and time, the tender sum should be recorded as "Received Late" with the actual date and time received.

13.6. The *Designated Officer* must retain a copy of each tender in accordance with the *Organisations Document Retention & Disposal Schedule*.

13.7. Where information or documentation to be submitted by a tenderer is or appears to be incomplete or erroneous, or where specific documents are missing, the *Organisation* may request the tenders concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in compliance with the principles of equal treatment and transparency.

13.8. This will generally mean that a request must not in reality lead to the submission of a new tender. In particular it relates to the identification of any obvious errors, ambiguity and incompleteness which might prevent the *Organisation* from being able to undertake the evaluation process and in particular those which are capable of simple explanation and can be easily resolved.

13.9. A request for clarification should not appear unduly to have favoured or disadvantaged the tenderer or tenderers to which the request was addressed.

13.10. A request for clarification of a tender should be made only after the *Organisation* has looked at all the tenders. Furthermore, that request must be sent in an equivalent manner to all undertakings which are in the same situation, unless there is an objectively verifiable ground capable of justifying different treatment of the tenderers in that regard, in particular where the tender must, in any event, in the light of other factors, be rejected.

13.11. In addition, a request should relate to all sections of the tender which are imprecise or which do not meet the technical requirements of the tender specifications if the *Organisation* wishes to raise queries or reject the tender because of them.

13.12. The *Accountable Officer* must accept a tender on the basis on which it was indicated in the invitation to tender that the winning tender would be identified i.e. either:

- a) The lowest priced tender; or
- b) The tender that scores highest when evaluated against the acceptance criteria previously set by the *Accountable Officer* and disclosed to those participating in the competition.

13.13. A tender that is not the lowest priced or highest scoring tender can only be accepted by the *Cabinet*, in respect of those functions that are the functions of *Cabinet*, after considering a report by the *Accountable Officer*.

13.14. Tenders exceeding the approved estimate may only be accepted once approval to further expenditure is obtained. This may be approved by the relevant budget holder within delegated limits. Otherwise, approval by *Cabinet* or *Council* in accordance with the Constitution is required.

14. CONTRACT AWARD

- 14.1. *Designated Officers* or *Accountable Officers* have delegated authority to authorise contracts within their approved budget.
- 14.2. Contracts with a value greater than that allocated within the relevant budget must be authorised by *Cabinet*.
- 14.3. Any contract over £100,000 must be authorised by an *Accountable Officer* and executed as a deed or under seal. The Council seal is held by *Legal Services* and will only be used once *Legal Services* receives the necessary authorisation from the *Accountable Officer* to bind the *Organisation* to the contract.
- 14.4. The award of a contract over £25,000 (Including VAT) (including under a framework agreement) must be published in accordance with the Public Contracts Regulations 2015 and in *Contracts Finder*. Awards of contracts under the UCR 2016 and under the CCR 2016 must be published in accordance with those Regulations.

15. FINANCIAL CHECKS

- 15.1. In the case of contracts to be awarded which either have an estimated value in excess of £100,000, or where the *Accountable Officer* considers that the failure of the contractor to perform would result in a high risk to the *Organisation*, the *Accountable Officer* must request that the *Chief Finance Officer* carry out a financial status check on all applicants.
- 15.2. The financial status check will take into account the financial viability of the applicant, their ability to deliver the contract in financial terms and the current level of contractual relationship with the applicant.
- 15.3. The *Accountable Officer* may authorise a tender to be invited from a contractor whose financial status is not favourable, where to do so is necessary in order to secure a bid for the works, supplies or services and the risks associated with contract failure have been assessed and in his/her opinion are within acceptable limits. In such an event, the *Accountable Officer* must justify such a decision and maintain all records accordingly.
- 15.4. The financial checks will be carried out in compliance with the provisions of the Public Contracts Regulations 2015 (in particular Regulations 107 and 111 and associated guidance) and as appropriate the UCR 2016 and CCR 2016 depending on the value and type of public contract.

16. CONTRACT TERMS

- 16.1. **Every contract that exceeds £100,000 in value or contains a potentially significant risk must be in writing in a form approved by *Legal Services*.**
- 16.2. Note: *Legal Services* may also determine the format of any contract for a lesser value.
- 16.3. Other than in exceptional circumstances, and where the written consent of *Legal Services* has first been obtained, all contracts must be concluded formally in writing **before** the supply of any goods, service or the commencement of any work. The issue of an award letter or letter of intent is not acceptable for this purpose.
- 16.4. Every contract must include details of:
 - a) The works, goods or services to be provided, supplied or carried out;

- b) The price to be paid, with a statement of discounts or deductions;
- c) The time or times within which the contract is to be performed;
- d) Where appropriate, provision for the payment of liquidated damages where the contractor fails to complete the contract within specified timescales;
- e) A clause empowering the *Organisation* to cancel the contract in circumstances of corruption and/ or collusion and to recover any loss resulting from such cancellation;
- f) A clause requiring appropriate insurance cover;
- g) Where appropriate, a requirement for the provision of a bond, parent company guarantee or other sufficient security for due performance of the contract. Where the contract value exceeds £1,000,000 the contract shall contain such a provision unless the *Chief Finance Officer* determines otherwise;
- h) Specific provision as to sub contracting where appropriate;
- i) A clause enabling termination in accordance with Regulation 73 of the PCR 2015, Regulation 89 UCR 2016 and Regulation 44 CCR 2016 if it is above the *Applicable Threshold Value*; and
- j) A clause containing suitable provisions (having regard to guidance issued by the Minister for the Cabinet Office) to comply with the requirements of Regulation 113 of the Public Contract Regulations 2015 in relation to the payment of undisputed invoices within 30 days to contractors and sub-contractors.

16.5. The Safeguarding of Children and Vulnerable Adults and the relevance of other Council policies noted in the Corporate Procurement Policy.

16.6. In any contract where a contractor or subcontractor will have contact with members of the public, the *Designated Officer* is responsible for ensuring that it is a condition of the contract that the contractor, or subcontractor, will comply with the *Organisation's* 'Safeguarding Children and Vulnerable Adults Policy'. The *Designated Officer* is responsible for ensuring that the contractor has a copy, or has access to a copy, of this policy.

16.7. These Rules must moreover be read in conjunction with the *Organisation's* Corporate Procurement Policy. This Policy provides details of those other *Organisation* policies (such as those relating to Equalities and other supplier responsibilities) which ensure that all procurement activity reflects the *Organisation's* corporate standards and objectives.

17. RECORDS

17.1. The following records must be kept by the *Designated Officer*:

- a) forms of tender received from all tenderers
- b) all documentation from the three highest scoring tenderers until the end of the contract when the second and third tenderers documentation can be destroyed
- c) communication with unsuccessful tenderers
- d) the award criteria
- e) for above threshold contracts the information required for reporting and documenting in Regulation 84 of the PCR 2015 (including why an above threshold contract has not been divided into Lots), Regulation 45 CCR 2016 and Regulation 99 UCR 2016. For below threshold contracts information may be required by the Cabinet office .

17.2. The documents detailed must be kept for at least six years after the end of the contract, or as specified by any Document Retention Policy approved by the *Organisation*.

SECTION 2 SELLING

18. DISPOSAL OF INTERESTS IN LAND

- 18.1. No sale or lease by the *Organisation* of land (where the value exceeds £50,000 or £25,000 if amenity land; or in the case of a lease, the estimated rent exceeds £25,000 per annum) shall be made except after auction or the invitation of tenders or expressions of interest following public advertisement, in at least one newspaper circulating in the *District* (or other appropriate means of advertising), unless specifically authorised by *Cabinet*. This shall not apply to the renewal of a lease made pursuant to the Landlord and Tenant Act 1954 or to the sale of *Organisation* dwellings under the right to buy scheme.
- 18.1A No sale or lease by Lewes District Council of land where the value exceeds limits referred to in Rule 18.1 above shall be made except after consulting with the Member(s) for the ward affected and, where the land falls within the area of a town or parish council, the clerk of that council.
- 18.2. The *Designated Officer* shall record the power under which land or an interest in land is disposed which is likely to be one of the following:
- 18.2.1 Local Government Act 1972 – Section 123 Disposal power in relation to land not held for planning or housing purposes
 - 18.2.2 Town and Country Planning Act 1990 - Section 233 Disposal power in relation to land held for planning purposes
 - 18.2.3 Housing Act 1985 – Section 32 Disposal power in relation to land held for purposes of Part II of the Housing Act 1985
- 18.3. The disposal of land or interests in land shall comply with the applicable rules on state aid.
- 18.4. Consideration should be given to the circumstances in which a public contract may be created through a disposal of land. *Legal Services* and/or guidance contained in the Contract Manual should be consulted.

19. DISPOSAL OF ASSETS

- 19.1. Assets for disposal must be sent to public auction except where better value for money is likely to be obtained by inviting quotations or tenders. (These may be invited by advertising on the *Organisation's* internet site or other appropriate means of advertisement). Quotations or tenders will not be required where an expert valuation has confirmed that an alternative method of disposal (such as where there is a *Special Purchaser*) will secure market or above market value. The method of disposal of surplus or obsolete assets other than land must be formally agreed with the *Chief Finance Officer*.

20. INCOME GENERATING CONTRACTS

- 20.1. The *Designated Officer* shall consult with *Legal Services* in relation to contracts where the *Organisation* is proposing to generate an income or receive a payment. Such contracts may include joint venture arrangements or concessions contracts. A concession contract may include contracts for the provision of works and services where the consideration under the contract includes the right to exploit the works or services to be provided. These may be governed by the public procurement rules.
- 20.2. Matters to consider will include:
- 20.2.1. Powers,

- 20.2.2. State aid,
- 20.2.3. Best value.

21. PURCHASE OF INTERESTS IN LAND

- 21.1. The *Designated Officer* shall record the power under which land is purchased.
- 21.2. The purchase of land shall comply with the applicable rules on state aid.

DEFINITIONS

22. DEFINITIONS

Word or Phrase	Meaning
Accountable Officer	For EBC and LDC this means the Chief Executive or Senior Head of Service responsible for the particular project. For EHL this means the Chief Executive or Managing Director as appointed by the Board.
Applicable Threshold Value	<p>The threshold in relation to the estimated value of the contract (including VAT) as set out in the relevant procurement Regulation above which an FTS process must be followed. For the <i>Organisations</i> these are currently:</p> <p>PCR 2015</p> <p>Works: £5,336,937</p> <p>Supplies/Services/design: £213,477</p> <p>Schedule 3 service contracts for social and other specific services: £663,540</p> <p>Small Lots supplies or services: £70,778</p> <p>Small Lots works: £884,720</p> <p>CCR 2016</p> <p>Works or Services: £5,336,937</p> <p>UCR 2016</p> <p>Works: £5,336,937</p> <p>Supplies/Services/design: £426,955</p> <p>Schedule 3 service contracts for social and other specific services: £884,720</p> <p>Small Lots supplies or services: £70,778</p> <p>Small Lots works: £884,720</p>

Word or Phrase	Meaning
Cabinet	For EBC and LDC this is the Cabinet of the Council. For EHL this is (1) the Board of Directors appointed in accordance with the Articles and Memorandum of Association or (2) a Committee, where the matter relates to a function delegated to that Committee in both cases after considering a report from one or more of the Executives.
Cabinet Portfolio Holder	For EBC/LDC the member of the Cabinet designated as the lead member for the relevant function or service and if none the Leader of the Cabinet. For EHL any of the Executives as appropriate to the matter being considered.
CCR 2016	Concession Contract Regulations 2016 as amended
central purchasing arrangement	This is an arrangement involving a “central purchasing body”. A “central purchasing body” means a contracting authority which provides centralised purchasing activities and which may also provide ancillary purchasing activities. Contracting authorities may acquire supplies, services, or works through a central purchasing body offering a centralised purchasing activity.
Chief Finance Officer	For EBC and LDC the person designated as the responsible officer under section 151 of the Local Government Act 1972; for EHL the Director Finance and Corporate Services.
Chief Officer	For EBC and LDC these are the Chief Executive, the Deputy Chief Executive, the Directors, the Senior Heads, the Monitoring Officer and the Chief Finance Officer. For EHL these are the Executives.
Code of Conduct	Employee and/or staff code of conduct or the Code of Conduct for Councillors, as applicable.
Constructionline	Constructionline is a national register of pre qualified local and national construction and construction related contractors and consultants. It is owned by Capita PLC and endorsed by the Department of Business, Innovation & Skills. The Council uses this register as its selection method for construction related contracts. Firms or contractors who are not registered on Constructionline can apply to join it. Information on how to register, application rules and forms can be found at www.constructionline.co.uk
Contracts Finder	Contracts Finder is an electronic procurement portal and is the responsibility of the Crown Commercial Service (CCS) and the new Contracts Finder portal can be found at www.gov.uk/contracts-finder . The Council has issued guidance notes on how to use the portal.

Word or Phrase	Meaning
Council	For EBC and LDC this is the Council meeting. For EHL this is the Board of Directors.
Designated Officer	The Officer designated by the Chief Officer to deal with the procurement process in question.
District	The administrative area of the Organisation
EBC	Eastbourne Borough Council.
EHL	Eastbourne Homes Limited.
Exception or exception	A circumstance set out in paragraph 2.3 (Exceptions) of the Contract Procedure Rules.
Executives	For EHL this means the Chief Executive or Managing Director and the Services Directors (being the Director of Finance and Corporate Services and the Director of Operations).
Financial Procedure Rules	For EBC/LDC these are the Financial Procedure Rule that form part of the Constitution. For EHL these are the Financial Regulations.
Find a Tender or FTS	The UK e-notification service. This replaces the advertisements previously issued via OJEU.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic entities, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
LDC	Lewes District Council.
Leader of the Council	For EBC and LDC this is the Leader of the Council as appointed under their respective Constitutions. For EHL this shall be the Chairman of the Board.
Legal Services	For LDC this means the Council's senior legal officer or a specialist lawyer in that officer's team; for EBC/EHL that means the Lawyer to the Council or a specialist lawyer in that officer's team.
Monitoring Officer	For EBC and LDC the person designated as the responsible officer under section 5 of the Local Government and Housing Act 1989; for EHL the Governance & Compliance Manager/Company Secretary.
national advert	An advertisement of the opportunity other than in the UK e-notification service (otherwise known as Find a Tender or FTS).
Officer or Officers	Any member of staff employed by the <i>Organisation</i> ; any person seconded to or made available to the <i>Organisation</i> ; any agent or consultant acting for the <i>Organisation</i> ; and in the case of EHL, any director of the company.

Word or Phrase	Meaning
Organisation	Eastbourne Borough Council (“EBC”); Lewes District Council (“LDC”); Eastbourne Homes Limited (“EHL”).
PAS 91	PAS 91 is a standardised pre-qualification questionnaire which has been developed to reduce the need for suppliers to complete a variety of different pre-qualification questionnaires for different, and in some cases, the same clients. A copy is attached to the Contract Manual and can also be downloaded as a free pdf copy at: https://shop.bsigroup.com/ProductDetail?pid=000000000030336960
PCR 2015	Public Contracts Regulations 2015 as amended
Procurement Team	The Officers (if any) with designated responsibility in the relevant <i>Organisation</i> for advising on procurement processes
Rules	The Contract Procedure Rules.
Schedule 3 Service Contracts	Contracts listed in Schedule 3 of the PCR 2015 for social and other specific services.
Special Purchaser	A particular buyer for whom a particular asset has special value (i.e. an amount that reflects particular attributes of an asset that are only of value to a Special Purchaser) because of advantages arising from its ownership that would not be available to other buyers in a market.
UCR 2016	Utilities Contracts Regulations 2016 as amended
Waiver or waiver	A circumstance set out in paragraph 2.4 (Waiver) of the Contract Procedure Rules.

1. ANNEXURE ONE: COUNCILLOR PROTOCOL FOR PROCUREMENT

COUNCILLOR PROTOCOL FOR PROCUREMENT

Introduction

- 1 The Council's governance arrangements provide for procurement to be managed in accordance with Contract Procedure Rules, and for Councillors to be guided in their work by the Protocol on Member/Officer Relations and the Code of Conduct for Members of the Council. The Code of Conduct for Members includes the need for Councillors to register their interests in any contract with the Council, but in other respects these documents make only limited reference to the role of Councillors in the specialist area of procurement.
- 2 This protocol is to guide Councillors in procurement procedures and to minimise the risk of any non compliance with UK legislation and retained EU law.

Best Practice Guidance

- 3 A Councillor must not arrange or participate in any meeting or other form of communication with tenderers or potential tenderers for Council contracts that has not been arranged by Council officers.
- 4 A Councillor who is or will be involved in the process that leads to the award of any Council contract must not discuss the matter if they are approached by or on behalf of anyone interested in obtaining that contract.
- 5 A Councillor, who is a representative of an organisation that tenders or quotes for Council work, may not take part in the process that leads to the award of any contract in that area of service or be involved in the subsequent administration of that contract.
- 6 If a Councillor is a representative of an organisation that tenders or quotes for Council work, the organisation can only be awarded Council work through a process of open competition under Contract Procedure Rules.
- 7 The Council will not seek tenders or quotes from an organisation, or place work with an organisation using a schedule of rates or any call off arrangement, if a Councillor who is the Cabinet Member for that area of the Council's service is a representative of that organisation.
- 8 A Councillor must not seek to influence the procurement decisions of officers or do anything that compromises or is likely to compromise the impartiality of officers.
- 9 A Councillor must not pressurise any officer to change his/her professional opinion on procurement issues or give direct instructions to officers.

- 10** A Councillor must not take a proactive part to represent or in any other way advocate on behalf of any tenderer or contractor.
- 11** Any Councillor, who is a representative of an organisation that tenders or quotes for Council work, must declare that interest in the Register of Interests.
- 12** Confidential information relating to any tender, tenderer or prospective tenderer must remain confidential, and a Councillor must ensure that no confidential information is disclosed to unauthorised persons or organisations.

A breach of the above guidance may constitute, depending on the circumstances, a breach of the Code of Conduct for Members.

2. ANNEXURE TWO: GUIDANCE ON CALCULATING ESTIMATED CONTRACT VALUE PCR 2016

The Calculation

Calculation of the estimated value of a contract must be based on the total amount payable (including VAT). This has to be undertaken at the moment at which the call for competition is sent, or if no call for competition then at the moment at which the *Organisation* intends to commence an alternative process to select suppliers e.g. by seeking quotations.

The choice of method used to calculate the estimated value must not be made with the intention of excluding it from the public procurement regulations.

A procurement exercise must not be subdivided with the effect of preventing it from falling within the public procurement regulations unless justified by objective reasons.

The rules require that where there are separate operational units within the *Organisation*, the total estimated value of the works, supplies or services for all those units is taken into account when calculating the estimated value. This means the majority of procurements undertaken will need to take account of the overall *Organisation* spend.

However where a unit is independently responsible for its procurement or certain categories of its procurement, the values may be estimated at the level of the unit in question. This will apply where the separate operational unit independently runs the procurement procedures and makes the buying decisions, has a separate budget line at its disposal for the procurements concerned, concludes the contract independently and finances it from a budget which it has at its disposal. A subdivision is not justified where the *Organisation* merely organises a procurement exercise in a decentralised way.

The value must be estimated by the *Organisation* including:

- any form of option in relation to the contract (e.g. where there is an option to include possible additional services)
- any renewals that are provided for in the contract
- any prizes or payments to candidates or tenderers
- any payments that will be made by third parties to the supplier as a result of undertaking the contract
- in the case of insurance services, the premium payable and other forms of remuneration
- in the case of banking and other financial services, the fees, commissions payable, interest and other forms of remuneration

- in the case of design contracts, the fees, commissions payable and other forms of remuneration
- where the contract is or may be divided into lots, account has to be taken of the total estimated value of those lots
- in relation to framework agreements and dynamic purchasing systems, the value to be taken into consideration is the total for all the contracts envisaged during the term of the framework agreement or system
- in relation to innovation partnerships, the value to be considered is the maximum estimated value of the research and development activities to take place during all stages of the envisaged partnership as well as the supplies and services or works to be developed and procured at the end of the envisaged partnership
- in the case of works contracts, the calculation shall include both the cost of the work and the total estimated supplies and services that are made available to the contractor by the *Organisation* where they are necessary for executing the works

Specific Rules for Supply Contracts

In relation to supply contracts relating to the leasing, hire, rental or hire purchase of products, the value to be taken as a basis for calculating the estimated contract value is:

- in the case of fixed-term contracts, where that term is less than or equal to 12 months, the total estimated value for the term of the contract, or, where the term of the contract is greater than 12 months, the total value including the estimated residual value;
- in the case of public contracts without a fixed term or the term of which cannot be defined, the monthly value multiplied by 48.

Specific Rules for Services Contracts

In relation to service contracts which do not indicate a total price, the basis for calculating the estimated contract value is:

- in the case of fixed-term contracts, where that term is less than or equal to 48 months: the total value for their full term;
- in the case of contracts without a fixed term or with a term greater than 48 months: the monthly value multiplied by 48.

Aggregation Rules for Supplies and Services

In the case of supplies and services contracts which are regular in nature or which are intended to be renewed within a given period, the calculation of the estimated value of every contract must be based on one of the following:

- the total actual value of the successive contracts of the same type awarded during the preceding 12 months or financial year adjusted, where possible, to take account of the changes in quantity or value which would occur in the course of the 12 months following the initial contract; or
- the total estimated value of the successive contracts awarded during the 12 months following the first delivery, or during the financial year where that is longer than 12 months.

For this purpose, the notion of similar supplies means products which are intended for identical or similar uses, such as supplies of a range of foods or of various items of office furniture. Typically, a supplier active in the field concerned would be likely to carry such supplies as part of his normal product range. So for example the *Organisation* will need a certain amount of printer paper over the year, and it knows from the previous year it spent over the Applicable Threshold Value for that supply. This means that even if it wanted to buy one packet at a time, that single purchase would have to be treated as an above threshold purchase subject to the full procurement rules. The same concept applies to services contracts.

Lots and Small Lots

Where the contract is or may be divided into lots and the total value of those lots exceeds the Applicable Threshold Value then the full regulated procurement rules apply to awarding a contract for each lot.

The *Organisation* may however award contracts for individual lots without applying the full procurement procedures (but under its own CPRs) provided the estimated value of the lot concerned is less than:

- £70,778 for supplies or services
- £884,720 for works

Provided the aggregate value of the lots awarded does not exceed 20% of the aggregate value of all the lots into which the proposed work, services or supplies has been divided.

Item 4i



Section I

OFFICER EMPLOYMENT PROCEDURE RULES

Introductory Note: These rules incorporate provisions contained in Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (SI No. 3384) (as amended by the 2015 Regulations) which the Council is required to incorporate in its Constitution.

1. Definitions

1.1 In these Officer Employment Procedure Rules:

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

"appointor" means, in relation to the appointment of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the Council, that committee, sub-committee or officer, as the case may be

“chief finance officer” means the officer designated by the Council as having responsibility for the purposes of section 151 of the Local Government Act 1972 or section 6 of the 1989 Act

“committee or sub-committee” includes Council Panels (Ad Hoc) and Recruitment Panels (Ad Hoc) as specified in Part 3 of this Constitution

“designated independent person” has the same meaning as in Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001

“deputy chief officer” has the same meaning as in section 2(8) of the 1989 Act

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001

"dismissor" means, in relation to the dismissal of a person as an officer of the Council, the Council or, where a committee, sub-committee or officer is discharging the function of dismissal on behalf of the Council, that committee, sub-committee or officer, as the case may be

“head of paid service” means the officer designated as the Council’s head of paid service under the 1989 Act

“**member of staff**” means a person appointed to or holding a paid office or employment under the Council

“**monitoring officer**” means the officer designated by the Council under section 5(1) of the 1989 Act

“**non-statutory chief officer**” has the same meaning as in section 2(7) of the 1989 Act

“**political assistant**” means a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups)

“**proper officer**” means for the purposes of these rules the head of paid service

“**senior officer**” means any officer under the Council so designated by the Council, and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other

“**statutory chief officer**” has the same meaning as in section 2(6) of the 1989 Act

2. Interests of officers in contracts

- 2.1 The proper officer shall record, in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the inspection of any Member of the Council.
- 2.2 If it comes to the knowledge of an officer employed by the Council that a contract in which he/she has a pecuniary interest whether direct or indirect (not being a contract to which he/she is a party) has been or is proposed to be entered into by the Council, he/she shall, as soon as practicable give notice in writing to the proper officer of the fact that he/she is interested therein.

3. Canvassing of and recommendations by councillors

- 3.1 Canvassing of Councillors or any body, of the Council, directly or indirectly, for any appointment under the Council shall disqualify the candidate concerned for that appointment. The purport of this paragraph shall be included in any form of application for such an appointment.

- 3.2 A Councillor shall not solicit for any person any appointment under the Council, but this shall not preclude a Councillor from giving a written testimonial of a candidate's ability, experience, or character for submission to the Council with an application for appointment.

4. Relatives of councillors or officers

- 4.1 A candidate for any appointment under the Council who knows that he/she is related to Councillor or senior officer of the Council shall, when making application, disclose that relationship. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every Councillor and senior officer of the Council shall disclose to the proper officer any relationship known to him/her to exist between him/herself and any person whom he/she knows is a candidate for an appointment under the Council. The proper officer shall report to the Council or to the appropriate committee any such disclosure made to him/her. The purport of this paragraph shall be included in any form of application for such an appointment.

5. Transactions by officers

- 5.1 No officer or servant of the Council shall become security for or engage in any loan transaction with any other officer or servant of the Council.

6. Appointment and dismissal of members of staff (other than head of paid service, chief officers, deputy chief officers and political assistants)

- 6.1 Subject to paragraphs 7.1 and 7.6, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the Council must be discharged, on behalf of the Council, by the head of paid service or by an officer nominated by him.

7. Appointment and dismissal of head of paid service, chief officers, deputy chief officers and political assistants

- 7.1 Paragraph 6.1 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the head of paid service;

(b) a statutory chief officer of the Council;

(c) a non-statutory chief officer of the Council, including, if not so designated, the monitoring officer.

(d) a deputy chief officer of the Council; or

(e) a political assistant

- 7.2 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Council's head of paid service, the Council must approve that appointment before an offer of appointment is made to that person.
- 7.2A Where a committee, sub-committee or officer is discharging, on behalf of the Council the function of the dismissal of an officer designated as the Council's head of paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.
- 7.3 Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 7.1, at least one member of the Cabinet must be a member of that committee or sub-committee.
- 7.4 An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 7.1 must not be made by the appointor until:
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the Cabinet of the authority of:
 - (i) the name of the person to whom the appointor wishes to make the offer
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer ; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and
 - (c) either:
 - (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the leader of the Council; or
 - (iii) the appointor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.

- 7.5 Notice of the dismissal of an officer referred to in subparagraph (a), (b), (c) or (d) of paragraph 7.1 must not be given by the dismissor until:
- a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - b) the proper officer has notified every member of the Cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer ; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and
 - c) either:
 - (i) the Leader of the Council has, within the period specified in the notice under subparagraph (b) (iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the Leader of the Council; or
 - (iii) the dismissor is satisfied that any objection received from the Leader of the Council within that period is not material or is not well-founded.
- 7.6 Nothing in paragraph 6.1 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - (b) a member of staff of the Council against any decision relating to the dismissal of, or taking a disciplinary action against, that member of staff.
- 8. Disciplinary action in respect of head of paid service, monitoring officer and chief finance officer**
- 8.1 The Council's head of paid service, chief finance officer or monitoring officer may be suspended for the purpose of investigating the alleged misconduct occasioning the suspension; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning with the day on which the suspension takes effect.

- 8.2 The Council's head of paid service, chief finance officer or monitoring officer may not be dismissed unless the procedure in the paragraphs 8.2.1 to 8.2.9 is complied with.
- 8.2.1 The Council must appoint a committee ("the Panel") under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of officers referred to in paragraph 8.1 above.
- 8.2.2 The Council must invite relevant independent persons (as defined in paragraph 8.2.3) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 8.2.3 For the purposes of paragraphs 8.2.2 to 8.2.5 "relevant independent person" means any independent person appointed by the Council under section 28(7) of the Localism Act 2011 or, where there are fewer than two such persons, such independent persons as have been appointed by another local authority or authorities (under that same provision) as the Council considers appropriate.
- 8.2.4 Subject to paragraph 8.2.5, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation pursuant to paragraph 8.2.2 in accordance with the following priority order:
- (a) a relevant independent person who has been appointed by the Council and who is a local government elector in the Council's register of electors;
 - (b) any other relevant independent person who has been appointed by the Council;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 8.2.5 The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 8.2.4 but may do so.
- 8.2.6 The Council must appoint any Panel at least 20 working days before the relevant meeting (as defined in paragraph 8.2.7).
- 8.2.7 For the purposes of paragraphs 8.2.6 to 8.2.8, "relevant meeting" means a meeting of the Council to consider whether or not to approve a proposal to dismiss its head of paid service, its chief finance officer, or its monitoring officer, as the case may be.

8.2.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular–

- (i) any advice, views or recommendations of the Panel;
- (ii) the conclusions of any investigation into the proposed dismissal;
and
- (iii) any representations from the officer who is the subject of the proposed dismissal.

8.2.9 Any remuneration, allowances, or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of his/her role as an independent person under the Localism Act 2011.

Although not part of the procedure rules, this note in respect of the employment of serving or former councillors is included for information. The Local Government Act 1972 at Section 116 says:

“A local authority cannot appoint as an employee in any capacity, any councillor who is currently a member of that authority or who had been a member in the previous 12 months.”

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Section J

PROCEDURE RULES FOR PRESS AND PUBLIC RELATIONS

1. Publicity

1.1 Local Authorities are not allowed to undertake any activity that is intended to give support to any particular political party. Detailed guidance is published and available from the Head of Corporate Development. A Code of Recommended Practice on Local Authority Publicity has been published by the Government under the provisions of the Local Government Act 1986. A copy of the Code is available to view at [Code of Practice for Local Authority Publicity](#)

1.2 This becomes particularly sensitive at election times. The Code states that:

“During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.”

2. Press and Public Relations

2.1 Media are required to contact the Council’s Press Office (Cobb PR) in the first instance. Where an Officer is approached direct, the Press Office must be contacted to deal with the matter. There are no exceptions to this. The Press Office will then contact the relevant Member of the Cabinet to discuss the format of the response. The Press Office will seek information from the relevant Officers and notify the relevant Head of Service (or Deputy Chief Executive or Chief Executive as appropriate). No response will be made in any form before contact has been made with the relevant Member of the Cabinet and all responses shall be co-ordinated and issued by the Press Office except as provided for in paragraph 2.2 below.

2.2 The Press Office may direct that factual enquiries of a low sensitive nature that do not require an opinion from a Councillor may be dealt with by other Officers. Such Officers must not give political comment nor voice personal opinions.

2.3 The Press Office will issue news releases and arrange for the relevant Councillors and/or Senior Officers, if appropriate, to participate in broadcasts as requested. The Leader of the Council and/or relevant Cabinet Member will

be consulted on all news releases prior to issue. Officers may accept invitations to participate in a broadcast but this should only happen after liaison with the Press Office and the relevant Cabinet Member or Chairman. Where the matter is on the agenda of a forthcoming meeting or the subject of known political disagreement between the party groups, the Press Office will seek the consent of the relevant Cabinet Member or Chairman and also notify the Opposition Spokesperson.

- 2.4 Councillors, when making statements or responding to the media or participating in broadcasts, must be careful to make it clear in what capacity they are speaking. Either:
- As a Council Spokesperson e.g. as the Leader of the Council or a Cabinet Member or Chairman of a particular Council body (speaking on behalf of the Council as a whole, in respect of matters which have Council approval).
 - As a Political Spokesperson (e.g. as the Leader of a particular party group or party spokesperson) advocating/defending the proposals of a political party in a particular matter. Thus a Councillor who appears on television as part of a campaign against a particular government policy, should not appear to be speaking on behalf of the Borough Council, but instead as spokesperson for their Group.
 - As a Ward or Local Councillor speaking on behalf of local residents or in support of a particular interest group.
- 2.5 News releases should normally include a quote from the relevant Cabinet Member or Chairman. (An exception to this rule would include factual information given out at election time on electoral matters such as applying for postal votes and the situation of polling stations). Where the Council is balanced a quote must also be sought from the Opposition Spokesperson and be included in the Council's release. The Press Office must not be involved in the issue of news releases issued by any Party Group.
- 2.6 All Members of the Cabinet, relevant Chairmen and Opposition Spokespersons shall receive copies of news releases immediately following issue. In addition, where a matter affects a particular Ward, the Ward Councillors shall be given a copy in the same time-frame.
- 2.7 News releases shall be available on the Council's website.



Section K

PETITIONS SCHEME

1. Petitions – introduction

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
- 1.2 For practical purposes we set a requirement for at least **10 signatures** before we will treat it as a petition. Whilst we like to hear from people who live, work or study in Eastbourne, this is not a requirement and we would take seriously a petition, for example, from visitors to the town on the subject of visitor attractions.
- 1.3 Further details are given in this scheme about how you should go about submitting a petition, the different types of petition and how in certain cases special rules apply.
- 1.4 Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.
- 1.5 We will not normally consider a petition if it is about the same matter as one considered within the last 6 months.

2. Guidelines for submitting a petition

- 2.1 Paper petitions should be sent to:

Head of Democratic Services, Eastbourne Borough Council, The Town Hall, Grove Road, Eastbourne, BN21 4UG **or** in the case of a consultation petition (see paragraph 3.1.2 below) to the address given in the consultation.

You may also use our online e-petitions facility to create, sign and submit by following this link to the Council's petitions page and then accessing the e-petitions website. (Please note that this website is a shared facility with other Councils in East Sussex.)

- 2.2 Petitions can also be presented to a meeting of the Council. These meetings take place 5 times a year. Dates and times can be found on the Council's website. If you would like to present your petition to the Council, or would like your councillor or someone else to present it on your behalf, please contact a member of the Democratic Services Team (contact details are given at the end of this document) at least 10 working days before the meeting and they will talk you through the process.
- 2.3 Petitions 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.
- 2.4 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.
- 2.5 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.
- 2.6 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.

3. Types of petition

- 3.1 There are different types of petition as set out below. How we deal with a petition depends on which type you submit.

3.1.1 Ordinary petitions

These include any petition not included in the types below. Please note that a petition which raises issues of possible councillor misconduct will be dealt with under standards procedures, rather than under the petitions scheme. Similarly, a petition that makes a complaint about the conduct of a council officer may need to be dealt with under the Council's complaints procedure. We will let you know how we intend to proceed.

3.1.2 Consultation petitions

These are petitions in response to an invitation from the Council for comments as part of a consultation on a particular matter, for example, on a planning or licensing application or a proposed policy or strategy affecting the town. A petition on such a matter will be reported to the meeting, person or body with responsibility for taking the decision.

3.1.3 **Governance petitions**

There are certain matters where an Act of Parliament requires the Council to consider a petition from local electors, for example, a petition calling for a referendum on having a directly elected mayor or asking for the creation of a parish or community council in part of the Council's area. This petitions scheme does not apply to such petitions and we regret that the relevant legislation does not yet allow for the online e-petitions facility to be used. Advice about these petitions should be sought from the Democratic Services Team.

3.1.4 **Petitions for debate**

If you want your petition to be debated at a meeting of the Council it must have at least 1,500 signatures.

A petition receiving fewer signatures may still be the subject of debate at a public meeting of the Council, or other council body, if it is decided that this is the best way of dealing with the matter. In such cases the organiser of the petition will be notified in advance and have the opportunity of speaking at the meeting and being questioned by councillors.

More information about petitions for debate at full council is given in section 6 below.

3.1.5 **Petitions to hold officer to account**

If you want your petition to be considered at a meeting of the Scrutiny Committee* where a senior council officer will be required to answer questions on the conduct of a particular matter, your petition must have at least 750 signatures. The officer must be identified in the petition by name or job title.

(*The Scrutiny Committee is a committee of councillors who are responsible for scrutinising the work of the Council – in other words, the Scrutiny Committee has the power to hold the Council's decision makers to account.)

More information about this type of petition is given in section 7 below.

4. **What will the Council do when it receives my petition?**

4.1 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.

4.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell

you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

- 4.3 If the petition applies to a planning or licensing application, is a governance petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available on the Council's website or by contacting the Democratic Services team.
- 4.4 We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate. We will explain the reasons for this in our acknowledgement of the petition. We will not normally consider a petition if it is about the same matter as one considered within the last 6 months.
- 4.5 To ensure that people know what we are doing in response to the petitions we receive, the details of all 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). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

5. How will the Council respond to petitions?

- 5.1 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 meeting of the Council or other council body such as the Cabinet or the Scrutiny Committee
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition
- 5.2 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.
- 5.3 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.

- 5.4 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.

6. Full Council debates

- 6.1 If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.
- 6.2 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.
- 6.3 Where the issue is one on which the Council's Cabinet* 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 which will also be published on our website.

(* The Cabinet is the Council's main executive body. It is composed of a small number of leading councillors who have responsibility for many of the services the Council operates and decides many policy matters. It is required to operate within an annual budget and an overall policy framework set by the full council. It cannot deal with certain matters such as planning and licensing applications and staff appointments.)

7. Officer evidence

- 7.1 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.
- 7.2 If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the Council's overview and Scrutiny Committee. A list of the senior staff that can be called to give evidence can

be found on the Council's website in part 7 of the Council's constitution. The list comprises all the members of the corporate management team. You should be aware that the 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 Democratic Services Team up to three working days before the meeting.

8. E-petitions

- 8.1 The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions set out above. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
- 8.2 When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- 8.3 If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- 8.4 When an e-petition has closed for signature, it will automatically be submitted to the Petition Office. In the same way as a paper petition you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact the Democratic Services Team within 10 working days of receipt of the acknowledgement.
- 8.5 A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

9 How do I 'sign' an e-petition?

- 9.1 You can see all the e-petitions currently available for signature by following this link to our petitions page and then accessing the e-petitions website.
- 9.2 When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have

provided. This email will include a link, which you must click on, in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

10 What can I do if I feel my petition has not been dealt with properly?

- 10.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's 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.
- 10.2 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.
- 10.3 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.

11. Democratic Services contact details:

- 11.1 Please send your petition by email to committees@lewes-eastbourne.gov.uk or by post to the Head of Democratic Services, Eastbourne Town Hall, Grove Road, Eastbourne BN21 4UG. If you have any questions contact the Council on 01323 410000 and ask for a member of the Democratic Services team.

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Part 5

Codes and Protocols

SECTIONS:

A	Members' Conduct – General Principles of Public Life	A1 – A2
B	Members' Code of Conduct	B1 – B13
C	Officers' Code of Conduct	C1 – C10
D	Probity in Planning – A Local Code of Practice	D1 – D14
E	Protocol on Member/Officer Relations	E1 – E8
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Section A

CODE OF CONDUCT FOR MEMBERS – GENERAL PRINCIPLES

As a member or co-opted member of Eastbourne Borough Council you have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity you must behave in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in the authority.

The Seven Principles of Public Life

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Integrity

2. Members should not place themselves in situations where integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour. Members should show integrity by consistently treating other people with respect, regardless of their race, age, religion, gender, sexual orientation, disability or position, for example as an officer or employee of the authority.

Objectivity

3. Members should make decisions in accordance with the law and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Honesty

6. Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour. Members should declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

7. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Item 5b

Eastbourne Borough Council Constitution
Part 5 – Codes and Protocols
Updated: February 2020



Working in partnership with **Eastbourne Homes**

Section B

Code of Conduct for Members

By 28 July 2012 or on their election or co-option (whichever is the later date) to Eastbourne Borough Council, members are required to sign an undertaking to comply with the authority's Code of Conduct.

This Code of Conduct, adopted by the authority on 18 July 2012, is set out below. It is made under Chapter 7 of the Localism Act 2011 and includes, as standing orders made under Chapter 7 of that Act and Schedule 12 of the Local Government Act 1972, provisions which require members to leave meetings in appropriate circumstances, while matters in which they have a personal interest are being considered.

Part 1 - General provisions

1. Introduction and interpretation

- (1) This Code applies to **you** as a member of an authority, when acting in that capacity.
- (2) This Code is based upon seven principles fundamental to public service which are set out in Part 5, Section A of the constitution. You should have regard to these principles as they will help you to comply with the Code.
- (3) If you need guidance on any matter under this Code you should seek it from the authority's monitoring officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (4) It is a criminal offence to fail to notify the authority's monitoring officer of a disclosable pecuniary interest, to take part in discussions or votes at meetings, or to take a decision where you have disclosable pecuniary interest, without reasonable excuse. It is also an offence to knowingly or recklessly to provide false or misleading information to the authority's monitoring officer.
- (5) Any written allegation received by the authority that you have failed to comply with this Code will be dealt with by the authority under the arrangements which it has adopted for such purposes. If it is found that you have failed to comply with the Code, the authority has the right to have regard to this failure in deciding -
 - (a) whether to take action in relation to you and
 - (b) what action to take.

(6) Councillors must comply with any reasonable request by the Monitoring Officer, the Deputy Monitoring Officer or an investigating officer appointed by them, regarding the provision of information in relation to a complaint that alleges a breach of the Code of Conduct, and must comply with any formal standards investigation.

(7) Councillors must not misuse the standards process by, for example, making trivial or malicious allegations against another councillor.

(8) In this Code—

“authority” means Eastbourne Borough Council

“Code” means this Code of Conduct

“co-opted member” means a person who is not a member of the authority but who-

(a) is a member of any committee or sub-committee of the authority, or

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

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

"meeting" means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member.

“register of members’ interests” means the authority's register of members' pecuniary and other interests established and maintained by the authority’s monitoring officer under section 29 of the Localism Act 2011.

Scope

2. —(1) Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) This Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully or harass any person;

(Bullying means offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means that undermine, humiliate denigrate or injure the recipient.

Harassment means unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

For examples of conduct that constitute bullying or harassment, see Appendix 1.)

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

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 authority;

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;

(b) must, when using or authorising the use by others of the resources of your authority—

- (i) act in accordance with your authority's reasonable requirements;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2 – Interests

Personal interests

8. – (1) The interests described in paragraphs 8(3) and 8(5) are your personal interests and the interests in paragraph 8(5) are your pecuniary interests which are disclosable pecuniary interests as defined by section 30 of the Localism Act 2011.

(2) If you fail to observe Parts 2 and 3 of the Code in relation to your personal interests-

- (a) the authority may deal with the matter as mentioned in paragraph 1(5) and
- (b) if the failure relates to a disclosable pecuniary interest, you may also become subject to criminal proceedings as mentioned in paragraph 1(4).

(3) You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(4) In sub-paragraph (3)(b), a relevant person is—

(a) a member of your family or a close associate; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (3)(a)(i) or (ii).

(5) Subject to sub-paragraphs (6) and (7), you have a personal interest which is also a disclosable pecuniary interest as defined by section 30 of the Localism Act 2011 in any business of your authority where (i) you or (ii) your partner has any interest as described in the following schedule:

SCHEDULE

Subject	Prescribed description
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(1).
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.

(6) In sub-paragraph (5), your partner means—

- (a) your spouse or civil partner,
- (b) a person with whom you are living as husband and wife, or
- (c) a person with whom you are living as if you were civil partners,

(7) In sub-paragraph (5), any interest which your partner may have is only treated as your interest if you are aware that your partner has the interest.

Disclosure of personal interests (See also Part 3)

9. —(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which any matter relating to the business is considered, you must disclose to that meeting

the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(3) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest and, if also applicable, that it is a disclosable pecuniary interest, but need not disclose the sensitive information to the meeting.

(4) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision on any matter in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(5) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where either-

(a) the interest is a disclosable pecuniary interest as described in paragraph 8(5), or

(b) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) For the purposes of sub-paragraph (1)(b), you do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of—

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent

governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a personal interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2) and (3), where you have a prejudicial interest in any matter in relation to the business of your authority—

(a) you must not participate, or participate further, in any discussion of the matter at any meeting, or participate in any vote, or further vote, taken on the matter at the meeting and must withdraw from the room or chamber where the meeting considering the matter is being held—

- (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
- (ii) in any other case, whenever it becomes apparent that the matter is being considered at that meeting;

unless you have obtained a dispensation from your authority's monitoring officer or Standards Panel ;

(b) you must not exercise executive functions in relation to that matter; and

(c) you must not seek improperly to influence a decision about that matter.

(2) Where you have a prejudicial interest in any business of your authority which is not a disclosable pecuniary interest as described in paragraph 8(5), you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(3) Where you have a prejudicial interest which is not a disclosable pecuniary interest as described in paragraph 8(5), arising solely from membership of any body described 8(3)(a)(i) or 8(3)(a)(ii)(a) then you do not have to withdraw from the room or chamber and may make representations to the committee but may not participate in the vote.

Part 3 -Registration of Interests

Registration of members' interests

13. — (1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by the authority; or

(b) your election or appointment to office (where that is later), register in the register of members' interests details of-

- (i) your personal interests where they fall within a category mentioned in paragraph 8(3)(a) and
- (ii) your personal interests which are also disclosable pecuniary interests where they fall within a category mentioned in paragraph 8(5)

by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest falling within sub-paragraphs (1)(b)(i) or (1)(b)(ii) or any change to any personal interest registered under sub-paragraphs (1)(b)(i) or (1)(b)(ii), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, the monitoring officer shall not include details of the interest on any copies of the register of members' interests which are made available for inspection or any published

version of the register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in the register of members' interests.

(3) In this Code, "sensitive information" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Dispensations

15 - (1) The Standards Panel or the monitoring officer may, on a written request made to the monitoring officer of the authority by a member, grant a dispensation relieving the member from either or both of the restrictions in paragraph 12(1)(a) (restrictions on participating in discussions and in voting), in cases described in the dispensation.

(2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Panel or the monitoring officer—

(a) considers that without the dispensation the number of persons prohibited by paragraph 12 from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by paragraph 12 from participating in any particular business to be transacted by the authority's executive;

or

(e) considers that it is otherwise appropriate to grant a dispensation.

(2) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

(3) Paragraph 12 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph.

Appendix 1

Non-exhaustive Examples of Bullying and Harassment

With reference to paragraph 3(2)(b) of this Code –

(1) Examples of bullying behaviour include, without limitation:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading or constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- invading someone's personal space
- speaking to someone in an overbearing manner
- using aggressive body language
- undermining or belittling someone
- any of the behaviours listed above, occurring on a single, repeated or habitual basis

(2) Examples of harassment include, without limitation:

- making abusive, derogatory, patronising, suggestive or sexualised comments or sounds
- making jokes or insulting gestures or facial expressions
- ridicule
- offensive e-mails, tweets or comments on social networking sites
- trolling via social networking sites
- threats of aggression or intimidation
- making false and malicious assertions
- intrusive questioning about private matters
- display of offensive material
- unwanted comments on dress or appearance
- any of the behaviours listed above, occurring on a single, repeated or habitual basis

Item 5c

Eastbourne Borough Council Constitution
Part 5 – Codes and Protocols
Updated: February 2021

STRONGER together



Lewes District Council



Working in partnership with Eastbourne Homes

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Code of conduct Policy

1. Introduction

- 1.1. This Code is designed to ensure that the integrity of the council, its employees and its workers (casuals, agency and consultants) is maintained and that there is clear guidance on the conduct required of them while working for the council.
- 1.2. The Code describes the conduct required in a range of circumstances which you may come across as part of your duties. These are detailed below, but they are neither exhaustive nor exclusive and other circumstances will arise where you will have to consider what conduct the council would expect.
- 1.3. In such circumstances, you should realise that the council's (and your) principal aim is to serve the public, who expect a high standard of integrity and service. You should therefore, avoid doing anything that could reflect adversely on the council. If any doubt exists as to the proper course of action, seek advice from your manager or Head of Service.
- 1.4. This Code sets out the minimum standards of conduct that employees and workers are expected to observe when carrying out their duties. You should take time to read this and make sure you understand it. If you require clarification you should speak to your manager.

2. Scope

- 2.1 The Code applies to all employees and workers. Failure to adhere to the Code may result in disciplinary action and in some cases criminal prosecution, or termination of a contract for services.

3. Standards

- 3.1 You are expected to give the highest possible standard of service to the public, and where it is part of your duties, to provide appropriate advice to councillors and colleagues with impartiality.
- 3.2 In performing your duties, you must act with integrity, honesty, objectivity and without bias.

- 3.3 Whether you work predominately in an office or from home you are expected to work efficiently and effectively, maintaining performance and standards as required by your Head of Service and in line with the Councils policies and procedures.
- 3.4 You are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any impropriety or breach of procedure which would impact on the provision of the service.
- 3.5 You must comply with the council's Vision and Values and Competency Frameworks and any council policies which may have a bearing on how to conduct yourself, e.g. Equality and Fairness Policy, Dignity at Work Policy.

4. Disclosure of Information and Confidentiality

- 4.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public.
- 4.2 You must be aware of which information the council is and is not open about, and act accordingly.
- 4.3 No confidential information, politically or commercially sensitive information should be released to anyone without authorisation from your manager. No personal information, which is protected by the General Data Protection Regulation and Data Protection Act, should be released to anyone without authorisation from either your manager, the council's Data Protection Officer, or Information Governance Manager.
- 4.4 You should not use any information obtained in the course of your work for personal gain or benefit, nor should you pass it on to others who might use it in such a way.
- 4.5 You must not deal direct with the press or the media in relation to anything related to council business unless required to do so as part of your duties, or you have been expressly authorised by the council's Press Office (Cobb PR).

5. Political Neutrality

- 5.1 You serve the council as a whole. It follows you must serve all the councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 5.2 As part of your work you may be required to provide advice to councillors or other employees. You must do so impartially and must not allow your own personal and political opinions to interfere with your work.
- 5.3 Certain posts are designated politically restricted by specific regulations. If you hold one of these posts, you will be required by law to observe certain restrictions regarding your out of work activities. For example, you may not:
- Stand for election to local authorities (except Town or Parish councils), the House of Commons or the European Parliament
 - Hold office in a political party
 - Canvass at elections, or
 - Speak or write publically on matters on party political lines

6. Relationships

6.1 Personal Relationships

You must declare to your manager in writing, using the Close Personal Relationships Form, any close personal relationship with someone at work to ensure that your impartiality, objectivity and honesty is not compromised.

6.2 Councillors

Mutual respect between employees and councillors is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between yourself and the individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

6.3 The Local Community and Service Users

You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the councils.

6.4 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

If you engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors you should declare that relationship to the appropriate manager.

7. Appointment and Other Employment Matters

- 7.1 If you are involved in the appointment of employees or workers, you should be aware that it is unlawful for you to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant or have a close personal relationship with the applicant.
- 7.2 You should not be involved in decisions relating to discipline, promotion or pay and conditions adjustments for another employee or worker who is a relative or with whom you have a close personal relationship.
- 7.3 The canvassing of any member of the councils', directly or indirectly, for any appointment under the councils' will automatically disqualify the candidate concerned for that appointment.

8. Conduct Outside of Work and Criminal Offences

- 8.1 You are expected to conduct yourself at all times (inside and outside of work) in a manner which will maintain public confidence in both your integrity and the services provided by the council. In general what you do outside of work is your personal concern, unless those actions would cause a breakdown in your relationship with the council.
- 8.2 This also extends to the use of social networking. Owing to the open nature of social media, control over this content is generally considered to have been lost once it hits the public domain regardless of the privacy settings of an account. Making derogatory personal comments

or offensive remarks about the council and/or other employees or workers could fall within the council's Dignity at Work policy, for which disciplinary action could result.

- 8.3 You must inform your manager if you are arrested/convicted/cautioned of a crime and if arrested must notify the manager of the development and outcome of the case as soon as it happens.
- 8.4 Disclosing all convictions does not necessarily mean disciplinary action will be taken against you. The extent to which a criminal offence may affect employment depends on whether the conduct:
- makes the employee unsuitable for their work; and/or
 - may reflect adversely on the council's reputation or ability to perform its function
- 8.5 Employees sentenced to immediate imprisonment may be dismissed without notice or compensation in lieu of notice.
- 8.6 Where it is deemed that there is an adverse impact on your employment, the council's Disciplinary Procedure will apply.

9. Additional Employment and Private Professional Work

- 9.1 You should not undertake additional employment (paid or unpaid), if your proposed additional work either will or has the potential to:
- breach employment legislation
 - conflict with or detrimentally affect the council's interests
 - weaken public confidence in the council
 - affect your ability to undertake your council work

If in any doubt you should seek advice from your line manager.

- 9.2 You should not carry out private professional work within the Eastbourne Borough or Lewes District which involves making an application as a statutory authority for any form of permission or approval; or handle any matter in a private capacity in which you could find yourself in a professional relationship with the council, including your own colleagues.

10. Personal Interests

- 10.1 Personal interest must not conflict with your public duty. An official position or information acquired in the course of your work for the

council must not be used to further personal interests or the interests of others.

- 10.2 You must declare in writing, using the Register of Interests – Declaration Form, any:
- Financial or non-financial interest which could conflict with the council's interests
 - Interest in an existing or proposed contract with the council
 - Membership of any organisation or club which could result in a conflict with the council's interests, or of any organisation or club which is not open to the public and which has secrecy about its rules
- 10.3 You may have dealings with the council on a personal level, for instance as a council Tax payer, as a tenant, or as an applicant for a grant or a planning permission. You should never seek or accept preferential treatment in these dealings because of your position as an employee or worker of the council. You should also avoid placing yourself in a position that could lead the public to think that preferential treatment is being given: for instance, by being in substantial arrears to the council, or by discussing a planning application personally with officers when other members of the public would not have the opportunity to do so. Likewise, you should never use your position as an employee or worker of the council to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.
- 10.4 The council views failure to pay any money due to itself as likely to bring the council's own reputation into disrepute. It is for the council to demonstrate an individual's liability for any payment, and to institute recovery procedures. But any persistent failure to pay a legitimate demand presented in this connection will be dealt with within the framework of our agreed Disciplinary Procedure.
- 10.5 No officer or servant of the council shall become security for or engage in any loan transaction with any other officer or servant of the council.

11. Equality Issues

- 11.1 You are expected to work to eliminate discrimination, promote equality and good relations.
- 11.2 You should ensure that policies relating to equality issues in addition to the requirements of the law are complied with.

- 11.3 All members of the local community, customers and other colleagues have a right to be treated with fairness and equity.

12. Separation of Roles during Tendering

- 12.1 If you are involved in the tendering process and dealing with contractors you should be clear on the separation of client and contractor roles within the councils.
- 12.2 Senior employees and workers who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.3 If you are a contractor or client service area you must exercise fairness and impartiality when dealing with all customers', suppliers, other contractors and subcontractors.
- 12.4 If you are privy to confidential information on tenders or costs for either internal or external contractors you should not disclose that information to any unauthorised party or organisation.
- 12.5 If you are contemplating a management buyout you should, as soon as you have formed a definite intent, inform the appropriate manager to withdraw from the contract awarding process.
- 12.6 You should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13. Safeguarding of Children and Vulnerable Adults

- 13.1 The Children's Act 2004 includes a specific duty on councils to have regard to the need to safeguard and promote the welfare of children and to co-operate with other agencies to improve the wellbeing of children and young people, therefore all employees and workers are expected to work to promote safeguarding within the councils and with members of the public.
- 13.2 You should ensure that all policies relating to Safeguarding of Children and Vulnerable Adults as agreed by the councils are complied with in addition to the requirements of the law.

- 13.3 You have a responsibility to report any safeguarding concerns over the welfare of children, young people or vulnerable adults. This extends to the identification of signs of abuse; poor practice by employees and workers, councillors and others acting for or on behalf of the councils, and allegations brought to our attention by a member of the public in line with the Safeguarding Policy.

14. Use of Finance and Other Resources

- 14.1 You must ensure that public funds entrusted to you are used in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the councils.
- 14.2 You must not utilise property, vehicles, equipment, materials or other facilities of the councils for personal use unless authorised in advance to do so. You must comply with the councils' Financial Procedures.
- 14.3 Intellectual property is property which enjoys legal protection and is a result of intellectual effort, including patents, copyright, trademarks, design and software. Where developed in the course of your duties, such intellectual property is the property of the councils. You should not make use of the council's intellectual property to conduct private work.

15. Corruption

- 15.1 You must be aware that it is a serious criminal offence for you to solicit or receive or give any gift, loan, fee, reward or advantage for doing, or neglecting to do something or showing favour, or disfavour, to any person in your official capacity. If an allegation is made it is for you to demonstrate that any such rewards have not been corruptly obtained.

16. Acceptance of Hospitality and Gifts

- 16.1 You should exercise discretion in offering or accepting hospitality. It is essential that any suggestion or improper influence should be avoided. If you are in any doubt about the right course of action to take you should always seek the advice of your manager.
- 16.2 You should only accept hospitality if there is a genuine need to impart information or represent the council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the council should be

seen as represented. They should be properly authorised and recorded.

- 16.3 You should also ensure that accepting the hospitality does not create a conflict of interest and is not likely to cause embarrassment to the councils.
- 16.4 Your acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the council gives consent in advance and where the council is satisfied that any purchasing decisions are not compromised.
- 16.5 You must not, either directly or indirectly, accept any gift, reward or benefit from any member of the public or any organisation with whom you are brought into contact by reason of your duties. The only exceptions to this rule are:
- small gifts under the value of £10 given by way of trade advertisements to a wide range of people, e.g. calendars, diaries, pens, mugs and similar articles for use in the office
 - small gifts under the value of £10 offered during official authorised hospitality e.g. gifts on the conclusion of any courtesy visit of a type normally given by that organisation
 - small gifts or tokens of appreciation under the value of £10 where the donor is a service user or client and where refusal would cause offence
- 16.6 You should handle the refusal of gifts and hospitality with tact – courteously and firmly informing the donor of the procedures and standards operating within the council.
- 16.7 In the event of you receiving a gift without warning, which does not fall in any of the exceptions mentioned above including inducements such as air miles, trading discounts, vouchers or offers of hospitality must be reported to your Head of Service and a Gifts & Hospitality Declaration Form completed.
- 16.9 The use of personal loyalty cards whilst making purchases on behalf of the council is unacceptable. It may bring into question the impartiality of the use of that supplier.

17. Sponsorship – Giving and Receiving

- 17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender,

negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

- 17.2 Where the councils wish to sponsor an event or service neither you nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the councils through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved.

18. Health and Safety

- 18.1 You have a duty of care as prescribed in the corporate health and safety policy, and you must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

19. Personal Appearance

- 19.1 The appearance of our employees and workers can affect the way customers view the councils. You should be mindful of your overall appearance and wear appropriate clothing for your role ensuring that you look professional whilst carrying out your duties and responsibilities. If you are unsure what is appropriate for your role guidance can be sought from your manager.
- 19.2 Consideration must be given to health and safety and any personal protective equipment must be worn as required at all times.
- 19.3 If you are provided with a uniform you have responsibility to keep it clean and smart.
- 19.4 Good standards of personal hygiene are required and you are required to wear identity badges at all times whilst at work whilst carrying out work related duties.

20. Related Documents and Policies

Your attention is drawn to the following documents which should be read in conjunction with the Code of Conduct.

- Register of Interests – Declaration Form Gifts and Hospitality Declaration Form

- Close Personal Relationships in Employment Guidance
- Anti-Fraud and Corruption Policy
- Data Protection Policy
- Safeguarding Policy
- Social Media Policy
- Equality and Fairness Policy
- Dignity at Work Policy
- IT Acceptable Use Policy
- Drug and Alcohol Policy

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Section D

PROBITY IN PLANNING - A LOCAL CODE OF PRACTICE

1. Introduction

- 1.1 This Probity in Planning Code ("the Code") applies to all Eastbourne Borough councillors and officers involved in the planning function.
- 1.2 Planning has a positive and pro-active role to play at the heart of local government. Good planning stimulates growth and promotes innovation.
- 1.3 The planning system works best when members, officers and all other people essential to its effective operation clearly understand their roles and responsibilities.
- 1.4 Planning decisions involve balancing:
 - the needs and interests of individual residents and the community, with
 - the need to maintain impartial decision-making in what may be highly controversial circumstances.
- 1.5 This Code gives guidance on achieving this balance, taking into consideration the latest advice from a recent review (the Killian Pretty review) commissioned by the Government on all aspects of the planning application process. Whilst the Code is designed primarily for those members and officers involved in plan making and the development control process, it will also assist members of Standards Committee and those involved in Scrutiny when they deal with planning matters.

2. The General Role and Conduct of Councillors and Officers

- 2.1 Members and officers have different but complementary roles. Both serve the public however members are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers advise members and the Council and carry out the Council's work. They are employed by the Council, rather than by individual councillors. It follows that instructions may only be given to officers through a decision of the Council or its Cabinet or Committee. Any other system is open to question. A successful relationship between members and officers can only be based, upon mutual trust and understanding of each other's positions. This relationship and the trust which underpins it must never be abused or compromised.

- 2.2 Both members and officers are guided by Codes of Conduct. The Code of Conduct for members ("the Code of Conduct") supplemented by guidance from Standards for England, provides guidance for members. Officers who are Chartered Town Planners are guided by the RTPIs Code of Professional Conduct, breaches of which may be subject to disciplinary action by the Institute.
- 2.3 The Code of Conduct sets out the standards of behaviour required of councillors. It covers issues central to an ethical approach to Council business. These include the need for members to register and declare interests, and to maintain professionalism and integrity in their dealings with other members, staff and the public. The Code of Conduct impacts on the way in which members participate in the planning process. Of particular relevance to members making decisions on planning applications and planning policies is paragraph 6(a), which states that a member:
- “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”.
- 2.4 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process and strong opposing views are often held by those involved. Whilst councillors should take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so. Members who do not feel that they can act in this way should consider whether they are suited to serve on Planning Committee.
- 2.5 Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any members receiving, in their capacity as members, any gift or hospitality over the value of £25.00, to provide written notification of the details to the Monitoring Officer within 28 days of its receipt. Such details go into a register of gifts and hospitality which is open to inspection by the public. The Register of Member Hospitality and Gifts is maintained by the Democratic Services Team and is subject to review by the Monitoring Officer.
- 2.6 Similarly, during the course of carrying out their duties, officers may be offered hospitality from people who have an interest in a current or future planning proposal. Wherever possible offers should be declined politely. If the receipt of hospitality is unavoidable, officers should ensure that it is of a minimal level and declare its receipt as soon as possible.
- 2.7 Employees must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 enables restrictions to be imposed on their outside activities, such as membership of political parties

and serving on another Council. The Employees' Code of Conduct (which forms part of the Council's Constitution) also requires that staff act impartially.

- 2.8 Paragraphs 3(1) and 3(2)(d) of the Code of Conduct require members to treat others with respect; and not to do anything which compromises or which is likely to compromise the impartiality of those who work for or on behalf of the authority.
- 2.9 Planning legislation and guidance can be complex. Officers will ensure that members receive training on the planning process when they are first appointed to the Planning Committee. Members will also be updated regularly on changes to the legislation and/or procedures. Participation is essential for those members involved in making decisions on planning applications and on local development documents as it equips them to carry out their responsibilities lawfully.

3. Declaration and registration of interests

- 3.1 The Localism Act 2011 and the Code of Conduct place requirements on members regarding the registration and declarations of their interests and the consequences for members' participation in decisions, in light of those interests. Full guidance on personal and prejudicial interests is contained in the published guidance on the Code of Conduct. In addition, advice may be given by the Council's Monitoring Officer. The requirements must be followed scrupulously, and members should review their situation regularly as responsibility for fulfilling the requirements rests on individual members at all times.
- 3.2 The provisions of the Code of Conduct attempt to separate out the interests arising from the personal and private interests of the Councillor, from those arising from the Councillor's public life. Members should carefully consider the provisions of the Code if they might have an interest and they should also consider how that interest would be perceived by a member of the public with knowledge of the relevant facts.
- 3.3 The Register of Members' Interests is available for public inspection. It is the responsibility of the Monitoring Officer and is maintained by the Democratic Services team. A member must provide written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the member becoming aware of such changes.
- 3.4 An interest can either be personal or personal and prejudicial. The Code of Conduct defines these terms. Support and advice on these matters is also available on request from your Monitoring Officer.

- 3.5 A prejudicial interest would require withdrawal of the member from the Committee. However, where a member has a prejudicial interest in any business of the authority, s/he 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. Members should refer to Section 5 of this guidance if they wish to submit a planning application to their authority.
- 3.6 If a member with a prejudicial interest speaks at a Committee, they should withdraw after they have spoken. This is to ensure that they do not by their presence, influence, or seek to influence, a Committee during the debate.
- 3.7 Personal interests will not require withdrawals. Where a member considers they have a personal interest in a matter they must usually declare it, but it does not follow that the personal interest debars the member from participation in the discussion or voting.

4. Predetermination, predisposition or bias

- 4.1 In addition to declaration of personal and/or prejudicial interests, members of Planning Committee need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application. Failure to do so could lead to a legal challenge being taken to overturn the decision, to a complaint to the Local Government Ombudsman or to a complaint that a member has breached the Code of Conduct.
- 4.2 Members can have a legitimate predisposition in relation to a particular matter but must be careful to avoid predetermining a decision. Whilst members will often form an initial impression of a matter or issue, a distinction is drawn by the courts between a member having clearly expressed an intention to vote in a particular way before a meeting (predetermination) and a predisposition toward an initial view. Predisposition may occur where a member makes it clear that they are willing to listen to all material considerations presented at the Committee before deciding on how to exercise their vote on behalf of the community.
- 4.3 If the Planning Committee member has been lobbied by friends or others to promote or oppose a planning application, they will need to consider whether they have acquired a personal interest or not. Whether or not it is a personal interest, they need also to consider whether their view is likely to be regarded as predetermined. If they have predetermined their position, they should avoid being part of the decision-making body in relation to the relevant planning decision.
- 4.4 A Ward Councillor who is also a member of Planning Committee and wishes to campaign for or against a proposal, may speak at a Planning Committee on behalf of their constituents having declared their predetermined position.

A Councillor can continue to represent those ward interests as a spokesperson for their local community, notwithstanding their normal Planning Committee membership. However, in this situation they should declare their position and not take part in the vote to avoid accusations of bias.

4.5 Annual training will be held for members on the issues of declaration of interests, predetermination, predisposition, and bias as well as on the planning process generally. Members should make every effort to attend training events and should be aware that a record of the attendees is always kept. Members should comply with minimum standards, to be agreed by group leaders, in relation to attendance at Standards and Planning Training events. They should also comply with any system of review and appraisal which the Council implements.

4.6 Members should contact the Monitoring Officer at an early stage if they are concerned that they might have predetermined an issue, or that there might be an appearance of bias.

5. Development proposals submitted by members, officers and the Council.

5.1 Planning applications submitted by current or former members, officers and their close friends, and associates, can give rise to suspicions of impropriety, as can proposals submitted by the Council itself.

5.2 While the submissions are perfectly legitimate, it is vital for the Council to ensure they are handled in such a way that there are no grounds for accusations of favouritism. The following principles should therefore apply.

- Serving councillors who submit their own proposals to the Council, or act as agents for people pursuing planning matters, should not play any part in the decision-making process for those proposals.
- The Monitoring Officer should be informed of such proposals when they are submitted.
- Proposals should be reported to the Planning Committee as main items and not dealt with by the officers under delegated powers.

5.3 Consideration of a proposal from a member in these circumstances would normally be considered as a prejudicial interest under the Code of Conduct and as such the member would be required to withdraw from any consideration of the matter. The Code of Conduct also provides that the member should "not seek improperly to influence a decision about the matter". It is important to emphasise that "improperly" does not imply that a Councillor should have any fewer rights than a member of the public seeking to explain and justify their proposal to an officer in advance of consideration by a Committee.

- 5.4 A member with a prejudicial interest may now address the Committee where members of the public enjoy the same rights. However, the member should consider whether it would be wise to address the Committee in all the circumstances of the case and should consider carefully the nature of the prejudicial interest and his or her relationship, with the remainder of the Planning Committee.
- 5.5 Proposals for a Council's own development should be treated with the same transparency and impartiality as those of private developers.
- 6. Lobbying**
- 6.1 It is accepted that lobbying is a normal and perfectly proper part of the political process. Anyone who may be affected by a planning decision may seek to influence it through an approach to their elected Ward member or to a member of the Planning Committee.
- 6.2 However lobbying can lead to the impartiality and integrity of a member being called into question unless care and common sense is exercised by all of the parties involved. When being lobbied, councillors (and members of the Planning Committee in particular), should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on an issue before they have been exposed to all the evidence and arguments (see the paragraphs on predetermination above). In discussions with members of the public, councillors should restrict themselves to giving procedural advice about the planning process. They should suggest to those who are lobbying, that they should speak or write to the relevant officer, so that their opinions can be included in the officer's report to the Committee. If members do express an opinion they should make it clear that it is purely provisional and that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at Committee.
- 6.3 Where a member has a prejudicial interest in any business of the authority s/he may attend the meeting as long as it is purely for the purpose of making representations because the Council's procedures allow for members of the public to attend the meeting for the same purpose.
- 6.4 If that member responds to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it, they will have predetermined their position. If that member speaks on behalf of a lobby group at the Decision-Making Committee, they should withdraw afterward to avoid any possibility of suggestion that members of the Committee had been influenced by their continuing presence.
- 6.5 Councillors have a responsibility to strike the right balance between a duty to be an active local representative and the requirement, when taking decisions on planning matters, to take account of all arguments in an open-minded way.

6.6 When considering planning applications or proposals for inclusion in the local development framework members should bear the following in mind:

- Political group meetings must not be used to decide how planning committee members should vote on an application at Committee. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration by the Local Government Ombudsman.
- Planning Committee members should, in general, avoid organising support for or against a planning application and must avoid lobbying other members. Such actions can easily be misunderstood by the parties to the application and to the general public.
- Members should not put improper pressure on officers to make a particular recommendation and should not do anything which compromises, or is likely to compromise, the officers' impartiality. Members must refrain from seeking to influence the outcome of any officer's recommendation or any decision which has been delegated to an Officer.
- When a member is considering whether he or she should call-in an application for determination by the Committee, they should state clearly in writing the reason for the call-in so there is a record of the decision. Their reasons should refer solely to material planning considerations.

7. Pre-application discussions

7.1 Recent Government initiatives have recognised the need to allow and encourage members to be engaged in pre-application discussions on major developments as part of their role as champions of the community. There is a danger however, that involvement in these discussions could lead to accusations of pre-determination when the subsequent application comes before the Committee for determination. It is important therefore that there is clarity at the outset that any discussions will not bind the Council to make a particular decision and that any views expressed in the process are personal and provisional. To ensure that any advice given is based on the Development Plan and material considerations, officers should be present when councillors are involved in pre-application discussions. Members should avoid giving advice on a Development Plan or material considerations as they may not be aware of all of the issues at an early stage. Officers should deal with any negotiations to ensure that the authority's position is co-ordinated.

7.2 A written note should be made of all meetings and the matters discussed should be confirmed in a follow-up note or letter which will be placed on the file as a matter of public record. There may sometimes be a need for confidentiality but this need can be exaggerated and confidentiality of advice

by representatives of the public body on a planning matter will rarely be justified even where the applicant's interest is sensitive. If there is a legitimate reason for confidentiality, there should be a separate note of the non-confidential issues raised which should be placed on the record in the normal way.

- 7.3 The LGA has produced an up-dated leaflet entitled "Positive Engagement – A Guide for Planning Councillors" (2008) which gives practical advice to planning councillors anticipating involvement in discussions with developers, their constituents and others about planning matters. The text of the leaflet is set out in the appendix to this document and forms part of this Planning Code.
- 7.4 Pre-application discussions should take place only in accordance with the advice in the leaflet and other guidance issued to assist members and officers. Although the term "pre-application" has been used in this Code, the same considerations should apply to any discussions which take place, for example on planning policy documents, before a decision is taken.
- 7.5 Consideration should be given as to when to involve other consultees and members of the community in pre-application discussions on major applications. The procedures followed will depend on the significance and extent of the application proposals and level of public interest. Officers and members should refer to the Statement of Community involvement which sets out guidelines for the pre-application stage of the planning process.
- 7.6 Other mechanisms are available to involve members in pre-application discussions. These include:
- Information reports to Committee on discussions which the officers have carried out. This enables members to identify items of interest, to seek further information and raise issues for consideration.
 - Presentations by developers to Committees.
 - Ward member briefings by officers. This enables officers to advise members of the content of initial pre-application meetings held.

8. Officer reports to committees

- 8.1 The Courts and the Ombudsman have advised that officer reports on planning applications must have regard to the following points:
- They should be accurate and cover the substance of any objections and the views of those consulted.

- Relevant information should include a clear exposition of the Development Plan; site or related history; and any other material considerations.
- They should include a written recommendation of action. Additional oral reporting at the meeting should be avoided except to update a report and should be carefully minuted.
- The report should contain technical appraisals which clearly justify a recommendation.
- If the recommendation is contrary to the provisions of the Development Plan, the material considerations which justify the departure must be clearly stated.

8.2 It is particularly important for the report to cover this final point, not only as a matter of good practice but because failure may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and the Council's statutory duty to determine applications in accordance with the plan under Section 38A of the Planning and Compensation Act 2004.

9. Public speaking at planning committees

9.1 The rules and procedures on public speaking at Planning Committee are set out in Part 4 of the constitution - Council Procedure Rules. Those speaking should be asked to limit their presentations to the clarification of representations already made in writing to the Council.

9.2 Documents not previously submitted should not normally be circulated to the Committee as all parties may not have had time to react to the submissions and members may not be able to give proper consideration to them. Also, officers may not be able to provide considered advice on any material considerations arising. This should be made clear to those who intend to speak. The acceptance of circulated material could imply a willingness to take the necessary time to investigate any issues raised and lead to the need to defer the application or risk a complaint about the way a material has been considered. For similar reasons messages passed to members sitting in Planning Committee should be avoided. Care needs to be taken at all times to avoid the appearance of external influence or bias.

10. Decisions contrary to officer recommendation and/or the development plan

10.1 As mentioned in Section 8.2 of this Code, the law requires that decisions should be taken in accordance with the development plan unless material considerations indicate otherwise (Section 38A – Planning Compensation Act, 2004). This gives rise to two main issues. Firstly, all applications which

are not in accordance with the development plan must be identified and advised as such. Secondly, if it is intended to approve an application which is contrary to the Plan, the material considerations leading to this conclusion must be clearly identified and an explanation given as to how these considerations, justify overriding the Plan. In certain circumstances the application may then have to be referred to the relevant Secretary of State. If the officer's report recommends approval of a departure from the Plan, the justification for this should be included in full in that report.

- 10.2 Where Planning members are predisposed (not predetermined) to make a decision contrary to officers' recommendations they should if possible discuss their views with planning officers before the Planning Committee with a view to forming tentative reasons for their decision. Alternatively, the meeting can be adjourned for the reasons to be discussed in detail. If there is a strong objection from the officers regarding the validity of the reasons, members should consider deferring the matter to another meeting for the draft reasons to be tested and discussed. In cases like this a site visit should be arranged.
- 10.3 If the Committee makes a decision contrary to the officer's recommendation (whether for approval or refusal), members should clearly state their reasons and a detailed minute of those reasons will be made and placed on the application file. The reasons given by members should observe the principles of reasonableness and should be based on all relevant information before them (i.e. the material planning considerations) and should not take into account any irrelevant information. In the case of householder applications, the minute of the decision will comprise the Council's entire case in the event of an appeal. The planning officers and/or the legal adviser present at the meeting should be given an opportunity to explain the implications of a decision being taken contrary to the officer's recommendation. Unless the reasons given by the members are reasonable and relevant to the issues in the application, the decision may give rise to a legal challenge.
- 10.4 The Courts have expressed the view that Committees' reasons should be clear and convincing. The personal circumstances of an applicant or any other non-material considerations which might cause local controversy will rarely provide such grounds.

11. Committee Site Visits

- 11.1 In Eastbourne, where most application sites will be known to members and will be readily accessible, the need for deferring an application for a formal site visit to be carried out will rarely be necessary. These site visits can cause delay in the planning process as well as additional costs and should only be used where the expected benefit is substantial. The report on any application will always make it clear that the officers have visited the site and have identified material considerations on behalf of the Council.

- 11.2 If a formal site visit is carried out, the purpose, format and conduct will be clearly established at the outset and should be adhered to throughout the visit. Members should not allow site visits to be triggered by a request from the ward councillor unless the "substantial benefit test" applies.
- 11.3 Site visits should only be necessary if:
- The impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by the officers; or
 - There is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing or the proposal is particularly contentious.
 - Members propose to vote against the Officer's recommendation, and it is the view of the Officer that the grounds for doing so are weak and the decision would be likely to be overturned on appeal.
 - Where a large development is likely to be controversial, officers have the discretion to organise a site visit at an early stage in the planning process.
- 11.4 Individual councillors are encouraged to make site visits themselves and should, if necessary, contact the applicant to advise them prior to any such visits. However, during informal site visits members should take particular care that they follow the relevant provisions of the Code relating to the lobbying of councillors, pre-determination, bias and so on.

12. Review of Planning Permissions

- 12.1 On an annual basis, arrangements will be made for councillors to review a sample of implemented planning permissions, randomly chosen by councillors, in order that the quality of the decisions can be assessed. The review should include examples from a broad range of categories, such as major and minor development, permitted departures, upheld appeals, allowed appeals on overturns, Listed Building work and enforcement cases.

13. Complaints and Record Keeping

- 13.1 The Council has its own local complaints procedure which is set out separately.
- 13.2 In order that complaints can be fully investigated, record keeping on planning matters will be complete and accurate. Every planning application and enforcement file will contain an accurate account of events throughout its life, including records of all relevant meetings and telephone conversations.

- 13.3 Where a planning application is dealt with under the delegated procedure, a complete record will be kept of the planning considerations, including the objections and other representations taken into account in determining the application.

APPENDIX

Positive Engagement - A Guide for Planning Councillors - LGA guidance

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. However, difficulties can be avoided if you follow these useful general hints:

Do

- always involve officers and structure discussions with developers.
- keep your register of interests up to date.
- follow your local authority's planning code.
- be aware of what predisposition, predetermination and bias mean in your role – ask your monitoring or planning officer and refer to the Standards Board Occasional Paper on predetermination, predisposition and Bias if unsure.
- be aware of what personal and prejudicial interests are – refer to your monitoring officer and the Standards for England website if you are unsure.
- recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role.
- inform officers about any approaches made to you and seek advice.
- ask for training from your authority in probity matters.
- be prepared to hold discussions with an applicant and your officers before a planning application is made, not just after it has been submitted to your authority.
- preface any discussion with disclaimers; keep a note of meetings and calls; and make clear at the outset that discussions are not binding.
- stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning.
- familiarise yourself with your authority's Code of Conduct and follow it when you are representing your authority.

- use meetings to show leadership and vision.
- recognise that you can lobby and campaign but that this may remove you from the decision-making process
- feed in both your own and your local community's concerns and issues

Do not

- use your position improperly for personal gain or to advantage your friends or close associates.
- attend meetings or be involved in decision-making where you have a prejudicial interest under the Members Code of Conduct - except when speaking when the general public are also allowed to do so.
- Accept gifts or hospitality.
- Compromise the impartiality of people who work for your authority.

- encourage positive outcomes.
- be aware that you can engage in discussions, but you must have and be seen to have an open mind at the point of decision making.

- meet developers alone or put yourself in a position where you appear to favour a person, company or group – even 'friendly' private discussion with a developer could cause others to mistrust your impartiality.
- invent local guides on probity in planning which are incompatible with current guidance – look for commonly held and common-sense parallels in other authorities or the principles set out in national guidance.
- seek to influence officers put pressure on them to support a particular course of action in relation to a planning application.
- prejudge or be seen to prejudge an issue if you want to be a decision maker on a proposal.

Item 5e

Eastbourne Borough Council Constitution
Part 5 - Codes and Protocols
Updated - April 2011



Section E

PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION

- 1.1 The purpose of this Protocol is to guide Councillors and Officers in their relations with one another.
- 1.2 This Protocol cannot be fully prescriptive or comprehensive given the variety and complexity of such relations. As such it provides a guide and the principles can be applied to other issues which may arise.
- 1.3 This Protocol seeks to build on existing arrangements and promote greater clarity and certainty.

2. ROLES OF THE COUNCILLOR AND THE OFFICER

2.1 Key tasks of Councillors are as follows:-

- Approve and review policies and strategies.
- Approve and monitor the budget.
- Set levels and standards for the delivery of services and programmes.
- Overview and scrutiny of policy and service delivery.

The roles, responsibilities and duties of Councillors set out in greater detail in Part 3 of this Constitution.

- 2.2 The responsibilities of Officers for decision making are set out in the Council's Scheme of Delegation to Officers in Part 3. All such delegation is subject to its exercise in accordance with Council approved policies and budgets. In many instances prior consultation with Councillors is required however, the decision rests with the Officer. The Officer must ensure that decisions made in these circumstances are properly recorded and agreed by the Councillor consultees. If a Councillor consultee does not agree the proposal the matter must be referred to a decision-making body (e.g. Cabinet, Planning or a Licensing Committee).
- 2.3 Much of the day to day management of the authority is exercised by Officers and it would generally be inappropriate for Councillors to seek to have an influence over such arrangements other than through recognised channels such as their participation in Task Groups and on Scrutiny Committee.

- 2.4 All Officers are to be politically neutral in their work, that is to say, they must not show preference or emphasis or judgement that appears to favour one political party rather than another. For those Officers whose posts are “politically restricted” under the terms of the Local Government and Housing Act 1989 restrictions are placed upon their undertaking political activity outside of work.

3. TRUST, COURTESY AND RESPECT

- 3.1 All Officers and Councillors should undertake their roles in a way that will earn the respect of others. This will build and sustain a culture of trust and confidence essential for the effective operation of the Council.
- 3.2 Comments about the character or ability of another Officer or Councillor should never be made in public. Any such views should be aired between individuals in private or if necessary, through formal channels as described more fully at paragraph 12 below.
- 3.3 Close personal familiarity between individual Officers and Councillors can damage the relationship and prove embarrassing to other employees. Inappropriate familiarity in public (e.g. at meetings, site visits etc.) can be damaging to the Council’s reputation and credibility. Other participants and onlookers may presume relationships and infer dealings that do not in fact exist.
- 3.4 Formal modes of address should always be used at meetings of the Council and other Council bodies (Councillor, Mr, Mrs, etc.) and should be assumed at other times unless the other party indicates that they would prefer to use forenames. At meetings, the Chairman, when calling an Officer to speak, should give the Officer’s job title (or explain their role) in order that onlookers may know the capacity in which they are speaking.
- 3.5 Councillors and Officers should never disclose confidential information.

4. CLOSE RELATIONSHIPS

- 4.1 Close friendships or relationships between individual Officers and Councillors can undermine trust and confidence, be embarrassing to other Officers and Councillors, give rise to suspicions of favouritism and be damaging to the Council’s reputation. Whilst this Protocol does not, and indeed cannot, forbid such relationships outright; Officers and Councillors should, nevertheless, seek to maintain a personal and professional distance to avoid any difficulty.
- 4.2 Where such a relationship cannot be avoided (family, other relationship through marriage etc.) or where other legitimate reason exists for the friendship or relationship to be maintained, the Head of Paid Service and the Councillor’s Party Group Leader must be informed in order that advice may be

given (and action taken if appropriate) with the objective of minimising any undesired potential consequences of the relationship.

5. PROVISION OF INFORMATION, BRIEFINGS AND ADVICE

- 5.1 The detailed arrangements for providing information, advice and briefings to Councillors and party groups are set out in the Procedural Rules in Part 4. The paragraphs below set out the general principles to be followed.
- 5.2 Party groups will normally give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council body. Officers may properly be called upon to support and contribute to such deliberations by party groups.
- 5.3 The support provided by Officers can take various forms. This can range from a briefing meeting with a chairman, or spokesperson, prior to a meeting on the one hand, to a presentation to a full party group meeting on the other. Whilst, in practice, such Officer support is likely to be most in demand from whichever party group is, for the time being in control of the Council, such support is available to all party groups.
- 5.4 Certain points, however, must be clearly understood by all those participating in this type of process, Councillors and Officers alike. In particular:
- (a) Officers' support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings when matters of party business are to be discussed.
 - (b) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
 - (c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Council body when the matter in question is considered.
- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Councillors. Such persons would not be bound by the Members' Code of Conduct (in particular, the provisions concerning the Declaration of Interests and Confidentiality) and for this and other reasons

Officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting.

5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

5.8 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant Group Leader.

6. SUPPORT SERVICES TO MEMBERS

6.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to members is to assist them in discharging their role as Councillors. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

6.2 The Head of Democratic Services maintains a guidance note detailing the support services that are available to Councillors.

7. LEADING COUNCILLORS AND SENIOR OFFICERS

7.1 The Leader, Cabinet Members, Committee Chairs of whatever party and the Opposition Leader, Deputy Leader and Spokespersons all have special roles and responsibilities and of necessity have greater need for advice and support from Senior Officers and a close working relationship will be required (e.g. between the Corporate Management Team and the Cabinet, between Senior Heads of Service and the Scrutiny Chairman, or between the Head of Planning and Chairman of the Planning Committee). However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Councillors and other party groups. Such relationships, therefore, must be guided by this Protocol and "leading" Councillors should not place unreasonable demands upon Senior Officers.

7.2 The time that such Councillors and Officers need to spend together will of necessity vary, however, as a general rule, it should be accommodated within an agreed routine and diaried and should be for no greater duration than for that required to deal with the business in hand.

8. PRE-AGENDA MEETINGS AND REPORTS

8.1 Pre-agenda meetings are to enable Officers to co-ordinate the business of the Council body in question and to provide an opportunity for briefing the Chairman and other invited Councillors.

- 8.2 Whilst the Chair will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his/her name.
- 8.3 Any unresolved difference in this regard may ultimately need to be brought to the attention of the Chief Executive and the Leader of the Council (or Leader of the Opposition in the case of Scrutiny where the Opposition Group holds the Chairmanship).
- 8.4 The exception to this is in the case of matters referred to Council from Council bodies (e.g. Cabinet) where the report is generally made in the name of the lead Councillor.
- 8.5 Additionally, a Councillor may submit a report to a Council body, (e.g. as Chairman of a Task Group or Panel) and the Councillor is entitled to ask for and receive advice on its content from an officer of the status of Head of Service or above.

9. PRESSURE

By a Councillor:

- 9.1 A Councillor should not apply any pressure on any Officer either to do anything that he/she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 9.2 A Councillor should not ask any Officer to work upon any matter that is the individual wish or personal project of that Councillor. Officers can only implement decisions of the Council and its decision-making bodies for which appropriate resources have been allocated. In the case of a Scrutiny Committee the power to require Officers to undertake work on its behalf is subject to the agreed protocols relating to Scrutiny.
- 9.3 A Councillor should not apply undue pressure, whether formally or informally, to determine the priorities of an Officer.
- 9.4 A Councillor raising any issue with Officers should first address him/herself to the relevant Senior Head of Service or Head of Service but is asked to accept that thereafter he/she may be directed to another Officer.

By an Officer:

- 9.5 Similarly, an Officer should not seek either to influence an individual Councillor to make a decision in their favour, or to intervene.

- 9.6 The Council has formal procedures for consultation with staff, handling grievances and the discipline of staff and these should be followed. An Officer must not raise with any Councillor personal matters to do with their job, nor raise issues relating to any other Officer.

10. INVOLVEMENT OF COUNCILLORS IN STAFFING MATTERS

- 10.1 Only appointments at Chief Officer level are made by Councillors (either by Full Council in the case of the Head of Paid Service or by a committee of councillors in the case of other chief officer appointments – this includes the appointment of the Chief Finance Officer and the Monitoring Officer) . All other staff appointments are the responsibility of the Head of Paid Service or an officer with delegated authority.
- 10.2 As Head of Paid Service, the Chief Executive is responsible for securing the effective management of all other staff of the authority in accordance with the Council's personnel standards. Councillors are responsible for setting and reviewing the standards, but their implementation is for the Chief Executive and other Council Officers. Councillors will, however, serve on the Joint Staff Advisory Committee, Joint Appointments and Appeals Committee and other such panels convened to deal with disciplinary, grievance and grading appeals in accordance with Officers' terms and conditions of employment.
- 10.3 The management and discipline of the Chief Executive will, however, be undertaken by Councillors in accordance with the Chief Executive's terms and conditions of employment, Council Rules of Procedure and associated legislative requirements.

11. COUNCILLORS VISITS TO OFFICES, ETC.

- 11.1 It is important for Councillors to have opportunities to meet and discuss issues with Officers. However, it must be recognised that these discussions should, wherever possible, be arranged in advance. Officers cannot be expected to set aside their activities to see Councillors who drop in on a casual basis.
- 11.2 Councillors are asked not to spend time in the workstations or offices of employees unless they are there on a specific item of Council business and by prior arrangement or appointment.
- 11.3 When Councillors visit Officers (or, indeed, when an Officer has occasion to visit a Councillor) a mutual obligation exists to ensure that the Officer's Head of Service is aware of the visit and its purpose. It may not, however, be necessary to notify each and every visit in circumstances where the visit is part of a known on-going arrangement for briefing or consultation. Councillors must also conform to all relevant security requirements for that particular building.

12. WHEN THINGS GO WRONG

- 12.1 If either Officer or Councillor is dissatisfied with any aspect of their working relationship or believe that the obligations of this protocol have been breached (disagreement, difference of opinion, apparent misunderstanding, failure to take action, or whatever arising), prompt action must be taken to resolve the issue.
- 12.2 It will depend on the nature of the breach as to whether the issue can be resolved through informal discussion or if more formal steps are required. The procedure required for formal action is described below (see introductory note at paragraph 12.7), however, it is considered that in the majority of instances, an informal approach should provide for a satisfactory outcome.

Raising the Issue:

- 12.3 The Councillor should raise the issue with the employee's Head of Service. The Councillor may wish to discuss the issue with their Party Group Leader and can seek advice from the Chief Executive or the Monitoring Officer.
- 12.4 The Officer should inform and seek advice from their Head of Service at a very early stage.

Dialogue:

- 12.5 Where the Head of Service, through discussion with the parties, is able to resolve the issue to the satisfaction of all concerned, no further action is required. The Head of Service may seek to achieve this through sponsoring a meeting between the parties. Many potential problems result from poor communication – a lack of understanding of the other's needs, wants, expectations or point of view. Relationships should not be allowed to sour through lack of effort to communicate.
- 12.6 Note, where the Head of Service or Senior Head of Service is the employee directly concerned in the issue, the lead in resolving the issue should be taken by the Deputy Chief Executive or the Chief Executive as appropriate.

Formal Action

- 12.7 Formal action may be taken where either dialogue has been unsuccessful or where the alleged breach of protocol is considered to be sufficiently serious as to warrant immediate commencement formal action.
- 12.8 The Councillor may make a written complaint against the employee to the Chief Executive. The complaint will be acknowledged within five working days and a copy will be sent to the Councillor's Party Group Leader, the Officer concerned and to the employee's Head of Service and Senior Head of Service. The Head of Paid Service shall require the Officer's line manager to

investigate the complaint and, if appropriate, to apply the Council's agreed disciplinary procedure.

- 12.9 The initiation of disciplinary action shall be for the Officer's manager to decide and this shall not be the concern of the Councillor. The Councillor and Party Group Leader shall be informed of the outcome of disciplinary action.
- 12.10 The Officer may make a written complaint against the Councillor. The Council's agreed procedures for handling complaints against Councillors shall then be followed. This may eventually require the involvement of the Council's Standards Committee.

13. LIST OF OTHER IMPORTANT CODES AND PROTOCOLS:-

- Members' Code of Conduct
- Officers' Code of Conduct
- Personnel Standards (EBC)
- Rules of Procedure (EBC)
- Probity in Planning – A Code of Practice (EBC)

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Eastbourne Borough Council Constitution
Part 5 – Codes and Protocols
Updated November 2020



Section F

Arrangements for dealing with standards allegations under the Localism Act 2011

Information relating to the arrangements for dealing with complaints against councillors may be viewed on the Council's website at [Complaints against councillors - Lewes and Eastbourne Councils \(lewes-eastbourne.gov.uk\)](http://www.eastbourne.gov.uk/complaints-against-councillors).

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SECTION G

EASTBOURNE BOROUGH COUNCIL'S LOCAL CODE OF CORPORATE GOVERNANCE

Introduction

Corporate governance is a term used to describe the way that organisations direct and control what they do. For local authorities, it includes the systems, policies and processes as well as the cultures and values that underpin a Council's arrangements for effective:

- Leadership
- Management
- Performance
- Delivery of positive customer outcomes
- Community engagement
- Stewardship of public money

Good Corporate Governance

Eastbourne Borough Council is committed to the principles of good corporate governance identified in the CIPFA/SOLACE guidance "Delivering Good Governance in Local Government" and confirms its on-going intentions through the adoption, monitoring and development of its own Local Code of Corporate Governance. The Council recognises that achieving high standards of corporate governance will encourage the public in the Borough and other stakeholders to have confidence in us and will allow the Council to undertake its role with its community.

This document sets out the Eastbourne Borough Council's Local Code of Corporate Governance and the processes for monitoring its effectiveness. The Code provides the framework for the Council to achieve its aims and objectives. It applies to all staff, elected Councillors and any person, agent, contractor or other body carrying out functions on behalf of the Council.

The processes for monitoring its effectiveness are:

- Reviewing the operation of the Code on an annual basis through the preparation of the Annual Governance Statement;
- Ongoing monitoring a review;

- Reporting to the Audit and Governance Committee annually on compliance with the Code and any significant changes that may be required to ensure its continued effectiveness; and
- Reporting to the Audit and Governance Committee any updates or changes to the CIPFA/ SOLACE guidance and how they impact the Code.

The code has seven core principles:

Core Principle A: Behaving with integrity, demonstrating commitment to ethical values and respecting the rule of law.

Core Principle B: Ensuring openness and comprehensive stakeholder engagement.

Core Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits.

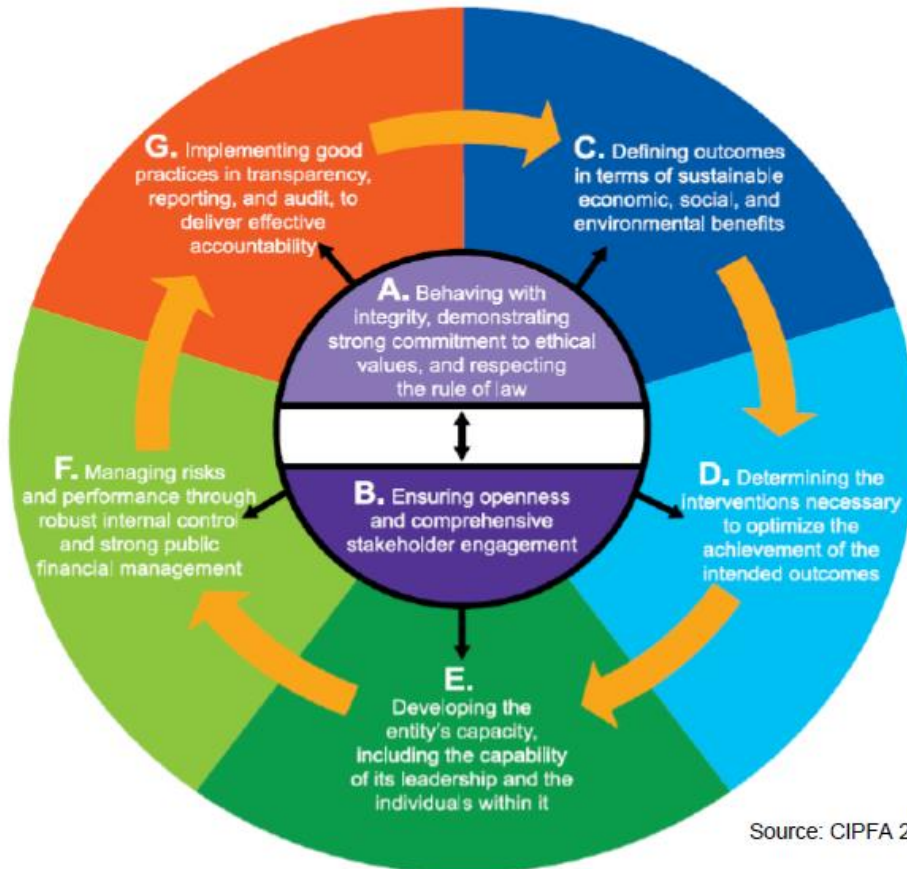
Core Principle D: Determining the interventions necessary to optimise the achievement of outcomes.

Core Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it.

Core Principle F: Managing risks and performance through robust internal control and strong public financial management.

Core Principle G: Implementing good practices in transparency, reporting and audit, to deliver effective accountability.

**Achieving the Intended Outcomes
While Acting in the Public Interest at all Times**



The diagram above is taken from the International Framework: Good Governance in the Public Sector 2014. It illustrates the principles of good governance in the public sector and how they relate to each other. Principles A and B influence principles C to G. It also shows the good governance is an ongoing process and that Council's (and other public sector bodies) should be committed to improving governance on a continuous basis through a process of evaluation and review.

The following table sets out how the Council will meet these core principles. In particular:

- The core principles and supporting principle from the Framework,
- How the Council will achieve these principles, and
- The evidence of achievement.

Principle A – Behaving with Integrity, demonstrating strong commitment to ethical values, and respecting the rule of law:

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Behaving with Integrity • Demonstrating Strong Commitment to Ethical Values • Respecting the Rule of Law 	<ul style="list-style-type: none"> • Publish an Annual Governance Statement which reviews the effectiveness of the Council’s governance framework. • Maintain an Assurance Group with responsibility for monitoring this framework and governance matters. • Maintain shared values which underpin an ethos of good governance communicated in Organisational Values & Behavioural Standards. • Comply with legislation and all relevant professional standards. • Maintain formal codes of conduct defining standards of behaviour expected of both Councillors and Officers. • Publicise Gifts and Hospitality Guidelines. • Maintain a policy framework to address the risks of fraud and corruption including an Anti-Fraud & Corruption Strategy, Whistleblowing Policy and Anti Bribery Policy. • Maintain effective systems to protect the rights of staff, including a whistleblowing policy which is accessible and communicated. • Maintain a register of interests and seek declarations to be made at the start of Council meetings. • Maintain arrangements to investigate complaints against Members and Officers including alleged misconduct. • Maintain an effective Standards Committee. 	<ul style="list-style-type: none"> • Annual Governance Statement • Codes of Conduct • Organisational Values & Behavioural Standards (inc core competencies) • Full public access to Council meetings and associated minutes • Anti Fraud & Corruption Policy • Whistleblowing Policy • Anti-Bribery Policy • Audit Charter • Internal Audit Reports to the Audit & Governance Committee • Register of Interests • Register of Gifts & Hospitality • Complaints & Customer Feedback Policy • Contract Procedure Rules • Financial Regulations • Statement of Accounts • External inspection of the Statement of Accounts • Standards Committee • Council reports including implications from Finance and Legal Officers • The Constitution which includes: <ul style="list-style-type: none"> ○ Financial Procedure Rules ○ Contract Procedure Rules ○ Codes of Conduct for Councillors and officers ○ Scheme of Delegation to officers

Principle B - Ensuring openness and comprehensive stakeholder engagement:

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Openness • Engaging comprehensively with Institutional stakeholders • Engaging stakeholders effectively, including citizens and service users 	<ul style="list-style-type: none"> • Seek the views of its stakeholders and respond appropriately. • Provide a variety of opportunities for the public to engage effectively with the Council including rights to information, participation and how to complain or comment. • Ensure Council meetings are accessible. • Publish Agendas, minutes, report packs and a calendar for a full year for Council meetings. • Ensure compliance with requirements under the transparency code – published on the Council’s website under data transparency information. • Set a balanced budget. • Publish an Annual Statement of Accounts and Annual Auditors report to inform stakeholders and service users of the previous year’s achievements and outcomes. • Encourage and assist citizens to inspect the Statement of Accounts in accordance with regulations. 	<ul style="list-style-type: none"> • Periodic Residents Survey • Statement of Community Involvement • Full public access to Council meetings • Constitution • Medium Term Financial Strategy (MTFS) • Statement of Accounts • External Auditors report on Statement of Accounts • Public inspection of Accounts by citizens • Data transparency and publication scheme pages on the web site • Transformation Programme (ongoing)

Principle C - Defining outcomes in terms of sustainable economic, social, and environmental benefits

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Defining Outcomes • Sustainable economic, social and environmental benefits 	<ul style="list-style-type: none"> • Make a clear statement of the Council’s purpose and vision and use it as a basis for all corporate & service planning. • Publish on the Council’s website all annual reports to communicate the Council’s activities and achievements including its financial position and performance. • Prioritise resources to deal with competing demands and consider the impact of decisions in the medium term financial strategy. • Identify and manage risks to the achievement of outcomes. 	<ul style="list-style-type: none"> • Corporate Plan (Priority themes: prosperous economy; quality environment; thriving communities; sustainable performance) • Service plans • Statement of Accounts • External Auditors Letter & report • Medium Term Financial Strategy (MTFS) • Strategic Risk Reports

Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes:

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Determining Interventions • Planning Interventions • Optimising achievement of intended outcomes 	<ul style="list-style-type: none"> • Make a clear statement of the Council’s purpose and aims and use this as a basis for corporate and service planning. • Regularly report on key performance indicators which have been established across the various services. • Ensure budgets are prepared in accordance with organisational objectives and regularly reported upon. • Provide senior managers and Councillors with timely financial and performance information. 	<ul style="list-style-type: none"> • Corporate Plan • Corporate Performance Framework • Medium Term Financial Strategy • Regular finance and performance reporting to Cabinet • Transformation Programme (Ongoing)

Principle E – Developing the Council’s capacity, including the capability of its leadership and the individuals within it:

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Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Developing the entity’s capacity • Developing the capability of the entity’s leadership and other individuals • Implementing good practice in transparency • Implementing good practices in reporting • Assurance and effective accountability 	<ul style="list-style-type: none"> • Set out a clear statement of the respective roles and responsibilities of the Council’s Cabinet, Full Council and individual members through the Constitution. • Set out a protocol to address the working relationship between the Chief Executive and Leader enabling each to fulfil their respective roles. • Maintain an effective workforce plan to enhance the strategic allocation of resources. • Maintain officer and Councillor induction programmes. • Assess the skills required by officers through the appraisal process and address any training gaps to enable roles to be carried out effectively. • Develop the capabilities of Councillors through training • Regularly review the scheme of delegation and Constitution and update when required. • Ensure structures are in place to encourage public participation. • Ensure arrangements are in place to maintain the health and wellbeing of the workforce. 	<ul style="list-style-type: none"> • Constitution • Staff appraisals and training needs assessments • Effective induction programme • Protocol on Councillor/Office Relations • Councillor/ officer training • Periodic Residents Survey • Public participation arrangements • Occupational Health Policy • Staff Health and Wellbeing Strategy • Schemes of delegation for Councillors and officers • Workforce Strategy

Principle F – Managing risks and performance through robust internal control and strong public financial management:

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Managing Risk • Managing Performance • Robust Internal Control • Managing data • Strong public financial management 	<ul style="list-style-type: none"> • Maintain an effective Audit & Governance Committee independent of Cabinet & Scrutiny functions • Maintain an effective Scrutiny function • Ensure robust and integrated risk management arrangements are in place and responsibilities for managing individual risks are clearly allocated • Manage performance by ensuring the Corporate Performance Framework is adhered to • Ensure publication of agendas and minutes are published • Maintain regular programme of training for the Audit & Governance Committee to enable effective performance • Maintain financial regulations to ensure consistency and clear financial protocols • Maintain a transparent complaints and feedback procedure • Internal Audit annual risk based programme of internal audits informed by the Council's strategic risk register. • Ensure effective counter fraud and anti-corruption arrangements are in place • Ensure effective information governance arrangements are in place to support compliance with existing and emerging legislation for data protection and e-privacy • Ensuring financial management supports decision making and provides sufficient information to support the delivery of the Council's objectives. 	<ul style="list-style-type: none"> • Audit & Governance Committee • Regular reporting on risk matters to the Audit & Governance Committee • Risk Management Strategy • Standards Committee • Strategic Risk Register • Corporate Performance Framework • Regular Councillor training • Financial Regulations • Complaints & customer feedback procedure • Audit Charter • Regular Internal Audit reports to Audit & Governance Committee • Regular reports on results of Internal Audit work • Anti-Fraud & Corruption Policy • Fraud & Corruption Policy Framework • Annual Governance Statement • Information Governance Policies and Procedures covering data protection, information management and security, records management • Regular finance and performance reporting to Cabinet • Medium Term Financial Strategy • Monthly budget monitoring reports

Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability:

Supporting Principles	To achieve this Eastbourne Borough Council will:	This is evidenced by:
<ul style="list-style-type: none"> • Implementing good practice in transparency • Implementing good practices in reporting • Assurance and effective accountability 	<ul style="list-style-type: none"> • Maintain compliance with the local government transparency code and publish required information in a timely manner • Maintain effective and accessible arrangements for dealing with complaints • Maintain an effective scrutiny function which encourages constructive challenge • Maintain an effective Audit and Governance Committee independent of the Cabinet & Scrutiny Committee • Publish all Committee reports unless there is a legitimate need to preserve confidentiality on the basis of the statutory test • Maintain and communicate the Whistleblowing Policy • Ensuring performance information is prepared on a consistent and timely basis • Assurance Group meet monitor compliance with the Governance Framework including areas for improvement as part of the Annual Governance Statement process • Maintain an effective Internal Audit function which conforms to the Public Sector Internal Audit Standards (PSIAS) and the CIPFA Statement on the Role of the Head of Internal Audit 	<ul style="list-style-type: none"> • Data transparency and publication scheme pages on website • Publication of FOI procedures and dealing with FOI's within the required timescales • Information Governance policies and procedures covering data protection, information management and security and records management • Complaints and customer feedback Policy • Scrutiny Committee • Audit & Governance Committee • Whistleblowing Policy • Corporate Performance Framework • Annual Governance Statement • Audit Charter • Regular summaries of internal audit reports to Audit & Governance Committee • Opportunity for the Audit & Governance Committee members to meet both Internal & External Auditors privately • Internal audit quality assurance and improvement programme • Medium Term Financial Strategy • Regular Finance & Performance reports •

Glossary of Terms (in respect of the principles and sub principles in the Framework)

Accountability: The obligation of public sector organisations (*the Council*) to citizens and other stakeholders to account, and be answerable to, democratically chosen supervisory bodies (*e.g. external audit*), for their policies, decisions, actions, particularly in relation to public finances.

Assurance: Assurance is an evaluated opinion, based on evidence, on the Council's Governance, Risk Management and Internal Control framework. In simple terms, assurance is about knowing what is actually going on and having strong evidence to prove it. The Council needs assurance to ensure that its Governance arrangements are supporting the achievement of its objectives.

Capacity: The underlying governance and staffing structures of the Council necessary to remain fit for purpose.

Entity: The Council.

Ethical Values: Standards or principles that are commonly considered to be good.

Institutional Stakeholders: Organisation/ bodies that the Council needs to work with to improve services and outcomes for which it is accountable e.g. East Sussex County Council, Sussex Police, East Sussex Healthcare NHS Trust and the South Downs National Park.

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

Internal controls: Internal controls are the means by which managers ensure that systems and services work properly. Controls can include policies, procedures, plans, instructions, standards, supervision, checks and reconciliations, performance monitoring, budgets and a sound organisational structure in which systems can operate as they should.

Interventions: The means by which the public sector achieves its outcomes: These include:

- Enacting legislation or regulations.
- Delivering services.
- The ownership of assets or joint ventures.

Outcomes: The impacts on the community which occur as a result of the Council's outputs, existence and operations.

Outputs: The services provided by the Council to those outside of the organisation.

Rule of Law: Observing legal requirements.

Stakeholders: Any person, group or entity that has an interest in the Council's activities. Stakeholders include councillors, residents, customers, employees, external audit and suppliers.

Stakeholder engagement: Communication and consultation between the Council and its internal and external stakeholders.

Sustainability: The capacity of the Council to continue to survive successfully by meeting its intended economic, environmental and social outcomes while living within its resource limits.

Transparency: Openness about the outcomes the Council is pursuing, the resources necessary or used and the performance achieved.

Future Updates:

The content of this code is subject to modifications as a result of updates and to ensure that it remains relevant and fit for purpose. In the event that such modifications are required, responsibility for this will be undertaken by the Council's Monitoring Officer and Audit Manager in liaison with the Chair of the Audit and Governance Committee.

PART 7

EASTBOURNE BOROUGH COUNCIL

Members' Allowances Scheme

Introduction

Eastbourne Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) and the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003, hereby make the following Scheme:

1. Title and Effective Date

- 1.1 This scheme may be cited as the Eastbourne Borough Council Members' Allowances Scheme and shall have effect from 1 April 2020 to 1 April 2024.

Notes: Authority for this Scheme was given by the Council at its meeting on 15 November 2023 following consideration of a report by the Council's Independent Remuneration Panel.

2. Basic Allowance

- 2.1 Subject to paragraphs 9, 10, 11 and 12 below, for each year a basic allowance of an amount as specified in Schedule 1 to this Scheme shall be paid to each Councillor.

- 2.2 This allowance is intended to recognise the time commitment of all Councillors and is calculated from average number of hours involved, the average pay in Eastbourne by hourly rate, but also to reflect a voluntary public service discount (of 50%).

3. Special Responsibility Allowances

- 3.1 Subject to paragraphs 9, 10 11 and 12 below, for each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council and in the amounts that are specified in Schedule 1 to this Scheme. No one Councillor shall receive more than one annual Special Responsibility Allowance.

- 3.3 These allowances are intended to recognise the time devoted by those Councillors who have significant extra responsibilities, but also to reflect an element of voluntary public service discount.

4. Co-optees Allowances

- 4.1 There is currently no provision for the payment of allowances to co-opted members, but co-optees are entitled to claim travel and subsistence costs as per paragraph 6.2 below.

5. Dependant Carers' Allowance

- 5.1 Subject to paragraphs 9 and 10 below, the Council will pay allowances in respect of the costs necessarily incurred by Councillors in making arrangements for the care of children or other dependants living with them, to enable them to perform any of the duties listed in Part A of Schedule 2 to this scheme.
- 5.2 The Dependants' Carers Allowance is payable on two rates, general childcare and specialist care:
- Rate one for childcare will be at the market rate, reimbursed upon production of receipts, with no monthly maximum claim.
 - Rate two should be for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required.
- 5.3 Councillors must sign a certificate verifying that they have incurred the costs claimed and provide receipts. Payment will not be made where the carer is a member of the Councillor's family.

6. Travel Allowances

- 6.1 Subject to paragraphs 9 and 10 below, travel allowances shall be paid in accordance with the rates and conditions set out in Schedule 3 and in respect of the approved duties set out in Part B of Schedule 2 to this Scheme and will only be payable for activities outside of the Borough boundary.
- 6.2 Such an allowance may also be paid to co-opted members of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.

7. Subsistence Allowances

- 7.1 Subject to paragraphs 9 and 10 below, subsistence allowances shall be paid in accordance with the rates and conditions set out in Schedule 3 and in respect of the duties set out in Part B of Schedule 2 to this scheme, and will only payable for activities outside of the Borough boundary.
- 7.2 Subsistence allowances are a way of reimbursing expenditure which has been necessarily incurred when performing a qualifying duty. No claim may be made for a meal in circumstances where the Council has already paid for

a meal as part of a conference, seminar or other pre-booking and the member has chosen to take the meal elsewhere. When the cost of meals and accommodation is met by the Council direct, the accountable spending officer may use the provisions and rates of this Scheme as a guide. Due regard should also be taken of the Council's financial procedure and hospitality spending rules.

8. Allowances towards the costs of information technology expenses

8.1 All councillors are entitled to receive an allowance to offset their information technology (IT) costs. This is intended to help meet the costs of broadband and printing costs.

8.2 Subject to paragraphs 9, 10, 11 and 12 below, for each year an information technology allowance of an amount as specified in Schedule 1 to this Scheme shall be paid to all Councillors.

9. Payments and Claims

9.1 Basic, special responsibility and information technology allowances will be paid on the 25th day of the month to which they relate. Claims for travel and subsistence allowances, if submitted by the 9th day of the month together with any necessary supporting receipts, will be paid on the 25th day of that month.

9.2 The special responsibility allowances for the chairs and members of Licensing Sub-Committees shall be paid monthly in arrears and the Head of Democratic Services shall advise the payroll manager as to the number of Sub-Committees established and the membership thereof.

9.3 Claims for child and dependant care, travelling and subsistence allowances shall be submitted to the Head of Democratic Services within two months of the duty for which the allowance has been claimed. Claims received after the expiry of this period will only be paid in exceptional circumstances at the discretion of the Head of Democratic Services.

9.4 No claim may be made under this Scheme if reimbursement of expenses has been claimed or made from another public body or person in relation to those expenses.

Receipts and checks

9.5 Receipts or other proof that expenditure has been incurred should always be provided in support of any claim. It is the Councillor's responsibility to ensure that they are entitled to receive reimbursement under this scheme and they should not expect their claim to be checked prior to payment.

9.6 The Head of Democratic Services will normally forward all claims received to the Payroll Manager for payment. However, he may refuse or adjust any claim if, in his opinion, sufficient information has not been given to justify the

claim, or it appears to him that the claim is not in accordance with the provisions of paragraphs 5, 6 and 7 above.

Higher amounts in exceptional circumstances

- 9.7 Where the amounts actually paid by a Councillor exceed the allowances limits, the Head of Democratic Services may in exceptional circumstances, and, at his discretion, and after consultation with the Chief Finance Officer, approve the payment of a higher amount. Exceptional circumstances could include a situation in which a member would experience financial hardship or where it is evident that the member was unable to avoid the additional expense and that no alternative was available to the member.

Part-year adjustment

- 9.8 If a member becomes or ceases to be eligible for a basic, special responsibility or co-optees allowance during the course of a year the entitlement will be adjusted by reference to the number of days for which entitlement existed relative to the number of days in that year.

10. Indexing of Allowances

- 10.1 The basic allowance, special responsibility allowances and IT allowance shall be increased annually in line with the percentage increase in staff salaries until 1 April 2027, after which time the Scheme shall be reviewed again by an Independent Remuneration Panel.

11. Forgoing Allowances

- 11.1 Members who do not wish to receive payment of allowances (either in part or in full) shall notify the Head of Democratic Services in writing. Any entitlement up to and including the day before the election is received will be paid in accordance with the details under paragraph 9 (Payments and Claims) above.

12. Withholding Allowances

- 12.1 There are no provisions within this scheme that allow for the withholding of any allowance or part thereof from any member to which they are entitled by virtue of their election or appointment.

13. Parental Leave

- 13.1 A parental leave policy has been adopted with effect from 1 April 2020. This provides that:
- All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence;

- Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence; and
- Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972; and
- If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.

14. Records

- 14.1 Records of all payments made under this scheme shall be kept by the Payroll Manager in accordance with the requirements of the 2003 Regulations.

15. Publicity

- 15.1 This scheme shall be publicised in accordance with the 2003 Regulations.
- 15.2 A copy of this Scheme shall be published on the Council's website.
- 15.3 As soon as reasonably practicable after the end of a year to which a scheme relates the Head of Local Democratic Services shall publish the total sum paid to each member in respect of basic, special responsibility, information technology, travelling and subsistence, co-optees and childcare and dependant carers' allowances.
- 15.4 In the event that this Scheme is amended, a notice shall be published, in accordance with the 2003 Regulations.

16. Review of Scheme

- 16.1 The Council may request that this scheme be reviewed at any time. However, the scheme shall be reviewed not less than four years after the date first made in any event. The review shall be conducted by an Independent Remuneration Panel in accordance with the 2003 Regulations.

The following budgets do not form part of the Allowances Scheme and are included here for information only:

Mayor's Hospitality Budget

A Civic Dignitaries Allowance* is not paid by the Borough Council to its Mayor and Deputy Mayor. Instead, a hospitality budget is held by the Head of Democratic Services. It is to be used solely for the purpose of offsetting the cost of refreshments, gifts, etc. associated with civic receptions and visits by dignitaries. Payment of such costs will be managed and authorised by the Head of Democratic Services in consultation with the Mayor. (* payable under S.3(5) and S.5(4) of the Local Government Act 1972)

Corporate Hospitality Budget

This budget is held by the Head of Democratic Services and is used solely for the purpose of meeting the costs of refreshments and other hospitality costs associated with receptions, visits and meetings hosted by the Leader or other Cabinet members authorised by the Leader in furtherance of approved Council objectives and plans. Payment of such costs will be managed and authorised by the Head of Democratic Services in consultation with the Leader.

Independent Persons Payments

The Council appoints two Independent Persons (shared with Lewes District Council) whose views must be sought before any decision is taken on allegations of a failure to comply with the Code of Conduct by an elected or co-opted member of the Council, or a member or co-opted member of a Town/Parish Council within Lewes District, which the Council has decided shall be investigated. The Independent Persons are not appointed as members of the Council. The Council is obliged by law¹ to consult an Independent Person on such allegations and their time is compensated with an annual fee and hourly rate set by the Council.

Audit Independent Person Payment

The Council appoints an Audit Independent Person to sit on the Audit and Governance Committee, for a four year term. The next .

¹ Localism Act 2011

Schedule 1

AMOUNTS OF BASIC, SPECIAL RESPONSIBILITY, CO-OPTEEES, CHILD CARE AND DEPENDANT CARERS' ALLOWANCES

Recipient	Annual amount £	Number
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Basic Allowance:		
All Councillors	4,573	27

Special Responsibility Allowances:		
Mayor	4,573	1
Deputy Mayor	2,287	1
Leader of the Council	9,146	1
Deputy Leader of the Council	4,573	1
Other Cabinet Members	4,573	5
Chairman of Scrutiny Committee	3,658	1
Chairman of Audit and Governance Committee	2,287	1
Chairman of Licensing Committee	2,287	1
Chairman of Planning Committee r	3,658	1
Chair of Joint Staff Advisory Committee (when chaired by a Councillor)	1,395	1
Other Members of Planning Committee	2,287	7
Reserve members of Planning Committee	1,144	4
Leader of the Largest Opposition Group	4,573	1
Deputy Leader of the Largest Opposition Group	withdrawn	1

Chairman of a Licensing Sub-Committee*	100 per meeting
Ordinary Member of a Licensing Sub-Committee*	65 per meeting

Dependent Carers' Allowance	The Dependants Carers' Allowance is based on two criteria, general childcare and specialist care. Rate one for childcare will be paid at the market rate, reimbursed upon production of receipts, with no monthly maximum claim. Rate two will be paid for specialist care based at cost upon production of receipts and requiring medical evidence that this type of care is required. There should also be no monthly maximum claim.
Members Mileage Allowance	£0.45 per mile (car) (£0.05 per mile for each passenger up to 4 - must be either EBC members of employees)

	£0.24 per mile (motorcycle) £0.20 per mile (bicycle)
IT Allowance	£429 per annum
Indexing	All allowances to members including basic, special responsibility and IT allowances are subject to indexation in line with percentage increase in staff salaries up until 2027/28.

No one councillor shall receive more than one Special Responsibility Allowance

Schedule 2

A. DUTIES QUALIFYING FOR CHILD CARE AND DEPENDANT CARERS ALLOWANCES

1. Any duty approved by the Council.
2. Any duty for the purpose of or in connection with the discharge of the functions of the Cabinet.
3. Attendance at meetings of the Full Council, Cabinet, committees of the Council, sub-committees and other formal and informal bodies (including panels, task groups, for a, review teams and project management boards) as provided for in Section B of Part 3 of the Council's Constitution.
4. Attendance at meetings of the bodies, or any committee or sub-committee meeting of those bodies, listed in Part 7 of the Council's Constitution (list of representatives on outside and other bodies).
5. Attendance at a meeting of a local authority association of which the Council is a member or of a meeting or event organised by that association to which the member representative is entitled to attend.
6. Attendance at the opening of tenders.
7. Attendance at training sessions organised by or on behalf of the Council as part of the Members' Training Programme provided that members of more than one political party have been invited to attend.
8. Attendance at a conference or seminar convened by an organisation other than the Borough Council providing attendance has been authorised in advance by the Council, Cabinet, committee, sub-committee or panel. Where, by reason of urgency, it is not possible to obtain prior authorisation, the Head of Democratic Services, after consultation with the Group Leaders, may authorise attendance subject to the availability of funding.
9. Interviews or fact finding being undertaken as a member of a task group established by the Scrutiny Committee or as part of an agreed programme and in accordance with the scrutiny procedure rules.
10. Interviews or fact finding being undertaken as a member of a task group, review team or project board established by the Cabinet or as part of an agreed programme.
11. Visits to sites, establishments or exhibitions where the Council, Cabinet, committee, sub-committee or panel resolves in advance that a visit is

necessary to enable a decision to be made on a current issue. Where, by reason of urgency, it is not possible to obtain prior authorisation, the Head of Democratic Services, after consultation with the Group Leaders, may authorise attendance subject to the availability of funding.

12. Meetings with officers, convened by the officer(s), to discuss a matter relating to a Borough Council service or in which the Borough Council has an interest as part of its community leadership role.
13. The following members may claim travel for consultations with persons or organisations outside the Borough Council and any other duty for or on behalf of the Borough Council:-
 - Mayor and Deputy Mayor
 - Chairman and Deputy Chairman of a committee, sub-committee or panel or members of the Cabinet or a substitute nominated by them.
 - Nominated committee or sub-committee spokespersons of minority parties or members of the Shadow Cabinet or a substitute nominated by them.

B. DUTIES QUALIFYING FOR TRAVELLING AND SUBSISTENCE ALLOWANCES

Travelling and subsistence allowances may be claimed for any of the duties listed above in Part A of this Schedule (Duties Qualifying for Child Care and Dependant Carers' Allowances) which take place **outside** the Borough of the Eastbourne.

Schedule 3

AMOUNTS OF TRAVEL AND SUBSISTENCE ALLOWANCES (Applicable for the period 1 April 2020 until 31 March 2023)

NOTE: Travel and subsistence allowances are only payable in respect of qualifying duties undertaken outside the Borough.

Travel By:	Amount
Car	45p per mile
Supplement for passengers	5p per mile for each passenger up to 4 in total who are either Eastbourne Borough Council members or employees.
Motorcycle	24p per mile
Bicycle	20p per mile

DAY SUBSISTENCE:

Meal	Restrictions	An amount not exceeding
Breakfast	4 hours or more away from home, starting before 7.30 am	£7.13
Lunch	4 hours or more away from home, including the period 12 noon to 2 pm	£9.78
Tea	4 hours or more away from home, ending after 6.30 pm	£4.44
Evening meal (option 1)	4 hours or more away from home, ending after 8.30 pm.	£17.80
Evening meal (option 2)	When taken as part of an overnight stay	£41.52

OVERNIGHT SUBSISTENCE:

(for bed and breakfast)

Amount to be agreed by the Head of Democratic Services and shall take account of the location of the accommodation, availability and the needs of the member concerned. Normally the type of accommodation selected should be within the "budget" class whilst offering ensuite facilities with shower.

Receipts or other proof that expenditure has been incurred should always be provided in support of any claims.

Additional requirements for travel and subsistence claims:

1. Officers arranging travel:

When the cost of travel is met by the Council direct the accountable spending officer may use the provisions and rates in this Scheme as a guide when selecting travel arrangements. Due regard should also be taken of the Council's financial procedure and hospitality spending rules.

2. Cost effectiveness and environmental responsibility

- The member should seek to choose a mode of transport that is both cost-effective and environmentally responsible. An appropriate balance should be struck between the cost and convenience of the mode of travel selected. Members shall normally be expected to make use of public transport as a first choice of travel.
- Whenever possible and reasonable to do so, members should seek to carry passengers, whether other members or council staff, who might otherwise have an entitlement to claim allowances. Alternatively, members should seek to travel as a passenger with another member or officer.
- Where the member has used a private motor vehicle in place of public transport the Head of Democratic Services shall be authorised to substitute the cost of public transport for the mileage rate (including taxi fare if appropriate in any claim (or part of a claim) unless the member is able to demonstrate to the satisfaction of the Head of Democratic Services that either:
 - a) the use of a private motor vehicle was cost-effective (for example because passengers were carried);
 - b) the availability and timing of public transport would not have permitted the journey to have been made within a reasonable period of time or would otherwise have prevented the member from meeting other work, personal or council duty commitments;
 - c) the member had a medical condition or disability which necessitated the use of a private motor vehicle; or
 - d) the member had need to convey heavy or bulky luggage or other equipment and that the use of public transport in these circumstances would not be reasonable.

3. Public transport:

Bus, train, tram, ferry etc. fares can be claimed when public transport is used to carry out qualifying duties. For rail travel, second class or any available cheap day fare may be claimed. Members holding rail cards should claim the reduced fare available to them. First class travel is only authorised where a Councillor has a disability and/or special mobility needs.

4. Travel by taxi

Taxi fares and any reasonable gratuity paid, may be claimed in the following circumstances:

- a) in cases of urgency;

- b) where no public transport is reasonably available;
- c) where luggage or equipment has to be carried (for example to and from a conference hotel or a cross London rail connection); or
- d) where the member has a medical condition or disability which necessitates the use of taxi.

In any other case where taxi is used, the amount which may be claimed shall be the amount of the fare for travel by appropriate public transport.

5. Hired motor vehicle

The rate for travel by a hired motor vehicle other than a taxi shall not exceed the rate which would have been applicable had the vehicle belonged to the member who hired it.

6. Parking and toll charges

The cost of parking and toll charges may be claimed provided these were necessarily incurred and the public transport rate has not been substituted.

7. Travel outside the United Kingdom

Travelling expenses for journeys outside the United Kingdom will normally fall to be met by the relevant service department and members should ensure that they have the agreement of the Senior Head of Service that the costs will be paid/reimbursed. Such expenses will only be paid from the Members' Allowances budget where the duty has been specifically approved by the Council or the Cabinet.

8. Travel by air

The rate of travel by air shall not exceed the rate applicable to travel by appropriate alternative means of transport together with an amount equivalent to any saving in the cost of meals or accommodation consequent on travel by air. Where the saving in time is so substantial as to justify payment of the fare for travel by air, there may be paid an amount not exceeding:

- a) the ordinary fare or any available cheap fare for travel by regular air service or
- b) where no such service is available or in case of urgency, the fare actually paid by the member.

9. Start and finish points for a journey

The starting and finishing point for any journey made by a member shall normally be the member's home unless the member lives at a distance more than 20 miles from the Town Hall, Grove Road, Eastbourne. If the member starts and/or finishes their journey from a place other than their home the claim shall be in respect of the lesser of the cost of either the journey to/from that other place or to/from their home.

If a member's home is more than 20 miles from the Town Hall, the amount that may be claimed for a journey shall be the lesser cost of either the journey to/from their home or to/from the Town Hall.

10. Overnight stays and conferences

Where the absence from home requires an overnight stay the amount that may be claimed for bed and breakfast shall be agreed by the Head of Democratic Services shall take account of the location of the accommodation, availability and the needs of the member concerned. Normally the type of accommodation selected should be within the "budget" class whilst offering en-suite facilities with shower.

A higher maximum rate of evening meal subsistence allowance is payable when the meal is taken as part of an overnight stay.

11. Non-inclusive charges and alcohol

The member is responsible for the costs of any non-inclusive charges (such as gratuities, newspapers, mini-bar, etc.). A member shall not claim in respect of the cost of any alcohol that he/she has incurred.

Item 7

Eastbourne Borough Council Constitution
Part 7 – Structure and Memberships
Updated: August 2023



Working in partnership with **Eastbourne Homes**

Part 7

Structure and Memberships

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KEY PEOPLE, MANAGEMENT STRUCTURE AND CONTACTS

The Mayor:

The Worshipful the Mayor, Councillor Candy Vaughan

Mayor's Parlour, Town Hall, Grove Road, Eastbourne, BN21 4UG

E-mail mayorsoffice@eastbourne.gov.uk

Leader of the Council:

Councillor Stephen Holt

Town Hall, Grove Road, Eastbourne, BN21 4UG

E-mail councillor.holt@eastbourne.gov.uk

Chief Executive

Mr Robert Cottrill

Town Hall, Grove Road, Eastbourne, BN21 4UG

E-mail robert.cottrill@eastbourne.gov.uk

Corporate Management Team:

The Corporate Management Team provides corporate leadership for the Council and agrees policy options for Councillors to consider. It co-ordinates operational and strategic decision making and ensures the Council achieves its corporate aims and objectives and provides responsive high quality services.

The Chief Executive, Deputy Chief Executive and Senior Management posts are as follows:

POSTS	NAME AND RESPONSIBILITY
Chief Executive (and Head of Paid Service)	Robert Cottrill <i>(Strategic leadership, performance and the corporate plan, delivery of quality services, local democracy, member services, legal services, tourism and culture, devolution and governance).</i>
Deputy Chief Executive/ Director of Regeneration and Planning	Ian Fitzpatrick <i>(planning, assets and property, regeneration, energy and sustainability.)</i>
Director of Service Delivery	Tim Whelan <i>(Service delivery, Customer First, EHL, Bereavement services, Waste services, strategic partnerships, voluntary sector, community engagement, town and parish liaison, community safety, community grants, youth strategy and equality).</i>

Director of Finance and Performance/Chief Finance Officer (Section 151 officer)	Homira Javadi <i>(Corporate and core support services, finance and audit, risk management and audit, legal and HR services; monitoring services).</i>
Director of Tourism, Culture and Organisational Development	Becky Cooke <i>(Human Resources, organisational development, Chief Executive's Office, internal and external communications)</i>

Eastbourne Strategic Partnership: Partnership Co-ordinator, Eastbourne Strategic Partnership, Town Hall, Grove Road, Eastbourne, BN21 4UG

Eastbourne Community Safety Partnership: Partnership Co-ordinator, Eastbourne Community Safety Partnership, Town Hall, Grove Road, Eastbourne, BN21 4UG
Email: robert.gough@eastbourne.gov.uk

Eastbourne Homes Ltd: Town Hall, Grove Road, Eastbourne, BN21 4UG
Email: enquiries@eastbournehomes.org.uk

Wealden and Eastbourne Lifeline:
Second Floor Greencoat House, 32 St. Leonard's Road, Eastbourne, BN21 3UT
Tel (01323) 644422
Website: [Wel Being - www.welbeing.org.uk](http://www.welbeing.org.uk)

CONTACTING YOUR BOROUGH COUNCILLOR

Contact details for Councillors can be viewed on the Council's website at:

[Eastbourne Borough Councillors \(https://democracy.lewes-eastbourne.gov.uk/mgMemberIndexGroup.aspx?bcr=1&g=EastbourneCllrs&m=EastbourneCllrs\)](https://democracy.lewes-eastbourne.gov.uk/mgMemberIndexGroup.aspx?bcr=1&g=EastbourneCllrs&m=EastbourneCllrs).

COUNCILLORS' TERMS OF OFFICE

The date of retirement is the fourth day after the day of ordinary election of Councillors in the year indicated.

The Borough of Eastbourne (Whole Council Elections) Order 2006 changed the Council's electoral arrangements from "thirds" to whole council elections. Elections were held on 4 May 2023 for all 27 seats.

DEVONSHIRE WARD

Member	First Elected	Year of Retirement
Margaret BANNISTER	10 June 2004	2027
Steve HOLT	7 May 2015	2027
Christina EWBANK	9 May 2023	2027

HAMPDEN PARK WARD

Member	First Elected	Year of Retirement
Jim MURRAY	5 May 2011	2027
Colin SWANSBOROUGH	7 May 2015 <i>(Previously held office 7 May 1979 to 5 May 1983 3 May 1984 to 9 May 1988)</i>	2027
Teri SAYERS-COOPER	9 May 2023	2027

LANGNEY WARD

Member	First Elected	Year of Retirement
Anita MAYES	9 May 2023	2027
Alan SHUTTLEWORTH	5 May 2011 <i>(previously held office 8 May 1978 to 31 Oct 1996)</i>	2027
Candy VAUGHAN	2 May 2019	2027

MEADS WARD

Member	First Elected	Year of Retirement
Jane LAMB	2 May 2019	2027
Robert SMART	7 May 2015	2027
Andy COLLINS	9 May 2023	2027

OLD TOWN WARD

Member	First Elected	Year of Retirement
Peter DIPLOCK	2 May 2019	2027
Ali DEHDASHTY	9 May 2023	2027
Amanda MORRIS	2 May 2019	2027

RATTON WARD

Member	First Elected	Year of Retirement
Colin BELSEY	4 May 2000 <i>(previously held office 2 June 1977 to 5 May 1983)</i>	2027
Nick ANSELL	9 May 2023	2027
David SMALL	9 May 2023	2027

ST ANTHONY'S WARD

Member	First Elected	Year of Retirement
Hugh PARKER	6 October 2022	2027
Daniel BUTCHER	9 May 2023	2027
Jenny WILLIAMS	9 May 2023	2027

SOVEREIGN WARD (Electorate 9,394)

Member	Elected	Year of Retirement
Penny DI CARA	7 May 2015	2027
Nigel GOODYEAR	9 May 2023 <i>(previously held office 3 May 2007 to 24 April 2012)</i>	2027
Kshama SHORE	6 May 2021	2027

UPPERTON WARD (Electorate 8,319)

Member	Elected	Year of Retirement
Kathy BALLARD	9 May 2023	2027
Robin MAXTED	2 May 2019	2027
Pat RODOHAN	7 May 2015 <i>(previously held office 3 May 1984 to 9 May 1988)</i>	2027

COUNTY COUNCILLORS REPRESENTING EASTBOURNE

There are nine county councillors representing Eastbourne. The County Divisions have the same names, areas and electorates. For electorate figures please refer to the figures given for the Borough Wards. Elections were held on 6 May 2021.

More information on Eastbourne County Councillors can be found at www.eastsussex.gov.uk.

(Those marked with an asterisk are also Borough Councillors).*

Devonshire Division:

***Councillor Stephen Holt** (Liberal Democrat),
E-mail: cllr.Stephen.Holt@eastsussex.gov.uk

Hampden Park Division:

***Councillor Colin Swansborough** (Liberal Democrat)
E-mail: cllr.colin.swansborough@eastsussex.gov.uk

Langney Division:

***Councillor Alan Shuttleworth** (Liberal Democrat)
E-mail: cllr.alan.shuttleworth@eastsussex.gov.uk

Meads Division:

***Councillor Brett Wright** (Liberal Democrat)
E-mail: cllr.brett.wright@eastsussex.gov.uk

Old Town Division:

***Councillor John Ungar** (Liberal Democrat)
E-mail: cllr.john.ungar@eastsussex.gov.uk

Ratton Division:

***Councillor Colin Belsey** (Conservative)
e-mail: cllr.colin.belsey@eastsussex.gov.uk

St Anthony's Division:

***Councillor David Tutt** (Liberal Democrat)
E-mail: cllr.david.tutt@eastsussex.gov.uk

Sovereign Division:

Councillor Penny di Cara (Conservative),
E-mail: cllr.Penny.diCara@eastsussex.gov.uk

Upperton Division:

***Councillor Pat Rodohan** (Liberal Democrat)
E-mail: cllr.pat.rodohan@eastsussex.gov.uk

Chairman of the County Council:

Councillor Peter Pragnell

Contact: Tracey Cochrane, Assistant to the Chairman, Westfield House, St Anne's Crescent, Lewes, BN7 1RJ

Tel: (01273) 481956

E-mail: tracey.cochrane@eastsussex.gov.uk

Leader of the County Council and Chairman of Cabinet:

Councillor Keith Glazier

Bramleys, Pett Road, Pett, East Sussex, TN35 4EY

E-mail: cllr.keith.glazier@eastsussex.gov.uk

Chief Executive:

Ms Becky Shaw

County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1RJ

Tel: (01273) 481950

E-mail: becky.shaw@eastsussexcc.gov.uk

HM Lord Lieutenant of East Sussex:

(the Queen's representative in East Sussex)

Mr Peter Field

Contact: Martin Warren, Assistant Clerk to the Lieutenancy, Brighton Town Hall, Bartholomew Square, Brighton East Sussex, BN1 1JA

eastsussexlieutenancy@brighton-hove.gov.uk

Tel: (01273) 291394

website: [Lord Lieutenant of East Sussex - http://www.east-sussex-lieutenancy.org.uk/](http://www.east-sussex-lieutenancy.org.uk/)

THE PARLIAMENTARY CONSTITUENCY

The parliamentary electorate of the Eastbourne constituency is 78,262. This comprises electors entitled to vote in parliamentary elections resident in the borough and electors in the neighbouring area of Wealden District Council (Parish of Willingdon). (EU citizens and peers have local government voting rights only).

MEMBER OF PARLIAMENT FOR EASTBOURNE

Mrs Caroline Ansell MP, House of Commons, Westminster London, SW1A 0AA
E-mail: caroline.ansell.mp@parliament.uk

MEMBERS OF EUROPEAN PARLIAMENT

There are no Members of the European Parliament (MEPs) representing the United Kingdom. The UK has withdrawn its representatives from European Union institutions.

The United Kingdom remains a member of the European Council (EC). The EC is an international organisation of 47 member states (27 of which are also members of the European Union) which aims to uphold human rights, democracy and the rule of law in Europe.

For other details of visit:

[European Parliament Liaison Office in the UK - www.europarl.org.uk](http://www.europarl.org.uk)

EASTBOURNE BOROUGH COUNCIL MEMBERS OF COUNCIL BODIES AND OUTSIDE BODIES

Membership of council committee can be found at [Committee Structure -
http://democracy.lewes-eastbourne.gov.uk/mgListCommittees.aspx?CT=13215](http://democracy.lewes-eastbourne.gov.uk/mgListCommittees.aspx?CT=13215)

Membership of other bodies, including outside bodies can be found at [Outside
Bodies and Appointments - http://democracy.lewes-
eastbourne.gov.uk/mgListOutsideBodiesByCategory.aspx?bcr=1](http://democracy.lewes-eastbourne.gov.uk/mgListOutsideBodiesByCategory.aspx?bcr=1)

CALENDAR OF MEETINGS

The Calendar of meetings can be viewed on the Council's website at [Calendar of
Meetings - http://democracy.lewes-
eastbourne.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1](http://democracy.lewes-eastbourne.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1)

HONORARY FREEMEN, HONORARY ALDERMEN AND PAST MAYORS - CURRENT LIST

LIST OF HONORARY FREEMEN (in order of conferment):

The Princess of Wales' Royal Sussex Regiment (Queens and Royal Hampshire)
Dame Jane Whiteley (formerly Gow), DBE
Territorial Army 56 Signal Squadron (V)
Ms Martina Navratilova
Mrs Elizabeth Walke
Marine Joseph Townsend RM

LIST OF HONORARY ALDERMEN (in order of conferment):

Mr Robert Kirtley (and past Mayor)
Mrs Janet Grist (and past Mayor)
Mr Brian Higgins
Mr Ronald Parsons (and past Mayor)
Mr Aubrey Vickers (and past Mayor)
Mrs Barbara Goodall (and past Mayor)
Mr Bert Leggett (and past Mayor)
Mr Graham Marsden (and past Mayor)
Mrs Mary Pooley (and past Mayor)
Mr David Stevens (and past Mayor)
Miss Olive Woodall (and past Mayor)
Mr David Elkin
Mr Neil Stanley
Mr John Ungar
Mrs Sandie Howlett

LIST OF OTHER PAST MAYORS (in order of election):

Mr Anthony Aldridge
Councillor Colin Belsey
Mr Greg Szanto
Mrs Carolyn Heaps
Mr Mike Thompson
Miss Janet Coles
Mrs Pat Hearn
Mrs Gill Mattock
Mr Steve Wallis
Councillor Pat Rodohan

For details of all former Freeman and Past Mayors of the County Borough of Eastbourne and Honorary Freeman, Honorary Aldermen and Past Mayors of the Borough of Eastbourne please contact the Mayor's Personal Assistant (telephone 415020)

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