North East Lincolnshire Council
Constitution
Part 2 – Decision Making
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ARTICLE 1 - THE CONSTITUTION

This Article sets out the main provisions of the Constitution. It emphasises that the Council will act within the law and in accordance with the provisions of the Constitution. One of the main purposes of the Constitution is to involve the whole community in decision making.

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 the North East Lincolnshire Council.

1.03 Purpose of the Constitution
The purpose of the Constitution is to:
   i)   enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
   ii)  support the active involvement of citizens in the process of local authority decision making;
   iii) help councillors represent their constituents more effectively;
   iv)  enable decisions to be taken efficiently and effectively;
   v)   create a powerful and effective means of holding decision makers to public account;
   vi)  ensure that no one will review or scrutinise a decision in which they were directly involved;
   vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
   viii) provide a means of improving the delivery of services to the community.

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.
ARTICLE 2 - MEMBERS OF THE COUNCIL

This Article sets out the composition of the Council and how Councillors are elected. The roles and functions of Councillors are set out together with their rights and duties.

2.01 Composition and eligibility

a) **Composition:** The Council consists of 42 members, also called councillors. Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

b) **Eligibility:** Only registered voters of the area or those living or working there will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

The election of councillors usually takes place on the first Thursday in May in any election year. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date when their period of office ends. North East Lincolnshire’s Councillors are elected “by thirds” (see also the Section headed “How the Council operates” in Part 1).

2.03 Roles and functions of all councillors

a) **Key Roles** All councillors will have these key roles which are set out in more detail in the role descriptions which are included in Part 3 of this Constitution:

i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

ii) represent their communities and bring their views into the Council’s decision making process, i.e. become the advocate of and for their communities;

iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;

v) be involved in decision making;

vi) be available to represent the Council on other bodies; and

vii) maintain the highest standards of conduct and ethics.

b) **Rights and Duties**

i) Councillors will have 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 Article 3 of this Constitution.

2.04 Conduct
Councillors will at all times observe the Council's Code of Conduct and the Protocol on Member/Officer Relations set out in Part 3 of this Constitution.

2.05 Allowances
Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Appendix 1 of this Article.
MEMBERS’ ALLOWANCES SCHEME

This Scheme was approved in September 2013 following an independent review and report submitted to the Council. The Scheme came into force on the 1st April 2014.

The current rates per annum are as follows:

<table>
<thead>
<tr>
<th>Band</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Leader</td>
<td>£22,500.00</td>
</tr>
<tr>
<td>B</td>
<td>Deputy Leader</td>
<td>£16,875.00</td>
</tr>
<tr>
<td>C</td>
<td>Designated Cabinet Members &amp; Portfolio Holders</td>
<td>£11,250.00</td>
</tr>
<tr>
<td>D</td>
<td>Chairman of Planning Committee</td>
<td>£6,750.00</td>
</tr>
<tr>
<td>E</td>
<td>Chairmen of Scrutiny Panels</td>
<td>£5,625.00</td>
</tr>
<tr>
<td>F</td>
<td>Chairman of Standards and Adjudication Committee</td>
<td>£4,500.00</td>
</tr>
<tr>
<td>G</td>
<td>Chairman of Licensing and Community Protection Committee</td>
<td>£4,500.00</td>
</tr>
<tr>
<td></td>
<td>Opposition Group Leaders</td>
<td>£1,000.00</td>
</tr>
<tr>
<td></td>
<td>Co-opted Members’ Allowances</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Independent Chairman of Audit and Governance Committee</td>
<td>£4,500.00</td>
</tr>
<tr>
<td></td>
<td>Co-opted Members (excluding the Chairman of the Standards &amp; Audit Committee)</td>
<td>£260.00</td>
</tr>
<tr>
<td></td>
<td>Civic Allowances</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Mayoral</td>
<td>£8,500.00</td>
</tr>
<tr>
<td></td>
<td>Basic Allowance (payable to all Members)</td>
<td>£7,665.00</td>
</tr>
<tr>
<td></td>
<td>Telephone and Broadband Rental</td>
<td>£350.00</td>
</tr>
</tbody>
</table>

Pensions

Members elected from the 1st April, 2014 onwards are not entitled to join the Local Government Pension Scheme. Existing Councillors who were members of the scheme on 31st March, 2013 may continue until the end of their current term of office.
ARTICLE 3 - CITIZENS AND THE COUNCIL

This Article sets out what citizens can expect from the Council and also their rights and responsibilities.

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 Appendix 1 of this Article;

a) Voting and Petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

b) Information and Participation. Citizens have the right to:
   i) attend meetings of the Council, Cabinet and committees except where confidential or exempt information is likely to be disclosed, and the meeting (or the relevant part of it) is therefore held in private;
   ii) submit questions to the Council in accordance with the Council’s public question time procedure (see Council Standing Orders)
   iii) submit petitions in accordance with the Petition Scheme (Appendix 2 of this Article);
   iv) speak at Planning Committee on applications for which they are either the applicant or agent, or have made written representations (see Appendix 3 of this Article)
   v) submit questions via the Council’s scrutiny process (see Appendix 4 of this Article)
   vi) find out from the forward plan what key decisions will be taken by the Cabinet and when;
   vii) see reports and background papers, and any records of decisions made by the Council and the Cabinet;
   viii) and
   ix) inspect the Council's accounts and make their views known to the external auditor

c) Complaints. Citizens have the right to complain to:
   i) the Council itself under its complaints procedure;
   ii) the Ombudsman after using the Council's own complaints procedure;
   iii) the Standards and Adjudication Committee about a breach of the Councillor's Code of Conduct, in accordance with the Local Assessment arrangements

3.02 Citizens' responsibilities
Citizens are expected to conduct themselves in a reasonable and non-confrontational manner, when dealing with councillors or officers. Equally, citizens are expected to show respect for things owned by the Council, councillors or officers.
ARTICLE 3 – APPENDIX 1

ACCESS TO INFORMATION PROCEDURE RULES

This part sets out the rules regarding access by members of the public to meetings, documents and minutes of decisions. The Council has decided to hold all its meetings at which a decision will be made in public with the usual ability to deal with sensitive ("exempt") information in private.

1. SCOPE

These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards and Adjudication Committee and regulatory committees and meetings of the Cabinet (together called meetings).

The proper officer for the purpose of these Rules will be the Council's Monitoring Officer.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

The council will give at least five clear days notice of any meeting by posting details of the meeting at the Municipal Offices, Grimsby (the Council's principal offices).

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 Council's offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the proper officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:
   a) any agenda and reports which are open to public inspection;
   b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
   c) if the proper officer 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**

**List of background papers**

The proper officer 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:

i. disclose any facts or matters on which the report or an important part of the report is based; and

ii. which have been relied on to a material extent in preparing the report but does not include published work or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political adviser.

**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. These documents will also be published on the Council’s website unless they contain exempt or confidential information.

9. **SUMMARY OF PUBLIC’S RIGHTS**

A written summary of the public's rights to attend and to inspect and copy documents must be kept at and available to the public at the Council's offices.

10. **EXCLUSION OF ACCESS (BY THE PUBLIC AND MEDIA) TO MEETINGS**

10.1 **Confidential information - requirement to exclude public**

The public, including the media, 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, including the media, 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 European Convention on
Human Rights Act and 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 is defined in Schedule 12A of the Local Government Act 1972 (as amended) and means information falling within the seven categories below and is not prevented from being exempt by virtue of the 2 qualifications below if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interesting in disclosing the information.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>DEFINITION</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Information relating to any individual</td>
</tr>
<tr>
<td>2.</td>
<td>Information which is likely to reveal the identity of an individual</td>
</tr>
<tr>
<td>3.</td>
<td>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</td>
</tr>
<tr>
<td>4.</td>
<td>Information relating to any consultation or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown or employees of, or office holders under, the authority</td>
</tr>
</tbody>
</table>

"Financial or Business Affairs" includes contemplating, as well as past or current, activities.

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

"Labour Relations Matter" means

(b) any of the matter specified in paragraphs (a) 2(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

(c) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactment is 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 an employee of the authority.

| 5. | Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. |
| 6. | Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment |
| 7. | Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime |

**Qualifications to exempt information:**

Information falling within paragraphs 1-7 is not exempt information if it falls within any of the following categories:

<table>
<thead>
<tr>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:</td>
</tr>
<tr>
<td>Definition</td>
</tr>
<tr>
<td>(i) The Companies Act 1985</td>
</tr>
<tr>
<td>(ii) The Friendly Societies Act 1974</td>
</tr>
<tr>
<td>(iii) The Friendly Societies Act 1992</td>
</tr>
<tr>
<td>(iv) The Industrial and Provident Societies Act 1965-1978</td>
</tr>
<tr>
<td>(v) The Building Societies Act 1986</td>
</tr>
<tr>
<td>(vi) The Charities Act 1993</td>
</tr>
<tr>
<td>&quot;Registered&quot; in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any Building Society (within the meaning of that Act).</td>
</tr>
</tbody>
</table>
9. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grants itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

<table>
<thead>
<tr>
<th>Information which:</th>
<th></th>
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<tbody>
<tr>
<td>(a) falls within any of paragraphs 1-7 above; and</td>
<td></td>
</tr>
<tr>
<td>(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</td>
<td></td>
</tr>
</tbody>
</table>

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

12. APPLICATION OF RULES TO THE CABINET

Rules 13 - 23 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 16 (general exception) or Rule 17 (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 which is stated in the forward plan as the date by which it is to be decided, then it must also comply with Rule 1 - 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

13. PROCEDURE PRIOR TO PRIVATE MEETINGS

13.1 If the Cabinet and its committees decides to hold a meeting in private, at least 28 days before a meeting it must -
(a) Make available at the offices of the relevant authority a notice of its intention to hold a meeting or part of a meeting in private.
(b) Publish that notice on the Council’s website

That notice must include a statement of the reasons for the meeting to be held in private.
At least five clear days before a private or part private meeting the decision making body must -
(a) Make available at the offices of the council a further notice of its intention to hold a meeting or part meeting in private.
(b) Publish that notice on the Council’s website.

That notice must include a statement of the reasons for the meeting to be held in private, details of any representations received about why the meeting should be open to the public and a statement of its response to such representations.

Where the date by which a meeting must be held makes compliance with the above arrangements impracticable, the meeting may only be held in private where the decision making body has obtained agreement from -
(a) The Chairman of the relevant Scrutiny Panel or
(b) If there is no such person, or if the Chairman of the relevant Scrutiny Panel is unable to act, the Mayor, or
(c) Where there is no Chairman of either the relevant Scrutiny Panel or the Council, the Deputy Mayor that the meeting is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the decision making body has obtained agreement to hold a private meeting, it must -
(a) Make available at the offices of the council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and
(b) Publish that notice on the Council's website.

PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency) a key decision may not be taken unless:
(a) A Notice has been published in connection with the matter in question at least 28 days before a key decision is made;
(b) Where the decision is to be taken at a meeting of the Cabinet or a Committee of the Cabinet notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

The Forward Plan has been designated as the required 28 day Notice required under paragraphs 13 and 14 above. It will be prepared on a monthly basis and subsequent plans will cover period beginning with the first day of the second month covered in the preceding plan.

Where a decision maker intends to make a key decision, that decision must not be made until a document, the Forward Plan, has been published which states
(a) that a key decision is to be made on behalf of the Council;
(b) the matter in respect of which the decision is to be made;
(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
(d) the date on which, or the period within which, the decision is to be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
(g) that other documents relevant to those matters may be submitted to the decision maker; and
(h) the procedure for requesting details of those documents (if any) as they become available.

At least 28 clear days before a key decision is made, the document referred to above must be made available for inspection by the public
(a) at the offices of the council, and
(b) on the council's website.

Where, in relation to any matter
(a) the public may be excluded from the meeting at which the matter is to be discussed, or
(b) documents relating to the decision need not be disclosed to the public, the document referred to above must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

16. GENERAL EXCEPTION

16.1 Where the publication of the intention to make a key decision via the Forward Plan is impracticable, the decision may only be made -
(a) where the proper officer has informed the chairman of the relevant Scrutiny Panel or, if there is no such person, each member of the relevant Scrutiny Panel by notice in writing, of the matter about which the decision is to be made;
(b) where the proper officer has made available at the offices of the council for inspection by the public and published on the council’s website, a copy of the notice given pursuant to the above (a); and
(c) after five clear days have elapsed following the day on which the proper officer made available the notice referred to above.

16.2 As soon as reasonably practicable after the proper officer has complied with the above he or she must -
(a) make available at the offices of the council a notice setting out the reasons why compliance with paragraph 15.2 is impracticable; and
(b) publish that notice on the council’s website.

17. SPECIAL URGENCY

17.1 Where the date by which a key decision must be made, makes compliance with paragraph 15.2 impracticable, the decision may only be made where the decision maker has obtained agreement from -
(a) the chairman of the relevant Scrutiny Panel, or
(b) if there is no such person, of if the chairman of the relevant Scrutiny Panel is unable to act, the Mayor, or
(c) where there is no chairman of either the relevant Scrutiny Panel or of the Council, the Deputy Mayor, that the making of the decision is urgent and cannot reasonably be deferred.
17.2 As soon as reasonably practicable after the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must -
(a) make available at the offices of the council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred, and
(b) publish that notice on the council's website.

18. REPORT TO COUNCIL

18.1 When a Scrutiny Panel can require a report

If a Scrutiny Panel thinks that a key decision has been taken which was not:
(a) treated as being a key decision, or
(b) are of the opinion that the decision should have been treated as a key decision

The Panel may require the Cabinet to submit a report to the Council within such reasonable time as the Panel specifies. The power to require a report rests with the Panel, but is also delegated to the Proper Officer who shall require such a report on behalf of the Panel when so requested by the Chairman or any 5 members. Alternatively the requirement may be raised by Resolution passed at a meeting of the relevant Scrutiny Panel.

18.2 Cabinet's Report to Council

The Leader must submit to the Council at least annually a report containing details of each executive key decision taken during the period since the last report was submitted to the authority where the making of the decision was agreed as urgent in accordance with rule 17.
A report submitted for the purposes of the above must include -
(a) particulars of each decision made, and
(b) a summary of the matters in respect of which each decision was made.

19. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include -
(a) a record of the decision including the date it was made
(b) a record of the reasons for the decision
(c) details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made
(d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision and
(e) in respect of any declared conflict of interest, a note of dispensation granted by the Council’s Head of Paid Service.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET
20.1 **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 5 clear days after receipt of that report.

20.2 **Provision of copies of reports to Scrutiny Panels**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant scrutiny panel as soon as reasonably practicable, and make it publicly available at the same time.

20.3 **Record of individual decision**

As soon as reasonably practicable after the 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 proper officer to prepare, a record of the decision. The record will include -

(a) a record of the decision including the date it was made
(b) a record of the reasons for the decision
(c) details of any alternative options considered and rejected by the member/officer when making the decision
(d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision and
(e) in respect of any declared conflict of interest, a note of dispensation granted by the council’s Head of Paid Service

The provision of Rule 7 and 8 (inspection of documents after meetings) 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 or advice from a political or mayor’s assistant.

21. **INSPECTION OF DOCUMENTS FOLLOWING KEY DECISIONS**

21.1 After a meeting of a decision making body at which an executive decision has been made, or after an individual member or officer has made an executive decision the Proper Officer must ensure that a copy of –

(a) any records prepared in accordance with the above and
(b) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to a decision recorded in accordance with rules 19 and 20.3, where only part of the report is relevant to such a decision, that part,

must be available for inspection for members of the public as soon as reasonably practicable at the offices of the council and on the council’s website.

22 **SCRUTINY PANELS ACCESS TO DOCUMENTS**

22.1 **Rights to copies**

Subject to Rule 22.2 below, a scrutiny panel (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and contains material relating to
a) any business transacted at a public or private meeting of the Cabinet or its committees
b) any decision taken by an individual member of the Cabinet (where this is subsequently allowed within the Constitution).
c) Any decision that has been made by an officer of the Authority in accordance with executive arrangements.

Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after Cabinet receives the request.

22.2 Limits on rights

A scrutiny panel 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.

23 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material relating to previous business
All members will be entitled to inspect any documents 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 paragraph 1, 2, 4, 5 and 7 of the categories of exempt information; or
  b) it contains Confidential information as defined in these procedural rules
  c) it contains the advice of a political adviser.

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

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

23.3 Nature of rights
These rights of a member are additional to any other right he/she may have.
ARTICLE 3 – APPENDIX 2

PETITION SCHEME

North East Lincolnshire Council welcomes petitions as one way in which you can let us know your concerns. We set out below how the Council will respond to petitions which you send us.

1.1 What is a petition?

We treat as a petition any communication which is signed by or sent to us on behalf of a number of people. For practical purposes, we set a requirement for at least 20 signatories or petitioners before we treat it as a petition. This applies whether you live, work or study in North East Lincolnshire or if you are visitor.

1.2 What should a petition contain?

A petition should include –

1.2.1 A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another Council or public body, we will ask the petition organiser whether s/he would like us to redirect the petition to that other Council or public body. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation of that decision;

1.2.2 the name and contact details of the "petition-organiser" or someone to whom you would like any correspondence about the petition to be sent. Contact details may be either a postal address or an Email address;

1.2.3 the names of at least 20 petitioners (which can include the petition organiser). Where the petition is in paper form, this can include an actual signature from each petitioner, but actual signature is not essential. Where the petition is in electronic form, a list of the names of the petitioners will suffice. You may include the addresses of petitioners, which may be useful to the Council, for example, in assessing the degree of local support or opposition to a planning application, but this is not essential. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), your petition will need to contain a higher number of signatories or petitioners (see below);
1.2.4 If you are submitting the petition in response to our consultation on a specific matter, please identify the matter which it relates to, so that we can ensure that your petition is considered along with original matter.

1.3 Who should you send a petition to?
Where you submit a petition in response to consultation by the Council, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.
Alternatively, you can e-mail your petition to petitions@nelc.gov.uk
We will ensure that your petition is acknowledged within 5 working days of receipt. Details of the petition will also be published on the Council website in order to provide key information about the progress of the petition.

1.4 What type of Petition?
There are four different types of petition, as set out below. How we deal with a petition depends on which type of petition you submit –

1.4.1 Ordinary Petitions
These are petitions which do not come within any of the following specific types. Please note that petitions which raise issues of possible Councillor misconduct will be taken as complaints arising under North East Lincolnshire Councils arrangements for dealing with Standards allegations under the Localism Act 2011, rather than considered under this Petition Scheme.

1.4.2 Consultation Petitions
These are petitions in response to an invitation from the Council for representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date in the consultation invitation will be reported to a public meeting of the person or body which will be taking the decision on the application or proposal.

1.4.3 Statutory Petitions
Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, we will report it to the next available meeting of the Council, Cabinet or relevant Committee in accordance with the statutory requirements.

1.4.4 Petitions for Debate
If you want your petition to be reported to and debated at a meeting of the Council, it must contain at least 1,000 signatories or petitioners (this is reduced to 400 signatories or petitioners where the petition relates to a local issue, affecting no more than 2 electoral wards within the Council's area).

1.5 Petitions and the Council's Website
When a petition is received, within 5 working days the Petitions Officer will open a new public file within the website and will put in that file the subject matter of the petition, its date of receipt and the number of signatories or petitioners. The petition organiser’s
name and contact details will only be included on the website if s/he so requests.

As soon as it is decided who the petition will be considered by within the Council, and when that consideration will occur, this information will be entered on the website at the same time as it is sent to the petition organiser. Once the petition has been considered, the Council's decision will be notified to the petition organiser and put on the website within 5 working days of that consideration.

Petitions are presented on the petitions website in the order in which they are received, but the website can be searched for key-words to identify all petitions relating to a particular topic. All petitions are kept on the website for 2 years from the date of receipt.

### 1.6 The role of Ward Councillors

1.6.1 When a petition is received which relates to a local matter (particularly affecting a specific ward or wards), a copy of the petition will be sent to each relevant Ward Councillor at the same time as acknowledging receipt of the petition to the petition organiser.

1.6.2 When the petition is reported to the person or body within the Council who can take a decision on the matter to which it relates, the relevant Ward Councillor will be invited to attend and to address the decision-taker for no more than 3 minutes (or 3 minutes each), immediately after the petition organiser.

### 1.7 What happens when a petition is received?

Whenever a petition is received –

1.7.1 In some cases, it may be possible to resolve the petitioners' request directly, by getting the relevant Cabinet Member or officer to take appropriate action. Where this is done, the petition organiser will be asked whether s/he considers that the matter is resolved.

1.7.2 Unless the matter has been resolved to the satisfaction of the petition organiser, within 5 working days of receipt of the petition, a response will be sent to the petition organiser acknowledging receipt of the petition and setting out who the petition will be reported to for consideration, when and where that will take place and inviting the petition organiser to attend that meeting and to address the meeting for up to 5 minutes on the issue covered by the petition. The invitation to the petition organiser to address the meeting is in addition to any other public speaking rights at that meeting. All correspondence will be via email were possible.

1.7.3 Whilst the Council is committed to dealing with petitions promptly, a petition will normally need to be received at least 10 working days before a relevant meeting if it is to be reported to that meeting. Where it is necessary to undertake a significant amount of work to collect information and advice to enable the matter to be properly considered, it may be necessary to hold the petition over until the following meeting of the relevant body.

1.7.4 At each stage of the consideration of the petition, within 5 working days of any decision, the key petition information will be updated on the Council's website to ensure that petitioners can track progress of their petition.

1.7.5 What happens next depends on the type of petition being considered, as explained below.
1.8 **What happens to a Consultation Petition?**

1.8.1 Consultations Petitions are submitted in response to an invitation from the Council to submit representations on a particular proposal or application, such as a planning or licensing application or a proposed traffic regulation order.

1.8.2 The petition will be reported to the person or body who will take the decision on the proposal or application at the meeting.

1.8.3 The Council's Constitution defines who will take different types of decision, as set out in the Scheme of Delegations and the terms of Reference of Committees and Sub-Committees. However, all Planning applications are determined by the Planning Committee (with one exception), all Licensing applications are determined by the Licensing and Community Protection Committee, and traffic regulation orders are determined by the Cabinet Member (or Portfolio Holder) with responsibility for environmental matters. The one exception in respect of planning applications is that the Council's Director of Economy and Growth and/or the Statutory Planning Officer has delegated power to determine domestic planning applications where no objection has been received. So, where a petition has been received amounting to a material objection to the grant of planning permission, the application would be reported to the Planning Committee for decision. Where the petition supports the planning application and there are no other objections received, it may be determined by the Statutory Planning Officer.

1.8.4 Where the petition relates to a matter which is within the delegated power of a Council officer, s/he will not exercise those delegated powers. The petition will be referred to the relevant Cabinet member, for decision.

1.8.5 Where the petition relates to a matter which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision.

1.9 **What happens to a Statutory Petition?**

1.9.1 Particular Acts of Parliament require the Council to consider petitions, for example a petition for a review of Parish Councils, or a petition for a directly-elected Mayor. Where you submit a petition under such a specific statute, it will be reported it to the next available meeting of the Council, Cabinet or relevant Committee in accordance with the statutory requirements.

1.10 **What happens to Petitions for Debate?**

1.10.1 Petitions for Debate will be reported to the next convenient meeting of Council. Petitions will not be considered at the Annual Meeting of Council, the annual Mayor Making Ceremony or at Extraordinary (or Special) Meetings of Council which are not convened to consider the subject matter of the petition.

1.10.2 The petition organiser will be invited to address the meeting for up to 5 minutes on the subject of the petition.

1.11 **What happens to an Ordinary Petition?**

1.11.1 Each Ordinary petition will be reported to the next convenient meeting of the relevant Cabinet Member, for a decision.
1.11.2 At the meeting, when the matter to which the petition relates is considered –

1.11.3 Petitions which do not relate to an ordinary item of business will be considered before the normal business of the meeting, and will be considered in the order in which they were received, unless the Chair at the meeting determines otherwise. A maximum of 30 minutes will be allowed at each meeting for considering such petitions and any petitions not reached in the time allowed will be referred to the relevant Cabinet Member for consideration or deferred until the next meeting.

1.11.4 Any petitions relevant to particular items of business, such as petitions relating to planning applications or proposed traffic regulation orders, will be taken together with that item of business, in the normal order of business.

1.11.5 The decision-taker or the Chairman of the meeting may invite a relevant officer to set out the background to the issue before inviting the petition organiser to address him/her for up to 5 minutes. The Cabinet Member/Chair may then ask questions of the petition organiser, and will then invite any relevant Ward Councillors present to address him/her on the matter for up to 3 minutes (each). The Cabinet Member/Chair will then invite a relevant officer(s) to advise him/her/the meeting, after which the matter will be open for debate among members of the decision-making body. Before reaching a final decision, the relevant Cabinet member may require further investigations to be carried out and the results of such investigations included in the report to the relevant Cabinet member / body prior to a final decision being taken on the subject matter of the petition.

1.11.6 Within 5 working days of the consideration of the petition by the relevant Cabinet Member / decision making body, the petition organiser will be notified of the Cabinet Member's decision and advise him/her that if s/he is not satisfied with that decision, s/he may require the matter to be reported to the next convenient meeting of the appropriate Scrutiny Committee (or Panel) for review.

1.12 Appeal to Scrutiny

1.12.1 If the petition organiser is not satisfied with the outcome of the Council's consideration of his/her petition, he/she may appeal to Scrutiny by notifying the Monitoring Officer of his/her intention to appeal within 20 working days of being notified of the Council's decision on the petition.

1.12.2 Within 5 working days of receipt of intention to appeal, the petition organiser will be notified of the time, date and place of the next convenient meeting of the Scrutiny Committee (or Panel) and will invite the petition organiser to attend the meeting and to address the Panel for up to 5 minutes on why s/he considers that the decision on the petition is inadequate.

1.12.3 The Scrutiny Panel will invite the petition organiser (and Ward Councillors) to make their representations and to explain why s/he considers that the Cabinet Member's response was insufficient. Scrutiny may not over-ride the Cabinet Member, but the Cabinet Member must consider any recommendations made by Scrutiny.

1.13 The role of the Petition Organiser

1.13.1 Where the petition is not accepted for consideration (see below for grounds for rejection of petitions), the petition organiser will be of the rejection and the grounds for such rejection.
1.13.2 Where the petition is accepted for consideration, the petition organiser will receive acknowledgment of receipt of the petition within 5 working days of receipt by the Council and will be advised as to who the petition will be considered by, and the date, time and place of the meeting at which it will be considered, and will be invited to address the meeting for up to 5 minutes. The meeting may then ask the petition organiser questions on the subject matter of the petition.

1.13.3 The petition organiser may nominate another person to address the meeting and to answer any questions on the matter.

1.13.4 The petition organiser will be regularly informed of any decisions in respect of the petition and will be formally notified of the outcome of the petition's consideration within 5 working days of such decision.

1.13.5 The petition organiser may notify the Council's Monitoring Officer of his/her intention to appeal to Scrutiny against the decision of the Council relating to the petition within 20 working days of being notified of that decision, and may attend and address the meeting for up to 5 minutes as to why he/she considers that the Council's decision on the petition was inadequate.

1.14 Petitions which will not be considered

1.14.1 Duplicate Petitions
Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting.

1.14.2 Repeat Petitions
A petition will not normally be considered where a petition on the same issue and seeking the same outcome has been received within the last 6 months, whether or not from the same petition organiser.

1.14.3 Rejected Petitions
Petitions will not be reported if in the opinion of the Council's Monitoring Officer, they are rude, offensive, defamatory, scurrilous or time-wasting, or do not relate to something which is within the responsibility of the Council, or over which the Council has some influence.
1. Introduction

1.1 Most planning and related applications do not go to the Planning Committee for a decision. Instead, they are dealt with by a Senior Council Officer and his team under powers delegated to him by the Planning Committee. This approach is widespread to Councils across the country and, at North East Lincolnshire Council, includes all non-controversial applications. In such cases, written comments are positively encouraged and are fully considered before a decision is taken; but there is no opportunity to speak to the Planning Committee.

1.2 More information about those applications which do go to Planning Committee can be found in the Council’s Constitution (see Part 3 Section 5 powers delegated to the Director of Economy and Growth).

1.3 The planning applications which are to be considered at Planning Committee are published in an agenda. This is available at least 5 full days beforehand.

1.4 Planning Committee normally meets every four weeks on a Wednesday -- at 9.30am in Grimsby Town Hall.

1.5 Public speaking will be permitted each time a planning, or related, application is considered by the Planning Committee. However, in order to do so you must register your intention to speak, more details about which are given below.

1.6 It is important that people affected by a development are able to speak at Planning Committee in order to reinforce their written comments. It is equally important that the applicant, or their representative, can speak to the Planning Committee and respond to issues raised. Local parish and ward councillors may also wish, and are entitled, to speak.

1.7 This document explains the related procedures, to ensure that the entitlement to speak to the Planning Committee is clear.

2 Registering an Intention to Speak - what you must do before Planning Committee

2.1 You are only able to speak to the Planning Committee if:
   1. You are the applicant or a person acting on their behalf; or
   2. You, or someone you represent, have previously made written comments on the application to the Council.

2.2 Separate rights also exist for Ward and Parish Councillors which are explained below.

2.3 You must let us know that you would like to speak by, at the very latest, 5pm on the Monday before the Wednesday meeting. This is so that we can make suitable arrangements for those who wish to speak. This can be done by phoning (01472) 324124, or by emailing Planning@nelincs.gov.uk. Alternatively, a form (found here: https://www.nelincs.gov.uk/planning-and-development/planning-committee/#1450871718717-b6cf6844-eb08) can be
posted or emailed.

3 Speaking at Planning Committee

3.1 Public speaking will be permitted each time a planning, or related, application is considered by the Planning Committee.

3.2 Local residents and others, who have previously written to the Council about an application, may speak to the Planning Committee. Up to 2 supporters may speak for no more than 5 minutes in total and up to 2 objectors may also speak for no more than 5 minutes in total. If more than two people have requested to either support or object to an application, their details, with their permission, will be shared with other objectors / supporters at the time they register to speak. This is in order that they can agree who will speak at Planning Committee and how they will split their time.

3.3 In those cases where a petition has been submitted, a spokesperson, on behalf of the petitioners, will continue to need to register a request to speak at Planning Committee. Their entitlement to speak will not extend beyond the 5 minutes as set out above.

3.4 At the discretion of the Chair, and in the case of major strategically significant proposals, additional public speakers may be permitted. In such cases there may be a wider range of views and opinions which it would be valuable for Planning Committee to hear, before taking a decision or making a recommendation to national government.

3.5 Additional plans, photographs or information which local residents and others wish to present to Planning Committee to supplement their case should be submitted at the earliest possible opportunity and at the latest by the Monday before the Wednesday Committee meeting. This is in order that we can circulate the information to Councillors and to the applicant. The submission of additional plans, photographs or information will not normally be allowed on the day of Planning Committee.

3.6 Ward Councillors may speak to the Planning Committee, for up to 5 minutes each, about an application in their ward. They may also speak for up to 5 minutes on a planned major development which is not within their ward, if the Chair agrees that it has a wider interest beyond a single ward.

3.7 Parish Councils may send a representative to speak to the Planning Committee for up to 5 minutes about an application in their parish. They may also speak for up to 5 minutes on a planned major development which is not within their parish, if the Chair agrees that it has a wider interest beyond a single parish.

3.8 Applicants and/or their agents may speak to the Planning Committee for up to a total of 5 minutes and no more. This maximum time may be used by up to two people. Additional plans or material to support an application will not normally be accepted on the day of Planning Committee. Any additional plans received on the day of the Committees may result in an application being taken off the agenda, to be considered at a later date, so as to give proper time for the amended details to be looked at.
3.9 The use of electronic presentation media (such as PowerPoint) is acceptable. However, in order for suitable arrangements to be made for this it should be sent as early as possible, via email, to the Development Management officer dealing with the application or to Planning@nelincs.gov.uk. The latest that such presentations should be sent is 5pm on the Monday before Planning Committee.

4 Arriving at the Planning Committee Meeting

4.1 It is helpful, in order to assist the smooth running of the meeting, that on arriving at the committee room in Grimsby Town Hall, people who have registered to speak make themselves known to the Committee Clerk. This then helps the Planning Committee Chair know which applications most people have come to hear. The Committee Chair will, as a result, normally vary the order in which items on the agenda are considered so that those with the most public interest are heard first of all.

4.2 Once a public speaker has spoken to Planning Committee there is no further right to speak at the meeting or add additional comments; this must all be done within the allotted 5 minutes.

5 Planning Committee – Order of Business

5.1 The discussion of applications is, in each case, in the following order:
1. Chair of Planning Committee announces the application.
2. Director of Economy and Growth, or his representatives, presents the application and outline the main points and recommendation contained within a detailed written report in front of the Committee. This presentation is normally supported by extracts from the plans submitted with the application and photographs of the site and its surroundings being shown to the Planning Committee via a large screen.
3. Objector(s) address Committee.
4. Developer/applicant/agent or supporter(s) address Committee
5. Ward Members (not on Planning Committee) address the Committee
6. Parish Councillors address Committee
7. Director of Economy and Growth, or his representatives, at the invitation of the Chair, respond to any issues raised.
8. Councillors on Planning Committee debate the application and may ask questions of the Council officers present.
9. A Planning Committee councillor proposes what should happen to the application (normally approval with conditions, refusal or deferral for a site visit or further information).
10. In the event that the above proposal is seconded by another Planning Committee member the Committee votes, with the permission of the Committee Chair, on the proposition.

6 Getting the Best from Speaking at Planning Committee

6.1 When speaking at Planning Committee it is recommended that you restrict your comments to those matters which the Planning Committee can take into account when it makes a decision. If detailed comments are made about matters which the Committee cannot take into account then Council officers present will advise the Committee Chair that this is so. The matters which the Planning Committee
cannot take into account are prescribed nationally and normally include land ownership issues, the perceived impact of a development on land and property values and existing businesses and the loss of a private view. Further advice on this is available here: http://www.nelincs.gov.uk/resident/planning-and-development/commenting-on-a-planning-application/

6.2 Anyone can attend any Planning Committee, whether you are speaking or not. If you think you might want to speak to the Committee in the future, you may find it useful to attend an earlier meeting to see how they work.

6.3 We recognise that public speaking can be an intimidating experience for anyone. But please be assured that everyone speaking to the committee is made welcome and will be treated with respect. If you would like further reassurance, please contact the Development Management team on (01472) 324213

7 Councillors

7.1 Councillors at North East Lincolnshire Council must comply with a Code of Conduct (as set out in the Constitution). The rules set out are to ensure that Councillors behave properly and lawfully at all times.
ARTICLE 3 – APPENDIX 4

Public Question Time at Scrutiny

- A person resident in North East Lincolnshire, if the question has been submitted in writing to the Director of Governance, Democracy and Community Engagement (in their role as statutory scrutiny officer) at the Municipal Offices, Town Hall Square, Grimsby, no later than 5 working days before the date of the relevant scrutiny panel, can ask the scrutiny panel any question relating to the remit of the panel.
- The Director of Governance, Democracy and Community Engagement will be responsible for confirming which Scrutiny Panel the question will go to. The Director of Governance, Democracy and Community Engagement, in consultation with the Monitoring Officer, shall be responsible for deciding the extent to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A of the Local Government Act 1972.
- Public questions will appear as an agenda item (as the first agenda item after apologies and declarations of interest) for the relevant scrutiny panel, as and when there are questions.
- The agenda item on public questions will not exceed 15 minutes in total, with 3 minutes allocated to each individual question.
- If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question to the panel and will receive a copy of the response in writing after the meeting. The person asking the question needs to be made aware that it may not be possible to provide a full response at the meeting, as it may depend on the panel or a partner organisation (e.g. one of the NHS Trusts) reviewing the issue in greater detail, or referring the matter to the relevant Portfolio Holder or Officer before a final response is provided.
- If the person asking the question is not present at the meeting, they will be sent a copy of the response to their question in writing.
- No more than 2 questions may be asked by any one person at the meeting.
- Questions and answers shall not be the subject of debate by the Panel unless the Panel Chair, on advice from the legal representative, considers it to be appropriate and necessary.
- Questions and summarised answers will be included in the minutes.
ARTICLE 4 - DECISION MAKING

This Article deals with who is responsible for making decisions within the Council and the recording of this information. It also sets out the main principles behind the making of decisions ensuring they are made on a clear and fair basis after due consideration of all relevant advice.

4.01 Responsibility for decision making
The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in this Part of the Constitution and separates out decision making between the Council, Cabinet and Regulatory Committees and those functions exercised by officers on behalf of members as well as arrangements for functions to be delegated out through joint arrangement or contract.

4.02 Principles of decision making
All decisions of the Council will be made in accordance with the following principles:

a) proportionality (i.e. the action must be proportionate to the desired outcome);
b) due consultation and the taking of professional advice from officers;
c) respect for human rights (see below for further details);
d) a presumption in favour of openness;
e) clarity of aims and desired outcomes;
f) an explanation of the options considered before a decision was reached;
g) an appropriate assessment of any known or emerging risks; and
h) the reasons why decisions were made are given.

4.03 Types of decision

a) Decisions reserved to Full Council. Decisions relating to the functions listed in Article 5.01 will be made by the full Council and not delegated.

b) Key Decisions.
   A key Decision must be included in the forward plan and is a decision as defined in Article 7.
   
   (i) These are key decisions which may only be made by the Cabinet, individual Portfolio Holders or Officers, such decisions being defined in Article 7.

   (ii) The Cabinet, an individual Portfolio Holder or an Officer may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Article 7.

4.04 Decision making by the Full Council

Subject to Article 4.08, the Council meeting shall follow the Standing Orders set out in Article 5 when considering any matter.
4.05 Decision making by the Cabinet
Subject to Article 4.08, the Cabinet or individual Portfolio Holder shall follow the Cabinet Procedures Rules set out in Article 7 when considering any matter.

4.06 Overview and Scrutiny
The Scrutiny Panels shall follow the Overview and Scrutiny Procedures Rules set out in Article 8 of this Constitution when considering any matter.

4.07 Decision making by other committees and sub-committees established by the Council
Subject to Article 4.08, other Council committees and sub-committees will follow those parts of the Council’s Standing Orders set out in Article 5 of this Constitution as apply to them.

4.08 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 the Human Rights Act 1998.

4.09 Decision Making, Assurance and Resource Management: roles and responsibilities of Councillors and Officers

Councillors – all Councillors are charged with the overall governance of the Council and must seek assurance from senior officers that the Council resources are managed appropriately. Portfolio Holders have specific responsibility for seeking assurance from Directors that resources within their areas of portfolio responsibility are being managed appropriately. Councillors will set policies to determine the standards they require for governance based on advice from the Chief Executive, Director of Finance (Chief Finance Officer) and Monitoring Officer.

Director of Finance (Chief Finance Officer) and Monitoring Officer – must establish the systems within the organisation for securing good governance and sound financial control. They must also monitor its compliance.

Council Leadership Team - are responsible for the ensuring compliance with the Council’s policies and develop systems that are robust and compliant with the Council’s procedure requirements. They must also ensure that controls are operating effectively, instigate mitigating actions where required and provide the necessary assurances to the Head of Paid Service through their annual governance statements and supervision arrangements.

Resource Managers – all managers with responsibility for resources must ensure that the Council’s resources are protected and used appropriately and effectively to deliver priorities. They must operate robust performance management systems to effectively monitor and manage risks and secure assurances of compliance with policy and procedures.
**Staff** – all staff have a duty to operate within the Council’s policies and procedure rules at all times. They must also protect the Council resources and assets and ensure they are appropriately deployed to deliver the Council’s priorities.

**Finance staff** – are responsible for providing professional advice to managers on the use of resources and escalating concerns to senior officers as required. They also have a duty to advise the Director of Finance (Chief Finance Officer) of any non-compliance with policy and procedures they are aware of.

**Internal Audit** – monitor internal control arrangements including the robustness of systems and arrangements for compliance. Internal Audit must provide professional advice to all Leadership Team members and primarily the Director of Finance (Chief Finance Officer) and Monitoring Officer of any serious control breaches and arising patterns of behaviour which are a fundamental concern.
ARTICLE 4 – APPENDIX 1

RESPONSIBILITY FOR FUNCTIONS

**Council Functions (Section 1)**
Certain functions must remain with full Council. The table in Section 1 of this part of the Constitution defines these functions.

**Local Choice Functions (Section 2)**
Some functions, known as local choice functions, may be allocated by the full Council to the Cabinet or retained by it or allocated to a Committee appointed by the Council. The table in Section 2 of this part of the Constitution details the present arrangements with regard to the apportionment of these local choice functions between the full Council, Committees and Cabinet.

**Regulatory Functions (Section 3)**
Some other functions, of a regulatory nature, cannot be exercised by the Cabinet. These are therefore Council retained functions which may be delegated by full Council. Section 3 of this part of the Constitution provides details of the Committees the full Council has set up to undertake these regulatory functions and also shows which local choice functions have been delegated to them. This section also details the Council's scrutiny arrangements.

**Cabinet Functions (Section 4)**
The legislative framework set by the Local Government Act 2000 provides that all other Council functions are undertaken by the Cabinet. These functions are often called either Cabinet or executive functions.

**Delegation of Functions to Officers (Section 5)**
The full Council and Cabinet has determined that certain powers of the Council shall be delegated to officers in accordance with the Scheme of Delegation which is set out in Sections 3 and 5.

**Compulsory Reporting Requirements**
For the purposes of this Part of the Constitution, the following mandatory requirements shall apply to all decisions taken by the full Council, Cabinet, Committees and Officers as well as reports to Overview and Scrutiny:

(i) The Monitoring Officer, Section 151 Officer and HR Group Manager shall be consulted in respect of all reports to elected members

(ii) Directors shall ensure that any report submitted to elected members and any decision taken by Officers, acting with delegated authority, shall be preceded by an assessment of any risk(s) to the Council associated with the proposed report/decision as set out in the officers’ report writing guide issued by the Monitoring Officer and reviewed from time to time
(iii) Where not otherwise prescribed by law or this Constitution, the detail of any decision taken by an Officer, acting with delegated authority, shall be in such form prescribed by the Monitoring Officer.

(iv) Any decision taken in accordance with paragraph 14 of Section 5 shall be recorded in such form prescribed by the Monitoring Officer.
Section 1 - Matters which it is the responsibility of the full Council to discharge

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 Article 3 of this Constitution, making decisions about any matter in the discharge of an Cabinet 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) appointing the leader;
e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
g) adopting a Members allowances scheme under Article 2.05;
h) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
i) confirming the appointment and dismissal of the Head of Paid Service;
j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
k) all local choice functions set out in Section 2 which the Council decides should be undertaken by itself rather than the Cabinet; and
l) all other matters which, by law, must be reserved to Council.
Section 2 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

These are matters which may be but need not be, the responsibility of the Cabinet. These are known under the legislation as "Local Choice" functions because the Full Council has a choice about how it allocates the responsibility. The table below describes the Functions and which part of the Council has delegated responsibility for carrying each of the functions. In this Part of the Constitution any reference to an Act or statutory Instrument includes reference to any modification, amendment or re-enactment thereof.

<table>
<thead>
<tr>
<th>Function</th>
<th>Decision Making Body</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any function under a local Act</td>
<td>Council</td>
</tr>
<tr>
<td>The determination of an appeal against any decision made by or on behalf of the authority where no specific arrangements have been made</td>
<td>Appeals Committee</td>
</tr>
<tr>
<td>The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the 1998 Act (appeals against exclusion of pupils).</td>
<td>Council function delegated to the Deputy Chief Executive</td>
</tr>
<tr>
<td>The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the 1998 Act (admission appeals)</td>
<td>Council function delegated to the Deputy Chief Executive</td>
</tr>
<tr>
<td>The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).</td>
<td>Council</td>
</tr>
<tr>
<td>The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996(b) for enabling questions to be put on the discharge of the functions of a police authority.</td>
<td>Council</td>
</tr>
<tr>
<td>The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.</td>
<td>Joint Appointments Committee set up under the Police Act 1996</td>
</tr>
<tr>
<td>The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999(c).</td>
<td>Cabinet/Scrutiny shared function as set out in respective terms of reference</td>
</tr>
<tr>
<td>Function</td>
<td>Decision Making Body</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Any function relating to contaminated land</td>
<td>Council functions delegated to Licensing and Community Protection Committee and to the Director of Economy and Growth as set out in the Scheme of Delegation and subject to the reservations and limitations</td>
</tr>
<tr>
<td>The discharge of any function relating to the control of pollution or the management of air quality</td>
<td></td>
</tr>
<tr>
<td>The service of an abatement notice in respect of a statutory nuisance</td>
<td></td>
</tr>
<tr>
<td>The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</td>
<td></td>
</tr>
<tr>
<td>The inspection of the authority's area to detect any statutory nuisance</td>
<td></td>
</tr>
<tr>
<td>The investigation of any complaint as to the existence of a statutory nuisance</td>
<td></td>
</tr>
<tr>
<td>The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land.</td>
<td>Council function delegated to Planning Committee and subsequently to the Director of Economy and Growth</td>
</tr>
<tr>
<td>The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Council function delegated to the Licensing and Community Protection and Planning Committees and subsequently to all Directors as set out in the approved Managerial Structure.</td>
</tr>
<tr>
<td>The making of agreements for the execution of highways works</td>
<td>Council function delegated to Planning Committee and to the Director of Economy and Growth as set out in the Scheme of Delegation subject to the express reservations and limitations</td>
</tr>
<tr>
<td>Function</td>
<td>Decision Making Body</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>The appointment of any individual -</td>
<td></td>
</tr>
<tr>
<td>(a) to any office other than an office in which he is employed by the authority;</td>
<td>Council function or the Cabinet where the appointment relates to a Cabinet function</td>
</tr>
<tr>
<td>(b) to anybody other than –</td>
<td></td>
</tr>
<tr>
<td>(i) the authority;</td>
<td></td>
</tr>
<tr>
<td>(ii) a joint committee of two or more authorities; or</td>
<td></td>
</tr>
<tr>
<td>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</td>
<td></td>
</tr>
</tbody>
</table>

| Functions and responsibilities in respect of Local Area Agreements      | Cabinet                                                  |
Section 3 - RESPONSIBILITY FOR COUNCIL FUNCTIONS OF A REGULATORY NATURE (NON CABINET FUNCTIONS)

1. Planning Committee
   Licensing and Community Protection Committee
   Standards and Adjudication Committee
   Appointments Committee
   Audit and Governance Committee
   Overview and Scrutiny

2. Details about each of these bodies are set out below. These details set out the Terms of Reference and delegated powers exercised by each on behalf of the Council. These comprise regulatory and other powers reserved by legislation to the Council (that is functions which cannot be exercised by the Cabinet) and local choice functions not delegated to Cabinet by Council. The delegation of relevant powers to officers are also included.

3. Some of these powers are in turn delegated by Council to officers to exercise. Details of these officer delegated powers are set out in Section 5 and are subject to the requirements and limitations set out in that part of the delegation scheme.

4. Any reference in this Scheme of Delegation to any Act or Statutory Instrument includes any modification, amendment or re-enactment thereof.

5. The Council has transferred a range of regeneration, property and technical services to Engie, for a period of 10 years from the 1st July 2010. Any references in this Scheme of Delegation to the "Regeneration Partner" should be construed accordingly.

6. The Council has transferred a range of adult social care services to the North East Lincolnshire Clinical Commissioning Group. Any references in this Scheme of Delegation to the "CCG" shall be construed accordingly.
<table>
<thead>
<tr>
<th>Committee</th>
<th>Membership</th>
<th>Terms of Reference and Powers</th>
<th>Delegation of Powers to Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>11 members (politically balanced)</td>
<td><strong>Terms of Reference</strong> Functions in relation to town and country planning, development control and enforcement and various statutory functions relating to trees, listed or dilapidated buildings, building control and conservations; commons registration and various highway functions, save for those functions reserved by standing orders or Regulations to be carried out by Cabinet or Full Council.</td>
<td>Refer to delegation to the Director of Economy and Growth</td>
</tr>
</tbody>
</table>
|            |                                  | **Delegated Powers**  
1. The determination of planning applications under Part III of the Town and Country Planning Act 1990 except:-  
(a) applications delegated to the Director of Economy and Growth | Refer to delegation to the Director of Economy and Growth |
|            |                                  | **Functions**  
The determination of planning applications under Part III of the Town and Country Planning Act 1990 except:  
(a) applications delegated to the Director of Economy and Growth. | Refer to delegation to the Director of Economy and Growth |
2. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject (Paragraph 2(6) (a) of Schedule 2 to the Planning and Compensation Act 1991 paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act).

3. Power to (i) decline to determine subsequent and overlapping applications under Section 70A and 70B of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) (ii) decline to determine subsequent and overlapping applications under Section 70B of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004 (iii) decline to determine subsequent and overlapping applications under sections 81A and 81B of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Items 2 and 4 to 27 inclusive delegated to the Director of Economy and Growth but subject to any limitations set out in this Part 3 of the Constitution.

| Committee matter |

| 4. Power to grant or refuse planning permission for development without complying with conditions to which previous planning permission is subject (Section 73 of the Town and Country Planning Act 1990). |

Delegated to the Director of Economy and Growth subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution

| 5. Power to grant or refuse planning permission for development carried out without planning permission (Section 73A of the Town and Country Planning Act 1990) |

As above
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>6.</td>
<td>To determine (approval or refusal) minor amendments submitted following previous grants of planning permission. This shall include revised site, revised house types, changes of materials, changes to door or window positions and dimensions of built development.</td>
</tr>
<tr>
<td>7.</td>
<td>To respond to consultations from other Councils, statutory bodies and Government Agencies/departments in respect of development.</td>
</tr>
<tr>
<td>8.</td>
<td>Power to grant or refuse consent for the display of advertisements (the Town and Country Planning (Control of Advertisements) Regulations 1992).</td>
</tr>
<tr>
<td>9.</td>
<td>Power to grant or refuse listed building consent (Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).</td>
</tr>
<tr>
<td>10.</td>
<td>Power to grant or refuse conservation area consent (Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by section 74(3) of that Act).</td>
</tr>
<tr>
<td>11.</td>
<td>Power to grant or refuse hazardous substances consent (Section 9(1) of the Planning (Hazardous Substances) Act 1990)).</td>
</tr>
</tbody>
</table>

Delegated to the Statutory Planning Officer subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution. Delegated to the Director of Economy and Growth subject to the limitations set out in Section 5, paragraph 12 of this part of the Constitution.
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Making of Tree Preservation Orders and Provisional Tree Preservation Orders (Section 198-201 of the Town and Country Planning Act 1990) and the service of Building Preservation Notices where there is an imminent threat of destruction or damage.</td>
</tr>
<tr>
<td>13.</td>
<td>Confirmation of Tree Preservation Orders Delegated to the Director of Economy and Growth where no objections have been received.</td>
</tr>
<tr>
<td>14.</td>
<td>Power to dispense with duty to replace trees (Section 206(2) of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>15.</td>
<td>Power to enforce duty to replace trees (Section 207 of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>16.</td>
<td>Power to dispense with duty to replace trees in conservation areas (Section 213(2) of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>17.</td>
<td>Power to enforce duty to replace trees in conservation areas (Section 213(3) of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>18.</td>
<td>Power to grant or refuse consent under a tree preservation order (Paragraph 7 of the Schedule to the Trees Regulations 1999)</td>
</tr>
<tr>
<td>19.</td>
<td>Power to give directions as to the replanting of land (Paragraph 8 of the Schedule to the trees Regulations 1999)</td>
</tr>
<tr>
<td>20.</td>
<td>To determine whether Environmental Statements are necessary or to require further information in respect thereof.</td>
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</tr>
<tr>
<td>21.</td>
<td>To provide a &quot;scoping brief&quot; in relation to the requirement for an Environmental Statement.</td>
</tr>
<tr>
<td>22.</td>
<td>To accept or reject any Environmental Statement provided in the course of a planning application.</td>
</tr>
<tr>
<td>23.</td>
<td>To determine whether prior approval is necessary for the sitting and appearance of relevant telecommunications equipment and to determine such applications.</td>
</tr>
<tr>
<td>24.</td>
<td>To determine whether prior approval for demolition of buildings is necessary.</td>
</tr>
<tr>
<td>25.</td>
<td>To determine whether prior approval for agricultural buildings or operations is necessary.</td>
</tr>
<tr>
<td>26.</td>
<td>To determine which method should be adopted for dealing with planning appeals lodged against the Council's decisions and preparing and presenting the Council's case to the Inspector whether by writing or at a hearing or Inquiry.</td>
</tr>
<tr>
<td>27.</td>
<td>Power to require information as to interests in land (Section 330 of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>28.</td>
<td>Power to serve a planning contravention notice, breach of condition notice or stop notice (Sections 171 C, 187A and 183(1) of the Town and Country Planning Act 1990). Item 28-33 delegated to Director of Economy and Growth subject to limitations as set out in this part of the Constitution.</td>
</tr>
<tr>
<td>29.</td>
<td>Power to issue (and arrange for the service of) an enforcement and (where applicable) a Stop Notice (Section 172 of the Town and Country Planning Act 1990). Director of Economy and Growth, in consultation with the Monitoring Officer.</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>30.</td>
<td>Power to issue (and arrange for the service of) a Temporary Stop Notice (Section 171E to 171H of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>31.</td>
<td>Power to issue and arrange the service Notices under Section 215 of the town and Country Planning Act 1990 if it appears that the amenity of the area is being adversely affected by the condition of the land.</td>
</tr>
<tr>
<td>32.</td>
<td>Power to issue a listed building enforcement notice (Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990).</td>
</tr>
<tr>
<td>33.</td>
<td>Power to serve an urgent works notice (Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990).</td>
</tr>
<tr>
<td>34.</td>
<td>Power to revoke or modify any listed building consent (Section 23(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).</td>
</tr>
<tr>
<td>35.</td>
<td>Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>36.</td>
<td>Power to authorise entry onto land (Section 196A of the Town and Country Planning Act 1990).</td>
</tr>
<tr>
<td>37.</td>
<td>The making of agreements for the execution of highway works</td>
</tr>
<tr>
<td>38.</td>
<td>Power to make Limestone Pavement Orders (Section 34(2) Wildlife and Countryside Act 1981)</td>
</tr>
<tr>
<td></td>
<td>Powers relating to protection of hedgerows (Hedgerows Regulations 1997)</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>39</td>
<td>Power to create footpaths and bridleways</td>
</tr>
<tr>
<td>40</td>
<td>Power to stop up, divert and/or extinguish footpaths and bridleways and make Gating Orders in accordance with all powers conferred by the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005.</td>
</tr>
<tr>
<td>41</td>
<td>Power to make applications to the Magistrates Court pursuant to Section 113 of the Highways Act 1980.</td>
</tr>
<tr>
<td>42</td>
<td>Duty to assert and protect the rights of the public to use and enjoyment of highways (Section 130 of the Highways Act 1980).</td>
</tr>
<tr>
<td>43</td>
<td>Powers relating to the removal of things so deposited on highways as to be a nuisance (Section 149 of the Highways Act 1980).</td>
</tr>
<tr>
<td>44</td>
<td>Duty to keep a definitive map and statement under review (Section 53 of the Wildlife and Countryside Act 1981 (c.69))</td>
</tr>
<tr>
<td>45</td>
<td>Duty to reclassify roads used as public paths (Section 54 of the Wildlife and Countryside Act 1981).</td>
</tr>
<tr>
<td>46</td>
<td>Power to grant a street works licence (Section 50 of the New Roads and Street Works Act 1991 (c.22)).</td>
</tr>
<tr>
<td>47</td>
<td>Power to permit deposit of builder's skip on highway (Section 139 of the Highways Act 1980 (c.66))</td>
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<tr>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>49.</td>
<td>Power to license planting, retention and maintenance of trees etc., in part of highway (Section 142 of the Highways Act 1980).</td>
</tr>
<tr>
<td>50.</td>
<td>Power to authorise erection of stiles etc., on footpaths or bridleways (Section 147 of the Highways Act 1980).</td>
</tr>
<tr>
<td>51.</td>
<td>Power to license works in relation to buildings etc., which obstruct the highway (Section 169 of the Highways Act 1980).</td>
</tr>
<tr>
<td>52.</td>
<td>Power to consent to temporary deposits or excavations in streets (Section 171 of the Highways Act 1980).</td>
</tr>
<tr>
<td>53.</td>
<td>Power to dispense with obligations to erect hoarding or fence (Section 172 of the Highways Act 1980).</td>
</tr>
<tr>
<td>54.</td>
<td>Power to restrict the placing of rails, beams etc., over highways (Section 178 of the Highways Act 1980).</td>
</tr>
<tr>
<td>55.</td>
<td>Power to consent to construction of cellars etc., under street (Section 179 of the Highways Act 1980).</td>
</tr>
<tr>
<td>56.</td>
<td>Power to consent to the making of openings into cellars etc., under streets, and pavement lights and ventilators (Section 180 of the Highways Act 1980).</td>
</tr>
<tr>
<td>Licensing Sub Committees</td>
<td>5 Sub Committees of 3 members</td>
</tr>
<tr>
<td>All powers under the Licensing Act 2003 delegated to the Sub-Committees by the full Council on the 16th December 2004, as set out in the appendix to this scheme of delegation</td>
<td></td>
</tr>
</tbody>
</table>
| Licensing and Community Protection Committee | 15 members (politically balanced) | **Terms of Reference**
All powers conferred on the Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005, subject to the delegation of powers to the Licensing Sub-Committees | The Director of Finance, Operations and Resources is authorised to exercise all powers approved by the full Council on the 16th December 2004, as set out in the appendix to this scheme of delegation

|  |  | All powers of the Licensing Authority as a Responsible Authority under the Licensing Act 2003 as a result of the Police Reform and Social Responsibility Act 2011 | Director of Finance, Operations and Resources

|  |  | Matters relating to Taxi, gaming, entertainment, food and miscellaneous licensing and statutory provisions including functions relating to parishes and elections and Health and safety to the extent that those functions are discharged otherwise than in the council’s capacity as employer |  

|  |  | **Functions**

1. In respect of Hackney Carriage and Private Hire licences to determine licence applications which have not been determined by the Deputy Chief Executive (Communities) pursuant to his delegated powers. | Delegated to the Director of Finance, Operations and Resources subject to limitations as set out in Section 5 and in particular where the applicant has more than six penalty points on his/her DVLA driving licence; or has an unspent conviction; or spent conviction for violence or indecency, then the application will be dealt with by a Licensing Panel made up of five members of the Committee

2. To receive reports for information on the suspension and revocation of licences. |
3. To receive, at regular intervals, a report of all licences issued, renewed or refused.

4. to receive an annual report of all hackney carriage and private hire licences issued or renewed where the vehicle in question is over the age of five years.

5 to receive periodic reports on random inspections carried out.

6. to vary, amend or revoke the standard conditions of hackney carriage or private hire operators, vehicle and drivers’ licences.

7. to determine the fees payable for the issue and renewal of hackney carriage and private hire licences (including inspections).

8. to determine the hackney carriage tariff from time to time.

9. to approve the siting or relocation or removal of hackney carriage ranks and to authorise the appropriate statutory notices.

10. In relation to Public Entertainment Licences and private places of entertainment covered under the Private Places of Entertainment (Licensing) Act 1967:-

Director of Finance, Operations and Resources subject to limitations set out in Section 5 and provided no objections are made

11. to determine new applications upon receiving recommendations from the appropriate officers and outside bodies and impose conditions.

Director of Finance, Operations and Resources subject to limitations set out in Section 5 and provided no objections are made
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>12.</td>
<td>to vary, amend or revoke the standard conditions otherwise imposed upon the grant of a new licence.</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>to vary the conditions attached to an existing licence upon receiving recommendations from the appropriate officers and outside bodies.</td>
<td>Director of Finance, Operations and Resources subject to limitations set out in Section 5 and provided no objections are made</td>
</tr>
<tr>
<td>14.</td>
<td>to receive and approve annual reports on the renewal of licences.</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>to revoke licences.</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>to determine the fees payable for applications to issue and renew licences.</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>to determine policy in respect of those matters for which the Committee is responsible and the authorisation of all work necessary to assist the formulation and execution of that policy.</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>In relation to amusements machines and amusements with prizes permits and licences, street collections, betting track licences, inter-track betting scheme, sex establishments and nurses agencies licences</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>to grant and renew licences and permits on recommendations from the appropriate officers and outside bodies and to impose conditions.</td>
<td>Director of Finance, Operations and Resources except where there are objections and excluding matters relating to Sex Establishments</td>
</tr>
<tr>
<td>20.</td>
<td>to vary the conditions attached to an existing licence or permit upon receiving recommendations from the appropriate officers and outside bodies.</td>
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</tr>
<tr>
<td>21.</td>
<td>to vary, amend or revoke the standard conditions imposed upon the grant of amusements with prizes permits and licences.</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>to receive reports on applications for permits for small lotteries where adverse comments have been received from the police and to determine the application.</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>to determine the licence fee payable in respect of sex establishments.</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>To receive reports on applications for permits for house to house collections and street collections where adverse reports are received and to determine the application.</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Power to issue permits for the operation of minibuses (Section 19 of the Transport Act 1985). Items 26 to 34 inclusive delegated to the Director of Finance, Operations and Resources, subject to any limitations stated</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976).</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Power to issue cinema and cinema club licences (Section 1 of the Cinemas Act 1985).</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Power to issue theatre licences (Section 12 to 14 of the Theatres Act 1968).</td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Power to licence performances of hypnotism (The Hypnotism Act 1952).</td>
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</tr>
<tr>
<td>31.</td>
<td>Power to register door staff (Paragraphs 1(4) and 11 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982, paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c.33) and Part V of the London Local Authorities Act 1995).</td>
<td>Director of Finance, Operations and Resources except where objections in which case referred to Licensing Panel</td>
</tr>
<tr>
<td>32.</td>
<td>Power to license night cafes and take-away food shops (Section 2 of the Late Night Refreshment Houses Act 1969), Part II of the London Local Authorities Act 1990 and Section 5 of the London Local Authorities Act 1994).</td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendments Act 1907).</td>
<td></td>
</tr>
<tr>
<td>35.</td>
<td>Power to issue licences authorising the use of land as a caravan site (&quot;site licences&quot;) (Section 3(3) of the Caravan Sites and Control of Development Act 1960).</td>
<td>Director of Economy and Growth</td>
</tr>
<tr>
<td>36.</td>
<td>Power to license the use of moveable dwellings and camping sites (Section 269(1) of the Public Health Act 1936).</td>
<td>Director of Economy and Growth</td>
</tr>
<tr>
<td>37.</td>
<td>Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis (Sections 13 and 17 of the Local Government (Miscellaneous Provisions Act 1982)).</td>
<td>Items 37 to 42 inclusive delegated to the Director of Finance, Operations and Resources subject to any limitations stated.</td>
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<tr>
<td>38.</td>
<td>Duty to keep list of persons entitled to sell non-medicinal poisons (Section 3(l)(b)(ii), 5, 6 and 11 of the Poisons Act 1972).</td>
<td></td>
</tr>
<tr>
<td>39.</td>
<td>Power to license dealers in game and the killing and selling of game (Section 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972).</td>
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</tr>
<tr>
<td>40.</td>
<td>Power to register and license premises for the storage of filling materials (Section 2 of the Rag Flock and other Filling Materials Act 1951).</td>
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<tr>
<td>41.</td>
<td>Power to register and license premises for the preparation of food (Section 19 of the food Safety Act 1990).</td>
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</tr>
<tr>
<td>42.</td>
<td>Power to license scrap yards (Section 1 of the Scrap Metal Dealers Act 1964).</td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (The Safety of Sports Grounds Act 1975). <strong>Director of Economy and Growth, in consultation with the Monitoring Officer</strong></td>
<td></td>
</tr>
<tr>
<td>44.</td>
<td>Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sport Act 1987).</td>
<td></td>
</tr>
<tr>
<td>45.</td>
<td>Power to issue fire certificates (Section 5 of the Fire Precautions Act 1972). <strong>Director of Finance, Operations and Resources</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Power to license premises for the breeding of dogs (Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999).</td>
<td>Director of Finance, Operations and Resources</td>
</tr>
<tr>
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</tr>
<tr>
<td>47.</td>
<td>Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1973); the Riding Establishments Act 1964 and 1970 (1964 c.70 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999)).</td>
<td>Renewals delegated to Director of Finance, Operations and Resources, new applications to be determined by Committee</td>
</tr>
<tr>
<td>48.</td>
<td>Power to register animal trainers and exhibitors (Section 1 of the Performing Animals (Regulation) Act 1925.</td>
<td></td>
</tr>
<tr>
<td>49.</td>
<td>Power to license zoos (Section 1 of the Zoo Licensing Act 1982).</td>
<td></td>
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<tr>
<td>50.</td>
<td>Power to license dangerous wild animals (Section 1 of the Dangerous Wild Animals Act 1976).</td>
<td>Director of Finance, Operations and Resources</td>
</tr>
<tr>
<td>51.</td>
<td>Power to license guard dogs (Section 1 of the Guard Dogs Act 1975).</td>
<td>Director of Finance, Operations and Resources</td>
</tr>
<tr>
<td>52.</td>
<td>Power to license knackers’ yards (Section 4 of the Slaughterhouses Act 1974.</td>
<td>Director of Finance, Operations and Resources</td>
</tr>
<tr>
<td>53.</td>
<td>Power to license the employment of children (Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963)</td>
<td>Director of Finance, Operations and Resources</td>
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<tr>
<td>54.</td>
<td>Power to license accommodation addresses (Section 5 of the Official Secrets Act 1920).</td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>To carry out the duties and powers set out in the Registration Service Act 1953, the Registration of Births, Deaths and Marriages Regulations 1968 onwards and by the Local Registration Scheme.</td>
<td>Items 55 to 58 inclusive delegated to the Director Governance, Democracy and Community Engagement</td>
</tr>
<tr>
<td>56.</td>
<td>Power to approve premises for the solemnisation of marriages (Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995).</td>
<td></td>
</tr>
<tr>
<td>57.</td>
<td>Power to determine fees in connection with the provision of civil registration services (births, deaths and marriages)</td>
<td></td>
</tr>
<tr>
<td>58.</td>
<td>Power to register common land or town or village greens, except where the power is exercisable solely for the purposes of giving effect to:</td>
<td></td>
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<tr>
<td></td>
<td>(i) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or</td>
<td></td>
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<td></td>
<td>(ii) an order under section 147 of the Inclosure Act 1845.</td>
<td></td>
</tr>
<tr>
<td>59.</td>
<td>Power to license persons to collect for charitable and other causes (Section 5 of the Police, Factories etc., (Miscellaneous Provisions) Act 1916) and section 2 of the House to House Collections Act 1939).</td>
<td>Items 59 to 77 inclusive delegated to the Director of Finance, Operations and Resources subject to any limitations stated</td>
</tr>
<tr>
<td>60.</td>
<td>Power to sanction use of parts of buildings for storage of celluloid (Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)).</td>
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<tr>
<td>64.</td>
<td>Power to approve egg product establishments (Regulations 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).</td>
<td></td>
</tr>
<tr>
<td>65.</td>
<td>Power to issue licences to retail butchers’ shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat premises (Schedule 1A of the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)(a).</td>
<td></td>
</tr>
<tr>
<td>67.</td>
<td>Power to approve dispatch and purification centres (Regulation 1 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1994.</td>
<td></td>
</tr>
<tr>
<td>68.</td>
<td>Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
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<tr>
<td>69.</td>
<td>Power to approve factory vessels and fishery products establishments (Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
<td></td>
</tr>
<tr>
<td>70.</td>
<td>Power to register auction and wholesale markets (Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.</td>
<td></td>
</tr>
<tr>
<td>72.</td>
<td>Power to register food business premises (Regulation 9 of the Food Premises (Registration) Regulations 1991.</td>
<td></td>
</tr>
<tr>
<td>73.</td>
<td>Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16).</td>
<td></td>
</tr>
<tr>
<td>75.</td>
<td>Power to license the sale of pigs (Article 13 of the Pigs (Record, Identification and Movement) Order 1995.</td>
<td></td>
</tr>
<tr>
<td>76.</td>
<td>Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification and Movement) Order 1995.</td>
<td></td>
</tr>
<tr>
<td>77.</td>
<td>Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).</td>
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<tr>
<td><strong>Elections</strong></td>
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<tr>
<td>Elections and electoral registration including: - 81. Duty to appoint an electoral registration officer (Section 8(2) and 52(2) to (4) of the Representation of the People Act 1983).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>78. Functions in relation to parishes and parish councils (Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part).</td>
<td>Director Governance, Democracy and Community Engagement</td>
<td></td>
</tr>
<tr>
<td>79. Power to dissolve small parish councils (Section 10 of the Local Government Act 1972) and power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81. Duty to divide constituency into polling districts.</td>
<td>As above</td>
<td></td>
</tr>
<tr>
<td>82. Power to assign officers in relation to requisitions of the registration officer.</td>
<td>Director Governance, Democracy and Community Engagement</td>
<td></td>
</tr>
<tr>
<td>83. All other functions relating to Parliamentary, local government and European Parliamentary Elections.</td>
<td>Chief Executive and Director Governance, Democracy and Community Engagement</td>
<td></td>
</tr>
<tr>
<td>84. Power to divide electoral divisions into polling districts at local government elections (Section 31 of the Representation of the People Act 1983).</td>
<td>As above</td>
<td></td>
</tr>
<tr>
<td>85. Powers in respect of holding of elections (Section 39(4) of the Representation of the People Act 1983).</td>
<td>As above</td>
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<tr>
<td>86.</td>
<td>Power to pay expenses properly incurred by electoral registration officers (Section 54 of the Representation of the People Act 1983).</td>
<td>As above</td>
</tr>
<tr>
<td>87.</td>
<td>Power to fill vacancies in the event of insufficient nominations (Section 21 of the Representation of the People Act 1985).</td>
<td>As above</td>
</tr>
<tr>
<td>88.</td>
<td>Duty to declare vacancy in office in certain cases (Section 86 of the Local Government Act 1972).</td>
<td>As above</td>
</tr>
<tr>
<td>89.</td>
<td>Duty to give public notice of a casual vacancy (Section 87 of the Local Government Act 1972).</td>
<td>As above</td>
</tr>
<tr>
<td>90.</td>
<td>Power to make temporary appointments to parish councils (Section 91 of the Local Government Act 1972).</td>
<td>Committee function</td>
</tr>
<tr>
<td>91.</td>
<td>Power to determine fees and conditions for supply of copies of, or extracts from elections documents (Rule 48(3) of the Local Election (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215) and under the Registration Acts (Births, Deaths, Marriages).</td>
<td>Director Governance, Democracy and Community Engagement</td>
</tr>
<tr>
<td>92.</td>
<td>Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 (Section 10 of the Representation of the People Act 2000 (c.2).</td>
<td></td>
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<tr>
<td>Functions relating to name and status of area</td>
<td></td>
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<td>---------------------------------------------</td>
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<tr>
<td>On recommendation to Council:-</td>
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</tr>
<tr>
<td>98. Power to change the name of a county, district or London Borough (Section 74 of the Local Government Act 1972).</td>
<td></td>
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</tr>
<tr>
<td>93. Power to change the name of a parish (Section 75 of the Local Government Act 1972 and Part 4 of the Local Government and Public Involvement in Health Act 2007).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>94. Power to confer title of honorary alderman or to admit to be an honorary freeman (Section 249 of the Local Government Act 1972).</td>
<td></td>
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<tr>
<td>95. Power to petition for a charter to confer borough status (Section 245b of the Local Government Act 1972).</td>
<td></td>
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</tr>
<tr>
<td>Byelaws</td>
<td></td>
<td></td>
</tr>
<tr>
<td>On recommendation to Council where statute requires:-</td>
<td></td>
<td></td>
</tr>
<tr>
<td>96. Power to make, amend, revoke or re-enact byelaws (Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30) (a).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miscellaneous Functions</td>
<td>All Directors</td>
<td></td>
</tr>
<tr>
<td>97. Power to require information as to interests in land (Section 16 of the Local Government (Miscellaneous provisions) Act 1976 (c.57)).</td>
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<tr>
<td><strong>98.</strong></td>
<td>Power to make closing orders with respect to premises where meals or refreshments are supplied for consumption off the premises (Section 4 of the Local Government (Miscellaneous Provisions) Act 1982).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Director of Finance, Operations and Resources</td>
<td></td>
</tr>
<tr>
<td><strong>99.</strong></td>
<td>Functions relating to sea fisheries (Section 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966).</td>
<td></td>
</tr>
<tr>
<td><strong>Health and Safety</strong></td>
<td></td>
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<tr>
<td><strong>100.</strong></td>
<td>Functions under any &quot;relevant statutory provision&quot; within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc., Act 1974</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Director of Finance, Operations and Resources</td>
<td></td>
</tr>
<tr>
<td><strong>Environmental Protection</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>101.</strong></td>
<td>Any function relating to contaminated land (Part IIA of the Environmental Protection Act 1990 and subordinate legislation under that Part).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Director of Finance, Operations and Resources within policies set by Committee</td>
<td></td>
</tr>
<tr>
<td><strong>102.</strong></td>
<td>Powers relating to the control of pollution and the management of air quality (The Pollution Prevention and Control Act 1999 Part I of the Environmental Protection Act 1990 and the Clean Air Act 1993 (c.11)).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Director of Finance, Operations and Resources within policies set by Committee</td>
<td></td>
</tr>
<tr>
<td><strong>103.</strong></td>
<td>Duty to serve abatement notice in respect of statutory nuisance (Section 80 (1) of the Environmental Protection Act 1990) (Local Choice function).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Director of Finance, Operations and Resources</td>
<td></td>
</tr>
<tr>
<td><strong>104.</strong></td>
<td>Power to resolve that Schedule 2 to the Noise and Statutory Nuisance Act 1993 is to apply in the authority's area (Section 8 of the Noise and Statutory Nuisance Act 1993)</td>
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<tr>
<td>105.</td>
<td>Duty to inspect area to detect statutory nuisance (Section 79 of the Environmental Protection Act 1990).</td>
<td>Items 105 to 110 inclusive delegated to the Director of Finance, Operations and Resources subject to any limitations stated.</td>
</tr>
<tr>
<td>106.</td>
<td>Duty to investigate statutory nuisance complaints (Section 79 of the Environmental Protection Act 1990).</td>
<td></td>
</tr>
<tr>
<td>107.</td>
<td>Power to grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993).</td>
<td></td>
</tr>
<tr>
<td>108.</td>
<td>Power to issue street litter control notice (Sections 93 and 94 of the Environmental Protection Act 1990.</td>
<td></td>
</tr>
<tr>
<td>109.</td>
<td>Enforcement of legislation relating to straw and stubble burning etc. (Section 152 of the Environmental Protection Act 1990.</td>
<td></td>
</tr>
<tr>
<td>110.</td>
<td>Local Bills</td>
<td></td>
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<tr>
<td></td>
<td>To recommend to Council to promote or oppose Bills in Parliament by the Council and the support of, or opposition to, Bills otherwise affecting the Council's interests.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Environmental Protection (Control of Ozone Depleting Substances) (Amendment) Regulations 2008</td>
<td>All powers conferred on the Council, as Port Health Authority, under the Regulations, delegated to the Director of Finance, Operations and Resources</td>
</tr>
<tr>
<td></td>
<td><strong>Scrap Metal Dealers Act 2013</strong></td>
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<tr>
<td>Activity</td>
<td>Authority</td>
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<tr>
<td>----------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
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<tr>
<td>Fee setting</td>
<td>Director of Finance, Operations and Resources in consultation with the Chair of Licensing &amp; Community Protection Committee</td>
<td></td>
</tr>
<tr>
<td>Administration &amp; Enforcement of the Act</td>
<td>Director of Finance, Operations and Resources</td>
<td></td>
</tr>
<tr>
<td>Grant of a site or collectors licence with no conditions</td>
<td>Authorised Officers</td>
<td></td>
</tr>
<tr>
<td>Grant of a site or collectors licence with conditions</td>
<td>Licensing &amp; Community Protection Committee</td>
<td></td>
</tr>
<tr>
<td>Refusal, revocation or variation of a site or collectors licence</td>
<td>Licensing &amp; Community Protection Committee</td>
<td></td>
</tr>
<tr>
<td>Power to make closure order</td>
<td>Authorised Officers</td>
<td></td>
</tr>
</tbody>
</table>
| Standards and Adjudication Committee | 9 elected members of the authority  
  The Standards and Adjudications Committee is established as a pool of members from which a Referrals Panel, a Hearings Panel and an Appeals Panel may be formed as sub-committees on a needs basis and subject to the Referrals and Hearings Panels comprising at least 3 members and the Appeals Panel comprising no more than 5 members, subject to political balance requirements. | 1. Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position. |
2. To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the ‘Arrangements’ and to convene, as appropriate, sub-committees (‘Referrals Panels’) to consider such matters.

3. To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have reached the Code of Conduct and to convene, as appropriate, sub-committees (‘Hearings Panels’) to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the ‘Arrangements’.

4. To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

5. To consider appeals against dismissal and grievances by employees of the Council.

6. To hear and determine in accordance with the appropriate conditions of service appeals against disciplinary action and against grading assessments by the Director of Finance, Operations and Resources.

13. To hear and determine appeals in relation to grievances required to be settled under the Council’s Grievance Procedure.

14. To hear and determine appeals arising under the appeal arrangements relative to car allowances.

15. To determine student awards appeals.

16. To hear and determine any other internal appeal or review within the Council not falling within the delegated powers of any other Committee.
<table>
<thead>
<tr>
<th>Appointments Committee</th>
<th>7 (of which at least one must be a Cabinet member)</th>
<th>Terms of Reference and Delegated Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1. To approve and conduct the recruitment process for the Head of Paid Service and to recommend the appointment of the Head of Paid Service to Full Council.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. To determine all matters relating to the performance, pay and terms and conditions of employment of the Chief Executive and Head of Paid Service and Chief Officers.</td>
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<tr>
<td></td>
<td></td>
<td>3. To approve the recruitment process for Chief Officers and to carry out interviews and appointments.</td>
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<td></td>
<td></td>
<td>Terms of Reference 1-3 inclusive are exercised by the Appointments Committee Subject to the provisions of the Officer Employment Procedure Rules set out in Article 13 of the Constitution.</td>
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<td></td>
<td></td>
<td>4. (i). Approval of redundancy, early retirement in the interests of the efficiency of the service, or flexible retirement is delegated to the Director in consultation with HR and Finance. In accordance with the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, the Council has discretionary powers to award employees:</td>
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<td>- a one off lump sum payment of up to 104 weeks’ pay where their employment is terminated early</td>
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<td>- to use the employee’s actual week’s pay to determine the redundancy payment.</td>
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<td></td>
<td></td>
<td>The Appointments Committee will consider whether the Council should exercise its discretionary powers in relation to these aspects. Discretion is not normally exercised on the lump sum payment. HR will compile a report with full costs for each employee for consideration by the Appointments Committee.</td>
</tr>
</tbody>
</table>

Chief Executive where allowed for within Council set policy, otherwise Committee decision
In accordance with the Local Government Pension Scheme Regulations (LGPS) 2013 and the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014, the Council has discretionary powers in relation to the following:

- Awarding additional pension entitlement which must not exceed £6,500 in any one year
- Flexible retirement without actuarial adjustments
- Waive of actuarial reduction if an employee retires after age 55
- Apply the 85 year rule to benefits drawn before age 60

These discretions are not normally exercised. The Appointments Committee will consider whether the Council should exercise its discretionary powers in relation to these aspects. HR will compile a report with full costs for each employee for consideration by the Appointments Committee.

<table>
<thead>
<tr>
<th>5. Power to appoint staff (Section 112 of the Local Government Act 1972)</th>
<th>Chief Executive, Deputy Chief Executive and all Directors within their respective areas of responsibility save for appointments reserved to the Appointments Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. To review the Annual Pay Policy Statement and make recommendations to Council as appropriate.</td>
<td></td>
</tr>
<tr>
<td>Audit and Governance Committee</td>
<td>Terms of Reference and Powers</td>
</tr>
<tr>
<td>-------------------------------</td>
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</tr>
<tr>
<td>10 Members: 1 x Independent Chair plus 9 elected members (politically balanced)</td>
<td>1. To approve the Council's Annual Statement of Accounts, including the income and expenditure account, balance sheet and cash flow statement.</td>
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<td></td>
<td>2. To consider and approve, on behalf of the council the external auditor's Annual Governance Report.</td>
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<td>3. To approve the Internal Audit Charter, Internal Audit Plan and Performance Indicators</td>
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<td>4. To review summary internal audit reports and any significant issues arising and recommend appropriate actions in response.</td>
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<td>5. To approve the S151 Officer's annual review of the effectiveness of internal audit as required by the Accounts and Audit Regulations 2011</td>
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<td>6. To consider the Head of Internal Audit's annual report and opinion and the level of assurance it can give over the Council's Corporate Governance Arrangements.</td>
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<td>7. To consider reports dealing with the management and performance of internal audit.</td>
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<tr>
<td></td>
<td>8. To monitor and keep under review the Council's arrangements to secure value for money</td>
</tr>
</tbody>
</table>
9. To monitor and keep under review the Council's Risk Management arrangements.
10. To monitor and keep under review the effectiveness of the Council's anti-fraud and corruption arrangements (including the consideration of an annual report summarising the Council's actions in relation to good conduct and anti-fraud and corruption).
11. To monitor and keep under review treasury management arrangements to ensure that the treasury management strategy and policies follow the CIPFA code of practice and are scrutinised in detail before being accepted by the Council.
12. To receive and approve treasury management practices and schedules.
13. To monitor and review the Council's assurance statements, including the Council's Code of Governance and the Annual Governance Statement, to ensure that they properly reflect the risk environment and any actions required to improve it, and to monitor management action in response to the action plan arising from it.
14. To consider the reports of external audit and inspection agencies insofar as they affect the Council's Corporate Governance Arrangements.
15. To monitor management action in response to issues raised by external audit.
| 16. | To comment on the scope and depth of external audit work and to ensure it gives value for money. |
| 17. | To commission work from internal and external audit. |
| 18. | To review any issue referred to it by the Chief Executive or a Director and any Council body. |
| 19. | To consider the Council’s compliance with its own and other published standards and controls. |
| 20. | To refer items to the Audit Working Group for detailed consideration. |
| 21. | To produce an annual report for full council summarising its work during the year. |
| 22. | To provide at each meeting the opportunity to have a private meeting with only the external and internal auditors present. |
| 23. | To monitor and keep under review the Council’s arrangements for partnership governance. |
| 24. | To monitor and review (at reasonably determined frequency) the performance of the Council’s key partnership arrangements. |
| **Five Scrutiny Panels** | Eight members per Panel with membership from across panels as a whole (proportionate to party membership within Council). In respect of the Children Services Panel – Ten members and rules of political balance will apply with four additional members being drawn from the controlling groups to balance the two parent governor and two diocesan Voting representatives co-opted on to this panel. | • See Overview and Scrutiny Procedures Rules for individual Panel terms of reference and powers |
| Health and Well Being Board | Three Councillors (nominated by the Leader in accordance with Section 194 of the Health and Social Care Act 2012), including, in any event, the Portfolio Holder with responsibility for Wellbeing (and chair) | 1. In accordance with Sections 195 and 196 of the Health and Social Care Act 2012:  
(i) the Health and Wellbeing Board must, for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.  
(ii) the Health and Wellbeing Board must, in particular, provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services. |
(iii) the Health and Wellbeing Board may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.

(iv) the Health and Wellbeing Board may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.

(v) the Health and Wellbeing Board is responsible for exercising the functions of the Council and any partner Clinical Commissioning Group under Sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 (Joint Strategic Needs Assessments and Joint Health and Wellbeing Strategy)

(vi) the Health and Wellbeing Board may exercise such other functions that may, from time to time, be delegated to it by the Council in accordance with Section 196 of the Health and Social Care Act 2012

(vii) the Health and Wellbeing Board may give the Council its opinion on whether the Council is discharging its duty under section 116B of the 2007 Act (duty to have regard to assessments and strategies)

(viii) the Health and Wellbeing Board may arrange for the discharge of its functions by a sub-committee, other than any functions conferred on the Health and Wellbeing Board by the Council under Section 196 (2) of the Health and Social Care Act 2012

(ix) the Health and Wellbeing Board will discharge its responsibilities in respect of pharmaceutical needs assessments in accordance with the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013
<p>| 1 x Community representative | 2. Save as otherwise provided in statute, secondary legislation or this scheme of delegation, the Health and Wellbeing Board shall operate in accordance with the Council's Constitution, including Standing Orders and the Access to Information Procedure Rules. |
| 1 x Voluntary Sector representative | 3. The Health and Wellbeing Board shall be quorate when: |
| 1 x NHS commissioning board representative | (i) three statutory Board members are present; and |
|  | (ii) one elected member and one CCG representative are present |
|  | 4. The Health and Wellbeing Board may establish working arrangements, including roles and responsibilities as it considers appropriate, provided that they do not conflict with the provisions of this scheme of delegation and the Council's statutory responsibilities set out in sections 194 – 196 of the Health and Social Care Act 2012. |</p>
<table>
<thead>
<tr>
<th><strong>Humber Leadership Board</strong></th>
<th><strong>8 Members (2 from each Local Authority)</strong></th>
<th><strong>Functions:</strong></th>
</tr>
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<tbody>
<tr>
<td></td>
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<td>• Approval of Humber wide economic plans and strategies and economic assessments;</td>
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<td>• Approval of bids to the Single Local Growth Fund and any other Regional, National or European Funding sources relevant to regional economic development and growth;</td>
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<td>• Approval of the Hull and Humber City Deal submission;</td>
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<td>• Implementation and monitoring of matters contained within any successful Hull and Humber City Deal submission;</td>
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<td>• Management of any other economic development matters that, in the opinion of the Director of Economy and Growth require a sub-regional response;</td>
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<td>• All allied or ancillary functions required to enable the delegation of functions listed above.</td>
</tr>
</tbody>
</table>
SECTION 4 - RESPONSIBILITY FOR CABINET FUNCTIONS

All functions which are neither regulatory nor reserved to Council are functions to be exercised by the Cabinet. These functions include all the Council’s powers and duties.

1. The Cabinet will lead the preparation of the Council’s policies and budget and will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council’s functions which are not the responsibility of any other part of the Council.

2. Decisions will be taken either by all the members of the Cabinet as collective majority decisions or by individual portfolio holders at formal scheduled meetings to which the press and public can be present. The responsibilities of Cabinet Members are set out below and in Part 3.

3. Cabinet members shall be assigned portfolios by the Leader of the Council. These portfolios are as set out below. Specific Delegated powers have been given to individual Cabinet Members in respect of their portfolios.

4. The contents of each service theme within portfolios shall be interpreted broadly and any activity or function not specifically referred to is deemed to be included within the portfolio theme to which it most closely relates. In the event of uncertainty, the Leader of the Council, after consultation with the Cabinet, will arrange for the discharge of the function in question either by the Cabinet or portfolio holder or by an officer.

5. Individual members of the Cabinet may also make decisions within their areas of responsibility (Portfolios). As with Cabinet Decisions there are specific legal requirements that must be observed in order to ensure that any decisions made are open and transparent. Specific decision making powers have been delegated to individual Cabinet Members as set out below:

5 (i) The Leader of the Council and Portfolio Holder for Stronger Communities

   a. The Leader is responsible for providing overall political leadership for the Council in relation to the co-ordination and delivery of Council policies, strategies and services. The Deputy Leader shall fulfil these responsibilities in the Leader’s absence.

   b. The Leader is responsible for leading the Cabinet in its work to develop the policy framework and budget and to deliver services to the local community.

   c. The Leader has the following delegated powers

       (i) To have oversight of the performance and value for money of services within the remit of the Leader and the wider Council.

       (ii) To approve modifications to existing policies affecting the services within the remit of the Leader (including those having council wide implications), excluding those policies forming part of the Council’s Policy Framework.

       (iii) To approve or commission the conduct of consultation exercises in respect of those aspect of Council activity within the remit of the Leader and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council’s Policy Framework) is reported to Cabinet for collective decision.

       (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.
(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Leader.

d. The functions and areas of the Portfolio responsibility are:
   - Community capacity building
   - Voluntary and community sector
   - Community hubs
   - Community cohesion
   - Economic inclusion
   - Media and public relations

5 (ii) Deputy Leader and Portfolio Holder with responsibility for Energy and Environment

a. The functions and areas of Portfolio responsibility are:
   - Energy
   - Planning, development control, highways and transportation
   - Traffic management and regulation
   - Climate change and the green agenda
   - Parks, open spaces and neighbourhood services
   - Waste, recycling and environmental management

b. The Portfolio Holder has the following delegated powers within the above portfolio:

   (i) To have oversight of the performance of and value for money of services within the remit of the Portfolio

   (ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

   (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

   (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

   (v) To make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 (including any modification or re-enactment thereof), including the consideration of any objections to such Orders, subject to referral to Cabinet where the proposal has significant land use implications or significantly affects one or more wards.

   (vi) To consider options for controlled parking and substantial traffic management schemes requiring consultation, together with methods of consultation.

   (vii) To agree individual traffic management schemes (including proposals for related land use) for approval where the cost of any one scheme does not exceed £50,000, in consultation with other Cabinet members, where appropriate.

   (viii) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio
(ix) To agree amendments to the list of protected sites, in the interests of protecting and enhancing the local environment in the Borough, in accordance with the process agreed by Cabinet.

5 (iii) Portfolio Holder with responsibility for Regeneration, Assets, Skills and Housing

a. The functions and areas of portfolio responsibility are:
   - Economic strategy
   - Inward investment and business support
   - Regeneration
   - All aspects of housing
   - Skills and employability
   - Assets:
     - Business centres and the commercial property portfolio
     - Strategic land assembly for economic growth and regeneration purposes
     - Land disposal for economic growth and regeneration purposes
     - Estate management
     - Heritage assets

b. The Portfolio Holder has the following delegated powers within the above Portfolio:
   (i) To have oversight of the performance and value for money of services within the remit of the Portfolio
   (ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.
   (iii) To approve or commission the conduct of consultation exercises in respect of those aspect of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.
   (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.
   (v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (iv) Portfolio Holder with responsibility for Safer Communities and Public Protection

a. The functions and areas of portfolio responsibility are:
   - Licensing, trading standards and consumer protection
   - Environmental health and food safety
   - Port health
   - Crime and disorder
   - Community protection

b. The Portfolio Holder has the following delegated powers within the above Portfolio:
   (i) To have oversight of the performance and value for money of services within the remit of the Portfolio
   (ii) To approve modifications to existing policies affecting the services within the
Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.

(iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.

(iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.

(v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (v) Portfolio Holder with responsibility for Children and Young People

a. The areas and functions of Portfolio responsibility are:
   - Statutory Lead Member for children’s services and all related responsibilities as set out in section 19 of the Children Act 2004, including safeguarding
   - Corporate parenting
   - 0-19
   - School improvement and education
   - Prevention and early help strategy

b. The Portfolio Holder has the following delegated powers within the above portfolio:
   (i) To have oversight of the performance and value for money of services within the remit of the Portfolio
   (ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.
   (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.
   (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.
   (v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (vi) Portfolio Holder with responsibility for Finance, Community Assets, Governance and Tourism

a. The areas and functions of Portfolio responsibility are:
   - Financial strategy and corporate governance
   - Finance, revenue budget and capital programme
   - Digital economy
   - Municipal enterprise, shared services and commercial development
   - Financial inclusion
   - Tourism and the visitor economy
• Equality and diversity
• Community Assets:
  o Community asset transfers
  o Land acquisitions and disposal not related to regeneration objectives
  o Capital programme management not related to regeneration objectives
  o Tourism facilities management

b. The Portfolio Holder has the following delegated powers within the above portfolio:
   (i) To have oversight of the performance and value for money of services within the remit of the Portfolio
   (ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.
   (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council’s Policy Framework) is reported to Cabinet for collective decision.
   (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.
   (v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.

5 (vii) Portfolio Holder with responsibility for Health, Wellbeing and Adult Social Care
   a. The areas and functions of Portfolio responsibility are:
      • Health and wellbeing strategy
      • Health and adult social care commissioning and provision
      • Public health and health inequality
      • Leisure, sport, culture and borough heritage
   b. The Portfolio Holder has the following delegated powers within the above portfolio:
      (i) To have oversight of the performance and value for money of services within the remit of the Portfolio
      (ii) To approve modifications to existing policies affecting the services within the Portfolio (including those having council wide implications), excluding those policies forming part of the Council's Policy Framework.
      (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of Council activity within the remit of the Portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (insofar as it concerns any element of the Council's Policy Framework) is reported to Cabinet for collective decision.
      (iv) To receive and determine action in response to qualifying petitions received under the Petition Scheme.
      (v) To consider and approve the Annual Governance Statement(s) submitted by Directors within the remit of the Portfolio.
(vi) To have oversight of the partnership arrangements with the CCG.

6. Cabinet will function in accordance with the Cabinet Procedure Rules set out in Article 7 of this Constitution.

7. The role of the Cabinet is to:
   - lead the preparation of the Council's policies and budget;
   - lead the community planning process and the attainment of Best Value / Continuous Improvement;
   - implement the Council's policies and budget; and
   - take in-year decisions on such matters.

8. Cabinet will:
   a. consider and manage the exercise of all the functions and powers of the Council which are by law to be the responsibility of the Cabinet;
   b. consider and make recommendations to the full Council on any matters which it is the responsibility of the full Council to determine (other than on matters which are by law not the responsibility of the Cabinet).
   c. ensure that the Council is fulfilling its continuous improvement duty under the Local Government Act 1999
   d. consider and respond to reports and recommendations from scrutiny.

9. Taking Cabinet Decisions
   a. The Cabinet may take decisions, collectively, on any matter within the scope of the Cabinet's role set out above and shall take any decision which is a Key Decision. Individual Portfolio Holders may also take Key Decisions if included within the Scheme of Delegation to Portfolio Holders.
   b. A Key Decision will be a decision (whether taken collectively or individually by members) 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 two or more wards.
   A decision will be considered financially significant if:
      (i) in the case of revenue expenditure, it results in the incurring of expenditure or making savings of £350,000 or greater;
      (ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £350,000 or 20% of the total project cost, whichever is the greater
   In determining whether a decision is significant in terms of its effect on an area comprising two or more wards, consideration shall be given to:
      (i) the number of residents/service users that will be affected in the wards concerned;
(ii) the likely views of those affected (i.e. is the decision likely to result in substantial public interest)

(iii) whether the decision may incur a significant social, economic or environmental risk.

Any decision (including any recommendations) which relates to the approval, modification, adoption or variation of any material aspect of the Council's Policy Framework, falling within the reserved powers of Council, will be a Key Decision.

Provided always that in respect of any proposed decision in the case of revenue or capital expenditure, that will result in the incurring of expenditure or making savings of between £50,000 and £350,000 Directors and the Chief Executive, as the case may be, shall consult the relevant portfolio holder.

c. The Cabinet may also take decisions on any matter which:

(i) has been referred to the Cabinet by a portfolio holder or the Chief Executive or Director (whether or not the Chief Executive or the Director in question has delegated powers in respect of that matter); or

(ii) is one which the Cabinet has reserved specifically for decision to them

d. The Cabinet may delegate to a Director any power or responsibility or function which it is in law the responsibility of the Cabinet to discharge and may add to, vary or delete any delegation of such power, responsibility or function.

e. In respect of powers or functions or responsibilities which are the responsibility of the Cabinet, the Cabinet will, after consultation with the Standards and Adjudication Committee and any other non-scrutiny committees affected, update the relevant delegations to officers set out in this Part of the Constitution at not less than annual intervals and will report to the full Council on any changes so made.

f. Even when Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those function.

g. The Cabinet has no power to:

(i) take decisions on matters reserved to the full Council;

(ii) take decisions on matters which may not by law be determined by the Cabinet.

10.0 Taking Portfolio Holder Decisions

How Individual Members Of the Cabinet Take Decisions

a When an individual member of the Cabinet is responsible for an executive function, any decision to be taken by that member will be taken according to the following rules, except when the member is taking decisions as part of a wider body with a membership from outside the Borough of North East Lincolnshire. In that case, an individual member will take decisions in accordance with the rules of that body.

b All other decisions to be taken by an individual member will be taken in accordance with the Access to Information Rules in Article 3 of this Constitution.

c The Cabinet member will agree the agenda for the meeting with the proper officer.

d At each session the following business will be concluded:

i consideration of the minutes of the last meeting;

ii declarations of interest if any;
iii matters referred to the Cabinet member by the Scrutiny Panel (or by the Council) for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules (call – in procedure) set out in Article 8 of this Constitution

iv consideration of decisions as set out in the agenda for the proceedings.

Who may speak
Any member of the Council may attend but may only speak if invited to do so by the Cabinet member.

IMPLEMENTING INDIVIDUAL PORTFOLIO HOLDER DECISIONS
In order to allow for call-in, no individual member decision can be implemented until 5 working days after the decision has been published, unless the urgency provisions set out in rule 15 of the Overview and Scrutiny Rules apply.

All proposed individual member (key) decisions taken will be published in accordance with the Access to Information Procedure Rules.
SECTION 5 - SCHEME OF DELEGATION TO OFFICERS

1. General Principles

a. These arrangements delegate a wide range of management and operational functions to officers and will operate so that decisions are taken at the lowest appropriate level, at the nearest point to local provision of services to the customer and in a way that clearly identifies accountabilities.

b. This Scheme does not delegate to Officers:

i) Any matter reserved to Full Council

ii) Any matter which by law may not be delegated to an Officer

iii) Key decisions which must be determined by members, save key decisions that have been delegated to officers by the Cabinet

iv) Any regulatory functions which are specifically reserved to the relevant Committee.

c. Directors are responsible for retaining a record of Delegated Decisions which they (or their officers) take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for Judicial Review, Employment Tribunal, Ombudsman, Audit Commission, OFSTED or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision, such records being subject to audit by the Monitoring Officer at any time.

d. Officers are accountable to the Council for any decision which they make, and may be required to report to, and to attend and answer questions from, Overview and Scrutiny and/or the Audit and Governance Committee, in respect of any decision which they make.

e. This Scheme of Delegation operates subject to the "cascade" principle. These arrangements include the power for officers to further delegate in writing all or any of the delegated powers to other officers (described by name or post) either fully, in part or under the general supervision and control of the delegating officer. The named officers will keep the Monitoring Officer, informed of all arrangements (other than arrangements which are made for a specified period of less than six months) which they make to authorise other officers to act on their behalf.

f. Where under this Scheme of Delegation, delegated powers are to be exercised by the holders of various posts the appropriate Director must ensure the same are exercised in accordance with relevant Council policies and procedures and:

i) put appropriate systems and arrangements in place (if they do not already exist) for the proper management, discharge, control and effective monitoring and review of the exercise of such delegated powers (including, for example, maintaining an up-to-date list of all officers, with job titles, who are authorised to act under this Scheme of Delegation to Officers);

ii) as part of the production of the Annual Governance Statement, undertake a review of such systems and arrangements to ensure appropriateness and fitness for purpose and, where necessary, implement changes to such systems and arrangements to ensure they comply with any Internal Audit recommendations or best practice requirements and the Council's Assurance Framework.

g. Before making a decision under delegated powers officers will satisfy themselves that the decision is:

i) authorised by law and, if in doubt, will consult with the Monitoring Officer or his nominee.
ii) within the financial provision in the revenue and capital budget for their service and, if in doubt, will consult with the Section 151 Officer or his nominee

iii) in accordance with any relevant requirements set out in the Contract Procedure Rules and the Finance Procedure Rules

h. Any exercise of delegated powers by officers shall be subject to:
   i) any statutory restrictions
   ii) the Council’s Constitution
   iii) the Council’s policies approved from time to time including particularly those relating to employment, equality and diversity

i. For the avoidance of doubt, any reference to a specific post or named officer will be interpreted as including other officers of the Council who that specific postholder or named officer authorises to exercise delegated powers on his or her behalf.

j. When exercising delegated powers in relation to any matter which may be regarded as sensitive or contentious, officers will have regard to the need to inform and to liaise with the relevant Cabinet Member(s) and members representing the area that will be affected by the decision in accordance with any protocols which may be approved from time to time.

k. Prior to exercising delegated powers officers shall undertake a risk assessment in respect of the proposed decision and, in any event, shall take account of, where relevant, the implications arising from the decisions in respect of:
   - Data Protection and Freedom of Information
   - Human Rights
   - Equality and Diversity
   - Crime and Disorder
   - Sustainability
   - The social, economic and environmental well-being of the Borough

l. Notwithstanding the approval of this Scheme of Delegation, the Cabinet and any Committee exercising delegated powers may, through the course of any Municipal Year:
   i) approve further delegations to Officers, subject to appropriate advice from the Monitoring Officer
   ii) amend, substitute or remove specific delegations from this Scheme, subject to appropriate advice from the Monitoring Officer

m. In exercising any delegated powers conferred under this Scheme, Officers must have regard to and comply with the Financial Procedure Rules.

n. In exercising any delegated powers conferred under this Scheme, insofar as the exercise of such powers involves the procurement of goods, works or services, Officers must have regard to and comply with the Contract Procedure Rules and the prevailing EU procurement rules.

o. This Scheme of Delegation is an integral part of Good Governance, Risk Management and the Assurance Framework, and the Leader / Cabinet model of executive arrangements. Compliance with the Scheme is, therefore, essential for the Council in order to ensure proper accountability, responsibility, openness, transparency, fairness, propriety and probity of its arrangements.

p. For the avoidance of doubt, in the event of there being:
   i) a vacancy of a Director, or
ii) the Director is unable to act, for any reason, for a long term (e.g. due to sickness or secondment to another organisation),

then any 'Acting' or "Interim" Director shall have the same authority as the Director for the duration of the vacancy or the long term absence, subject to the approval of the Chief Executive.

q. The Council has transferred a range of regeneration, property and technical services to Engie, for a period of 10 years from the 1st July 2010. Any references in this Scheme of Delegation to the "Regeneration Partner" should be construed accordingly.

r. The Council has transferred a range of adult social care services to the North East Lincolnshire CCG. Any references in this Scheme of Delegation to the "CCG" shall be construed accordingly.

2. General delegation of powers

2.1. Subject to compliance with legislation and the Constitution: The Chief Executive, and all Directors shall have power to:

(i) determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions, within any limitations specified in this Constitution and subject to appropriate consultation with the Monitoring Officer.

(ii) determine the following miscellaneous staffing related matters, in compliance with Council policies and procedures in force from time to time:-

a) to approve special leave of absence, with or without pay;

b) to authorise leave of absence for attendance at vocational conferences and courses;

c) to approve essential and casual user car allowances;

d) to decide the eligibility of employees to receive payment:--

i) of telephone charges;

ii) for temporarily undertaking additional duties and responsibilities where provided for in the conditions of service (in consultation with the Director of Finance, Operations and Resources);

iii) in accordance with any Relocation Scheme (in consultation with the Director of Finance, Operations and Resources).

e) to extend sick pay, where the application is supported by a medical report of the Council's Medical Adviser;

f) to take action, including dismissal against an employee in accordance with the Council's Disciplinary Procedures;

g) to determine the award of facilities to employees to undertake post-entry training;

h) to authorise overtime or additional hours within approved staffing budgets;

i) to approve the carry over of annual leave from one year to the next of up to 5 days or such other limit as may be authorised by the Council;

j) to authorise the issue of protective/safety clothing and equipment.

(iii) instruct the Monitoring Officer to issue legal proceedings in respect of their specific areas of responsibility
procure goods, works and services subject to compliance with the Contract Procedure Rules

manage their budgets subject to compliance with the Financial Procedure Rules

3. **Powers delegated to the Chief Executive**

3.1. Subject to compliance with legislation and the Constitution:

(i) to act as Head of Paid Service in accordance with the relevant provisions of the Local Government and Housing Act 1989 and to have all necessary powers to fulfil that statutory function.

(ii) to have overall responsibility for the strategic direction, management and performance of the Council.

(iii) to have overall control of the manner in which various functions of the Council are discharged.

(iv) to be responsible for the organisation and management of the Council's staff and resources.

(v) in consultation with the Leader, Cabinet members and officers, to determine matters of dispute between Committees and/or Directorates within the Council.

(vi) to represent the views of the Council in responding to consultations with the Council by any outside body on corporate strategic issues after consultation with the Leader and Deputy Leader.

(vii) to exercise all Council responsibilities in respect of civil contingencies and emergency planning subject to prevailing legislation, such responsibilities to be delegated to such officer(s) as the Chief Executive considers appropriate, from time to time

(viii) to determine or delegate the determination of applications for the allocation of ward funds subject to the prevailing criteria

(ix) to exercise all functions relating to elections and referenda including Parliamentary, Local Government and European Parliamentary elections, and to exercise all functions in relation to electoral registration.

(x) to have oversight of the Council's financial services functions, subject to the specific statutory responsibilities and delegations conferred on the Director of Finance (Chief Finance Officer) under this Scheme.

(xi) to approve applications for Discretionary Rate Relief scored in accordance with the standard criteria.

(xii) to appoint external individuals from outside the authority as ‘Proper Officers’ to fulfil regulatory roles, specifically Proper Officers under the Public Health (Control of Disease) Act 1984 (as amended)), ‘Port Medical Officers’ (in relation to the Public Health (Ships) Regulations 1979 (as amended)), Official Veterinarian’ (in relation to EC Directive 97/78) and ‘Public Analyst’ (in relation to the Food Safety Act 1990).

4. **Powers delegated to the Director of Finance, Operations and Resources (Chief Finance Officer)**

4.1. Subject to compliance with legislation and the Constitution:

(i) to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act, 1972 and Section 114 of the Local Government Finance Act 1988 ,the CIFPA guidance on the role of the Section
151 Officer and Article 12 of this Constitution and to report as appropriate to Cabinet and the Audit and Governance Committee on the discharge of such responsibilities

(ii) to determine and issue general guidelines to Members and Officers in relation to financial matters.

(iii) to determine arrangements for Treasury Management in accordance with the Treasury Policy Strategy and any other arrangements approved by the Cabinet or Full Council.

(iv) to determine and issue general guidelines to Officers on management of financial resources, insurance, debt recovery and writing-off of debts to approve applications for financial assistance, authorise any grant claims and approve the receipt of specific grant payments from third parties in all cases where the third party specifies that Director of Finance (Chief Finance Officer) approval and/or certification is a condition of the receipt of any grant;

(v) to manage the Council's loan debt and to approve borrowings and investments by the Council in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Management Strategy as approved from time to time;

(vi) to administer and collect Council Tax and Non-Domestic Rates (including setting Non-Domestic rates);

(vii) to administer the Council Tax and Housing Benefit systems;

(viii) to authorize the write of debts in accordance with Financial Procedure Rules

(ix) to approve the National Non Domestic Rates 1 return that determines the business rate base

(x) Asset Management

(xi) to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet

(xii) to refer any proposed disposal at an undervalue to Cabinet in accordance with the Protocol on disposal of land at less than best price

(xiii) to maintain a register of all undervalue disposals

(xiv) in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision:

1. to consult with the relevant Portfolio Holder(s) prior to proceeding

2. to notify the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information

(xv) to recommend the exercise of the Council's powers of compulsory acquisition to Cabinet and/or Full Council, as appropriate

(xvi) to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet

(xvii) to determine all property related compensation claims, blight claims, licences,
way leaves or any other dealings (excluding tenanted housing management property), save where any related decisions qualify as a Key Decision which must be referred to Cabinet.

(xx) to exercise all the functions in relation to Customer Services, Information and Communication Technology; Procurement, Corporate Risk Management; Printing and Reprographic services, performance management, service improvements, business planning, the sustainable community strategy, Local Strategic Partnership, media and communications, corporate strategy and policy development, research and information, organisational change, learning and development, member development, human resources and organisational development, corporate health and safety, and equalities.

(xx) to exercise all functions of the Council in respect of:

a) Environmental health, trading standards, port health, consumer protection and neighbourhood services
b) Health and Safety at Work (excluding those matters delegated to the Chief Legal Officer regarding the Council's responsibilities as an employer)
c) Licensing Authority functions and responsibilities
d) Waste Management (including collection and disposal)
e) Community Safety and Anti-Social Behaviour functions

(xxii) To set fees, in consultation with the Chair of the Licensing and Community Protection Committee, in relation to the Scrap Metal Dealers Act 2013.

(xxiii) to act as the Officer designated Chief Inspector of Weights and Measures.

(xxiv) to interpret and determine conditions of services (including pay and other aspects of remuneration) for Council employees and to enter into agreements as appropriate with Trade Unions relating to personnel and training matters.

(xxv) to compile, monitor and review Council employment policies and procedures and issue instructions, guidelines, handbooks etc, as appropriate.

(xxvi) support Directors in seeking compulsory redundancy and to issue instructions regarding the redeployment of employees who are at risk of redundancy.

(xxvii) to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Finance, Operations and Resources delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

(xxviii) to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Finance, Operations and Resources delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

(xxix) to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director of Finance, Operations and Resources areas of responsibility.

5. Powers delegated to the Director of Economy and Growth

5.1. Subject to compliance with legislation and the Constitution:

(i) to exercise all the functions in relation to tourism, museums and cultural services
(ii) to have oversight and lead responsibility for managing the contractual relationship with the Regeneration Partner, subject to the prevailing partnership governance arrangements.

(iii) to exercise all functions of the Council in relation to regeneration, inward investment, economic development, strategic housing, highways, the highway network, traffic regulation, car park management, civil parking enforcement, local transport, planning, safety at sports grounds, building control, architectural and technical services, save and except any powers and functions that have been delegated to the Regeneration Partner, in accordance with any Order made pursuant to Section 70 of the Deregulation and Contracting out Act 1994 and/or any specific provision of the contract entered into between the Council and the Regeneration Partner, giving effect to the Regeneration Partnership.

(iv) to authorise the Regeneration Partner, in writing, to act as the Council's agent in respect of any functions and responsibilities within the scope of the Regeneration Partnership, subject to consultation with the Monitoring Officer and the relevant Cabinet Member(s).

(v) to issue or instruct the issue of any notices, including in respect of the determination of rents, licence fees and service charges, save where such a decision qualifies as a Key Decision which must be referred to Cabinet.

(vi) in respect of the Council’s strategic housing services:
   1. the provision of services regarding housing allocation and homelessness.
   2. the provision of all housing services that have not been transferred via Large Scale Voluntary Transfer.
   3. the exercise of all Council functions regarding the condition and management of private sector housing.

(vii) to authorise officers to exercise powers of entry in relation to the Director of Economy and Growth’s delegated functions and responsibilities.

(viii) to issue statutory notices, licenses and permissions in relation to the Director of Economy and Growth’s delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with Monitoring Officer as appropriate.

(ix) to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Economy and Growth’s delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

(x) to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director's areas of responsibility, save and except where authority to issue such notices has been lawfully delegated to the Regeneration Partner.

(xi) In respect of planning and development control:
   a) to determine all "Other" categories of planning applications, with the following exceptions:
      - Where there is a material planning objection from a Town or Parish Council and there is an officer recommendation to approve.
      - Where an elected Member of NELC has made a written request for an application to go to Planning Committee within the allocated time period.
and based on material planning reasons

This includes:

1. Changes of use
2. Advertisements
3. Householder development
4. Listed Building Consents
5. Conservation Area Consents

b) to determine* all "Major" and "Minor" categories of planning applications with the following exceptions:

i) where more than three material planning objections ** have been submitted in writing within the Statutory Consultation period from separate households / businesses etc (excluding Statutory Consultees, which are considered in (v) below) and there is an officer recommendation to approve.

ii) where an application seeks a proposal that is contrary to adopted and emerging development plan policy and there is an officer recommendation to approve.

iii) where an application would require formal referral to the Government Office.

iv) where applications are submitted by an elected member of NELC, officers of the Planning Service, and senior officers of the Council, or where officers consider that there may be perceived issues of probity. ***

v) where a material planning objection has been submitted by a Statutory Consultee within the Statutory Consultation period and there is an officer recommendation to approve.

vi) where an elected Member of NELC has made a written request for an application to go to planning committee within the allocated time period and based on material planning reasons, because the Member does not agree with the officer recommendation or anticipated officer recommendation.

(xii) To exercise all functions of the Council in respect of the Flood and Water Management Act 2010.

* "determine" includes approval and refusal.

** "Material planning objection" will be broadly interpreted. However, objections will not be regarded as "material" where they: are not relevant to land use planning; not relevant to the application or other matters under consideration; are based on grounds of local competition; or are anonymous.

*** "Perceived issues of probity" includes the following: employees who are related to Members or Senior Officers; employees who have connections with outside bodies, groups and businesses that engage in the planning process; employees who are Parish Councillors; and organisations where Members have a leading position.

5.2. For the avoidance of doubt, the Director’s delegated powers include the power to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director’s areas of responsibility.

6. Powers delegated to the Deputy Chief Executive

6.1. Subject to compliance with legislation and the Constitution:
to act as the Designated Director of Adult Social Services, for the purposes of the Local Authority Social Services Act 1970, such responsibilities exercised pursuant to (a) any statutory guidance issued, from time to time, by the Secretary of State for Health and (b) the partnership arrangements established with the CCG.

(ii) to authorise officers to exercise powers of entry in relation to the Deputy Chief Executive delegated functions and responsibilities.

(iii) to authorise the issue of statutory notices, licenses and permissions in relation to the Deputy Chief Executive delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

(iv) to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Deputy Chief Executive delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

(v) to act as the Designated Director of Children’s Services for the purposes of the Children Act 2004.

(vi) to discharge the functions conferred on or exercisable by the Council in its capacity as local education authority and children services authority.

(vii) to discharge the functions conferred on or exercisable by the authority which are Social Services functions (within the meaning of the Local Authority Social Services Act 1970), so far as those functions relate to children.

(viii) to discharge the functions conferred on the authority under Sections 23 to 24D of the Children Act 1989.

(ix) to discharge the functions conferred on the authority under Sections 10 to 12 and 17 of the Children Act 2004.

(x) to exercise all relevant children social services functions as conferred by the Children Act 1989, the Adoption and Children Act 2002, the Local Authority Social Services Act 1970, the Children (Leaving Care) Act 2000 and the Protection of Children Act 1999 in the interests of safeguarding and promoting the welfare of children and young people.

(xi) to discharge any function exercisable by the Council under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children and young people and subject to the CCG arrangements.

(xii) to have responsibility for Youth services.

(xiii) to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Deputy Chief Executive areas of responsibility.

(xiv) to exercise all functions of the Council in respect of Adult Safeguarding

(xv) to exercise all functions and responsibilities in so far as they relate to: Skills, Adult and Community Learning, School Improvement and Education.

6.2. The powers delegated to the Deputy Chief Executive (Communities) include the exercise of powers having effect by virtue of the European Communities Act 1972

7. Powers delegated to the Director of Health and Well Being
7.1. The Director of Health and Well Being is a joint role between the Council and the North East Lincolnshire Clinical Commissioning Group (CCG).

7.2 Reporting to the Chief Executive, the Director of Health and Well Being will be required to:

- report qualifying Key Decisions to Cabinet and engage / advise the Health and Wellbeing Board as the Council’s designated lead officer, in consultation as appropriate with relevant Directors and statutory Officers;

- discharge the responsibilities of the post subject to the requirements of the Council’s prevailing contract procedure rules, financial procedure rules; and prevailing standards and policies in respect of human resource, financial and budget management

- otherwise act in accordance with arrangements agreed in writing with the Chief Executive as well as any advice given by the Monitoring Officer and/or Section 151 Officer

- observe the requirements of the Protocol on Member / Officer relations

- observe the requirements of the prevailing governance arrangements in place for major projects, outcome reviews, business development / transformation and strategic risk management

7.3. Subject to compliance with legislation and the Constitution:

(i) To undertake overall responsibility for all of the Council’s duties to take steps to improve public health and to provide officers and elected members with appropriate advice and guidance.

(ii) To undertake any of the Secretary of State’s public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the National Health Service Act 2006.

(iii) To plan for, and respond to, emergencies that present a risk to public health, in consultation with the council’s emergency planning officer where appropriate.

(iv) To undertake the Council’s role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders.

(v) To be responsible for the Council’s public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012.

(vi) To produce and update as necessary the Joint Strategic Needs Assessment in consultation with the Clinical Commissioning Group.

(vii) To lead on and co-ordinate the development, production, publication and updating of the Joint Health and Wellbeing Strategy in consultation with the Clinical Commissioning Group.
(viii) To develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework.

(ix) To produce the Director of Health and Well Being’s annual report.

(x) To provide public health advice to NHS commissioners to help secure:
    • Commissioning strategies that meet the needs of vulnerable groups
    • The development of evidence-based care pathways and service specifications
    • Evidence-based prioritisation policies
    • Health needs audits and health equity audits and health impact assessments.

(xi) To ensure delivery of the National Child Measurement Programme.

(xii) To secure the delivery of the NHS Health Check assessment.

(xiii) To ensure appropriate access to sexual health services.

(xiv) To ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services.

(xv) To maintain a particular focus on ensuring vulnerable and disadvantaged groups receive the attention they need, with the aim of reducing health inequalities, operating in consultation with the Deputy Chief Executive and Director for Economy and Growth.

(xvi) To exercise all the functions in relation to Libraries, Archives, Sport, Leisure and Theatres

8. **Powers delegated to the Monitoring Officer (Chief Legal Officer)**

   8.1. Subject to compliance with legislation and the Constitution, to be responsible for the following matters:

    (i) to act as Solicitor to the Council and designated Monitoring Officer in accordance with the relevant provisions of the Local Government and Housing Act 1989 and Article 12 of this Constitution

    (ii) To act as the Proper Officer for the purposes of the arrangements for the discharge of standards responsibilities, including maintaining the Register of Members’ Interests and administering the complaints process for Member misconduct.

    (iii) to authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings whether civil or criminal and to authorise officers of the Council to appear before the Courts.

    (iv) to attest the Common Seal of the Council on any legal documentation required to be executed under Seal, unless delegated by the Chief Executive to another named Officer(s)
(v) to determine and issue general guidelines to members and officers on legal, procedural and probity issues and to liaise between Standards and Adjudication Committee, the Audit and Governance Committee and such other bodies as necessary and to hold all records and registers relating to conduct and probity issues.

(vi) to issue any statutory notice (unless another officer is exclusively empowered by law) which may be deemed necessary in the interests of the Council and to negotiate the terms of and to sign any document, lease, contract, licence or otherwise on behalf of the Council, unless delegated to another named officer or postholder.

(vii) to exercise all functions relating to legal services and HM Coroner for North and North East Lincolnshire

9. Powers delegated to the Director Governance, Democracy and Community Engagement

Subject to compliance with legislation and the Constitution:

(i) to make arrangements for the internal audit of the Council, in consultation with the Section 151 Officer.

(ii) to act as the Council's designated Scrutiny Officer for the purposes of Section 31 of the Local Democracy, Economic Development and consultation with the Section 151 Officer.

(iii) To ensure the Council discharges its responsibilities in connection with the Civil Contingencies Act.

(iv) To exercise all functions in respect of democratic services; civic and mayoral services; elections and electoral registration, and Registration and Celebratory Services.

(v) to act as the Proper Officer for civil registration matters

(vi) to have responsibility for partnership governance

10. Authority to authorise directed surveillance

(i) Only the Monitoring Officer and the Chief Executive (in consultation with the Monitoring Officer) shall be "Authorising Officers" for the purposes of authorising applications for directed surveillance.

(ii) Only the Monitoring Officer may delegate the authority to authorise directed surveillance to a named officer of at least "service manager level" where the monitoring officer is satisfied that the officer has completed the appropriate training.

11. DECISIONS TAKEN IN URGENCY

Subject to the provisions of the Constitution and any statutory provision reserving a decision on any matter to the Council, Cabinet or a Committee, the Chief Executive, all Directors shall be empowered on behalf of and in the name of the Council to deal with matters of urgency or routine business normally requiring a Cabinet or Committee decision which may arise between the meetings of Cabinet / Committees or during any period when the Cabinet / Committees are in recess; provided that

(i) there is no conflict with the Budget and Policy Framework (unless the urgency
provisions in the Budget and Policy Framework Procedure Rules are followed)

(ii) If a Key Decision is involved, the matter is contained in the Forward Plan (or the general exception or special urgency provisions are satisfied); and

(iii) In respect of any matter falling within the terms of reference of a Committee the Officer shall first consult with the Chairman or, in his/her absence, the Deputy Chairman; and a report of the decision taken shall be submitted to the next ordinary meeting of the Committee; or in the case of all Executive matters the Officer shall first consult with the Chief Executive, relevant Portfolio Holder(s) and a report of the decision taken shall be submitted to the next ordinary meeting of the Cabinet.

(iv) The Monitoring Officer and Section 151 Officer are consulted in respect of the proposed decision

(v) The consultation and decisions referred to in this paragraph 14 shall be recorded in writing, in such form as may be prescribed by the Monitoring Officer.
ARTICLE 5 - THE COUNCIL MEETINGS

This Article sets out the roles of the Council including deciding upon its main policies and its budget together also with responsibility for dealing with regulatory functions such as Planning and Licensing and holding the Cabinet to account.

5.01 Functions of the full Council

a) Only the Council will exercise the following functions:
   b) adopting and changing the Constitution
   c) approving or adopting the budget and policy framework, and any application to the Secretary of State in respect of any Housing Land Transfer;
   d) subject to the urgency procedure contained in the Access to Information Procedure Rules in Article 3 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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;
   e) appointing the Leader;
   f) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
   g) appointing representatives to outside bodies unless the appointment is in respect of a Cabinet function or has been delegated by the Council;
   h) adopting an allowances scheme under Article 2.05;
   i) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
   j) confirming the appointment of the Head of Paid Service (Chief Executive);
   k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
   l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
   m) all other matters which, by law, must be reserved to Council e.g. setting the Council Tax.

5.02 Meanings

**Policy Framework** The policy framework means the following plans and strategies:
- The Council Plan
- The Local Plan
- The Development and Growth Plan
- The Transport Plan
- The Safer and Stronger Communities Partnership Plan
- The Health and Well-being Strategy

**Budget.** The budget includes the annual allocation of financial resources to different services and projects, proposed contingency funds, the council tax
base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

**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 section 32 or 43 of the Housing Act 1985. The Council transferred its housing stock to the Shoreline Housing Partnership in 2005.

5.03 **Full Council Meetings**

There are three types of full Council meeting:

- The annual meeting;
- Ordinary meetings; and
- Extraordinary (or Special) meetings

and they may be conducted in accordance with the Council’s Standing Orders in Article 5 of this Constitution.

5.04 **Responsibility for Functions**

The Council will maintain the information in Article 4 of this Constitution setting out the responsibilities for the Council's functions, which are not the responsibility of the Cabinet.
ARTICLE 5 – APPENDIX 1

COUNCIL STANDING ORDERS

This part sets out the procedures for regulating various Council proceedings and business. These procedures are a mixture of the types of procedure used by Councils for many years, other procedures suggested by the Government and completely new procedures - which it is hoped will lead to more straightforward mechanisms for decision making.

The relevant legislation to this part is Schedule 12 of the Local Government Act 1972.

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PART A: COUNCIL MEETINGS

1A.1 Subject to the provisions of these Standing Orders regarding Special Meetings, the number of meetings of Full Council to be scheduled each year shall be limited to the following:
   (i) Mayor Making
   (ii) Annual General Meeting
   (iii) A meeting for the exclusive purpose of approving the Budget and setting the Council Tax
   (iv) Four other Ordinary meetings

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

Each year the Council will hold an Annual Meeting.

A separate "Mayor Making" ceremony may be held one week before the Annual Meeting of Council to consider the election of the Mayor, the Deputy Mayor and the Leader / Deputy of the Council.

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 on the third Thursday in May, or on a day in May agreed at the last meeting of the Council prior to the Annual Meeting.

1.2 The business to be conducted at the annual meeting will be:

   (i) elect a person to preside if the former Mayor is not present;
   (ii) elect the Mayor;
   (iii) declarations of interest
   (iv) elect the Deputy Mayor;
   (v) approve the minutes of the last meeting;
   (vi) receive any announcements from the Mayor and/or Chief Executive;
   (vii) elect the Leader;
   (viii) note the Leader’s appointments to Cabinet, including the Deputy Leader;
   (ix) appoint the Scrutiny Committees, a Standards and Adjudication 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), and to appoint Chairs, Deputy Chairs and substitute Members to those Committees;
   (x) receive nominations of Councillors to serve on each Committee and Outside Body
   (xi) 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);
   (xii) approve a programme of ordinary meetings of the Council for the year;
   (xiii) consider any business set out in the notice convening the meeting.
2. **ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting.

2.2 The Order of Business at every meeting will be:

(i) elect a person to preside if the Mayor and Deputy Mayor are absent;
(ii) deal with any item required by statute to be done before any other item;
(iii) approve the minutes of the last meeting;
(iv) receive any declarations of interest from members;
(v) receive any announcements from the Mayor and then a statement from the Leader of the Council, such statement to be for a duration of no longer than 15 minutes, updating Council in respect of:
   (i) key issues of significance to the social, economic or environmental well-being of the area
   (ii) Special Urgency decisions taken in accordance with the Constitution
   (iii) the implementation of Motions previously resolved at the preceding Council meeting(s)
(vi) deal with any business remaining from the last Council meeting;
(vii) receive reports and the minutes from the Cabinet and the Council's committees and receive questions and answers on any of those reports;
(viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
(ix) consider motions submitted in accordance with procedural standing order 10, in the order received;
(x) consider 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 overview and scrutiny Committees for debate;
(xi) consider any other business which, by reason of special circumstances, should, in the opinion of the Mayor, be considered as a matter of urgency.

2.3 **Variation of Order of Business**

Business falling under 2.1. i, ii, iii and iv above cannot be varied, but the remainder may be varied at the discretion of the Mayor.

2.4 The Mayor may, for good reason, vary the day, time or place fixed for any meeting of the Council provided that any such variation in relation to the day or time may only be made five clear working days before the date originally fixed, unless the cause for variation occurs within that period, in which case as much notice of the change as practicable must be given.

2.5 The Mayor may for good reason cancel a meeting of the Council.

2.6 All meetings of the Council shall commence at 7 o'clock in the evening in the Town Hall, Grimsby or at such other time or place as the Council or the Mayor may decide.

2.7 Meeting to consider the Budget and Medium Term Financial Plan
A separate meeting of the Council will be held on an annual basis to consider the Budget and Medium term Financial Plan, within the legal time limit for holding the budget meeting.

3. SPECIAL MEETINGS

3.1 Calling Special Meetings

In addition to the Chief Executive having the authority to call a Special Meeting of the Council, 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 at his/her discretion;
(iii) the monitoring officer; and
(v) any six members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The business of a Special meeting of the Council shall be confined to the purpose for which it was convened except where the Mayor accepts an item as urgent business.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Council when fixing its annual programme of meetings, or otherwise as determined by the Chief Executive in consultation with the Mayor and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

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

If a member of the Council gives notice in writing to the Chief Executive of the Council that he desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

Want of service of a summons on any member of the Council shall not affect the validity of a meeting of the Council.

6. MAYOR AND DEPUTY MAYOR

The person presiding at the meeting may exercise any power or duty of the
Mayor. Where these standing orders apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairmen of Committees and Sub-Committees.

The Mayor and Deputy Mayor of the Council shall be elected annually by the Council from among the councillors.

The election of the Mayor shall be the first business transacted at the annual meeting of the Council followed by the appointment of the Deputy Mayor. The Mayor shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as Mayor.

At all meetings of the Council the Mayor, if present, shall preside.

If the Mayor is absent from the meeting the Deputy Mayor of the Council, if present, shall preside.

If both the Mayor and the Deputy Mayor of the Council are absent from a meeting of the Council another member of the Council chosen by the members of the Council present shall preside.

Any power or duty of the Mayor in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

7. QUORUM

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

- The quorum of a meeting of the Cabinet shall be 3 members.
- The quorum of a meeting of the Scrutiny Panel with responsibility for Children Services shall be 3 members plus one co-opted Education member in respect of Education matters.
- The quorum of a meeting of all other Scrutiny Panels shall be 3 members.
- The quorum of a meeting of the Planning Committee shall be 3 members.
- The quorum of a meeting of the Licensing Committee shall be 4 members.
- The quorum of the Community Protection Committee shall be 3 members.
- The quorum of a meeting of any Sub-Committee of the Licensing Committee shall be 3 members.
- The quorum of a meeting of the Appointments Committee shall be 3 members.
- The quorum of a meeting of the Standards and Adjudication Committee shall be 4 members including at least one independent member provided that in respect of any Parish Council matters on the Agenda a Parish Representative shall be present.
- The quorum of a Sub-Committee of the Standards and Adjudication Committee shall be three for Referrals and Hearings Panels, with the Appeals Panel comprising no more than 5 members.
• The quorum of a meeting of the Audit and Governance Committee shall be 3 members

8. **DURATION OF MEETING**

Unless the majority of members present at the meeting considering an item (and excluding such members who have declared an interest in that item) vote for the meeting to continue, any meeting that has lasted until 10.00 p.m. 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.

9. **DECLARATIONS OF INTEREST**

For the purposes of this Standing Order:

(A) "meeting" means any meeting of -
- The Full Council
- The Cabinet
- A Cabinet Member acting in an individual capacity
- Any of the Council’s or Cabinet’s committees, sub-committees, joint committees and joint sub-committees
- A Scrutiny Panel, Joint Scrutiny Panel or a Select Committee or any sub-committee or working group thereof

(B) "Member" means a Councillor or a co-opted member of the Authority.

Where a Member has a Disclosable Pecuniary Interest (DPI) or a Personal and/or Prejudicial Interest, as defined in the code of conduct, in any business of the authority and a Member attends a meeting at which that business is considered, the Member must disclose to that meeting the existence and the nature of the interest at the commencement of the meeting, or otherwise when the interest becomes apparent.

When a Member discloses an interest pursuant to this Standing Order that is a Sensitive Interest, as defined in the code of conduct, only the existence but not the nature of the interest shall be disclosed to the meeting.

Any Member who discloses an interest pursuant to this Standing Order that is either a DPI or a Prejudicial Interest shall, upon disclosing the interest, withdraw from the meeting room or chamber immediately before the debate or vote on the item of business being considered unless the code of conduct otherwise provides or a Dispensation has been granted by the Standards and Adjudication Committee (or, if applicable, the Monitoring Officer acting under delegated powers).

Any Member disclosing a DPI or a Prejudicial Interest pursuant to this Standing Order must not seek to improperly influence a decision about the business being considered.

10. **QUESTIONS BY MEMBERS**
10.1 On reports of the Cabinet or Committees

Subject to Standing Orders 10A and 10B, a member of the Council may ask the Leader, Deputy Leader, Portfolio holding member of the Cabinet or Chairman of a Committee any question without notice upon an item of the report or minutes of the Cabinet or a Committee when that item or minute is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Standing order 10.3, a Member of the Council may ask:

- the Mayor;
- the Leader, Deputy Leader or a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects North East Lincolnshire

Any Member of Council is permitted to ask one question on notice (with a supplementary question where necessary) of any Portfolio Holder at any one meeting of Council.

10.3 Notice of questions

A Member may only ask a question under Standing order 10.2 if either:
(a) the question has been submitted in writing at least 3 working days prior to the Council meeting to the Chief Executive or the Monitoring Officer; or
(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to Chief Executive or the Monitoring Officer by noon on the day of the meeting.

10.4 Response to Questions

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

10.5 Supplementary question

A member asking a question under Standing order 10.1 or 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10.6 Time Limits

In respect of any question submitted in accordance with the provisions of these Standing Orders, each questioner will be limited to 2 minutes initially, and 1
minute for a relevant supplementary question, such limits to be subject to the discretion of the Mayor.

10A  Question Time at Council Meetings

Prior to the consideration of the Minutes at all ordinary meetings of the Council, there shall be a period, not exceeding 15 minutes, for questions by members of the public.

The procedure in relation to such questions shall be as follows:-

- A person resident in the Borough of North East Lincolnshire may, if the question has been submitted in writing to the Chief Executive at the Municipal Offices, Town Hall Square, Grimsby, not later than the 5th working day before the date of the meeting of the Council ask the relevant Cabinet member any question relating to the business of the Council whether or not included in the proceedings of the Cabinet or Committees before the Council.
- The Chief Executive shall be solely responsible for the selection of questions to be answered. Any question may be edited by the Chief Executive to bring it into proper form and to secure reasonable brevity. The Chief Executive shall be responsible for deciding the extent (if at all) to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A to the Local Government Act 1972.
- If the person asking the question is present at the meeting he shall be given the opportunity of putting the question and the relevant Cabinet Member shall respond. The questioner also shall be given the answer in writing. Neither the question nor the response shall be the subject of debate.
- If the person asking the question is not present at the meeting, the question and the answer shall be circulated in writing to Members and sent to the questioner.
- Not more than two questions may be asked by any one person at any meeting.
- Questions and answers, summarised if the Chief Executive thinks appropriate, shall be included in the minutes.

10B  Cabinet & Committee Minutes – Procedure for Submission to Council

10B.1 At each of the scheduled Ordinary meetings of the Council, the Minutes of the Cabinet, Scrutiny and Committees (otherwise referred to as the “Minute Book”) shall be considered individually.

10B.2 The Mayor shall invite questions in respect of each set of minutes

10.B.2.1 One minute shall be permitted for the question to be read out. A supplementary question of one minute in duration is permitted provided that it arises from the answer to the first question. Upon the conclusion of any questions, the receipt of that set of minutes must be proposed and seconded (normally by the Chair of that meeting and the Deputy Chair respectively).
10B.3 No motion shall be permitted in respect of such Minutes except as to accuracy.

10B.4 In the case of any Minutes that have been referred to Council for a decision (ie. a recommendation to Council' the report to the Cabinet or the non-executive committee or Scrutiny meeting which resulted in such a recommendation shall be set out in the agenda for members' information.

10B.5 In the case of questions relating to Cabinet or individual Portfolio Holder business, the Cabinet member whose Portfolio covers the area concerned shall reply. In the case of questions relating to Minutes of a Scrutiny meeting and questions relating to Minutes of any other committee, the relevant Chairman shall reply provided that in respect of any Scrutiny matter if a question concerns a matter of Council policy the relevant Portfolio Holder shall also have the right of reply.

10B.6 **Summing up**

The relevant Cabinet member or otherwise the Chairman of the relevant Scrutiny or other committee at which a minute or report arose (or any member who was present at that meeting who has been deputised by the Chairman or called upon by the Mayor to move the Minutes or submit the relevant report) shall be entitled to sum up at the end of the debate.

10C **QUESTIONS ON THE MINUTES OF THE POLICE AND FIRE AUTHORITIES**

Questions in respect of the minutes of the Police and Fire Authorities may only be considered if they are submitted at least 3 working days before the relevant Council meeting to the Chief Executive or the Monitoring Officer.

An elected member who submits a question on notice pursuant to this Standing Order will be entitled to ask one supplementary question arising from the original question or the reply.

Questions submitted and answers given pursuant to this Standing Order shall not be the subject of debate.

10D **OUTSIDE BODY REPORTS**

Where an elected member is appointed to represent the Council on an outside organisation s/he will be required to report at least annually to an Ordinary meeting of Full Council regarding the activities of that outside organisation.

Elected members will be required to report pursuant to this Standing Order if any one of the following criteria apply:-
- There is a legal requirement to report to Council
- The outside body is a public authority
- The activities of the outside organisation otherwise directly impact on the social, economic and environmental well-being of the Borough

When an elected member reports to Council pursuant to this Standing Order the provisions of Standing Order 10C.2 to 10C.4 shall apply except that where the elected member submitting a report is not a Portfolio Holder s/he will have up to 5 minutes to address Council.
11 MOTIONS ON NOTICE

11.1 Except for Motions which can be moved without notice under Standing Order 12, notice of every motion, signed by the proposer and seconder and any other member giving the notice, must be submitted to the Chief Executive and/or the Monitoring Officer no later than 6 working days (excluding the day of receipt and the day of the meeting) before the date of the meeting.

11.2 Motions on Notice may be submitted by email and the identification of the proposer and seconder in the email (or any form of Motion attached to the email) shall be deemed to satisfy the requirements of Standing Order 11.1.

11.3 No more than two Motions on Notice per political group shall be permitted for consideration at an Ordinary meeting of the Council, subject to Mayoral discretion exercised in consultation with the Chief Executive and the Monitoring Officer. The consideration of any valid Motions received on Notice shall be subject to the provisions of Standing Order 8 (Duration of Meeting) and the discretion of the Mayor to determine that remaining business shall be considered at a date and time fixed by the Mayor. Motions received on Notice shall be listed on the agenda in the order in which they were received, unless notice is received that a Motion has been withdrawn.

11.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect North East Lincolnshire.

The Chief Executive, in consultation with the Monitoring Officer, may standing order out of order motions which, in his/her opinion, would:

a) risk defamation of any individual;

b) involve a breach of standing orders or Council Procedure standing orders.

c) not be relevant to the Borough and its community.

11.5 Withdrawing a Motion

If a motion set out in the agenda is not moved and seconded by the Members who gave notice of it, it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without a new notice understanding order 10.1.

11.6 Reference of Motion

If the subject matter of a motion of which notice has been duly given comes within the province of the Cabinet or any Committee, it shall, upon a motion (moved and seconded), stand referred to the Cabinet or such Committee, or to such other Committee as the Council may determine for discussion and report.

11.7 The Member who has moved the Motion must be notified by the Chief Executive of the meeting(s) of the Committee(s) to which it has been referred, and has the right to attend the Meeting(s) and to explain the Motion.
12. MOTIONS 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 summons for the meeting;
f) to receive reports for 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 three hours in duration;
n) to suspend a particular council procedure standing order;
o) to exclude the public and press in accordance with the Access to Information Standing orders;
p) to not hear further a member named under Standing order 19.3 or to exclude them from the meeting under Standing order 19.4;
q) to give the consent of the Council where its consent is required by this Constitution; and
r) to carry out a statutory duty which in the opinion of the Chairman is urgent.

13. STANDING ORDERS OF DEBATE

13.1 No speeches until motion seconded

After the mover has moved a proposal and explained the purpose of it, no speeches other than by the move may be made until the motion has been seconded.

13.2 Right to require motion in writing

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

13.3 Seconder's speech

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

13.4 Content and length of speeches

a) Subject to paragraph (b) speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below, no speech may exceed 5 minutes without the consent of the Mayor.
b) The mover of a motion may speak for up to 10 minutes and at the Council meeting which determines the budget, the Leader of the Council shall be allowed 20 minutes to deliver his/her budget speech.

13.5 When a Member may speak again

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

a) to speak once on an amendment moved by another Member;

b) to move a further amendment if the motion has been amended since he/she last spoke;

c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

d) in exercise of a right of reply;

e) on a point of order;

f) by way of personal explanation.

13.6 Amendments to motions

a) An amendment to a motion must be relevant to the motion and will either be:

   (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

   (ii) to leave out words; or

   (iii) to insert or add words.

As long as the effect of (ii) and (iii) is not to negate the motion.

b) Where an amendment to a Motion on Notice is proposed, it shall be submitted in writing to the Monitoring Officer during the day before the day of the Council meeting to which it relates. Once agreed as valid by the Monitoring Officer, any such amendment may be tabled at any point during the debate as agreed with the proposer and seconder of the amendment. This does not preclude the moving of an amendment during any debate which arises from the debate itself.

c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

d) If an amendment is not carried, other amendments to the original motion may be moved.

e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

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

13.9 Right of reply

a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions [but a member who has already spoken under debate may not move or second a motion under paragraph (c) to (f) below):

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 3 hours in duration;

h) to exclude the public and press in accordance with the Access to Information Standing orders;

and

i) to not hear further a Member named under Standing order 19.3 or to exclude them from the meeting under Standing order 19.4

13.11 Closure motions

a) A Member unless he has already spoken to the item under debate may move, without comment, the following motions at the end of a speech of another Member:

   (i) to proceed to the next business;

   (ii) that the question be now put;

   (iii) to adjourn a debate; or

   (iv) to adjourn the meeting.

b) If a motion to proceed to next business is seconded, the Mayor will give the mover of the original motion a right of reply and then put the procedural motion to the vote and there shall be no debate on the matter.
c) If a motion that the question be now put is seconded, the mover of the original motion will have a right of reply before the procedural motion is put to the vote and there shall be no debate on the matter.
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.
e) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the debate has not been reasonably exhausted then the closure motion will not be put to the vote.

13.12 Point of order

A member 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 Standing Orders or the law. The Member must indicate the standing order 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.

13.13 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member 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.

14. STANDING ORDERS OF DEBATE ON STATUTORY PLANS AND SCRUTINITY REVIEWS

14.1 Form of debate

In the case of Statutory Plans, the Leader will introduce the matter and invite the relevant Portfolio holding Member of the Cabinet to present the Plan. In the case of Scrutiny Reviews, the Leader will invite the relevant Scrutiny Chairman to present the Review document.

14.2 Chairing of debate

The debate will be chaired by the Mayor.

14.3 Standing orders of debate

a) The standing orders of debate applicable to motions as set out in 13.1 to 13.13 above shall not apply in these instances.
b) Any Member or Officer of North East Lincolnshire Council in attendance at the meeting shall, with the permission of the Mayor, have the opportunity to contribute to the debate.
c) Any Member or Officer wishing to contribute to the debate shall indicate their wish to the Chairman by the raising of a hand. The Mayor and/or
Monitoring Officer shall list those Members and/or Officers wishing to speak in the order in which they so indicate.

d) Speeches made during such debate shall be limited to 5 minutes.
e) Speeches shall be restricted to the subject matter of the Plan or Review under discussion.

14.4 Portfolio Holder Reports

a) At every Council meeting each Cabinet Committee Portfolio spokesperson shall have the opportunity to report to Council for information only on any matters pertaining to his/her portfolio responsibility.
b) Any Member may ask a question on the report of the Cabinet Portfolio spokesperson, who may answer orally, in writing to all Members or decline to answer.

15 PREVIOUS DECISIONS AND MOTIONS

15.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six calendar months cannot be moved unless the notice of motion is signed by at least 6 Members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six calendar months cannot be moved unless the notice of motion or amendment is signed by at least 6 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six calendar months from that date.

16 VOTING

16.1 Majority

Unless these Standing Orders or the law provide otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question is put.

16.2 Mayor’s casting vote

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

16.3 Show of hands

Unless a mandatory recorded vote is taken or a recorded vote is otherwise requested in accordance with Standing Order 16.4, the Mayor will take the vote by show of hands, of if there is no dissent, by the affirmation of the meeting.

16.4 Recorded vote
A mandatory recorded vote will be taken in respect of any Motion on Notice and any Amendment thereto received on Notice and in respect of budget decisions taken at the meeting to consider the Budget and Medium Term Financial Plan. In any other case, if 6 members present at the meeting demand it, the names for and against (and abstaining from) the matter to be voted upon will be recorded in the minutes.

16.5 Right to require individual vote to be recorded

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

16.6 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.

16.7 Electronic Voting

If the electronic voting system is in operation members will have a period of 30 seconds in which to register their votes. At the expiry of the 30 second period, the votes registered shall be binding. Members who have not registered a vote at that time will be taken to have abstained. Standing Order 16.4 shall apply in respect of recorded votes save that votes will be recorded electronically and not via roll call.

17 MINUTES

17.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Chairman 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.

17.2 No requirement to sign minutes of previous meeting at special 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.

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

17A. Cabinet Working Parties

A Cabinet Working Party may comprise any Member of the Council (apart from the Mayor and Deputy Mayor).

Each Cabinet Working Party shall be appointed by the Council and shall include at least 5 elected Members together with co-opted members in appropriate cases. The terms of reference of each working party shall also be agreed.

Each Cabinet Working Party shall be chaired by the Cabinet member holding the portfolio which covers the area concerned or his/her nominee. A Deputy Chairman will be elected at the first meeting in each municipal year.

A maximum of 3 Cabinet members may be members of any one Working Party.

Cabinet Working Parties shall report directly and exclusively to the Cabinet and shall act in an advisory capacity only.

A Member of the Council may only attend a meeting of a Cabinet Working Party if he/she:

a) is a member of the Working Party; or
b) has been permitted by the Chair of the Working Party to attend (and the right to speak is also at the Working Party's discretion)

And for the avoidance of doubt, only a member of a Working Party is permitted to vote on any item.

Business shall not be transacted at a Working Party meeting unless at least 3 members are present for the duration of the meeting.

All Working Party Agenda, reports and related documents shall be treated as confidential unless and until they become public in the ordinary course of the Council's business and/or in accordance with law, or are authorised to be available for publication in accordance with Council policy.

18 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Standing orders in Article 3 of this Constitution or Standing order 20 (Disturbance by Public).

19 MEMBERS' CONDUCT

19.1 Standing to speak

When a Member speaks at full Council they must stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated.
whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

19.2 Chairman standing

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

19.3 Member not to be heard further

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

19.4 Member to leave the meeting

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

19.5 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.

20 DISTURBANCE BY PUBLIC

20.1 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.

20.2 Clearance of part of meeting room

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

20.3 The carrying and displaying of placards and/or banners by members of the public attending any meeting of the Council or Committee shall not be allowed.

20.4 Filming and recording of meetings

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting 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.

The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed
- where it is considered that continued recording/photography/filming/webcasting might infringe the rights of any individual
- when the Chairman considers that a defamatory statement has been made

In allowing this, the Council asks those recording proceedings not to edit the film/recording/photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/recorded.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in advance of the meeting to seek advice and guidance. Please note that such requests will be subject to practical considerations and the constraints of specific meeting rooms.

The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.

21     SUSPENSION AND AMENDMENT OF STANDING ORDERS

21.1 Suspension

All of these Standing Orders except standing orders 16.5 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

Any motion to add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee.

22     RECORD OF ATTENDANCE
The names of Members present at a meeting of the Council or any of its Committees or Sub Committees shall be recorded by the Monitoring Officer in an attendance book provided for that purpose.

23 PETITIONS

These Standing Orders shall operate subject to the provisions of the Petition Scheme, in respect of any petition referred to Full Council for debate. The time limit specified for consideration of a petition for debate, as set out in the Petition Scheme, shall apply. Subject to that time limit, the standing orders of debate set out in these Standing Orders shall apply.
PART B: COMMITTEE MEETINGS

24 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Standing Orders apply to meetings of full Council. Only Standing orders 5-7, 9, 16, 18-19, 20 and 22 (but not Standing order 19.1) apply to meetings of Committees and Sub-Committees.

25 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES APPOINTED BY THE COUNCIL

25.1 Allocation

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

25.2 Number

For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or Sub-Committee save that each political group will have the right to name at least two substitute members. Any member who does not form part of a political group may only substitute for each other and may not nominate nor act as substitute for members of political groups.

25.3 Powers and duties

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

25.4 Substitution

a) Substitute Members may attend meetings in that capacity only:
   (i) when an ordinary Member has requested the Monitoring Officer to appoint a substitute for that meeting;
   (ii) to take the place of the ordinary Member for whom they are the designated substitute; and
   (iii) where the ordinary Member will be absent for the whole of the meeting.

b) Following the appointment of a substitute for a particular meeting, the substitution shall remain, even if the ordinary Member finds that he/she is subsequently able to attend the meeting for which a substitution was requested.
ARTICLE 6 - CHAIRING THE COUNCIL

This Article sets out the role and functions of the Mayor of the Council.

TITLE OF PERSON CHAIRING COUNCIL MEETINGS

6.01 Role and Function of The Mayor
The Mayor is a councillor who will be elected by the Council to the position of mayor annually. The Mayor will have the following roles and responsibilities:

i) to uphold and promote the purposes of the Constitution

ii) to preside over meetings of the ("Full") Council as Chairperson so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

iii) to ensure that when held the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members (who are not on the Cabinet) are able to hold the members of the Cabinet to account;

iv) to promote public involvement in the Council's activities;

v) to be the conscience of the Council; and

vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate, and to foster community identity and pride.
ARTICLE 7 - THE CABINET

7.01 Role
The Leader and Cabinet 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 Cabinet will consist of the Leader of the Council together with the Deputy Leader and up to 8 other Councillors appointed to the Cabinet by the Leader.

7.03 The Leader
The Leader will be a Councillor elected to the position of Leader by the Annual Meeting of the Council starting from May 2011, or a subsequent Council meeting if the Annual Meeting fails to elect the Leader.

The Leader will hold office from the day of his/her election as Leader until:

a) the day when the Council holds its first Annual Meeting after the Leader’s normal day of retirement as a Councillor; or
b) s/he 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) s/he is removed from office as Leader by resolution of the Council.
d) s/he resigns from office.

7.04 Deputy Leader
The Leader must appoint one of the other Cabinet members to be Deputy Leader.

7.05 Cabinet members
Subject to paragraph 7.03 other Cabinet members (including the Deputy Leader) 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 the Cabinet by the Leader

7.06 Proceedings of the Cabinet
Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Appendix 1 to this Article. Generally, meetings will be held in public.

7.07 Delegation to individual members of the Cabinet
Individual members of the Cabinet (including the Leader and Deputy Leader) shall be responsible for the exercise of specific Cabinet functions set out in Article 4 Appendix 1 Section 4. Otherwise Cabinet functions may be exercised only by the Cabinet, a Sub-Committee of Cabinet Members, or by officers, or by joint arrangements under a scheme of delegation approved by the Leader.
7.08 Appointments to Outside Bodies
The Council will be represented on a wide range of outside bodies. Such appointments are regarded as local choice functions and the Councillor appointed can either be a member of the Cabinet or another Councillor, subject to certain Outside Body appointments being deemed Portfolio Holder positions.
ARTICLE 7 – APPENDIX 1

CABINET PROCEDURE RULES

1.1 Membership of the Cabinet

1. The Cabinet does not function as a committee of the Council.
2. The Leader of the Council will appoint the Cabinet which will comprise:-
   - The Leader of the Council;
   - The Deputy Leader of the Council
   - Up to 8 other councillors.
3. The Cabinet has no power to co-opt other members onto the Cabinet.
4. No substitute Cabinet members are permitted.
5. A vacancy on the Cabinet arises when a Cabinet member resigns from this position of responsibility. The Leader will appoint a new Cabinet member at the earliest opportunity. Pending a new appointment the Leader of the Council will allocate temporary responsibility for the vacant Cabinet member's portfolio, to one or more the remaining members of the Cabinet.
6. The Leader of the Council or in his absence the Deputy Leader may designate any Member of the Cabinet to take temporary responsibility for a Member's portfolio should that member be absent for other than a short period.
7. The Leader of the Council will allocate general portfolio responsibilities to each Member of the Cabinet.
8. The Leader of the Council will determine any detailed interpretation needed at any time on the contents of the portfolio.

1.2 The Role of the Cabinet

1. The role of the Cabinet is to:-
   - lead the preparation of the Council's policies and budget;
   - lead the community planning process and the attainment of best value;
   - implement the Council's policies and budget; and
   - take in-year decisions on such matters.
2. In support of the roles the Cabinet will:
   a. consider and manage the exercise of all the functions and powers of the Council which are by law to be the responsibility of the Cabinet;
   b. consider and make recommendations to the full Council on any
matters which it is the responsibility of the full Council to determine (other than on matters which are by law not the responsibility of the Cabinet).

c. consider and respond to reports and recommendations from individual Scrutiny Panels or Select Committees.

1.3 **Publication of Proposed Decisions and Decisions Taken**

All proposed decisions taken will be published in accordance with the Access to Information Procedure Rules.

1.4 **Conflict 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 3 of this 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 3 of this Constitution.

(c) If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, 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 3 of this Constitution.

1.5 **Cabinet meetings — when and where?**

The Cabinet will meet at least every four weeks at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 **Public or private meetings of the Cabinet?**

The Cabinet will hold all its meetings in public, subject to the consideration of confidential or exempt information in accordance with Rule 10 of the Access to information Rules in Article 3 of the Constitution.

1.7 **Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be 3.

1.8 **How are decisions to be taken by the Cabinet?**

(a) Cabinet 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 Article 3 of the Constitution.

(b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?
If the Leader is present he/she will preside. In his/her absence, the Deputy Leader, shall preside but in his absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?
Any member of the public may attend meetings of the Cabinet (but see qualification referred to in 1.7 above). Members of the Council may attend and speak with the permission of the Leader (or Chair) of Cabinet. The Cabinet may invite any individual member to address Cabinet on any matter but not vote.

2.3 What business?
- Consideration of the minutes of the last meeting;
- Declarations of interest (if any);
- Any presentations by third parties/partner organisations;
- Matters referred to the Cabinet (either by full Council or scrutiny) for reconsideration through call-ins;
- Consideration of reports from scrutiny;
- Consideration of any member reports;
- Matters set out in the agenda for the meeting (i.e. officer reports) including key decisions;
- Urgent business.

2.4 Consultation
All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and scrutiny and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?
(a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

(b) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.
c) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant scrutiny Panel or the full council have resolved that an item be considered by the Cabinet.

d) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny.

e) Any member of the Council may ask the Leader to put an item on the agenda of an Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting. However, such items must be relevant to the Cabinet's terms of reference and it (or any similar item) must not have been before the Cabinet in the previous 3 months.

f) The monitoring officer and/or the section 151 officer may include an item for consideration on the agenda of Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, section 151 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 an 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.

2.6 How is the Business actually conducted?
The procedures for the conducting of business shall be at the discretion of the Chairman, subject to members' agreement. However, where formal voting takes place, this shall be by way of show of hands with the Chairman having the casting vote in the event of an equality of votes.
ARTICLE 7 – APPENDIX 2

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

This Section contains particularly important rules regarding the Cabinet's decision making on policy and budgetary matters.

The budget and policy framework sets the context within which decision making by the Cabinet will take place.

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 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 Chairs of Scrutiny will also be notified. The consultation period shall in each instance be not less than 6 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 Scrutiny wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Panels have responsibility for fixing their own work programme, it is open to the Scrutiny Panel(s) to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from Scrutiny 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 proper officer will refer them at the earliest opportunity to the Council for decision.

d) If the Council 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.

e) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.

f) Where it makes an in principle decision in relation to a draft plan or strategy, it must inform the Leader 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.

g) Where the Council gives instructions in accordance with sub-paragraph (f),
it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may-

(i) submit a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet’s reasons for any amendment made to the draft plan or strategy, to the Council for its consideration; or

(ii) 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.

h) When the period specified by the Council, referred to in sub-paragraph (g), has expired, the Council must, when amending, approving or adopting the draft plan or strategy or, if there is one, a revised draft plan or strategy submitted to it by the Cabinet take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy submitted by the Cabinet, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

i) The Council’s final decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

j) 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, individual members of the Cabinet, any officers or joint arrangements discharging Cabinet 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, individual members of the Cabinet, any officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 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 or officers, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

      (i) if it is not practical to convene a quorate meeting of the full Council; and

      (ii) if the Chair of a relevant Scrutiny Panel 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 Chair of the relevant Scrutiny Panel's 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 Chair of the relevant Scrutiny Panel the consent of the Deputy Chair will be sufficient.

   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**

   Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The details of virement can be found in the section on Financial Procedure Rules in Article 14 of the Constitution.

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, an individual member of the Cabinet, officers or joint arrangements discharging Cabinet functions must be in line with it. Changes to any policy and strategy which make up the policy framework may be made within the general discretion of those bodies or individuals except those changes which relate to virements and supplementary estimates.

7. **Call-in of decisions outside the budget or policy framework**

   (a) Where a Scrutiny Panel is of the opinion that a Cabinet 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 Section 151 Officer.

   (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Section 151 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 Officers report and to
prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the Scrutiny Panel if the Monitoring Officer or the Section 151 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 Section 151 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 Panel 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 10 working days of the request by the Scrutiny Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 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 procedure rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet 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 or Section 151 Officer.

8. Special Provisions regarding calculation of Budget and Precepts

(a) Subject to sub-paragraph (e) below, where, before 8th February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year –

i. 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;

ii. estimates of other amounts to be used for the purposes of such a calculation;

iii. estimates of such a calculation; or

iv. amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,
and following consideration of those estimates or amounts the authority has any objections to them it must take the action set out in sub-paragraph (b) below.

(b) Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (a)(i) above, or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet 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.

(c) Where the Council gives instructions in accordance with sub-paragraph (b) above, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may -

(i) Submit a revision of the estimates or amounts as amended by the executive, 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

(ii) 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.

(d) When the period specified by the Council, referred to in paragraph (c) above, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in sub-paragraph (a)(ii) above, or issuing a precept under Chapter IV of Part 1 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 Council's objections; and

d) the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

e) Paragraphs (a) to (d) above shall not apply in relation to -

a) calculations or substitute calculations which an authority is required to make in accordance with section 521, 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.
This article sets out the role of Overview and Scrutiny which in North East Lincolnshire Council is carried out by Members forming Scrutiny Panels. The role of Scrutiny is to discuss and make recommendations on important Policy matters and to hold the Cabinet to account for the decisions they make.

### 8.01 Terms of reference


The Scrutiny Panels shall carry out a functional remit determined annually by full council.

### 8.02 General role

Within their terms of reference, the Scrutiny Panels will:

- review and/or scrutinise decisions made or actions taken or proposed in connection with the discharge of any of the Council’s functions;
- make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants and carry out policy reviews as appropriate; and
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

### 8.03 Specific functions

Examples of Overview and Scrutiny functions are given below. Some provisions under (b) apply equally to (a), for example questioning members of the Cabinet.

- **a) Policy development and review**
  
  The Scrutiny Panels may:
  
  - assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
  - conduct research, community and other consultation in the analysis of policy issues and possible options;
  - consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - question members of the Cabinet, other committees and chief officers about their views on issues and proposals affecting the area; and
  - 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 Panels may:**
i) review and scrutinise the key decisions made by and performance of the Cabinet, individual portfolio holders and council officers both in relation to individual decisions and over time;

ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

iii) question members of the Cabinet 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 recommendations to the Cabinet and/or appropriate Committees 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 Panel and local people about their activities and performance; and

vi) question and gather evidence from any person (with their consent)

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

ix) Officers: Scrutiny Panels may exercise overall responsibility for the work programme of the officers employed to support their work.

8.04 Finance

The Panels will exercise overall responsibility for any finances made available to them.

8.05 Proceedings of Scrutiny Panels

The Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Appendix 1 of this Article.
ARTICLE 8 – APPENDIX 1

OVERVIEW OF SCRUTINY PROCEDURE RULES

Introduction

Effective scrutiny arrangements are an essential part of good governance in any local authority. Scrutiny is essential in achieving value for money and best practice and to ensure that there are appropriate checks and balances on the exercise of powers.

The council will appoint an Executive and Scrutiny Liaison Board (not being a formal committee of the council) and five scrutiny panels as follows to discharge the functions conferred by Section 21 of the Local Government Act 2000 (as amended):

1. Children and Lifelong Learning
2. Health
3. Economy
4. Tourism and the Visitor Economy
5. Communities

Responsibilities

Executive and Scrutiny Liaison Board

Purpose

The Executive and Scrutiny Liaison Board is responsible for providing the strategic direction and management of the scrutiny function at North East Lincolnshire Council.

Composition

The membership of the Executive and Scrutiny Liaison Board will be the five scrutiny panel chairs plus the Leader and Deputy Leader of Council.

Terms of Reference

The Executive and Scrutiny Liaison Board will:

1. Have overall responsibility for the management and operation of the scrutiny function at North East Lincolnshire Council.
2. Agree / commission select committees and working groups through the scrutiny panels.
3. Resolve any conflicts between panels relating to the work programmes.
4. Consider items on the forward plan and whether they would benefit from pre-decision scrutiny.
5. Determine how budget scrutiny and performance monitoring issues are dealt with.
6. Oversee the development of member skills and competencies in scrutiny.
7. Act as the interface with the Cabinet.
8. Review the scrutiny work programme on a rolling basis, making such changes and modifications as agreed, and submit the annual scrutiny report to the Annual General Meeting of Council.
9. Allocate issues of a corporate nature which affect the Council as a whole to individual Panels as they arise.
Scrutiny Panels

Purpose
The Scrutiny Panels are responsible for:

1. holding the Executive (Cabinet) to account via the process of call-in or pre-decision scrutiny
2. undertaking policy development work
3. discharging statutory scrutiny functions as prescribed in legislation and, in particular, with regard to health, crime and disorder and education.
4. undertaking such other activity as may be commissioned either by Cabinet or Council, or as a result of the necessary exercise of statutory scrutiny responsibilities.

Composition
The membership of the scrutiny panels (except Children and Lifelong Learning Scrutiny Panel – see below) will be eight members per panel with membership appointed from non-Cabinet members (proportionate to party membership within the council).

In respect of the Children and Lifelong Learning Scrutiny Panel – ten members and rules of political balance will apply with four additional members being drawn from the controlling groups to balance the two parent governor and two diocesan voting representatives co-opted on to this Panel.

To invite agreed co-optees on to the Panel.

General Role
Within their terms of reference, the five scrutiny panels will:

1. Review and/or scrutinise the decisions made by the Cabinet, Portfolio Holders and/or council officers in relation to individual decisions.
2. Review and/or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
3. Examine called-in decisions made but not yet implemented by the Cabinet in accordance with the scrutiny procedure rules.
4. Examine key decisions on the Forward Plan as pre-decision scrutiny items.
5. Consider requests for Councillors Call for Action.
6. Consider petition appeals in accordance with the petitions scheme.
7. Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the five scrutiny panels and local people about their activities and performance.
8. Question members of the Cabinet and/or Committees and officers about their
decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

9. Question and gather evidence from any person (with their consent).

10. Make reports and/or recommendations to Council, Cabinet, relevant Portfolio Holder and/or the relevant committee in connection with the discharge of any functions.

11. Consider and make reports or recommendations on any matter affecting the area or its residents.

12. Work to ensure that communities are engaged in the scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

13. Promote equality and diversity across all of its work and the work of the Council.

Limitations
1. All aspects of partnership governance will be considered by the Audit and Governance Committee.

Terms of Reference
The Scrutiny Panels are responsible for scrutinising any matters affecting North East Lincolnshire within their remit. The areas of focus for each Panel include:

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<tr>
<th>Children and Lifelong Learning Scrutiny Panel</th>
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<td>• Matters relating to the Prevention and Early Intervention Strategy</td>
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<td>• Employability and skills</td>
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<td>• Area Review Implementation</td>
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</table>
| **Health and Adult Social Care Scrutiny Panel** | - Matters relating to the Health and wellbeing strategy  
- Health improvement  
- Public health (prevention agenda)  
- Adult social care  
- Integrated health and social care arrangements  
- Communities / key partnerships (Healthwatch; Health and Wellbeing Board)  
- Healthcare providers in North East Lincolnshire (including voluntary, community and social enterprise sector)  
- Safeguarding adults |
| **Economy Scrutiny Panel** | - Matters pertaining to the Economic strategy  
- Economic development  
- External funding and inward Investment (including renewable energy)  
- Regeneration projects  
- Local enterprise and growth  
- Regeneration Partnership performance monitoring  
- Local Plan  
- Transport and traffic regulations (including parking)  
- Business and education partnerships  
- Strategic housing and homelessness  
- Asset management (including business centres)  
- Flood risk management  
- Energy and climate change  
- Empty and derelict property |
| **Tourism and the Visitor Economy Scrutiny Panel** | - Tourism  
- Visitor economy and retail offer  
- Libraries, museums and culture  
- Local heritage  
- Leisure and sport  
- Beach safety |
| **Communities Scrutiny Panel** | - Safer and stronger communities  
- Crime and community safety  
- Youth justice/youth offending  
- Equality and diversity  
- Voluntary and community sector  
- Town and Parish Council liaison  
- Public protection  
- Community cohesion  
- Customer services  
- To discharge community governance review responsibilities under the Local Government and Public Involvement in Health Act 2007  
- Neighbourhood operations  
- Parks and open spaces  
- Bereavement services  
- Public protection (trading standards, licensing, port |
Executive and Scrutiny Liaison Board

Overall responsibility for the management and operation of the scrutiny function at North East Lincolnshire Council. Resolve any conflicts between panels relating to the work programmes. Determine how budget scrutiny and performance monitoring issues are dealt with. Oversee the development of member skills and competencies in scrutiny. Review the scrutiny work programme on a rolling basis, making such changes and modifications as agreed, and submit the annual scrutiny report to the Annual General Meeting of Council.

Specific Panel Responsibilities:

Communities Scrutiny Panel

In accordance with Sections 19 and 20 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007, the Communities Scrutiny Panel will act as the Crime and Disorder Committee of the Council, and in this respect to exercise the following functions:

- To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
- To make reports or recommendations to the local authority with respect to the discharge of those functions.
- To make reports or recommendations to a responsible authority or to a co-operating person or body on a crime and disorder matter and consider responses to its reports and recommendations within 1 month of receipt or as soon as possible thereafter.
- To meet at least once in each municipal year.

Health Scrutiny Panel

In accordance with Section 21 of the Local Government Act 2000, as amended by the Health and Social Care Act 2001, the Health Scrutiny Panel will review and scrutinise the performance and general activities relating to the health providers in North East Lincolnshire in accordance with the requirements of current legislation. These functions include:-

- To lead on the review and scrutiny of NHS services, adults social care, health inequalities and improvement and public health services (including CQC inspection reports).
• To consider the priorities for our partners, the Health and Wellbeing Strategy, the Clinical Commissioning Groups’ plans and the Council’s own priorities that relate to this agenda.

• To discharge the local authority’s powers of review and scrutiny on such health related matters as designated within the Health and Social Care Act 2012, Statutory Instrument No. 218/2013 - The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and associated Department of Health Guidance.

• To develop a relationship with NHS England and the local Clinical Commissioning Group whilst providing challenge and assurance to their role in determining commissioning priorities regarding the provision of public health services for which they are responsible for local provision.

• To develop a relationship with the Health and Wellbeing Board and provide a “critical friend” approach to sharing information during the production and refresh of the Joint Strategic Needs Assessment and the Health and Wellbeing Strategy.

• To engage with the Clinical Commissioning Group regarding their commissioning priorities and also those health service providers around any changes that they wish to make in respect of their service provision. In undertaking these potential roles, the panel will need to be satisfied that the engagement process adopted has been robust.

• To undertake a strong process of review /evidence gathering which informs any decision regarding referral to the Secretary of State;

• To develop a relationship with the local Healthwatch organisation to enable any referrals from Healthwatch to be examined by the council as part of the review and scrutiny mechanism.

• To take a lead role in the review and scrutiny of those public health services that are transferred across to the local authority and signpost other scrutiny panels who may require the input of public health services in their activity.

Specific Functions

(a) Policy Development and Review

The five scrutiny panels may:

1. Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues.

2. Conduct research, community engagement (as appropriate) and other consultation in reviewing and developing policy issues and possible options.

3. Question members of the Cabinet and chief officers from the Council about their views on issues and proposals affecting the area.

4. 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.

5. Consider the impact of policies to assess if they have made a difference when these are reviewed.

6. All policies being produced or reviewed should be considered by a working group of the relevant scrutiny panel prior to being considered by the panel and then Cabinet.

(b) Annual Report

An annual report on the discharge of the scrutiny function will be presented to the Annual General Meeting of Council, following consideration and review by the Executive and Scrutiny Liaison Board

Functions of the [Statutory] Scrutiny Officer

The Director of Governance, Democracy and Community Engagement is designated as the “Scrutiny Officer” under Section 21ZA of the Local Government Act 2000. Their duties include:

- The Scrutiny Officer will promote the role of the scrutiny panels.
- The Scrutiny Officer will provide support to the scrutiny panels.
- The Scrutiny Officer will provide support to members of the local authority, members of the Cabinet, and officers of the authority, in relation to the functions of the scrutiny panels.

Note: The [Statutory] Scrutiny Officer cannot be the Head of Paid Service, Monitoring Officer or Chief Financial Officer.

1. Who may sit on the Scrutiny Panels?

Any Councillor, except a member of the Cabinet, may be a member of a Scrutiny Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved and all Members must declare any such interest.

2. Co-optees

Scrutiny Panels shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

3. Education representatives

The Scrutiny Panel dealing with education matters shall include in its membership the following voting representatives:

(a) 1 Church of England diocese representative;
(b) 1 Roman Catholic diocese representative;
(c) parent governor representatives.

In addition, this Panel shall include one non-voting Trade Union representative. The relevant Scrutiny Panel in this paragraph is the overview and scrutiny committee of a local education authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Cabinet. Where this Panel deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

4. Meetings of the Scrutiny Panels

The number and frequency of ordinary meetings of each Scrutiny Panel shall be agreed annually at the Annual General Meeting of the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Panel meeting may be called by the Chairman of the Panel, by any two members of a Panel or by the proper officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for all Scrutiny Panels is as set out in the Council's Standing Orders in Article 5 (Appendix 1) of this Council's Constitution.

6. Who chairs Overview and Scrutiny meetings?

The appointment of the chair and provisions relating to them is a procedure set out in the Council Standing Orders. The Scrutiny Panel Chairs are appointed annually by full Council at its Annual General Meeting. In the absence of the Chair of a Scrutiny Panel, the Chair shall also be elected on a vote of hands from those Members present.

7. Work programme

The Scrutiny Panels will be responsible for setting their own work programmes, subject to any requests that the Executive and Scrutiny Liaison Board or Cabinet may make to individual Panels, and in so doing they shall take into account the wishes of all members on that Panel who are not members of the largest political group(s) on the Council. The Executive and Scrutiny Liaison Board will agree which reviews / select committees are held and the priority order for them to ensure that resources are effectively used.

8. Agenda Items

The Scrutiny Panels will ensure that any agenda item can be referred to the Cabinet, to other committees or to the Council as appropriate. Any member of the Scrutiny Panels shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting of that Panel. On receipt of such a request the proper officer will, subject to the approval of the Chair of the Panel, ensure that it is included on the next available agenda.

Any other non-Cabinet members of the Council who are not members of the Scrutiny Panels may give written notice to the proper officer that they wish an item to be included on the agenda of the relevant Scrutiny Panel. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the
relevant Scrutiny Panel for consideration by that body.

The Scrutiny Panels shall also respond, as soon as their work programmes permit, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Panel 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 Panel at the next available meeting and provide a formal, written reply to the next available meeting of the Panel on what actions, if any, it intends to take with regard to the recommendations of the Panel.

9. Policy review and development

(a) The role of the Scrutiny Panels in relation to the development of the Council's budget is set out in detail in the Budget and Policy Framework Procedure Rules.
(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Panels may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
(c) Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Scrutiny Panels

a) Once it has formed recommendations on proposals for development, the Scrutiny Panel will prepare a formal report and submit it to the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary or policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

b) The Council or Cabinet shall consider the report of the Scrutiny Panel at the next available meeting of it being submitted to the proper officer. A response from the relevant chief officer(s) shall be provided within four weeks of this date and the Council/ Cabinet shall formally respond in writing to the proper officer within five working days of receipt of that report, clearly stating which matters are agreed in principle, which matters are to be deferred and which are not agreed, with reasons stated. This matter shall then be placed on the next available agenda of the Overview and Scrutiny Panel and the relevant portfolio holder and officer shall be invited to present their response.

11. Making sure that Scrutiny reports are considered by Cabinet

a) The agenda for Cabinet meetings shall include an item for reports referred by scrutiny. The reports of Scrutiny Panels referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of Cabinet's deliberations on a substantive item on the agenda) on the next available Cabinet agenda following the Scrutiny Panel completing its report/recommendations. If for any reason the Cabinet does not consider the overview and scrutiny report within four weeks then the matter may be referred to
Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the Cabinet. Similarly, if the relevant chief officer(s) does not respond to the Cabinet within four weeks in order for a reply to be formulated by cabinet, then the Scrutiny Panel may refer the matter to full Council. The proper officer will call a meeting of the full Council and invite the Leader of the Council and relevant portfolio holder to prepare a response report.

b) Scrutiny Panels will in any event 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 a Scrutiny Panel following a consideration of possible policy/service developments, the Panel will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. Rights of Scrutiny Panel members to documents

a) In addition to their rights as councillors, members of Scrutiny Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Article 3 of this Constitution.

b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny as appropriate dependent on the particular matter under consideration.

13. Members and officers giving account

a) Scrutiny Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (except decisions made by the Council's regulatory committees, the Appointments Committee, the Standards and Adjudication Committee, the Audit and Governance Committee and any non-executive committee exercising quasi-judicial functions). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet and/or any senior officer to attend before it to explain in relation to matters within their remit:
   i) any particular decision or series of decisions;
   ii) the extent to which the actions taken implement Council policy: and/or
   iii) their performance,
   and it is the duty of those persons to attend if so required.

b) Where any member or officer is required to attend a Scrutiny Panel under this provision, the Chair of that Panel will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five 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 Panel. Where the account to be given to the Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Panel shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of two months from the date of the original request (except where summer any recess arrangements apply).

14. Attendance by others

The Scrutiny Panel may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer
questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance for these is voluntary and entirely optional.

15. Call-in

Call-in should only be used where really necessary and the right should not be abused. In particular it should be used where members have evidence which suggests that the Cabinet, the Portfolio Holder or the Shadow Health and Wellbeing Board did not take the decision in accordance with the principles set out in Article 4 (Decision Making).

a) When a decision is made by the Cabinet, the Portfolio Holder, the Shadow Health and Wellbeing Board or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published in, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. The notice will be sent to all Members.

b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless any 2 members of the Council (including co-opted members) object to it and call it in.

c) The Chief Executive shall call-in a decision for scrutiny if so requested by any two members of the Council (including co-opted members provided the Proposal relates to their area of responsibility) and shall then notify the decision taker of the call-in. The two members “calling-in” must give written notice to the Chief Executive no later than 4.00 pm on the fifth working day after publication of the decision notice and shall specify the reason for calling the decision in.

d) When calling-in a decision the two members shall indicate which Scrutiny meeting the matter will go to with reasons for the preference. The Chief Executive will then adjudicate on allocation to the appropriate Scrutiny meeting. If an item is called in following a Cabinet decision then this should not result in a request for a select committee or review, unless agreed with Cabinet first.

e) A maximum period of 28 days will be set for scrutiny to hear a call-in following receipt of notice and, in any event, the call-in shall be heard at the next Scrutiny meeting in the Committee cycle. If, having considered the decision, the relevant Panel 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 back to the decision maker, they shall then reconsider within a further four weeks before adopting a final decision.

f) If, following consideration of a call-in, the relevant Panel does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the relevant Panel meeting.

g) If the matter was referred to full Council and the Council does not object to the 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 power to make decisions in
respect of a Cabinet 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 a decision was taken by the Cabinet as a whole, a meeting will be convened to reconsider within four weeks of the Council request. Where the decision was made by an individual, the individual will also reconsider within four weeks of the Council request.

h) 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.

Call-In and Urgency

i) The call-in procedure set out above shall not apply where the decision taken by the Cabinet 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 community's best 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 the reason for this, and therefore not subject to call-in. The Leader and Deputy Leader of the Council 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 Leader and/or Deputy Leader, the Head of Paid Service (Chief Executive) or his/her nominee's consent shall be required. In all cases, the Cabinet will be required to consult with a Scrutiny Chair to satisfy that person that urgency is justified. In the absence of the Chair of the relevant Scrutiny Panel a Chair of another Panel shall be consulted. Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet, together with the reasons for urgency.

j) Full Council may resolve to exempt a proposed Cabinet decision from call-in provided that notice of the proposed decision is included in the Forward Plan and, in any event, the exemption serves the best interests of the Council, the Borough and relevant stakeholders.

k) 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.

16. The Party Whip

a) Governmental Guidance views application of the party whip as incompatible with Overview and Scrutiny. The following, however, provides a means of safeguard where whipping does occur. 'The party whip' is taken to mean: “Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner”.
b) When considering any matter in respect of which a member of a Scrutiny Panel is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at Scrutiny Panel meetings

a) Scrutiny Panel meetings shall consider the following business:
   i) minutes of the last meeting;
   ii) declarations of interest (including whipping arrangements);
   iii) consideration of any matter referred to the Panel for a decision in relation to call in of a decision;
   iv) responses to any questions submitted under the ‘Public Question Time at Scrutiny’ facility (see Article 3, appendix 4)
   v) consideration of any item referred to the Panel concerning monitoring of the performance of the Council;
   vi) responses of the Cabinet to reports of the Panel.
   vii) items for policy review agreed by the Panel.
   viii) items to consider for policy review by the Panel.
   ix) consideration of any valid petition relevant to the remit of that Panel.
   x) examination of any matter relevant to the function of the Panel from the Forward Plan prior to a decision being taken.
   xi) consideration of any performance monitoring information relevant to the remit of that Panel.
   xii) any urgent business (agreed at the discretion of the Chair).

b) Where a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the Panel may also ask people to attend to give evidence at Panel meetings to be conducted in accordance with the following principles:
   i) that the investigation be conducted fairly and all members of the Panel be given the opportunity to ask questions of attendees, and to contribute and speak;
   ii) that those assisting the Panel by giving evidence are treated with respect and courtesy; and
   iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

c) Following any investigation or review, the Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

18. Matters within the remit of one or more Scrutiny Panel

Where a matter for consideration falls within the remit of one or more Panels, the decision as to which Panel shall deal with the matter shall be taken by the Executive and Scrutiny Liaison Board.

19. Joint Board or Panel Meetings

Where a matter is of mutual interest to one or more Panels e.g. in respect of strategic, corporate or cross-cutting issues which can be more efficiently and effectively dealt with collectively, then consideration shall be given to:
i) inviting Panel members to observe the matter being presented to the other Panel;
ii) a joint meeting of the Panels being held;
iii) a joint meeting of two or more Panels taking place;
iv) the matter being dealt with by one Panel to which delegates from other Panels are invited.

Joint meetings may be called by agreement with the relevant Chairs.
Joint meetings shall be chaired by one of the existing Panel Chairs

20. Forward Plan

THE ROLE OF SCRUTINY

a) The Forward Plan of key decisions to be taken by this local authority shall be published (made public) on a monthly basis. All elected Members shall receive notice on or before the fifteenth of each month of key decisions to be taken by the executive (Cabinet, Portfolio Holder or Officers). The Plan shall cover the four month period ahead starting with the month following publication e.g. the plan published on 15 January shall be for the period February - May.

b) Non-executive Members sitting on a Scrutiny Panel may ask to examine any item relevant to their remit prior to a key decision being taken. Normally, items shall be considered by the relevant Panel. Such a request may be made at a scheduled meeting of the Panel and the matter will be considered at the next scheduled meeting of that Panel provided this does not prevent the executive decision being reached at the proposed time. If no meeting of the relevant Panel is planned before a key decision needs to be taken, that Panel shall consider whether or not the issue warrants an additional meeting of the Panel taking place in sufficient time for Scrutiny to examine the item.

c) In order to maximise the opportunity for non-executive Members to examine such matters in time, Chairs of scrutiny panels should take responsibility for reviewing the plan as soon as practicable after it is published in order to highlight any areas to be examined in detail by the panel to the proper officer. However, all scrutiny Members may, on receipt of the Forward Plan, ask the proper officer for an item to be examined at the next meeting of the relevant Panel. In such cases, the proper officer shall bring this request to the attention of the Chair of that Panel who shall determine whether or not to include this request on the next agenda of that Panel, including as a late and urgent item.

d) Where a request for information about an item on the Forward Plan is made, the relevant Director shall supply such information as is available to that Panel prior to the matter being reported to the executive body taking that key decision. In all cases, an explanation shall be given of the key decision(s) that it is proposed the executive body take and the reasons behind this.

e) Where the Scrutiny Panel examines an item it may:

   i) note the information including proposed decisions of the executive and take no further action, or
   ii) make comments or propose amendments to the draft report to Cabinet with the agreement of the directorate reporting on it, or
   iii) make separate representations to the executive body taking the report
where agreement has not been reached on the key decisions that should be taken.

f) Where a scrutiny body makes a separate report, this shall be presented by the Chair of that body (or their nominee) to the executive decision-making body or person before any decision is reached on the matter. The outcomes of those representations shall then be given to the next available meeting of the relevant scrutiny body.
ARTICLE 9 - REGULATORY AND OTHER COMMITTEES

This Article simply refers to the Committees to be appointed by the Council to carry out its regulatory functions – principally Planning, Licensing and certain Appeals.

Regulatory and other Committees
The Council will appoint the committees set out in the left hand column of the table Responsibility for Council Functions in Article 4 Appendix 1 of this Constitution to discharge the functions described in that table.
ARTICLE 10 - THE STANDARDS AND ADJUDICATION COMMITTEE

This Article sets out provisions relating to the Council’s Standards and Adjudication Committee. The purpose of the Committee is to ensure high standards of conduct by Councillors and propriety of action throughout the Council.

10.01 Standards and Adjudication Committee

The Council at its annual meeting will establish a Standards and Adjudication Committee.

10.02 Composition

a) **Membership.** The Standards and Adjudication Committee will be composed of nine Councillors.

b) **Quorum.** The quorum for a meeting of the Standards and Adjudication Committee shall be four.

c) **Substitute Members.** The rules relating to substitution of members in the Council Procedure Rules, will apply in relation to elected members of this Council. Co-opted members will not be entitled to nominate substitutes.

10.03 Role and Function

The Standards and Adjudication Committee will have the following roles and functions:

(a) Promoting and maintaining high standards of conduct by members and co-opted members as defined by section 27 of the Localism Act 2011 (‘Act’).

(b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.

(c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.

(d) Monitoring the operation of the Code of Conduct and the local ‘Arrangements’ and making appropriate revisions to the ‘Arrangements’ as considered necessary.

(e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.

(f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.

(g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.

(h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the ‘Arrangements’ and to convene, as appropriate, sub-committees (‘Referrals Panels’) to consider such matters.

(i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have reached the Code of Conduct and to convene, as appropriate, sub-committees (‘Hearings Panels’) to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the ‘Arrangements’.

(j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of...
politically restricted posts maintained by the authority.
(k) To consider appeals against dismissal and grievances by employees of the Council.
(l) To hear and determine in accordance with the appropriate conditions of service appeals against disciplinary action and against grading assessments by the Director of Finance, Operations and Resources.
(m) To hear and determine appeals in relation to grievances required to be settled under the Council’s Grievance Procedure.
(n) To hear and determine appeals arising under the appeal arrangements relative to car allowances.
(o) To determine student awards appeals.
(p) To hear and determine any other internal appeal or review within the Council not falling within the delegated powers of any other Committee.

10.04 Local Assessment arrangements

1. Context

These “Arrangements” set out how to make a complaint that an elected or co-opted Member of North East Lincolnshire Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code of Conduct.

Under Sections 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council or of a Parish or Town Council in the area has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or co-opted Member of a Parish or Town Council in the area against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for its Members, which can be found within Part 3 of this Constitution.

Each Parish and Town Council is also required to adopt a Code of Conduct. The Parish and Town Councils within North East Lincolnshire have all adopted the Council’s Code of Conduct.

3. Making a complaint

Complaints should be made to the Council’s Monitoring Officer. The Monitoring Officer is a Senior Officer of the Council who has statutory responsibility for maintaining the Register of Members’ Interests and is responsible for administering the system in respect of complaints of Member misconduct and is the Council’s Proper Officer for such matters.
As a matter of fairness and natural justice, a Member will usually be told who has complained about them. However, there may be exceptional circumstances where a complainant's identity should be withheld from disclosure such as where the complainant has reasonable grounds for believing they will be at risk of physical harm if their identity is disclosed or their employment may be placed at risk or there is a risk that any investigation may be impeded of interfered with. In such cases, the Monitoring Officer will refer the issue of disclosure to the Referrals Panel who, in reaching a decision on the issue, will carefully balance the public interest in ensuring that the Member complained of is aware of who has complained against them against the complainant's wish that their identity be withheld. The Council does not normally investigate anonymous complaints save where it considers the provisions in the Local Assessment Criteria on such complaints are met.

The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receiving it. A full copy of the complaint will, subject to any ruling on disclosure, ordinarily be sent to the Member complained of inviting their written comments within 10 working days. Thereafter, arrangements will be made for the complaint to be assessed as soon as practicable in accordance with the procedures detailed in paragraph 4.

It should be noted that complaints which allege that Members may have committed a criminal offence in breaching the 'disclosable pecuniary interest' provisions under Section 34 of the Localism Act 2011, will be referred by the Monitoring Officer to Humberside Police for consideration.

4. Will your complaint be investigated?

For complaints concerning Members of Parish and Town Councils, where those Members are not also Members of North East Lincolnshire Council, ordinarily the Monitoring Officer will assess such complaints against the Local Assessment Criteria and, after consultation with the Independent Person, take a decision as to whether a formal investigation is merited.

The Monitoring Officer may, however, in his discretion refer complaints to the Referrals Panel to assess where he feels it reasonable and appropriate to do so such as where the Monitoring Officer has had prior involvement in the complaint.

For complaints concerning Members of North East Lincolnshire Council (or where the Monitoring Officer has exercised his discretion to refer a Parish and Town Council related complaint) either in their capacity as Parish or Town Council Members or as Members of the Council, the Referrals Panel will be convened to assess whether the complaint should be investigated. In considering the matter, the Referrals Panel shall consult and consider the views of the Independent Person and apply the Local Assessment Criteria.

Decisions on whether a complaint will be investigated will normally be taken within 28 days of receipt of the complaint. A formal notice of decision will be issued in each case. The decision of the Monitoring Officer or Referrals Panel is final and is not subject to a right of appeal.
Where the Monitoring Officer or the Referrals Panel requires additional information in order to come to a decision, the complainant may be contacted to provide such further information, as may the Member against whom your complaint is directed.

Where the complaint relates to a Member of a Parish or Town Council, the Monitoring Officer may also inform the Clerk of the Parish or Town Council concerned of the complaint and seek the views of the Parish or Town Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer or the Referrals Panel may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the Member concerned makes a reasonable offer of local resolution but you are not willing to accept that offer, the Monitoring Officer or the Referrals Panel will take this into account in deciding whether the complaint merits formal investigation.

5. How is the investigation conducted?

If the Monitoring Officer or Assessment Panel decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another Officer of the Council, an Officer of another Council or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint.

The Investigating Officer would normally, subject to any ruling on disclosure, write to the Member against whom the complaint has been made and provide him/her with a full copy of the complaint, and ask the Member to provide his/her explanation of events.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the Member concerned to give them both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration.

Having received and taken account of any comments which they may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

It should be noted that at any time during an investigation, the Investigating Officer may, following consultation with the Independent Person, refer the matter back to the Referrals Panel for re-consideration as to whether the investigation should proceed if the Investigating Officer considers that the Re-consideration Criteria are satisfied.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer’s report and consult with the Independent Person. If having done so the Monitoring Officer is
satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to the complainant and to the Member concerned and to the Parish or Town Council on which the Member serves, notifying them that he is satisfied that no further action is required (with reasons stated), and give them both a copy of the Investigating Officer’s final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to re-consider his/her report.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer’s report and after consulting the Independent Person will consider whether Local Resolution should be attempted or the matter proceed direct to hearing before the Hearings Panel.

7.1 Local Resolution

The Monitoring Officer will consult with the Independent Person and with the complainant and seek to agree what is considered to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards and Adjudication Committee and the Member’s Council for information but will take no further action. However, if the complainant tells the Monitoring Officer that any suggested resolution would not be adequate or the Member concerned does not accept that the matter should be resolved in such a manner, the Monitoring Officer will refer the matter for a hearing before the Hearings Panel.

7.2 Hearings Panel

If the Monitoring Officer considers that Local Resolution is not appropriate or the complainant is not satisfied by the proposed resolution, or the Member concerned does not accept that the matter should be resolved in such a manner, then the Monitoring Officer will report the Investigating Officer’s report to the Hearings Panel which will conduct a Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the failure.

In readiness for the convening of the Hearings Panel, the Monitoring Officer will conduct a written “pre-hearing process”, requiring the Member concerned to give their response to the Investigating Officer’s report in order to identify what is likely to be agreed and what is likely to be in contention at the Hearing.

If, through the “pre-hearing process”, the Member concerned accepts the Investigating Officer’s report, they will be given the opportunity to provide a statement of mitigation which they may invite the Hearings Panel to consider in their absence. Alternatively, they may elect to attend a
Hearings Panel to present their mitigation. In either case, the ‘uncontested’ hearing procedure will be followed.

Where, following the “pre-hearing process”, the Investigating Officer’s report remains in contention, the matter will be set down for a ‘contested’ hearing before the Hearings Panel. The ‘contested’ hearing procedure will be followed. In essence, at the Hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant, to attend and give evidence to the Hearings Panel. Unless called to do so by the Investigating Officer, the complainant does not have the right to address the Hearings Panel of their own volition. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct. The Member may be legally represented at the Hearings Panel.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct and so dismiss the complaint. If the Hearings Panel concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should recommend as a result of the Member’s failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the Member an opportunity to make representations to the Panel and will consult the Independent Person but will then decide what action, if any, to take in respect of the matter.

8. What action can the Hearings Panel take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Hearings Panel may -

8.1 Write to the Member over their conduct;
8.2 Publish its findings in the local media in respect of the Member’s conduct;
8.3 Report its findings to the Council or to the Parish or Town Council concerned;
8.4 Recommend to the Member’s Group Leader (or in the case of ungrouped Members, recommend to the Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
8.5 Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
8.6 Instruct the Monitoring Officer to, or recommend to the Parish or Town Council concerned, that it arrange training for the Member;
8.7 Recommend removal, or recommend to the Parish or Town Council concerned, removal of the Member from all outside appointments to which he/she has been appointed or nominated by the Council or the Parish or Town Council;

8.8 Withdraw, or recommend to the Parish or Town Council concerned, that it withdraws facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

8.9 Exclude, or recommend to the Parish or Town Council concerned, that it excludes the Member from the Council’s Offices or other premises with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee Meetings.

The Hearings Panel has no power to suspend or disqualify the Member or to withdraw a Member’s basic allowance or any special responsibility allowances.

9. What happens at the end of the Hearing?

At the end of the Hearing, the Chair will state the decision of the Hearings Panel as to whether the Member has failed to comply with the Code of Conduct and as to any action which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel and send a copy to the complainant, to the Member and to any Parish and Town Council concerned and make such decision notice available for public inspection and report the decision to the next convenient Meeting of the Standards and Adjudication Committee.

The decision of the Hearings Panel is final and is not subject to a right of appeal.

10. Referrals Panel and Hearings Panel?

The Referrals Panel and the Hearings Panel are Sub-Committees of the Council’s Standards and Adjudication Committee. The Standards and Adjudication Committee has decided that each of those Panels will comprise a maximum of 3 elected Members of the Council’s Standards and Adjudication Committee. Co-opted, non-voting (Parish Council) Members of the Standards and Adjudication Committee may be asked to sit on such Panels.

The Independent Person is invited to attend all Meetings of the Referrals Panel and the Hearings Panel and his/her views are sought and taken into consideration before the Monitoring Officer or Referrals Panel takes any decision on whether a complaint should be investigated. The Hearings Panel will seek the Independent Person’s views on whether a Member’s conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the Independent Person?
The Independent Person is a person who has applied for the Post following advertisement of a vacancy for the Post and is then appointed by a positive vote from a majority of all the Members of the Council.

A person cannot be “independent” if he/she -

11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the Council;
11.2 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of a Parish or Town Council within the Council’s area; or
11.3 Is a relative or close friend of a person defined at paragraph 11.1 or 11.2 above. For this purpose, “relative” means –

11.3.1 Spouse or civil partner;
11.3.2 Living with the other person as husband and wife or as if they were civil partners;
11.3.3 Grandparent of the other person;
11.3.4 A lineal descendent of a grandparent of the other person;
11.3.5 A parent, sibling or child of a person defined at paragraphs 11.3.1 or 11.3.2;
11.3.6 A spouse or civil partner of a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5; or
11.3.7 Living with a person defined at paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The Council may, by resolution, agree to amend these arrangements and has delegated to the Chair of the Referrals Panel and the Hearings Panel the right to depart from these arrangements where he/she considers it is expedient to do so in order to secure the effective and fair consideration of any matter.

For the avoidance of doubt, Members who have sat on the Referrals Panel are not precluded from sitting on a subsequent Hearings Panel called to determine the same complaint as considered by the Referrals Panel.

13. Appeals

There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer, the Assessment Panel or the Hearings Panel.

If the complainant feel that the Council has failed to deal with the complaint in accordance with these arrangements, he/she may make a complaint to the Local Government Ombudsman.
ARTICLE 11 - AREA COMMITTEES AND FORUMS

The Council currently does not have an Area Committee structure.
ARTICLE 12 - JOINT ARRANGEMENTS

This Article deals formally with arrangements which the Council may make with other Authorities or bodies with a view to acting jointly/together in the carrying out of any functions.

The legislation relevant to this article is Sections 2, 19 and 20 of the Local Government Act 2000.

12.01 Arrangements to promote well being

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

a) enter into arrangements or agreements with any person or body;

b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

c) exercise on behalf of that person or body any functions of that person or body.

12.02 Joint arrangements

a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

c) The Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

d) 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.

12.03 Access to information

a) The Access to Information Rules in Article 3 of this Constitution apply.

b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

c) If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.
12.04 Delegation to and from other local authorities

a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

b) The Cabinet may delegate Cabinet functions to another local authority or the Cabinet 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.

12.05 Contracting out

The Council (for functions which are not Cabinet functions) or the Cabinet (for Cabinet 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 contacting principles, provided there is no delegation of the Council’s discretionary decision making.
ARTICLE 13 - OFFICERS

This Article explains the roles and functions of the Principal Officers of the Council.

13.01 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:
   - Chief Executive
   - Deputy Chief Executive (Communities)
   - Director Public Health
   - Director of Finance (Chief Finance Officer)
   - Director of Economy and Growth

c) **Head of Paid Service, monitoring officer, chief financial officer and statutory scrutiny officer.** The Council will designate the following statutory posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Chief Legal Officer</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Director of Finance (Chief Finance Officer)</td>
<td>Section 151 Officer</td>
</tr>
<tr>
<td>Director Governance, Democracy and Community Engagement</td>
<td>Statutory Scrutiny Officer</td>
</tr>
</tbody>
</table>

These posts will have the functions described in Article 12.02–12.04 below.

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 at Part 7 of this Constitution.

13.02 Functions of the Head of Paid Service (the Chief Executive)

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 Director of Finance (Chief Finance Officer) if a qualified accountant.

13.03 Functions of the Monitoring Officer

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

b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Director of Finance (Chief Finance Officer), the Monitoring Officer will report to the full Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.

Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Standards and Adjudication Committee and make reports or recommendations in respect of them to the Standards and Adjudication Committee, in accordance with the Standards and Adjudication Committee (England) Regulations 2008.

f) **Proper officer for access to information.** The Monitoring Officer will ensure that Cabinet 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 Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet 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 issues to all councillors.

i) **The Monitoring Officer** will maintain the register of members’ interests under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and North East Lincolnshire Council’s Code of Conduct and record information, gifts and hospitality notified by members and maintain a register of officer interest in contracts.

j) **Restrictions on posts.** The Monitoring Officer cannot be the Director of Finance (Chief Finance Officer) or the Head of Paid Service.

13.04 Functions of the Director of Finance (Chief Finance or Section 151 Officer)

a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Director of Finance (Chief Finance Officer) will report to the full Council or to the Cabinet in relation to a Cabinet 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 Director of Finance (Chief Finance Officer) will have responsibility for the administration of the financial affairs of the Council.
c) **Contributing to corporate management.** The Director of Finance (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 Director of Finance (Chief Finance Officer) in consultation with 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 and officers and will support and advise councillors and officers in their respective roles.

e) **Give financial information.** The Director of Finance (Chief Finance Officer) will provide financial information to the media, members of the public and the community.

f) **The exercise of the Director of Finance (Chief Finance Officer)’s role and responsibilities shall be in accordance with the CIPFA guidance on the role of the Section 151 Officer.**

**13.05 Duty to provide sufficient resources to the Monitoring Officer and Director of Finance (Chief Finance Officer).**

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

**13.06 Conduct**

Officers will comply with the Officers’ Code of Conduct and the Protocol on Officer/Member Relations set out in Part 3 of this Constitution.

**13.07 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 3 of this Constitution.
ARTICLE 13 APPENDIX 1

Management Structure

To be updated
ARTICLE 13 APPENDIX 2

OFFICER EMPLOYMENT PROCEDURE RULES

These rules set out the agreed procedures to be followed in relation to the appointment, dismissal and disciplining of the Council's Officers.

Within these Rules the term "Officer" means any employee of the Council, "Chief Officer" means a Director of the Council and for the avoidance of any doubt "Chief Officer" shall also include those officers referred to in section 2(6)(7) & (8) of the Local Government and Housing Act 1989.

1. Recruitment and appointment

(a) Declarations

i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or the partner of such persons.

ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment

i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.

iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Head of Paid Service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

i) the duties of the officer concerned; and

ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
3. Appointment of Head of Paid Service
(a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee of the Council. That committee (The Appointment's Committee) must include at least one member of the Cabinet.
(b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

4. Appointment of chief officers
(a) The Appointments Panel will also appoint chief officers. The Panel must include at least one member of the Cabinet.
(b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received.
(c) Appointments of chief officers must not be made unless the Head of Paid Service or an officer nominated by him has notified every member of the Cabinet of the name of and other relevant particulars relating to the person about to be appointed and the Leader has notified the relevant officer that the Cabinet has no objection to the appointment or any objection it has is either not material or not well founded.

5. Other appointments
(a) Officers below chief officer. Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
(b) Assistants to political groups. Appointments of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Dismissal and other Disciplinary action
(a) Suspension. The Head of Paid Service, Monitoring officer and Director of Finance (Chief Finance Officer) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
(b) Independent Panel. The decision to dismiss a statutory officer (referred to in (a) above) must be taken by Full Council who must consider any advice, views or recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal and any representations from the officer concerned (as per the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

The independent panel must consist of at least two independent persons, who accept an invitation from the Council to sit on the panel. An independent person is someone who has been appointed by the Council in that capacity under the members’ code of conduct regime pursuant to section 28 (7) of the Localism Act 2011.

When appointing to the panel, which must be in place at least 20 days before the meeting at which the decision to dismiss will be taken, the Council must do
so in the following order:

- an independent person appointed by the Council and who is an elector in the Council's area;
- any other independent person who has been appointed by the Council; and
- an independent person who has been appointed by another council or councils.

(c) Councillors will not be involved in disciplinary action against or the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action. Such disciplinary action will be undertaken by the Head of Paid Service or any officer nominated by him.

(d) Dismissal decisions relating to chief officers must not be made unless the Head of Paid Service or an officer nominated by him has notified every member of the Cabinet of the name of and other relevant particulars relating to the person about to be dismissed and the Leader has notified the relevant officer that the Cabinet has no objection to the dismissal or any objection it has is either not material or not well founded.

7. Dismissal

(a) Councillors will not be involved in the dismissal of any officer below chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time, and may allow a right of appeal to members in respect of dismissals.
ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

This Article makes reference to the Council's financial and contracts procedure rules (which are set out in full later in the document).


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 Appendix 1 of this Article.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Appendix 2 of this Article.

14.03 Legal proceedings

The Chief Legal Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer 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 Chief Legal Officer 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.

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 Chief Legal Officer. 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 Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised by him/her.
ARTICLE 14 APPENDIX 1

FINANCIAL REGULATIONS

1. Introduction

1.1 North East Lincolnshire Council is a local authority providing a diverse range of services to its residents. It works in partnership with parish and town councils, police, probation and health providers and a number of other organisations.

1.2 North East Lincolnshire Council’s governance is laid down in its Constitution, which sets out how the Council operates, how decisions are made and the procedures that are followed. This document forms part of the Constitution and should be read in conjunction with it.

1.3 The Council must conduct its business efficiently and ensure it has sound financial management policies in place, including arrangements to monitor compliance. The Council’s statutory section 151 officer (Director of Finance (Chief Finance Officer)) is also charged with ensuring that proper financial management processes are in place.

1.4 The financial regulations provide clarity about the financial accountabilities of individuals. Each of the financial regulations sets out the overarching financial responsibilities which must be followed by those acting on the Council’s behalf.

1.5 A detailed set of financial procedure rules supports the overarching financial responsibilities set out in this document. These financial procedure rules are included in Appendices A to E and form part of the Authority’s financial regulations. Under the financial regulations, other financial instructions and guidance manuals may be issued from time to time as considered appropriate by the Director of Finance (Chief Finance Officer) and such guidance will have the force of financial regulations.

1.6 All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to whether a financial proposal is appropriate, or whether a financial action is correct, must be clarified in advance of the decision or action with the Director of Finance (Chief Finance Officer).

1.7 Failure to follow financial regulations or financial instructions issued by the Director of Finance (Chief Finance Officer) under financial regulations may result in action under the Council’s disciplinary procedures.

2. Status of the Financial Regulations

2.1 Financial Regulations provide the framework for managing the financial affairs of North East Lincolnshire Council. They apply to every councillor and officer of the Council and anyone acting on its behalf.

2.2 The regulations identify financial responsibilities of individuals - Cabinet members, Council members, officers, the Head of Paid Service, the Monitoring Officer, the Director of Finance (Chief Finance Officer) and other chief officers. Cabinet members and Chief Officers should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions are so delegated, the officer to whom the decision has been delegated must provide sufficient information to the Cabinet Member or Chief Officer on request in order to give assurance that tasks or decisions have been performed in accordance with the Financial Regulations. Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to the Chief Officer in the regulations should be read as referring to...
them.

2.3 All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, and provides value for money.

2.4 The Director of Finance (Chief Finance Officer) is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the full Council for approval. The Director of Finance (Chief Finance Officer) is also responsible for reporting, where appropriate, breaches of the financial regulations to the Council and/or to Cabinet. The Section 151 Officer must be consulted in respect of all reports to elected members.

2.5 Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority’s financial regulations and other internal regulatory documents and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their directorates. Any person charged with the use or care of the Authority’s resources and assets should inform him or herself of the Authority’s requirements under the financial regulations. Any queries should be referred to the Director of Finance (Chief Finance Officer).

2.6 All Chief Officers should ensure that any financial procedures/guidelines produced by their directorates in support of financial control are fully compliant with the financial regulations. The agreement of the Director of Finance (Chief Finance Officer) should be obtained for the development of such financial procedures.

2.7 The Director of Finance (Chief Finance Officer) is responsible for issuing advice and guidance to underpin the financial regulations that members, officers and others acting on behalf of the authority are required to follow.

2.8 All employees must report to their manager, supervisor or other responsible senior officer of any illegality, impropriety, breach of procedure or serious deficiency discovered in the following of financial procedures or financial regulations; managers must record and investigate such reports and notify the Director of Finance (Chief Finance Officer) and Service Manager Internal Audit\(^1\) where it appears that a breach has occurred.

2.9 Any proposals for changes or amendments to the financial regulations should be forwarded to the Director of Finance (Chief Finance Officer) for consideration.

2.10 Employees handling income and financial transactions for non-North East Lincolnshire Council accounts must adopt standards which are as high as those set out in these financial regulations in the administration of such accounts.


INTRODUCTION

3.1 Financial Management covers all financial accountabilities in relation to the running of the Council, including the Budget and Policy Framework.

THE FULL COUNCIL

3.2 The full Council is responsible for adopting the Authority’s constitution and members’ code of conduct and for approving the policy framework and budget within which the Executive

\(^1\) Under new Public Sector Auditing Standards the role of Head of Internal Audit is known as the Chief Audit Executive.
operates. It is also responsible for approving and monitoring compliance with the Authority’s overall framework of accountability and control. The framework is set out in the Constitution. The full Council may make decisions outside the Budget and Policy Framework in accordance with section 3 of the Budget and Policy Framework Procedure Rules at Article 7 of the Constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.

3.3 The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees and by the Cabinet. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

THE CABINET (EXECUTIVE)

3.4 The Cabinet is responsible for submitting proposals to full Council in respect of the budget and those plans/strategies that fall within the policy framework, and for discharging executive functions in accordance with the Constitution.

3.5 Executive decisions can be delegated to a Committee of the Executive, an individual Executive Councillor, an Officer or a Joint Committee.

3.6 The Constitution sets out clear principles of decision making to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

COMMITTEES OF THE COUNCIL

3.7 The role and responsibilities of other Committees (including Audit and Governance Committee, regulatory committees and scrutiny committees) are set out elsewhere in the Constitution.

THE STATUTORY OFFICERS

Head of Paid Service (Chief Executive)

3.8 The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority’s staff. He or she must report to and provide information for the Cabinet, the full Council, the Overview and Scrutiny Committee and other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council’s decisions.

Monitoring Officer

3.9 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

3.10 The Monitoring Officer must ensure that Cabinet decisions and the reasons for them are made public. He or she must also ensure that Council members are aware of decisions made by the Cabinet and of those made by officers who have delegated executive responsibility.

3.11 The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.

3.12 The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

3.13 The Monitoring Officer (together with the Director of Finance (Chief Finance Officer)) is
responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be ‘contrary to the budget’ include:

- initiating a new policy or taking action outside a current policy with budget implications,
- committing expenditure in future years to above the budget level,
- incurring interdepartmental transfers above virement limits,
- causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

3.14 The Monitoring Officer is responsible for maintaining an up-to-date constitution.

**Director of Finance (Chief Finance Officer) (Section 151 officer)**

3.15 The Director of Finance (Chief Finance Officer) has statutory duties in relation to the financial administration and stewardship of the authority. These statutory responsibilities cannot be overridden or subject to direction by the Council. The statutory duties arise from:

- Local Government Act 1972 (Section 151)
- Local Government Finance Act 1988
- Local Government and Housing Act 1989
- Local Government Act 2003
- Accounts and Audit Regulations 2011

3.16 The Director of Finance (Chief Finance Officer) is responsible for:

- ensuring the proper administration of the Authority's financial affairs,
- determining and agreeing the accounting procedures and records for the Authority,
- setting the financial management standards and monitoring compliance with them,
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management,
- ensuring the provision of financial information,
- preparing the revenue budget (in conjunction with Chief Officers) and capital programme,
- treasury management,
- reporting on the adequacy of reserves and the robustness of the budget estimates when the annual budget is being considered,
- ensuring the existence of a medium-term financial plan.

3.17 Section 114 of the Local Government Finance Act 1988 requires the Director of Finance (Chief Finance Officer) to inform the Cabinet and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure.
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority.
- is about to make an unlawful entry in the Authority’s accounts.
• it appears to the Director of Finance (Chief Finance Officer) that the expenditure of the Authority incurred (including the expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

Section 114 of the 1988 Act also requires.
• the Director of Finance (Chief Finance Officer) to nominate a properly qualified officer to deputise should he/she be unable to perform the duties under Section 114 personally.
• the authority to provide the Director of Finance (Chief Finance Officer) with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

Chief Officers (Directors)
3.18 Chief Officers are responsible for:
• ensuring that members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance (Chief Finance Officer),
• ensuring that the financial regulations are observed throughout all areas under their control,
• providing the Director of Finance (Chief Finance Officer) with such information and explanations as the Director of Finance (Chief Finance Officer) feels is necessary to meet his or her obligations under financial regulations.

3.19 It is the responsibility of Chief Officers to consult with the Director of Finance (Chief Finance Officer) and seek approval on any matter liable to affect the Authority’s finances materially, before any commitments are incurred.

OTHER FINANCIAL ACCOUNTABILITIES
Virement
3.20 Virement between budget heads is an integral and important feature of budgetary control. The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.

3.21 Once the Council has approved its revenue and capital budget for the coming year, there will be a brief period of review that will allow virements between budgets to be made. Following that, the Director of Finance (Chief Finance Officer) will issue guidance to minimise the processing of virements during the financial year. Examples of permitted virements include:
• to recognise new external funding streams
• to recognise the realisation of budget savings
• transfers to/from corporate contingencies
• transfers between revenue and capital
• permanent transfers between services/directorates
• to recognise Cabinet/Council decisions
• material adjustments to aid budgetary control (e.g. capital re-profiling

Last Updated 28th September 2017
3.22 Virement (of both revenue and capital) is permitted subject to the following procedures (see A.11 - A.23):

<table>
<thead>
<tr>
<th>Procedure to be followed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Virements up to £50,000</td>
<td>such virements on any one budget head (defined in A.11b) during the year may be made by the relevant Chief Officer in consultation with the Director of Finance (Chief Finance Officer).</td>
</tr>
<tr>
<td>Proposed virements of between £50,000 &amp; £350,000</td>
<td>such proposed virements will require the advance approval of the Director of Finance (Chief Finance Officer) and the relevant Cabinet member for the service area.</td>
</tr>
<tr>
<td>Proposed virements in excess of £350,000</td>
<td>such proposed virements must be reported to Cabinet, and Cabinet approval will be required before the virement can take place.</td>
</tr>
</tbody>
</table>

3.23 In addition to the procedures outlined above, any proposed virement relating to employees' basic pay, national insurance or superannuation should comply with any staffing procedures established by the Director of Finance, Operations and Resources, and include approval under delegated matters where appropriate. This is in addition to the approvals required from other officers/members outlined above.

3.24 With respect to the Capital Programme, approval is delegated to the Director of Finance (Chief Finance Officer) in consultation with the relevant Cabinet Member to approve:

- re-phasing of capital budgets within approved budget (but across years); and
- amendments to the capital programme in respect of revised capital contributions up to £350,000

All delegations exercised in accordance with the above would be reported to Cabinet in the quarterly monitoring reports.

3.25 Virements may not be broken down into smaller values in order to circumvent the procedures outlined.

**Budget realignment**

3.26 The Director of Finance (Chief Finance Officer) will determine whether a change to budgets is a virement (i.e. the budget is reallocated to a purpose other than originally intended) or a re-presentation or restructure where there is no change to the purpose of the spending. From time to time, it may be considered appropriate to realign the budget for part or all of a service area, for example if there is a restructure – where the impact is significant or material. It is important that any budget realignment is transparent and that the process can be subject to proper scrutiny.

3.27 The virement rules set out above shall not apply to restructure or representational changes. However, the approval of the Director of Finance (Chief Finance Officer) should be obtained before any such changes are implemented.
Treatment of year-end balances

3.28 The Cabinet is responsible for agreeing procedures in respect of carrying forward under- and overspendings on budget headings in line with the Budget and Policy Framework.

Accounting policies

3.29 The Director of Finance (Chief Finance Officer) is responsible for setting accounting policies in accordance with statute and best practice and ensuring that they are applied consistently throughout the Council.

Accounting records and returns

3.30 The Director of Finance (Chief Finance Officer) is responsible for determining the accounting procedures and records for the Authority.

The annual statement of accounts

3.31 The Director of Finance (Chief Finance Officer) is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with applicable accounting standards and codes of practice. The Audit Committee is responsible for approving the Annual Statement of Accounts.

Sound financial management

3.32 The Council is responsible for ensuring its financial management is adequate and effective, and that sound systems of risk management are in place (as required by the Accounts and Audit Regulations 2011). The Council is also responsible for ensuring that a budget monitoring system is in place, and if there is a deterioration in the Council’s financial position during the year it must consider what action to take to deal with the situation (as required by the Local Government Act 2003).

Budget setting

3.33 The Director of Finance (Chief Finance Officer) has a duty under the Local Government Act 2003 in relation to budget setting. When the Authority is deciding its annual budget and council tax level, members and officers must take into account a report from the Director of Finance (Chief Finance Officer) on the robustness of the budget and the adequacy of the authority’s reserves. The Council’s priorities & resource planning framework integrates service planning and budget setting processes to develop the financial strategy and to ensure that the budget setting process is priority led.

c) 4. Financial Regulation B: Financial Planning

INTRODUCTION

4.1 The full Council is responsible for agreeing the Authority’s policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are the:

- Council Plan,
- Budget and Medium Term Financial Plan,
POLICY FRAMEWORK

4.2 The full Council is responsible for approving the policy framework and budget. The policy framework comprises those statutory plans and strategies set out in the Constitution.

4.3 The Council’s and Cabinet’s budget and policy responsibilities are set out in the budget and policy framework procedure rules, contained in the Council’s Constitution.

4.4 The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council as part of the budget and policy framework.

BUDGETING

Budget format

4.5 The general format of the budget will be approved by the full Council and proposed by the Cabinet on the advice of the Director of Finance (Chief Finance Officer).

Budget preparation

4.6 The Director of Finance (Chief Finance Officer) is responsible for ensuring that a revenue budget is prepared on an annual basis together with a medium term financial plan looking forward a minimum of three financial years. This will be considered by the Cabinet, before submission to the full Council in accordance with the Council’s Constitution. The full Council may amend the budget or ask the Cabinet to reconsider it before approving it.

4.7 The Cabinet may issue guidance on the general content of the budget in consultation with the Director of Finance (Chief Finance Officer) following approval by the full Council. The Director of Finance (Chief Finance Officer) will issue guidelines on the budget to appropriate officers throughout the Council.

4.8 It is the responsibility of Chief Officers to ensure that accurate budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidelines issued by the Director of Finance (Chief Finance Officer).

Budget monitoring and control

4.9 Under the Local Government Act 2003 the Council has a duty to monitor its budget during the year. If, as a result of this monitoring, it appears that there has been deterioration in its financial position, the Council must take action to deal with the situation.

4.10 The Director of Finance (Chief Finance Officer) is responsible for providing appropriate financial information and guidance to enable budgets to be monitored effectively. The Director of Finance (Chief Finance Officer) should report to Cabinet on the overall financial position of the Council on a regular basis, and at least quarterly.

4.11 It is the responsibility of Chief Officers to control income and expenditure for revenue and capital within their area and to monitor performance, taking account of financial information provided by the Director of Finance (Chief Finance Officer). They should report on variances within their own areas to the Director of Finance (Chief Finance Officer). They should also take any action necessary (without affecting policy) to avoid exceeding their budget allocation, in accordance with the Financial Regulations. If it
becomes apparent to a Chief Officer that, due to exceptional or unforeseen circumstances, there may be difficulty in providing a service within budget, this must be communicated to the Director of Finance (Chief Finance Officer) at the earliest opportunity. In such circumstances the Chief Officer retains responsibility for the careful monitoring and control of income and expenditure, and must make every effort (without affecting policy) to minimise the impact on the Authority.

**Resource allocation**

4.12 The Director of Finance (Chief Finance Officer) is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council’s policy framework.

**Preparation of the capital programme and prudential indicators**

4.13 The Director of Finance (Chief Finance Officer) is responsible for ensuring that a capital programme, showing capital expenditure and how that expenditure is funded, is prepared on an annual basis for consideration by the Cabinet before submission to the full Council. The plan should cover a three to five year period, and may in addition include information on capital investment strategy for up to 10 years ahead. In addition to this, the CIPFA Prudential Code for Capital Finance in Local Authorities requires that a set of prudential indicators for capital and treasury management (covering a three year period) are agreed by the Council. This CIPFA code is backed by statute in the Local Government Act 2003.

4.14 Chief Officers providing information to the Director of Finance (Chief Finance Officer) for the capital programme shall ensure that for each capital scheme the full financial implications of any proposals are fully evaluated and disclosed, including phasing and delivery plans. A capital investment appraisal form must be completed, detailing both revenue and capital implications of each proposed scheme.

**Guidelines**

4.15 Guidelines on budget preparation will be issued to members and Chief Officers by the Director of Finance (Chief Finance Officer). The guidelines will take account of:

- legal requirements,
- the Constitution,
- medium-term planning prospects,
- the Council Plan,
- available resources,
- spending pressures,
- efficiency and other relevant government guidelines,
- other internal policy documents,
- cross-cutting issues (where relevant).

**MAINTENANCE OF RESERVES**

4.16 It is the responsibility of the Director of Finance (Chief Finance Officer) to advise the Cabinet and/or the full Council on prudent levels of reserves for the Authority. When the Authority is deciding its annual budget and Council tax level it is required (by virtue of the
Local Government Act 2003) to take into account a report from the Director of Finance (Chief Finance Officer) on the adequacy of the authority’s financial reserves and the robustness of the budget. The Government has a back-up power to impose a minimum level of reserves on an authority that it considers to be making inadequate provisions. The Council’s reserves and balances policy, prepared by the Director of Finance (Chief Finance Officer), is subject to annual review

d) 5. Financial Regulation C:

e) Risk Management and Control of Resources

INTRODUCTION

5.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

5.2 A risk management policy statement and strategy has been drafted and approved by Cabinet. The Cabinet is responsible for reviewing the effectiveness of risk management and for ensuring that proper insurance exists where appropriate.

5.3 The Director of Finance (Chief Finance Officer) will be responsible for the authority’s risk management policy statement, which may be prepared by a nominated officer. The risk management policy statement will be promoted throughout the authority. The Director of Finance (Chief Finance Officer) will advise the Cabinet on proper insurance cover where appropriate.

INTERNAL CONTROL

5.4 Internal control refers to the systems of control devised by management to help ensure the Authority’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority’s assets and interests are safeguarded.

5.5 The Director of Finance (Chief Finance Officer) is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

5.6 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

5.7 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit.

5.8 The Audit Commission is responsible for appointing external auditors to each local authority. The responsibilities of the external auditor are derived from statute (principally the Audit Commission Act 1998). The Code of Audit Practice, prepared by the Audit Commission, prescribes the way in which external auditors must carry out their functions.

5.9 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.
PREVENTING FRAUD AND CORRUPTION

5.10 The Director of Finance (Chief Finance Officer) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

ASSETS

5.11 Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

TREASURY MANAGEMENT AND BANKING

5.12 The Authority follows the CIPFA Code of Practice for Treasury Management in the Public Services. The Authority will create and maintain, as the cornerstones for effective treasury management:

- A Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities;

- Suitable Treasury Management Practices (TMP’s), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

5.13 All money in the hands of the Authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Director of Finance (Chief Finance Officer).

5.14 In accordance with the CIPFA Code of Practice for Treasury Management in the Public Services, the Director of Finance (Chief Finance Officer) is responsible for reporting to the Council on the treasury management policies, practices and activities. Including as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in the TMP’s.

5.15 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Director of Finance (Chief Finance Officer). In relation to the authorised limits for the Council’s external debt, and the operational boundary for external debt agreed by Council, any movements in borrowing limits made under delegation to the Director of Finance (Chief Finance Officer) will be reported to the Cabinet at its next meeting.

5.16 In accordance with the CIPFA Code of Practice for Treasury Management in the Public Services, the Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Director of Finance (Chief Finance Officer), who will act in accordance with the Council’s policy statement and TMP’s and CIPFA’s Standard of Professional Practice on Treasury Management.

5.17 The Council has nominated the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

STAFFING

5.18 The full Council is responsible for determining how officer support for executive and non-executive roles within the Authority will be organised.

5.19 The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job. The Head of Paid Service has
ultimate responsibility for ensuring the Authority’s staffing resource meets its needs in terms of capacity and organisation.

5.20 Chief Officers are responsible for controlling total staff numbers by:

- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.
APPENDIX C

Financial Regulation C:

Risk Management and Control of Resources

INTRODUCTION

5.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

5.2 A risk management policy statement and strategy has been drafted and approved by Cabinet. The Cabinet is responsible for reviewing the effectiveness of risk management and for ensuring that proper insurance exists where appropriate.

5.3 The Director of Finance (Chief Finance Officer) will be responsible for the authority’s risk management policy statement, which may be prepared by a nominated officer. The risk management policy statement will be promoted throughout the authority. The Director of Finance (Chief Finance Officer) will advise the Cabinet on proper insurance cover where appropriate.

INTERNAL CONTROL

5.4 Internal control refers to the systems of control devised by management to help ensure the Authority’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority’s assets and interests are safeguarded.

5.5 The Director of Finance (Chief Finance Officer) is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

5.6 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

5.7 The Accounts and Audit Regulations 2011 require every local authority to maintain an adequate and effective internal audit.

5.8 The Audit Commission is responsible for appointing external auditors to each local authority. The responsibilities of the external auditor are derived from statute (principally the Audit Commission Act 1998). The Code of Audit Practice, prepared by the Audit Commission, prescribes the way in which external auditors must carry out their functions.

5.9 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

5.10 The Director of Finance (Chief Finance Officer) is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

ASSETS
5.11 Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

**TREASURY MANAGEMENT AND BANKING**

5.12 The Authority follows the CIPFA *Code of Practice for Treasury Management in the Public Services*. The Authority will create and maintain, as the cornerstones for effective treasury management:

- A Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities;

- Suitable Treasury Management Practices (TMP’s), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

5.13 All money in the hands of the Authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Director of Finance (Chief Finance Officer).

5.14 In accordance with the CIPFA *Code of Practice for Treasury Management in the Public Services*, the Director of Finance (Chief Finance Officer) is responsible for reporting to the Council on the treasury management policies, practices and activities. Including as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in the TMP’s.

5.15 All Cabinet decisions on borrowing, investment or financing shall be delegated to the Director of Finance (Chief Finance Officer). In relation to the authorised limits for the Council’s external debt, and the operational boundary for external debt agreed by Council, any movements in borrowing limits made under delegation to the Director of Finance (Chief Finance Officer) will be reported to the Cabinet at its next meeting.

5.16 In accordance with the CIPFA *Code of Practice for Treasury Management in the Public Services*, the Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Director of Finance (Chief Finance Officer), who will act in accordance with the Council’s policy statement and TMP’s and CIPFA’s Standard of Professional Practice on Treasury Management.

5.17 The Council has nominated the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

**STAFFING**

5.18 The full Council is responsible for determining how officer support for executive and non-executive roles within the Authority will be organised.

5.19 The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job. The Head of Paid Service has ultimate responsibility for ensuring the Authority’s staffing resource meets its needs in terms of capacity and organisation.

5.20 Chief Officers are responsible for controlling total staff numbers by:

- advising the Cabinet on the budget necessary in any given year to cover estimated
staffing levels

- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- the proper use of appointment procedures.
APPENDIX D

6.0 Financial Regulation D: Systems and Procedures

INTRODUCTION

6.1 Sound systems and procedures are essential to an effective framework of accountability and control.

GENERAL

6.2 The Director of Finance (Chief Finance Officer) is responsible for the operation of the Authority’s accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Director of Finance (Chief Finance Officer) after consultation with Internal Audit. However, Chief Officers are responsible for the proper operation of financial processes in their own departments.

6.3 Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Director of Finance (Chief Finance Officer).

6.4 Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Director of Finance (Chief Finance Officer).

6.5 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

INCOME AND EXPENDITURE

6.6 It is the responsibility of Chief Officers to ensure the officers’ scheme of delegation is complied with within his or her department. In addition, each Chief Officer should ensure that an authorised signatory list is held and regularly updated, identifying staff authorised to act on the Chief Officer’s behalf in respect of payments, income collection and placing orders, together with the limits of their authority. When hard copy documentation in this regard is produced, signatures should always be made in manuscript. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

PAYMENTS TO EMPLOYEES AND MEMBERS

6.7 The Director of Finance (Chief Finance Officer) is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to members.

6.8 The Director of Finance (Chief Finance Officer) is responsible for making ex-gratia payments in accordance with guidelines agreed with the Monitoring Officer.

TAXATION

6.9 The Director of Finance (Chief Finance Officer) is responsible for advising chief officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.
6.10 The Director of Finance (Chief Finance Officer) is responsible for maintaining the Authority’s tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

TRADING ACCOUNTS/BUSINESS UNITS

6.11 It is the responsibility of the Director of Finance (Chief Finance Officer) to advise on the establishment and operation of trading accounts and business units.

RETENTION OF RECORDS

6.12 Each Chief Officer shall make arrangements for the retention of financial and personnel records as follows:
   - financial matters relating to the payment of creditors, income or other tax matters, national insurance, pensions and debts of any nature should be retained for at least six years plus the present year,
   - all other records should be retained in accordance with the authority’s document retention policy,
   - where legislation or professional guidance stipulates a longer retention period, documentation should be retained in accordance with this.

6.13 Requests to maintain records in non-paper based media should be made in writing to the Director of Finance (Chief Finance Officer).

6.14 In the case of invoices relating to auditable grant claims, these must be kept until after the grant claim has been audited, even if this exceeds six years.

6.15 Where documents are disposed of after the relevant retention periods have expired, any sensitive or confidential information should be destroyed by shredding.

7. Financial Regulation E: External Arrangements

INTRODUCTION

7.1 The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

PARTNERSHIPS

7.2 The Cabinet is responsible for approving delegations, including frameworks for partnerships, although in certain specific instances full Council approval may be required. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

7.3 The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the schemes of delegation. Where functions are delegated, the Cabinet remains accountable for them to the full Council.

7.4 Where the Council is the nominated lead or accountable body for partnership arrangements, the Council’s financial regulations will apply.

7.5 The Council’s Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct that apply throughout the Authority, including those standards
relating to financial conduct / administration, to partnerships.

7.6 The Director of Finance (Chief Finance Officer) must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and provide value for money to the taxpayer. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised and allocated between the parties to the agreement before agreements are entered into with external bodies.

7.7 Chief officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. In all cases, this must include approval of the Director of Finance (Chief Finance Officer) and Monitoring Officer.

EXTERNAL FUNDING

7.8 The Director of Finance (Chief Finance Officer) is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority’s accounts.

WORK FOR THIRD PARTIES

7.9 The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

CONFIDENTIALITY CLAUSES

7.10 All information held by or on behalf of the Council will be available to the public upon written request, unless it falls into one of the statutory exemptions set out in the Freedom of Information Act 2000. Officers must therefore ensure, when negotiating or entering into a contract on behalf of the Authority, that any confidentiality clause proposed by a third party has been approved by the Monitoring Officer.
APPENDIX E

Financial Procedure Rules:
External Arrangements

PARTNERSHIPS

Why is this important?
E.1 Partnerships play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Authority is working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities 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 wishes.
E.2 The Authority will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General
E.3 The main reasons for entering into a partnership are:
(a) the desire to find new ways to share risk,
(b) the ability to access new resources,
(c) to provide new and better ways of delivering services,
(d) to forge new relationships, and
(e) to provide value for money to the taxpayer.
E.4 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 give it a right or obligation to support the project.
E.5 Partners participate in projects by:
(a) acting as a project deliverer or sponsor, solely or in concert with others,
(b) acting as a project funder or part funder,
(c) being the beneficiary group of the activity undertaken in a project.
E.6 Partners have common responsibilities:
(a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation,
(b) to act in good faith at all times and in the best interests of the partnership’s aims and objectives,
(c) be open about any conflict of interests that might arise,
(d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors,
(e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature,
(f) to act wherever possible as ambassadors for the project, and
(g) to ensure that partnership arrangements are not ultra vires.

Key controls

E.7 The key controls for Authority partners are:

(a) if appropriate, to be aware of their responsibilities under the Authority’s financial regulations and the code of practice on tenders and contracts,
(b) to ensure that risk management processes are in place to identify and assess all known risks,
(c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise,
(d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences, and
(e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Director of Finance (Chief Finance Officer)

E.8 To advise on effective controls that will ensure that resources are not wasted.
E.9 To advise on the key elements of funding a project. They include:
(a) a scheme appraisal for financial viability in both the current and future years,
(b) risk appraisal and management,
(c) resourcing, including taxation issues,
(d) audit, security and control requirements, and
(e) carry-forward arrangements.
E.10 To ensure that the accounting arrangements are satisfactory, including determining whether pooled budgets may be considered and if so, the procedures to be followed in the administration of those pooled budgets, and to ensure that value for money is obtained for the taxpayer.

Responsibilities of chief officers

E.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Director of Finance (Chief Finance Officer).
E.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Director of Finance (Chief Finance Officer).
E.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
E.14 To ensure that all agreements and arrangements are properly documented, legally binding, and that rights of access to information, records and personnel are secured for Internal Audit. In particular, advice should be sought in advance from Legal Services and the Director of Finance (Chief Finance Officer), regarding the form of partnership.
agreement and the correct Authority signatories to / procedures for such an agreement.

E.15 To provide appropriate information to the Director of Finance (Chief Finance Officer) to enable a note to be entered into the Authority’s Statement of Accounts concerning material items; and to follow any instructions issued by the Director of Finance (Chief Finance Officer) where the Director of Finance (Chief Finance Officer) determines that a pooled budget may be established.

E.16 To ensure the legality of partnership arrangements before entering into them.

E.17 To ensure that where the entering into a partnership requires a financial commitment from the Authority, either immediate or potential, for which budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the chief officer in conjunction with the Director of Finance (Chief Finance Officer) shall provide a written report to Council giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. The approval of the Cabinet must be secured before the chief officer commits the Authority to any partnership agreement in these circumstances, after taking advice from the Chief Legal Officer.

E.18 To be responsible and accountable for financial monitoring and evaluation of performance of each partnership entered into by the Chief Officer’s applicant department.

EXTERNAL FUNDING

Why is this important?

E.19 External funding is potentially a very 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 Authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private sector providers. Funds from external agencies such as the Big Lottery and central government sources provide additional resources to enable the Authority to deliver services to the local community. However, 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 Authority’s overall plan.

Key controls

E.20 The key controls for external funding are:

(a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood,

(b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Council, and

(c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Director of Finance (Chief Finance Officer)

E.21 To ensure that all funding notified by external bodies is received and properly recorded in
the Authority’s accounts.

E.22 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

E.23 To ensure that audit requirements are met.

**Responsibilities of chief officers**

E.24 To ensure that all claims for funds are made by the due date and signed by the appropriate signatory.

E.25 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

E.26 To nominate a named responsible senior officer to be accountable for the performance and financial monitoring of each project, and to ensure that where external/grant funding is received this is recorded formally into the general ledger system.

E.27 To ensure that written approval is obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.

E.28 To ensure that project named responsible officers check, prior to submission of a grant claim, that all expenditure declared is eligible in accordance with the relevant funder’s criteria. Should there be any uncertainty as to the purpose of such funding, the responsible officer should make such enquiries as are necessary to the funder to ensure the proper use of grant.

E.29 To ensure that any guidance issued by the Director of Finance (Chief Finance Officer) on receipt of funds from a third party (i.e. matched funding) in grant submission is adhered to.

E.30 To ensure that grant claim working papers are maintained in a form agreed by the Director of Finance (Chief Finance Officer).

E.31 To ensure that the manner in which external funding is managed is in accordance with Council policy and instructions, standing orders with respect to contracts and financial regulations in addition to the funder’s own requirements.

E.32 To ensure that where the use of external funding for projects requires a financial commitment from the Council for which budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the chief officer in conjunction with the Director of Finance (Chief Finance Officer) shall provide a written report to Cabinet giving a full appraisal of the financial implications for the Council of the scheme both in the current year and beyond. The approval of the Cabinet must be secured before the chief officer commits the Authority to any particular agreement. Where external funding is secured for a limited time period, any operational arrangements put in place must not assume the fall-out of grant will be replaced by mainstream funding.

E.33 To ensure that where additional financial support is to be sought from other agencies, this is subject to the proper decision making processes of the Council, as set out in the budget and policy framework, in order to ensure that there is a clear understanding of the action to be taken and clear lines of responsibility and accountability.

**WORK FOR THIRD PARTIES**
Why is this important?

E.34 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key controls

E.35 The key controls for working with third parties are:

(a) to ensure that proposals are casted properly in accordance with guidance provided by the Director of Finance (Chief Finance Officer),

(b) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Director of Finance (Chief Finance Officer)

E.36 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of Chief Officers

E.37 To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.

E.38 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Director of Finance (Chief Finance Officer).

E.39 To ensure that appropriate insurance arrangements are made.

E.40 To ensure that the Authority is not put at risk from any bad debts.

E.41 To ensure that no contract is subsidised by the Authority unless specifically approved by the Council.

E.42 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

E.43 To ensure that the department/unit has the appropriate expertise to undertake the contract.

E.44 To ensure that such contracts do not impact adversely upon the services provided for the Authority.

E.45 To ensure that all contracts are properly documented.

E.46 To provide appropriate information to the Director of Finance (Chief Finance Officer) to enable a note to be entered into the Statement of Accounts.

E.47 To ensure the undertaking of work for third parties falls within the Council’s statutory powers.
ARTICLE 14 APPENDIX 2

Contract Procedure Rules

2017
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INTRODUCTION  [This introductory page does not form part of the Contract Procedure Rules]

Contract Procedure Rules (CPRs) are the framework of mandatory procurement procedures that must be followed by officers and elected members when the Council spends money on the supplies, services and works (including services concession and works concession contracts) it needs to deliver services to local people. They form an integral part of the Council’s Constitution.

ALL Council employees, or any authorised person undertaking a procurement, a concession or disposal exercise on behalf of the Council, must use the CPRs in conjunction with the Procurement Toolkit, which provides a source of practical advice and guidance, and the NLC Finance Manual, or the NELC Financial Regulations and Procedure Rules as appropriate. All documents are available for downloading via both Councils’ intranet sites.

The following are key principles of procurement under the European public procurement regime:

1. Contracting authorities shall treat economic operators equally and without discrimination and shall act in a transparent and proportionate manner.

2. No procurement shall be designed with the intention of excluding it from the scope of the regime or of artificially narrowing competition. Competition is artificially narrowed where a procurement is designed with the intention of unduly favouring or disadvantaging certain economic operators.

If the Council fails in this duty, a potential supplier may have justifiable cause for complaint. The Council may be required to pay compensation if such a complaint were upheld; in addition, a contract or framework agreement may be rendered ineffective, either in whole or in part, and civil financial penalties may be imposed on the Council. Officers and elected members also have a personal responsibility to comply with these CPRs. Our practices are scrutinised by bidders and government (Government’s Mystery Shopper Scheme).

The CPRs have five main purposes:

- to help the Council obtain value for money so that, in turn, value for money services may be provided to the public;
- to comply with the law governing spending of public money and the policy on transparency regarding Council expenditure;
- to provide a legal and auditable framework for the Councils’ procurement activities;
- to protect Council staff and members from undue criticism or allegation of wrong doing and
- to support the delivery of the Joint Corporate Procurement Strategy across the Council.

POLICY CONTEXT

“Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision. Authorities also have a statutory duty to consider social value for services above specified procurement thresholds at the pre-procurement stage. Authorities can however apply the concept of social value more widely than this and this guidance recommends that authorities consider social value for other contracts (for example below the threshold or for goods and works) where it is relevant to the subject matter of the contract and deemed to be beneficial to do so.” (Best Value Statutory Guidance, 2015, Department for Communities and Local Government)

The EU Directives reflect and reinforce the value for money (vfm) focus of the Government’s procurement policy. This requires that all public procurement must be based on achieving vfm, defined as “the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought, which should be achieved through competition, unless there are compelling reasons to the contrary.”
Here is the text content from the image:

1 **COMPLIANCE**

1.1 The procurement of every contract (including contracts awarded via a dynamic purchasing system or framework agreement) entered into by or on behalf of the Council or its Maintained Schools, regardless of value or origin of the funding, shall comply with all EU Directives, UK legislation, the Council's Financial Regulations, Finance Standing Orders, CPRs and the Procurement Toolkit. It is the responsibility of the service area and service leads to ensure compliance with these requirements.

Academies are responsible for their own governance and scheme of finance and as such are not subject to the Councils' constitution, nor therefore its Contract Procedure Rules, unless an academy is participating in a wider Council procurement.

Where a Council is providing procurement services to another public body, the procurement law applicable to that body applies. Where a procurement is for a particular public body (as opposed to where another body is joining a Council procurement as an additional contracting authority), the contract procedure rules or standing orders of that body will apply.

The Localism Act 2011 provides that under the 'community right to challenge', the Council must consider an expression of interest (EOI) submitted by a ‘relevant body’ in relation to providing or assisting in providing a service provided by or on behalf of the Council. When the Council has decided to run a procurement exercise following acceptance of an EOI, the CPRs must be followed in awarding the contract.

Above the EU threshold, the Social Value Act 2012 requires contracting authorities to consider how to improve the economic, social and environmental well-being of the area served by them through the procurement of services. Social value considerations must always be proportionate to the scale and nature of the contract including any consultation measures.

Above EU threshold the Council must maintain an audit trail of specific decisions and verifications which must be available throughout the procurement and after the contract has been awarded.

The Council has a duty to run an efficient and timely procurement under the Small Business, Enterprise and Employment Act 2015 to enable SMEs to access public sector contract opportunities.

The CPRs apply to all the supplies, services and works (including service concessions and works concessions contracts) procured on the Council’s behalf as detailed below:
### CPRs APPLY:

- Where we procure from external organisations (public, private or voluntary);
- Where we nominate a sub-contractor or supplier;
- Where an external organisation is named in a Council procurement and has right to access it;
- Where a service or works concession contract is proposed;
- Development agreements to which the EU procurement rules apply;
- Maintained Schools;
- Where a third party is procuring on the Council’s behalf and where the Council is the contracting party;
- The Councils’ commercial activity where the Council is bidding for others’ services and
- The substantial modification of an existing contract unless clearly provided for in the original contract terms or with the approval of the Council’s Monitoring Officer.

### CPRs DO NOT APPLY:

- Where requirements are sourced and delivered internally;
- Academies (unless an academy is participating in a wider Council procurement);
- Where a Council acts for another non-regulated body;
- A contract with a Council-owned company or a public body which the Council’s Monitoring Officer advises falls outside the scope of the EU public procurement regime; (unless it is participating in a wider Council procurement)
- Contracts for the acquisition or disposal of land and buildings and
- Contracts of employment.
- Grants where the council awards a grant to an external organisation.

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Note 1: Where the acquisition or disposal of land and/or property potentially establishes a works concession contract or a development agreement, timely advice from Legal Services must be sought. This also applies where a procured contract includes lease/licence for a Council building

1.2 All procurement of services shall comply with the principles of North and North East Lincolnshire COMPACT Code of Good Practice for Funding and Procurement.

1.3 No member of the Council or officer acting without proper authority shall enter, either orally or in writing, into any contract in the Council’s name.

1.4 Where a partner organisation acts on behalf of the Council and needs to purchase or assign goods or services, any such assignment must be undertaken in line with the Contract Procedure Rules unless otherwise exempted in writing by the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).
1.5 Where the North and North East Lincolnshire Councils are procuring together, this must be done under the terms of the Joint Procurement Agreement between them, and a Joint Project Initiation Document agreed between the two Authorities.
Where the Council is procuring with any other body (such as any other Council or a Clinical Commissioning Group or other health body), so that a successful procurement is dependent on the actions or financial contributions of the body, then a legally binding agreement must be entered into with that body to secure those actions or contributions, in terms approved by the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer (Monitoring Officer) (NELC).

2 PROCEDURAL THRESHOLDS

2.1 It is important to ensure that the correct procedure is adopted and where there is a risk of a requirement falling above a threshold, the process for the higher threshold should be applied. Requirements valued within 10% of the EU threshold should be concluded using the EU tender process.

Where the value of any quotation or tender received, and recommended for acceptance, exceeds the upper threshold of the original procedure by more than 10%, then the procurement must be aborted and re-started in compliance with the CPRs which apply to the new procedural threshold.

2.2 The EU thresholds that apply will be those advised by the Cabinet Office as detailed below. The current thresholds set out below are valid from 01 January 2016 until 31 December 2017:

<table>
<thead>
<tr>
<th>Public Sector Contracting Authorities (excluding Schedule 1 authorities)</th>
<th>Supplies</th>
<th>Services</th>
<th>LTR</th>
<th>Concessions</th>
<th>Works</th>
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</thead>
<tbody>
<tr>
<td>£164,176</td>
<td>£164,176</td>
<td>£589,148</td>
<td>£4,101,394</td>
<td>£4,101,394</td>
<td></td>
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</table>

2.3 In determining which threshold applies, the whole-life costing (excluding VAT) of the proposed contract or framework agreement must be considered. Purchases must not be disaggregated to avoid the requirements of the CPRs. Any option to extend a contract must also take into account whether the EU thresholds would be exceeded with the extension value included, even if the option to extend is not eventually exercised, and must be approved by the relevant officer depending on the value involved. Where the duration of the contract is unknown or uncertain, its total cost over a four year period should be estimated and the relevant procedure then followed to award the contract or conclude the framework agreement. Where requirements include a mix of supplies, services and/or works elements, advice should be sought from The Procurement People as to which threshold is applicable.

2.4 We are encouraged to consider a wider range of impacts to ensure the cost of switching to a new contracted provision does not create additional ancillary life-cycle cost. The greater the change in approach being considered and the greater the value of the contract, the more important it becomes for The Procurement People to be consulted to ensure the switching costs do not outweigh the benefits of the intended procured solution.

2.5 Where it is possible to predict a number of similar requirements, we must consider the requirements as a whole and procure accordingly. The procured solution must operate based on the aggregated value of the requirements to ensure compliance and maximise value for money.

2.6 All monetary thresholds referred to in this document exclude VAT but include all other applicable taxes and charges.
36566632

3 PROCEDURE

3.1 Key Decisions and governance requirements

The law and the Council’s Constitution require Key Decisions to be transparent. Key Decision is defined, and the rules relating to Key Decisions set out, in the Constitution. For ease of reference, both are summarised in the table below.

<table>
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<tr>
<th>What is considered a Key Decision?</th>
<th>North East Lincolnshire</th>
<th>North Lincolnshire</th>
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<td></td>
<td>Significant effect on communities of two or more wards or resulting in significant public interest or incurring social, economic or environmental risk where the whole-life expenditure or savings exceed £350,000 or 20% of the project cost</td>
<td>A key decision means an executive decision which is likely (i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards</td>
</tr>
</tbody>
</table>

| Action: | Notice of the proposed decision should be published by the Council 28 days clear before a Key Decision is made and a report for decision produced by the service area lead. Note a 5 day call-in period also applies after the decision has been taken. | Notice of the proposed decision should be published 28 days prior to the formal decision to initiate the procurement. Note a 2 day call-in period also applies after the decision has been taken. |

| When should the Portfolio Holder (NELC)/ Cabinet Member (NLC) be consulted by the relevant director? | Decisions with a whole-life expenditure or savings £50,000 - £350,000. | Procurements over £1m whole life cost which are not subject to a pre-existing corporate arrangement or framework. |

| Action: | Director to update Portfolio Holder | |

| When can decisions be taken by an officer with delegated authority? | When Cabinet has delegated authority to make the decision to the officer (subject to adherence to any calling In period (5 days)) | Directors should authorise all procurements over £100k prior to commencement (except those over £1m - see above) |
| Action: | An ‘Officer Decision Record’ should be completed and returned to Democratic Services on a timely basis. | ‘Officer Decision Records’ should be signed and published on the council’s website on a timely basis at Pre procurement and Post Award stages* |

*save those contracts relating to placements for individuals care and support or such other categories of contract that are exempted by the Director: Governance and Partnerships.*

3.2 Options Appraisal

The options for satisfying the defined requirement must be fully assessed by conducting an “options appraisal”. This analysis will apply equally to supplies, services or works. Where an option to proceed with a competitive procurement exercise has been chosen, having obtained approval from the budget holder and, where applicable, relevant Director for the business case and budget, the flow chart Choice of Procedure, will determine the appropriate process to be used. Evidence of the options appraisal/analysis/budget holder approval should be retained.

Where the level of risk is high for a low value contract, a higher value procedure should be considered.

4 CONFIDENTIALITY AND CONFLICTS OF INTEREST

4.1 No one shall disclose information which has been forwarded to the Council by economic operators and designated as confidential. Please note this is subject to the Council’s obligations to comply with obligations under the Transparency Code, the Freedom of Information Act 2000 and the Environmental Protection Regulations 2003.

4.2 The Councils shall take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of a procurement procedure so as to avoid any distortion of competition and ensure equal treatment of economic operators.

4.3 For the purpose of CPR 4.2, a procurement includes:

   i. preliminary market consultations;
   ii. developing procurement documentation;
   iii. deciding on the scope or structure of the procurement;
   iv. choice of award procedure;
   v. selection of tenderers;
   vi. award of the contract; and
   vii. contract management.

4.4 For the purpose of CPR 4.2, there is a conflict of interest where an officer or other person acting on behalf of the Council has a direct or indirect financial, economic or other personal interest which might be perceived to compromise their impartiality and independence.

4.5 Potential involvement either directly or indirectly through a related party in an in-house or other bid, where this will be made in competition with the market, is a conflict of interest for the purpose of CPR 4.2.
4.6 Conflicts of interest must be proactively monitored throughout the procurement process, documented, risk assessed and notified to the Head of Legal & Democracy (Monitoring Officer) (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) accordingly. Records must be available on request and will form part of the Regulation 84 report for EU level contracts.

5 **IN-HOUSE PROVIDERS**

5.1 Where a decision to procure has been made, any in-house provider should be considered as potential providers of the required supplies, services or works, and should be invited to submit bids as part of the competitive process and subject to the same procedures.

6 **TRADING AND SELLING SERVICES**

6.1 In all cases where the Council proposes to supply services to, or carry out work for external bodies with or without charging, this must be done in line with the Councils’ commercial/financial policies as appropriate and:

- prior written advice should be obtained from the Director Governance & Partnerships (NLC) or the Chief Legal Officer (Monitoring Officer) (NELC);
- (NLC only) the process as outlined in Annex 1a, must be followed.

6.2 No Service Area of the Council shall submit a tender or quotation to any other Service Area of the Council to perform work or supply goods or services that they do not have the capacity to deliver without recourse to external suppliers, except where the proposed external element is of a specialist nature.

7 **LEAD SERVICES**

7.1 Services Areas undertaking procurement of the following supplies, services or works must be guided by the lead service indicated:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Lead Service (NELC)</th>
<th>Lead Service (NLC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning Services</td>
<td>Facilities Management Engie</td>
<td>Business Development</td>
</tr>
<tr>
<td>Civil Engineering and non-building construction works</td>
<td>Highways Engie</td>
<td>Operations</td>
</tr>
<tr>
<td>Building works, accommodation and facilities management where a work permit MUST be obtained</td>
<td>Assets Team; Architectural Consultancy Engie</td>
<td>Operations</td>
</tr>
<tr>
<td>Energy, Fuel &amp; Water</td>
<td>Property Services Engie</td>
<td>Operations</td>
</tr>
<tr>
<td>Financial &amp; Leasing Services</td>
<td>Finance</td>
<td>Governance &amp; Partnerships</td>
</tr>
<tr>
<td>ICT requirements / services</td>
<td>ICT</td>
<td>Business Development</td>
</tr>
<tr>
<td>Legal Services</td>
<td>Legal Services</td>
<td>Governance &amp; Partnerships</td>
</tr>
<tr>
<td>Leisure</td>
<td>Lincs Inspire Ltd</td>
<td>Learning, Skills &amp; Culture</td>
</tr>
<tr>
<td>Printing Services</td>
<td>Print Unit</td>
<td>Business Development</td>
</tr>
<tr>
<td>Commissioning of social or personal care services, and placement activity</td>
<td>People Services</td>
<td>Adults &amp; Community Well Being/Children &amp; Community Resilience and Public Health</td>
</tr>
<tr>
<td>Training &amp; Development Services</td>
<td>Human Resources; Learning &amp; Development</td>
<td>Business Development</td>
</tr>
<tr>
<td>Transport Services</td>
<td>Access Services</td>
<td>Operations</td>
</tr>
</tbody>
</table>
8 CORPORATE CONTRACTS

8.1 Where a Corporate Contract exists for supplies, services or works, it must be used. Only in the following circumstances will a request for exception be considered:

- Availability - The requirement cannot be obtained through a corporate contract;
- Timescale - The requirement cannot be obtained in the required timescale through a corporate contract; or
- Specification - The requirement cannot be obtained with the required specification through a corporate contract.

9 PRELIMINARY MARKET CONSULTATION

9.1 Wherever there is:
- an inherent need for consultation;
- a review of economic, social or value for money considerations;
- a new, developing or evolving need to be met or
- a desire for a new approach to service delivery;

The project team should consider the benefits of undertaking preliminary market consultation to engage the local, third sector and commercial market in the development of scope, objectives, specification, evaluation criteria and conditions of contract.

9.2 A flowchart of steps to be undertaken during a preliminary market consultation is set out in Annex 1b. The Procurement People should be engaged wherever a preliminary market consultation is being considered.

9.3 In all preliminary market consultations, full regard should be had to the EU procurement principles of equal treatment, transparency, proportionality and non-discrimination in order to ensure an effective competition can take place once the procurement has commenced.

10 LIGHT TOUCH REGIME

10.1 The Public Contracts Regulations 2015 set out a new light-touch regime (LTR) which is a specific set of rules for certain service contracts that tend to be of lower interest to potential tenderers in other European countries. Those service contracts mainly centre around social, health and education services.

10.2 The LTR route for over threshold contracts includes the advertisement of the contract in the Official Journal of the European Union (OJEU), the publication of a contract award notice and ensuring compliance with the Treaty on the Functioning of the European Union principles of transparency and equal treatment. Time limits are to be reasonable and proportionate and the procurement is to be conducted in conformance with the information provided in the OJEU advertisement. To meet these obligations, the EU open or restricted procedures should be used.
10.3 Legislatively, LTR does not require a formal procedure to be followed, but the principles of the Treaty must be, and to this end, an approved exception (CPR 30.1k) is required to vary from the open/restricted procedure above the £589,148 threshold.

10.4 For all LTR contracts valued below the threshold, use the defined processes in sections CPR 23 and CPR 24.

10.5 The use of LTR for over threshold contracts must be undertaken on the advice of The Procurement People.

11 RESERVED CONTRACTS

11.1 Certain contracts can be reserved such that the competition is not available to the wider market. The list of ‘qualifying organisations’ which can be subject to reserved contracts is prescribed and is predominately made up of health, social care or education services. Advice must be sought from The Procurement People where there is an intent to reserve a contract.

12 FRAMEWORK AGREEMENTS, DYNAMIC PURCHASING SYSTEMS & E-AUCTIONS

12.1 The use of framework agreements/DPS established by Central Purchasing Bodies or other contracting authorities (as defined by the Public Contracts Regulations 2015) must be on advice from The Procurement People and subject to exception approval under CPR 30.

12.2 A dynamic purchasing system (DPS) is a completely electronic system which may be established to purchase commonly used goods, works or services. It must operate for a defined duration. Any DPS is to be established in accordance with the requirements of the CPRs with guidance from The Procurement People.

12.3 In determining the relative advantages and disadvantages of establishing a DPS, framework or traditional contract model, the benefits of keeping requirements open to competition over the life of the arrangement must be evaluated. If a framework is not established for over threshold contracts it is required that the tender documentation sets out the justifications.

12.4 A framework agreement or DPS must be considered or accessed where a Service Area has an on-going requirement for supplies, services or works of a similar type which, when aggregated, exceed £50,000 a year, but may be considered for lower values where considered beneficial. The framework agreement/DPS is to be established in accordance with the requirements of the CPRs with guidance from The Procurement People. Framework agreements/DPS are not supplies or services contracts in themselves, although they are legally binding. A contract and/or purchase order should be raised separately in order to engage the relevant supplier/s when calling off requirements under a framework agreement/DPS.

12.5 Service Areas must not disaggregate purchases in order to avoid the CPR requirements. Where advantageous, any purchase of greater than £5,000 should be subject to further competition between all suppliers who are a party to the framework agreement/DPS in accordance with the requirements stated by the framework/DPS owner (unless alternative provisions have been agreed). Wherever possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.

12.6 A framework is a closed list of lotted providers who have been ranked following a tender exercise. The framework providers are approved for a maximum 4 year period and can be awarded contracts in line with the framework terms. No contractual commitment attaches from the creation of the framework itself.
12.7 All framework agreements must comply with the following:
   • Maximum length of 4 years (unless exceptional and approved)
   • Contracting authorities that access the agreement must be identified as a party to it. Estimated value must include all potential call-offs by all contracting authorities
   • Contracts based on the framework must not entail substantial modifications to the terms laid down in the framework
   • Contracts are formed when requirements are called-off under purchase order or a call-off contract.
   • Access, terms, award criteria and procedure for call-off are as per the terms of the framework agreement and must be followed.
   • A Regulation 84 report must be produced and maintained

12.8 The flowchart at Annex 1c, sets out the process for establishing a DPS and awarding contracts under it.

12.9 An Electronic Auction (eAuction) is a commercial tool designed to secure the best and final offer from bidders in a competitive process. Use of eAuctions is not mandatory but the benefits should be considered for procurements of requirements over £50,000.

12.10 The process for undertaking eAuctions is set out at Annex 1f.

12.11 All awards for contracts under a Framework/DPS/eAuction valued over £25k must be advertised using Contracts Finder.

13 USE OF THE COMPETITIVE DIALOGUE PROCEDURE, THE NEGOTIATED PROCEDURES AND INNOVATION PARTNERSHIPS

13.1 The use of Competitive Dialogue is only applicable for contracts of very significant scale and where the preferred delivery option cannot be determined from preliminary market consultation.

13.2 Negotiated Procedures can only be used in limited circumstances, principally where it is not clear at the outset that the Council cannot adequately specify its requirements as they need to be developed with bidders. Legal advice should be sought.

13.3 The use of Innovation Partnerships is only applicable for inherently innovative development such as core research or new technical advancement.

13.4 The use of these procedures requires approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC); the application of CPRs to the procurement will be modified as required by the Public Contracts Regulations 2015 and approved by Legal Services.

14 CONCESSION CONTRACTS

14.1 Concession contracts are governed by the Concession Contracts for an economic benefit 2016; they are used where the Council engages a third party to provide a service or works, with or without a fee payable by the Council. Consideration for the service is in the form of the concessionaire being given a right to charge for the services being provided. Advice from The Procurement People must be sought before engaging in any procurement relating to a concession contract. Concessions apply to services contracts and works contracts.
15 TECHNICAL STANDARDS & SPECIFICATIONS

15.1 Where an appropriate International, European or British Standard Specification or British Standard Code of Practice is in force at the date of the procurement, every specification and contract shall state that all goods and materials used or supplied and all the workmanship shall be at least of the standard required by such Standard or Code of Practice or its equivalent.

16 MANAGEMENT OF DATA

16.1 Data Protection
In situations where personal data or confidential information needs to be shared with the market and the requirements of the Data Protection Act 1998 are likely to be invoked, ensure that the Head of Council Strategy, Information & Outcomes (NLC) or Team Manager – Information Governance Complaints and Consultation (NELC) are consulted.

16.2 Open Data
All requests for quotation/invitation to tender must indicate the Council's obligation to publish commercial and other data provided by suppliers in accordance with Local Government Transparency Code 2014 as amended.

17 TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) REGULATIONS 2006 AS AMENDED 2014 (TUPE)

17.1 Careful consideration needs to be given as to whether TUPE shall apply at commencement of the proposed procurement.

17.2 Where a proposed procurement may involve the TUPE transfer of Council officers, the advice of the Strategic HR Lead and Legal Services must be obtained prior to the start of procurement.

17.3 Any procurement involving the TUPE transfer of Council officers must be approved by Cabinet on the advice of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

17.4 The application of TUPE should also be considered in respect of staff employed by existing contractor(s) when the Council is looking to re-procure the service currently provided by such contractor(s). Guidance should be sought from the Head of Legal & Democracy (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

17.5 An anonymised table of TUPE information and, where relevant, pension information, must be available for release with the tender documentation, using the TUPE matrix template. Further information can be shared with interested parties on the successful completion of the appropriate non-disclosure agreement.

18 EXCLUSION CRITERIA AND FINANCIAL APPRAISAL

18.1 Minimum standards of financial standing and financial appraisals are subject to the advice of the Head of Financial Services (NLC) or the Chief Finance Officer (NELC) but the requirements must not exceed a turnover of twice the contract value except in duly authorised cases. Minimum standards of financial standing should be considered for all contracts where the estimated contract value exceeds the threshold of any relevant EU Directive or UK legislation and/or where other risk is identified, including where there would be a significant effect on the delivery of Council services in the event of contractor default or cessation of supply or service.
18.2 Where considered appropriate following a financial appraisal of a potential contractor against the Council’s minimum standards of financial standing, the potential contractor may be required to provide a Parent Company Guarantee (PCG) or a Performance Bond in a form acceptable to the Council for the duration of the contract (including any extension period). All financial requirements should be published up front, including the possibility of a Bond/PCG. Any such Guarantee or Bond shall only be required where it is deemed that there is a specific ascertainable risk. Where group company financial information is assessed, a PCG will be required.

18.3 The Council’s standard insurance requirements are specified in the Council’s standard conditions of purchase. Where the estimated contract value exceeds the threshold of any relevant EU Directive or UK legislation or where specific risks are involved you should refer to the Insurance Manager and The Procurement People.

18.4 The national Standard Supplier Questionnaire (SSQ) template must be utilised for supplier suitability assessments. Supplier suitability can be tested using limited suitability questions. You must refer to The Procurement People should you consider excluding a potential tenderer.

18.5 The Council must accept submissions of the information requested in the SSQ made via the European Single Procurement Documentation (ESPD), and accept e-certis as a means of proof when certification is requested. It is mandatory for a potential supplier to complete Part 1 and Part 2 of the SSQ, or the ESPD template, for all procurements above EU thresholds.

19 TENDER AND QUOTATION ERRORS

19.1 Tender errors (including quotation errors) shall be dealt with in accordance with the following paragraphs of CPR 19, which shall be included in all Invitations to Tender and Requests for Quotations.

19.2 Compliance
Any Tenderer who fails to comply with the tender instructions and submission requirements set out in the Invitation to Tender may be deemed to be non-compliant and, subject to the discretion of the Council, acting reasonably, may have their tender rejected.

19.3 Late Tender
No late tender, other than system access errors, shall be considered except with the approval of the Director Governance and Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.

19.4 YORtender or e-Sourcing Suite Access Errors
Where a tenderer advises that a tender submission deadline may be or has been missed as a result of YORtender being unavailable, The Procurement People should obtain a system report from Proactis prior to the Council exercising its discretion as to whether to accept or reject the Tender. When accessing the Crown Commercial Services e-Sourcing Suite a system report should be sought from the Crown Commercial Service.

19.5 Omissions, Ambiguities and Inconsistencies
Where there is an omission, ambiguity or inconsistency in a tender (including an arithmetical error), the Council reserves the right to contact the tenderer in writing via YORtender, setting out the ambiguous or inconsistent part and the alternative interpretations of it. The tenderer will be required to identify within an appropriate time limit, via YORtender, which of the interpretations are correct and confirm the appropriate amendments to the tender, provided that such requests are made in compliance with the principles of equal treatment and transparency. Where there is an omission, ambiguity or inconsistency in pricing, advice from The Procurement People must be sought.
19.6 **Abnormally low tenders**
The Councils are required to seek explanation for exceptionally low tenders and may reject the tender where the explanation does not satisfy the concerns.

20 **PRE AND POST TENDER/REQUEST FOR QUOTATION CLARIFICATION**

20.1 All clarifications by the Council or tenderers must be raised via YORtender. Guidance from The Procurement People is recommended in all circumstances but mandated where the issue, error, omissions or inconsistency is linked to price or potentially creates a material change.

21 **CHOICE OF PROCEDURE**
Determine the scope and estimated total whole life value of your requirement - excluding VAT

Is your requirement covered by any pre-existing arrangement?

Is your requirement procured via another Service Area (see CPR 7.1)

Is your requirement valued under £5,000?

Is your requirement valued between £5,000 and £50,000?

Is your requirement valued above EU Threshold? (See CPR 27)

Is your requirement a services / supplies contract valued between £50,000 and EU Threshold? See CPR 23. Also see Framework Agreements CPR 12

Is this requirement a procurement?

Is your requirement a works contract valued below the EU Threshold for Works?

NO

YES

Are there any exceptional circumstances which apply to the procurement of your requirement?

YES

NO

Are your requirement for education, social care, or health services?

NO

YES

See Exceptions CPR 30

See CPR 10 for the Light Touch Regime

For Concessions – See CPR 14

For Disposals – See CPR 32

For Trading / Selling Services CPR 6

1 Pre-procurement considerations – budget and authority to proceed?

2 Obtain Budget Holder approval

3 Is pre-existing arrangement available for requirements?

YES

NO

5 Compare prices or invite a minimum of two quotations. Exceptionally, one quotation may be sought for purchases below £5000 at the discretion of budget holder where it is not considered advantageous or administratively efficient to seek two quotes

6 Consider using relevant templates and guidance from Procurement Guidance Template

7 Consider the merits of using SMEs, Voluntary/Community Organisations, etc, based in North or North East Lincolnshire when selecting which organisations to invite to quote.

8 Suppliers submit Quotations

9 Approval to award sought and obtained

10 Issue formal purchase order

11 Commence Contract
## SUPPLIES/SERVICES/WORKS CONTRACTS BELOW £5,000

### 22.1a Authorisation to Proceed with Procurement
Verify availability of budget and obtain Budget Holder approval.

Check for Conflicts of Interest – Proactively monitor and record, seeking advice where appropriate.

### 22.1b Competitive Process
Follow The Procurement People’s self-service guidance on TopDesk.

Compare prices or seek a minimum of two comparable quotations. Consider the merits of using SMEs, Voluntary/Community Organisations, etc., based in North or North East Lincolnshire when selecting which organisations to invite to quote.

Exceptionally, for purchases below **£5,000** where it is not considered advantageous or administratively efficient, one quotation may be sought at the discretion of the budget holder, otherwise seek approval from The Procurement People.

Written formats may include e-mail, catalogue and website pages or copies, advertisements or marketing material, price lists, letters, etc.

Use of [YORtender](#) is optional at this level but is recommended for transparency, audit trail, etc.

### 22.1c Advertisement
No obligation to advertise.

**Optional – YORtender**

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest or quotations for its execution, state the last date and time when expressions of interest or quotations will be accepted and comply in all respects with the requirements of the relevant UK legislation.

### 22.1d Receiving & Opening of Quotations
Within Service Area, addressed to the procuring officer or nominee at the address specified by that person for its return.

Retain copies of quotations for audit trail.

### 22.1e Evaluation
Evaluate on the basis of:

- The lowest compliant quotation where payment is made **by** the Council; or
- The highest compliant quotation where payment is made **to** the Council, e.g. a concession contract.

Compliant means the bid should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

### 22.1f Authorisation to Award
Obtain Budget Holder approval.

### 22.1g Execution
A formal purchase order shall be issued and its acceptance acknowledged by the supplier specifying the supplies, services or works and setting out prices and terms of payment (which should be the Council’s terms and conditions of purchase.)

### 22.1h Records & Documentation
The Service Area shall retain records of the transaction in accordance with the Council’s approved record management or document retention policy.

If advertised on [YORtender](#) ensure that the contract is awarded on [YORtender](#) using the button on the contracts detail page.
SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000

1. Pre-procurement considerations – budget and authority to proceed?
   - Yes
     - 2. Obtain Budget Holder approval
     - 4. Use Corporate Contract, In-House Service, DPS, or Local/Regional/National Framework (see CPR 8, 5, Annex 1c, 12) subject to meeting the value for money test approved by The Procurement People, and compliance with the framework’s terms.
   - No
     - 3. Is pre-existing arrangement available for requirements?
       - Yes
         - 5. Is the current contract held by a Third Sector organisation?
           - Yes
             - 6. Refer to COMPACT
           - No
             - 7. Obtain relevanttemplates and guidance from the Procurement Toolkit
       - No
         - 8. Invite minimum of four suppliers to submit written quotations using YORtender
         - 9. Any purchase over £5K from a framework agreement - use further competition following the framework rules.
       - 10. Where published openly and values over £25k, release on Contracts Finder
       - 11. Suppliers submit Quotations
       - 12. Quotation evaluation
       - 13. Approval to award contract sought and obtained
       - 14. Award close down procedure completed on YORtender and published on Contracts Finder
       - 15. Issue formal purchase order
       - 16. Commence Contract
## 23.1 SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000

<table>
<thead>
<tr>
<th>23.1a Authorisation to Proceed with Procurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verify availability of budget and obtain Budget Holder approval.</td>
</tr>
<tr>
<td>Check for Conflicts of Interest – Proactively monitor and record seeking advice where appropriate.</td>
</tr>
<tr>
<td>23.1b Competitive Process</td>
</tr>
<tr>
<td>Follow The Procurement People’s self-service guidance on the intranet.</td>
</tr>
<tr>
<td>Consider:</td>
</tr>
<tr>
<td>• whether the requirement needs to be procured in accordance with the Council’s Sustainable/ethical Procurement Policy;</td>
</tr>
<tr>
<td>• the benefits of undertaking an Integrated / Impact Assessment where there is potential for direct impact upon citizens, officers or a requirement for consultation, and</td>
</tr>
<tr>
<td>• The use of Lots to facilitate greater access to the opportunity for SMEs.</td>
</tr>
<tr>
<td>• whether a TUPE risk attaches</td>
</tr>
<tr>
<td>Seek a minimum of four written quotations using the basic quotation template where considered helpful. Consider SMEs, Voluntary/Community Organisations, etc., based in North or North East Lincolnshire when selecting which organisations to invite to quote (only where a closed process is being used.) The Council’s approved Terms &amp; Conditions must be used and the process must be fully managed using YORtender unless administratively burdensome and with the express permission of The Procurement People.</td>
</tr>
<tr>
<td>Where a framework agreement is being used, any purchase greater than £5,000 should be subject to further competition between all suppliers who are a party to the agreement in accordance with the requirements stated by the framework owner (unless alternative provisions have been agreed). Wherever possible and considered advantageous, grouping of largely similar requirements should be undertaken to maximise economies of scale.</td>
</tr>
<tr>
<td>Requests to use electronic auctions should be referred to The Procurement People</td>
</tr>
<tr>
<td>The use of a pre-qualification stage is prohibited below the EU threshold for supplies. A suitability assessment question may be used where essential.</td>
</tr>
<tr>
<td>23.1c Advertisement</td>
</tr>
<tr>
<td>Mandatory – Open advertisement on YORtender with indicative contract values published. A closed process with pre-determined bidders may be used where administratively expedient and/or given operational urgency or necessity, and then only in accordance with the exception procedure.</td>
</tr>
<tr>
<td>Quotations valued over £25k which are advertised as an open advert on YORtender must also be advertised on ‘contracts finder’.</td>
</tr>
<tr>
<td>Quotations valued over £25k must be advertised for a minimum of 10 working days</td>
</tr>
<tr>
<td>Optional – Advertising of open opportunities via web-based media e.g. Twitter, and other health and voluntary sector sites subject to The Procurement People advice.</td>
</tr>
<tr>
<td>Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest in or quotations for its execution, state the last date and time when expressions of interest or quotations will be accepted and comply in all respects with the requirements of the relevant UK legislation.</td>
</tr>
</tbody>
</table>
### 23.1 SUPPLIES/SERVICES/WORKS CONTRACTS £5,000 - £50,000

<table>
<thead>
<tr>
<th>23.1d Receiving &amp; Opening of Quotations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within the Service Area using the YORtender system by an independent person, i.e. a person not associated with the purchase or project.</td>
</tr>
<tr>
<td>No late tender shall be considered except with the approval of the Director Governance &amp; Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>23.1e Evaluation</th>
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</thead>
<tbody>
<tr>
<td>Evaluate on the basis of:</td>
</tr>
<tr>
<td>- The lowest compliant quotation where payment is made by the Council; or</td>
</tr>
<tr>
<td>- The highest compliant quotation where payment is made to the Council, e.g., a concession contract.</td>
</tr>
<tr>
<td>Compliance means the quotation should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.</td>
</tr>
<tr>
<td>Optionally evaluate using The Most Economically Advantageous Tender (MEAT), and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the moderated score. Refer to CPR 19 for guidance on how to manage errors in quotation submissions.</td>
</tr>
<tr>
<td>The Request for Quotation (RFQ) must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance &amp; Partnerships (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC).</td>
</tr>
</tbody>
</table>

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<tr>
<th>23.1f Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>No negotiation with the existing or potential contractors shall be carried out without the approval and guidance of The Procurement People.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>23.1g Authorisation to Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Obtain Budget Holder approval.</td>
</tr>
<tr>
<td>If only one response is received, the written approval of the Director Governance &amp; Partnerships (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the quotation.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>23.1h Execution</th>
</tr>
</thead>
<tbody>
<tr>
<td>A formal purchase order shall be issued and its acceptance acknowledged by the supplier specifying the supplies, services or works and setting out prices and terms of payment (which should be the Council’s terms and conditions of purchase).</td>
</tr>
<tr>
<td>Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above.</td>
</tr>
<tr>
<td>Without publishing, upload evaluation results and approval authorisation onto YORtender to maintain the decision making audit trail.</td>
</tr>
<tr>
<td>A notification of award must be advertised on Contracts Finder, via YORtender for all contracts valued over £25k.</td>
</tr>
<tr>
<td>The contract must be awarded using the options available in the contract details module on YORtender. Care must be taken to ensure that the contract details are up to date.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>23.1i Records &amp; Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Service Area shall retain records of the procurement exercise and the purchase order including the original signed copy of the contract where applicable, in accordance with the Council’s approved record management or document retention policy.</td>
</tr>
</tbody>
</table>
SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £164,176

1. Pre-procurement considerations – budget, business case, authority to proceed, TUPE and consider undertaking an Integrated Impact Assessment. Is this a Key or Officer Decision see CPR 3.1

2. Obtain Budget Holder approval
   Obtain Director Approval, Publish Decision Record

3. Is pre-existing arrangement available for requirements?
   YES

4. Use Corporate Contract, In-House Service, DPS, or Local/Regional/National Framework (see CPR 8, 5, Annex 1c and 12) subject to meeting the value for money test approved by The Procurement People, and compliance with the framework’s terms.
   NO

5. Is the current contract held by a Third Sector organisation?
   YES
   Refer to COMPACT
   NO

6. Obtain relevant templates from the Procurement Toolkit

7. Issue formal purchase order or final award notification letter to unsuccessful tenderers and award contract to successful tenderer.

8. Suppliers submit RFQ / tender

9. Where published openly release on Contracts Finder

10. RFQ / tender evaluation

11. Approval to award contract sought and obtained

12. Award closedown procedure completed on YORtender and published on Contracts Finder. Publish Decision Record (over £100k).

13. Issue formal purchase order or final award notification letter to unsuccessful tenderers and award contract to successful tenderer.

14. Commence contract
### 24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £164,176

#### 24.1a Authorisation to Proceed with Procurement

It is the Budget Holder’s responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decisions and governance requirements. It is essential for the whole-life commitment to be considered (assuming all available extensions are exercised) not the annual value of the commitment when securing authority to proceed.

Verify decision making protocols where:
- There are possible Council workforce and related TUPE implications, advice from Legal Services and HR must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Full Council approval may be necessary.

Check for Conflicts of Interest – Proactively monitor and record, seeking advice where appropriate.

#### 24.1b Competitive Process

Adhere to the corporate governance frameworks for project management and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council’s agreed project management framework, where appropriate.

Consider, in consultation with The Procurement People, whether the requirement needs to be procured in accordance with:
- an Integrated / Impact Assessment (where there is potential for direct impact upon citizens / officers.);
- relevant consultation requirements;
- the use of Lots to facilitate greater access to the opportunity for SMEs;
- the SME Concordat;
- the principles of COMPACT;
- Council Skills Pledge and
- Sustainable/ethical Procurement Policy.

**Selection of Tenderers**

Seek a minimum of four written competitive quotations (under £100k), openly advertised via YORtender comprising:
- Clear instructions for the submission and pricing of quotations;
- A clear written specification of the request;
- Quotation Reply Forms;
- A Pricing Schedule and
- The approved Council Terms & Conditions. Where alternative Terms & Conditions are used, or amendments are made, seek guidance and approval from Legal Services.

Alternatively, an open formal tender procedure may be used; with tenders being invited from a minimum of four potential contractors advertising via YORtender. Note that a formal tender procedure is mandatory for contract values above £100,000.

The use of a pre-qualification stage is prohibited below the EU threshold for supplies. A suitability assessment question may be used where essential.
24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £164,176

Where a framework agreement is being used, any purchase should be subject to further competition following the framework rules. The evaluation criteria and the terms and conditions specified by the framework owner must be used. Wherever possible and advantageous, bundling of largely similar requirements should be undertaken to maximise economies of scale.

The project manager should establish a project team. The Procurement People must be contacted to determine the level of involvement required based on an assessment of identified risks.

Where “lowest compliant” is not being applied, the project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, they should refer to The Procurement People and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Strategic Commissioning Lead – Shared Services and Commercial Development (NELC).

The process must be fully managed using YORtender.

Requests to use electronic auctions should be referred to The Procurement People.

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**24.1c Advertisement**

**Mandatory** – YORtender with indicative contract values published tenders which are advertised as an open advert on YORtender must also be advertised on contracts finder. Tenders must be advertised for a minimum of 10 working days, but proportionately increased to its complexity.

**Optional** – Advertising of open opportunities via web-based media e.g. Twitter, and other health and voluntary sector sites subject to The Procurement People advice. Any advertisement shall: specify the nature and purpose of the contract, outline how to submit a compliant tender, state the last date and time when tenders will be accepted and comply in all respects with the requirements of the relevant UK legislation.

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**24.1d Receiving & Opening of Tenders**

Managed using YORtender, kept confidential and opened by an officer of appropriate seniority, who is entirely independent and non-conflicted by the project in question.

No late tender shall be considered except with the approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) on the advice of The Procurement People.
## 24.1 SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £164,176

### 24.1e Evaluation

Under £100,000 evaluate on the basis of:
- The lowest compliant quotation where payment is made by the Council; or
- The highest compliant quotation where payment is made to the Council, e.g., a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.

**Optionally** evaluate using The Most Economically Advantageous Tender (MEAT), and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to CPR 19 for guidance on how to manage errors in tender submissions. For procurements over £100,000, MEAT criteria should be used.

The RFQ/tender must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

### 24.1f Post Tender Negotiation

No negotiation with the existing or potential contractors shall be carried out.

### 24.1g Authorisation to Award

Must be obtained from the relevant Director where required by the Council’s Scheme of Delegation and Policy and Budget Framework, which must always be applied.

At least two tender responses must be received. If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the quotation/tender.

Without publishing, upload evaluation results and approval authorisation onto YORtender to maintain the decision making audit trail.

### 24.1h Award and Execution

**Outcome of Tender Exercise**

The acceptance of the successful tender is concluded by advising of the outcome of the tender followed by the issuing of a purchase order or formal contract.

All tenderers should be advised in writing of the outcome of the tender exercise. A debrief should be provided to unsuccessful tenderers on request with The Procurement People guidance.

**Contract details**

Every purchase order / contract as a minimum shall be in writing and specify:
- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- the Council's requirements on indemnity and insurance;
- for services, an exit strategy for when the contract terminates and other conditions and terms as set out in the RFQ / invitation to tender.
24.1  SUPPLIES/SERVICES/WORKS CONTRACTS £50,000 - £164,176

<table>
<thead>
<tr>
<th>Signing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directors are authorised to sign contracts that do not exceed £100,000 where the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal &amp; Democracy (Monitoring Officer) (NLC) has approved the form of contract as appropriate for the type of contract concerned.</td>
</tr>
</tbody>
</table>

The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the Service Area and published on the council’s website as appropriate.

**Mandatory** Without publishing, upload evaluation results and approval authorisation onto YORtender to maintain the decision making audit trail. A notification of award must be advertised on Contracts Finder, via YORtender for all contracts

<table>
<thead>
<tr>
<th>24.1i Records &amp; Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Service Area shall retain records of the procurement exercise, including the original signed copy of the contract if the value is below £100,000, in accordance with the Council’s approved record management or document retention policy.</td>
</tr>
</tbody>
</table>

Where the contract value is over £100,000, the original signed copy shall be retained by Legal Services.

The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.
WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

1. Seek advice from The Procurement People.
2. Pre-procurement considerations – budget, business case and authority to proceed, TUPE and consider undertaking an Integrated Impact Assessment. Is this a Key/Officer Decision CPR3
3. Obtain approval following governance requirements in CPR 3
4. Is pre-existing arrangement available for requirements?
5. Use Local/Regional/National Framework subject to the approval of Procurement, and in compliance with its terms. Mini competition must be exercised in preference to direct award. The value for money test must be met and approved by The Procurement People.

6. The project manager should establish a Project Team and procurement timetable. Both The Procurement People and Legal Services must be contacted to determine their level of involvement based on an assessment of identified risks, in appropriate cases where indicated by the risk register.

7. Refer to the Procurement Toolkit.
8. Project Team establishes evaluation panel of suitably knowledgeable & qualified officers.

9. Publish / advertise requirement
10. Suppliers respond to advert
11. Issue Invitation to tender using YORtender, Advertise on Contract Finder within 24 hours
12. Suppliers submit tender
13. Evaluation Team undertake supplier appraisal and tender evaluation
14. Project Manager moderate evaluation
15. Approval to award contract sought and obtained
16. Award closedown procedure completed on YORtender
17. Issue post standstill final award notification letter to unsuccessful tenders and award contract to successful tenderer. Publish contract award on Contract Finder, Publish Decision Record
18. Commence Contract
## 25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

### 25.1a Authorisation to Proceed with Procurement

Please refer to Lead Services CPR 7.

It is the Budget Holder’s responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key/Officer Decisions CPR 3 and governance requirements. It is essential for the whole-life commitment to be considered not the annual value of the commitment when securing authority to proceed.

Verify decision making protocols where:
- There are potentially significant economic development / sustainability implications;
- There are budget or policy implications.

Full Council approval may be necessary.

Check for Conflicts of Interest – Proactively monitor and record seeking advice where appropriate.

### 25.1b Competitive Process

Adhere to the corporate governance frameworks for project management and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council’s agreed project management framework, where appropriate.

The suite of construction frameworks has been developed to meet the majority of the Council’s Works requirements.

Determine in consultation with The Procurement People, whether the construction frameworks are appropriate or whether a specific procurement is necessary in accordance with:
- An Integrated / Impact Assessment (where there is potential for direct impact upon citizens / officers.);
- relevant consultation requirements;
- the use of Lots to facilitate greater access to the opportunity for SMEs;
- SME Concordat;
- Council Skills Pledge and
- Sustainable/ethical Procurement Policy.

Where a specific procurement is necessary, use a formal open tender procedure managed using YORtender. Invitations to tender to comprise:
- Clear instructions for the submission and pricing of quotations;
- The Supplier Questionnaire PAS 91;
- A clear written specification;
- A Form of Tender including anti-collusion certificate;
- A Freedom of Information Declaration;
- A Pricing Schedule and
- The approved Council Terms & Conditions/a standard form of agreement e.g. NEC3 or JCT suite of conditions or where alternative Terms & Conditions are used, or amendments are made, seek guidance and approval from Legal Services.

Alternatively a minimum of four formal tenders may be sought using a closed process, subject to approval by The Procurement People.
### 25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

The project manager should establish a project team. Both The Procurement People and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

Where “lowest compliant” is not being applied, the project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, he should refer to The Procurement People and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

Requests to use electronic auctions should be referred to The Procurement People.

<table>
<thead>
<tr>
<th>25.1c Advertisement (only applicable if not using the construction frameworks)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Mandatory</strong> – YORtender with indicative contract values published tenders which are advertised as an open advert on YORtender must also be advertised on contracts finder.</td>
</tr>
</tbody>
</table>

Tenders must be advertised for a minimum of 10 working days, but proportionately increased to its complexity.

**Optional** –
- advertising of open opportunities via social media e.g. Twitter subject to The Procurement People advice
- one or more specialist trade or professional newspapers or journals where appropriate.

Direct marketing of the existence of the opportunity is permissible in order to include organisations that may not ordinarily see the opportunity and to ensure local / regional / national competition.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest or tenders for its execution; state the last date and time when expressions of interest or tenders will be accepted; and comply in all respects with the requirements of the relevant UK legislation.

<table>
<thead>
<tr>
<th>25.1d Receiving &amp; Opening of Tenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Managed using YORtender, kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>25.1e Evaluating Tenders (only applicable if not using the construction frameworks)</th>
</tr>
</thead>
</table>
| Evaluate on the basis of:
- The lowest compliant quotation where payment is made by the Council; or
- The highest compliant quotation where payment is made to the Council, e.g. a concession contract.

Compliance means the tender should be fully capable of meeting all fitness for purpose requirements in terms of specification, price, quality, delivery, etc.
25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

Optionally evaluate using The Most Economically Advantageous Tender (MEAT), and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to CPR 19 for guidance on how to manage errors in tender submissions. The tender must state that no tenders or quotes will be considered unless received by the date and time stipulated in the documentation. No tender or quote delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

25.1f Post Tender Negotiation
No negotiation with the existing or potential contractors shall be carried out.

25.1g Authorisation to Award
Must be obtained from the relevant Director where consistent in all respects with Council’s Scheme of Delegation, Policy and Budget Framework and governance requirements for Key Decisions.

At least two tender responses must be received. If only one response is received, the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the tender.

Upload evaluation results and approval authorisation onto YORtender to provide transparency.

25.1h Award and Execution
Outcome of Tender Exercise
All tenderers must be advised of the outcome of the tender exercise in writing, and the following information must be included in the notice:
- the name of the successful tenderer;
- the award criteria and any sub-weightings used;
- the reasons for the decision, including the characteristics and relative advantages of the successful tender and
- the scores of the successful tenderer and the organisation receiving the notice.

Unsuccessful tenderers may request further debrief.

Contract details
Every contract as a minimum shall be in writing and specify:
- the supplies or services to be provided and/or the work(s) to be executed;
- the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;
- the time within which the contract is to be performed;
- liability, indemnity and insurance and
- other conditions and terms as set out in the invitation to tender.

Mandatory- Contract award to be published on Contracts Finder
25.1 WORKS CONTRACTS (ABOVE EU THRESHOLD FOR SUPPLIERS/SERVICES AND BELOW EU THRESHOLD FOR WORKS)

**Signing**

The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.

Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.

The relevant Officer Decision Record should be completed by the Service Area and published on the council’s website as appropriate.

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25.1i Records & Documentation

The Service Area shall retain records of the procurement exercise, in accordance with the Council’s approved record management or document retention policy.

The original signed copy of the contract shall be retained by the Chief Legal Officer, (Monitoring Officer) (NELC) or Head of Legal & Democracy (Monitoring Officer) (NLC).

The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.
1. What is the £ whole-life value of the opportunity?

2. Convert its value to the current € exchange rate

3. Is it above €750,000?
   - YES
   - NO

4. Is there a compelling reason why a competitive process cannot be followed?
   - YES
   - NO

5. Is there a compelling reason why the open or restricted procedure will not deliver the outcome?
   - YES
   - NO

6. Set out reasoning in an exception request using CPR 30 and submit for consideration

7. Follow the open or restricted procedure CPR 27

8. Establish a project team, on approval of the exception, follow a process which upholds the following principles: openness, transparency, non-discrimination, proportionate treatment and value for money. The process will be subject to the approval of The Procurement People and Legal Services.

9. Follow the relevant process set out in CPR 23 or CPR 24

10. Issue formal purchase order/contract and award on YORtender / Contracts Finder

11. Commence Contract
27.a SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

Open Procedure

1. Seek advice from The Procurement People
2. Determine need and Project Brief
3. Pre-procurement considerations – budget, business case, TUPE and authority to proceed, for services an Integrated / Impact Assessment is required.
4. Obtain and record Decision Maker’s approval - see Key/Officer Decision CPR 3
5. The project manager should establish a Project Team. Both The Procurement People and Legal Services must be contacted to determine their level of involvement based on an assessment of identified risks. Conflicts of Interest must be captured in writing, stating how identified conflicts will be managed. The risk register will be established capturing impacts and mitigation.
6. Is pre-existing arrangement available for requirements?
7. Use Corporate Contract, In-House Service, DPS, or Local/Regional/ National Framework subject to meeting the value for money test approved by The Procurement People and compliance with the framework’s terms.
8. Obtain and complete relevant tender templates using guidance from The Procurement People
9. Project Team establishes evaluation panel of suitably knowledgeable & qualified officers.
10. Send contract notice to the OJEU electronically
11. After 48 hours (as closely as practicable) release the full tender pack on YORtender with only information available in the contract notice showing in the “main contract detail – summary”. Then immediately publish on Contracts Finder.
12. Update YORtender with the official OJEU reference following publication
13. Issue invitation to tender using YORtender
14. Suppliers respond to advert
15. Suppliers submit tender
16. Conflicts of interest must be reassessed and recorded prior to evaluation
17. Evaluation Team undertake supplier appraisal and tender evaluation
18. Project Manager moderate evaluation.
19. Approval to award contract sought and obtained
20. Project Team produces standstill letters and decision notices
21. Standstill Period **
22. Issue post standstill final award notification letter to unsuccessful tenders and award contract to successful tenderer.
23. Send Contract Award Notice to OJEU
24. Project manager to liaise with legal to execute formal contract award and release confirmation of award letter to unsuccessful tenders
25. Award closedown procedure completed on YORtender/Produce & Publish Officer Decision Record
26. Commence Contract

Days stated refer to calendar days

Mandatory Timescales (assumes electronic process throughout)

* Minimum of 15 days if prior information notices have been issued for Supplies or Services provided the PIN appeared at least 52 days and not more than 12 months before the date of despatch of the Contract Notice.

** The date should be 10 days from the notice being sent to all tenderers and candidates. In this context days include weekends and bank holidays but where the last day of the standstill period falls on a non-working day then the standstill period is extended to midnight at the end of the next working day.

10 Days

Maximum 30 Days
### SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU_THRESHOLDS

**Restricted Procedure**

<table>
<thead>
<tr>
<th>Step</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Seek advice from The Procurement People</td>
</tr>
<tr>
<td>2</td>
<td>Determine need and Project Brief</td>
</tr>
<tr>
<td>3</td>
<td>Pre-procurement considerations – budget, business case, TUPE and authority to proceed, for services an Integrated / Impact Assessment is required. Is it a key/officer decision?</td>
</tr>
<tr>
<td>4</td>
<td>Obtain and record Decision Maker’s approval</td>
</tr>
<tr>
<td>5</td>
<td>The project manager should establish a Project Team. Both The Procurement People and Legal Services must be contacted to determine their level of involvement based on an assessment of identified risks. Conflicts of Interest must be captured in writing, stating how identified conflicts will be managed. The risk register will be established capturing impacts and mitigation.</td>
</tr>
<tr>
<td>6</td>
<td>Is pre-existing arrangement available for requirements?</td>
</tr>
<tr>
<td>7</td>
<td>Obtain and complete relevant tender templates using guidance from The Procurement People.</td>
</tr>
<tr>
<td>8</td>
<td>Send contract notice to the OJEU electronically</td>
</tr>
<tr>
<td>9</td>
<td>After 48 hours (as closely as practicable) release the full tender pack on YORtender with only information available in the contract notice showing in the “main contract detail – summary”. Then immediately publish on Contracts Finder. The SQ must be released on YORtender as must all other tender documents. The other tender documents must be marked draft.</td>
</tr>
<tr>
<td>10</td>
<td>Update YORtender with the official OJEU reference following publication</td>
</tr>
<tr>
<td>11</td>
<td>Suppliers respond to advert</td>
</tr>
<tr>
<td>12</td>
<td>Project Team establishes evaluation panel of suitably knowledgeable &amp; qualified officers.</td>
</tr>
<tr>
<td>13</td>
<td>Suppliers submit SQ</td>
</tr>
<tr>
<td>14</td>
<td>Assess and shortlist suppliers</td>
</tr>
<tr>
<td>15</td>
<td>Inform tenderers with reasoning who are not going to proceed further in the competition.</td>
</tr>
<tr>
<td>16</td>
<td>Adjust tender documents’ status to ‘final’ and confirm to the minimum of 5 short-listed suppliers</td>
</tr>
<tr>
<td>17</td>
<td>Suppliers submit tender</td>
</tr>
<tr>
<td>18</td>
<td>Conflicts of interest must be reassessed prior to evaluation</td>
</tr>
<tr>
<td>19</td>
<td>Evaluation team undertake supplier appraisal and tender evaluation</td>
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<td>Project Manager moderate evaluation.</td>
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<td>21</td>
<td>Approval to award contract sought and obtained</td>
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<td>22</td>
<td>Standstill Period **</td>
</tr>
<tr>
<td>23</td>
<td>Issue post standstill final award notification letter to unsuccessful tenders and award contract to successful tenderer.</td>
</tr>
<tr>
<td>24</td>
<td>Send Contract Award Notice to OJEU. Project manager to liaise with legal to execute formal contract award and release confirmation of award letters to unsuccessful tenders</td>
</tr>
<tr>
<td>25</td>
<td>Award closedown procedure completed on YORtender/Produce &amp; Publish Officer Decision Record</td>
</tr>
<tr>
<td>26</td>
<td>Commence Contract</td>
</tr>
</tbody>
</table>

**Days stated refer to calendar days**

**Mandatory Timescales** (assumes electronic process throughout)

- **Minimum 30 Days or 10 Days if using Accelerated Restricted Procedure**
- **Maximum 30 Days**

**Minimum 35 Days or 31 Days if published in a PIN*; or 10 Days**

**The date should be 10 days from the notice being sent to all tenderers and candidates. In this context days include weekends and bank holidays but where the last day of the standstill period falls on a non-working day then the standstill period is extended to midnight at the end of the day.**

**Notes:**
- PIN: Prior Information Notice
- OJEU: Official Journal of the European Union
- SQ: Supplier Questionnaire
27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

27.1a Authorisation to Proceed with Procurement

It is the Budget Holder’s responsibility to ensure the availability of budget and the authority to commit to the expenditure, noting the Key Decisions and governance requirements. It is essential for the whole-life commitment to be considered not the annual value of the commitment when securing authority to proceed.

Verify decision making protocols where:

- There are possible Council workforce and related TUPE implications, advice from Legal Services and HR must be sought;
- There are potentially significant economic development / sustainability implications and
- There are budget or policy implications.

Full Council approval may be necessary.

Written evidence of authority to proceed will be required.

Risk assessments and conflict of interest assessments with recorded corrective actions are required at this stage.

27.1b Competitive Process

Adhere to the corporate governance frameworks for project management and produce a procurement timetable. Project managers should ensure that any procurement is undertaken in line with the Council’s agreed project management framework, where appropriate.

Consider, in consultation with The Procurement People, whether the requirement needs to be procured in accordance with:

- The use of Lots to facilitate greater access to the opportunity for SMEs (justification must be cited in the tender documentation in instances where lots have not been used);
- the SME Concordat;
- the principles of the COMPACT;
- Council Skills Pledge;
- Sustainable/ethical Procurement Policy and
- Public Services (Social Value) Act 2012.

For all services procurements over EU threshold, an Integrated / Impact Assessment must be completed to comply with the Public Services (Social Value) Act 2012 and relevant consultation requirements, prior to commencement to inform the specification and evaluation criteria.

EU Procedure

Seek advice from The Procurement People and determine the EU procedure to be used. The Council’s standard approach is to use Open Procedure. The following procedures may only be used on the advice of The Procurement People:

- Restricted Procedure;
- Creation of a Framework;
- Access to a Framework, subject to exception approval under CPR 30
- Dynamic Purchasing System and
- E-Auction.

The following procedures may not be used except with approval of Director Governance & Partnerships (NLC) or Chief Legal Officer, (Monitoring Officer) in accordance with CPR 13.
27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

- Competitive Procedure with Negotiation.
- Competitive Dialogue Procedure
- Innovation Partnership Procedure
- An accelerated procedure due to substantiated urgency

All OJEU Notices, (PINs, Contract Notices and Award Notices), must be approved and released by The Procurement People. Prior Information Notices (PIN) may be used to enable preliminary market consultation; a Contract Notice must be used as the call for competition.

Where a Supplier Questionnaire is required, the national standard Supplier Questionnaire template must be used. Assessment must follow national guidance.

Use a formal tender procedure, and manage the process fully using YORtender.

The invitation to tender must comprise:
- clear instructions for the submission and pricing of tenders;
- background information;
- a clear written specification;
- reply forms:
  - supplier questionnaire;
  - form of tender and non-collusion certificate;
  - freedom of information declaration;
  - pricing schedule;
  - method statements;
- Terms & Conditions provided by Legal Services.

Where a restricted procedure is used, tenders must be invited from a minimum of five potential contractors. The distinction between selection criteria used to assess tendering organisations and award criteria used to evaluate the strength of the tender proposal must be entirely separate and remain so throughout the process.

The invitation to tender must state that no tender will be considered unless it is received by the date and time stipulated in the tender documentation. No tender delivered in contravention of this rule shall be accepted without the written approval of the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).

The project manager should establish a project team. Both The Procurement People and Legal Services must be contacted for them to determine the level of their involvement required based on an assessment of identified risks.

The project manager in consultation with the project team must agree a percentage split in the award criteria based on the scope and importance of quality, risk and cost on a project by project basis. However, where the contract is being accessed via a framework, the award criteria set out in the agreement must be followed.

Where the project manager wishes to pursue a cost element of less than 60%, he should refer to The Procurement People and then should further seek prior written approval from the Director Governance & Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC).
# 27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

## 27.1e Advertisement

**Mandatory** OJEU contract notice approved and issued via [The Procurement People](#). **After** publication of the OJEU notice followed by release on [YORtender](#) advising indicative contract values and publication on Contracts Finder, then:

**Optional** –
- Advertising of open opportunities via social media e.g. Twitter and other health and voluntary sector sites subject to The Procurement People advice
- One or more specialist trade or professional newspapers or journals where appropriate.
- Direct marketing is permissible, after publication of the OJEU notice, to include organisations that may not see the opportunity to ensure local / regional / national competition.

The contract notice should be sent to the OJEU. 48 hours later, the tender should be released on YORtender with all tender documents being made available and only information available on the contract notice showing in the “main contract details – summary” on YORtender. Having published on YORtender immediately publish on Contracts Finder, remaining consistent with the contract notice text.

Once the OJEU has published the contract notice, update YORtender with the official reference number.

Any supplementary advertisement, (e.g. trade press) of the opportunity may only be published once the Contract Notice has been published in the OJEU and must not include additional information than is available in the Contract Notice or PIN.

Any advertisement shall: specify the nature and purpose of the contract, invite expressions of interest in or tenders for its execution; state the last date and time when expressions of interest or tenders will be acceptable; and comply in all respects with the requirements of the relevant EU Directive or UK legislation.

## 27.1f Receiving & Opening of Tenders

Managed using [YORtender](#), kept confidential and opened by an officer who is entirely independent and has no conflict of interest in relation to the project in question.

## 27.1g Evaluating Tenders

Evaluate tenders using [The Most Economically Advantageous Tender (MEAT)](#), and ensure MEAT criteria, sub-criteria, weighting, and scoring guidance are disclosed to tenderers. The final evaluation score given to each tenderer must be the Moderated Score. Refer to [CPR 19](#) for guidance on how to manage errors in tender submissions.

Conflict of interest assessments of the evaluation team are required at this stage.

Where a tenderer has been excluded from the competition at any stage mid-evaluation, the tenderer must be informed in an expedient manner. Equally any requests for clarification from such tenders must be responded to within 15 days of the request: such letters to be approved following the standstill mechanism.

## 27.1h Post Tender Negotiation

No negotiation with the existing or potential contractors shall be carried out.
27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS

<table>
<thead>
<tr>
<th>27.1i Authorisation to Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Must be obtained from the relevant Director where consistent in all respects with Council’s Scheme of Delegation, Policy and Budget Framework and governance requirements for Key Decisions.</td>
</tr>
<tr>
<td>At least two tender responses must be received. If only one response is received, the written approval of the Director Governance &amp; Partnerships (NLC) or the Chief Legal Officer, (Monitoring Officer) (NELC) must be obtained prior to accepting the tender.</td>
</tr>
<tr>
<td>Without publishing, upload evaluation results and approval authorisation onto YORtender to maintain the decision making audit trail.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>27.1j Standstill Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>All tenderers, and any candidates, including those who have already received notification of their rejection (for example, at selection stage), must be advised of the preferred tenderer status in writing, using YORtender. The following information must be included in the notice or pre-standstill award and decline letters:</td>
</tr>
<tr>
<td>• the name of the successful tenderer;</td>
</tr>
<tr>
<td>• the award criteria and any sub-weightings used;</td>
</tr>
<tr>
<td>• the reasons for the decision, including the characteristics and relative advantages of the successful tender;</td>
</tr>
<tr>
<td>• the reasons why the recipient did not meet the technical specification, if applicable;</td>
</tr>
<tr>
<td>• the scores of the successful tenderer and the organisation receiving the notice and</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Standstill letters must give sufficient, clear reasons, making any debrief unnecessary.</td>
</tr>
<tr>
<td>All standstill letters must be approved by The Procurement People, and signed by Legal Services.</td>
</tr>
<tr>
<td>Following this notification, a mandatory minimum 10 calendar day standstill period must be observed prior to final award. The period commences on the day following electronic issue of the pre-standstill award letters and must end on a working day. If a legal challenge is received do not award the contract and seek legal advice.</td>
</tr>
<tr>
<td>If the award is a Key Decision, then</td>
</tr>
<tr>
<td>• Notice of the Key Decision should not precede issue of the standstill letters;</td>
</tr>
<tr>
<td>• It may not be implemented by final contract award until after the 2 day notice period.</td>
</tr>
</tbody>
</table>
**27.1 SUPPLIES/SERVICES/WORKS CONTRACTS ABOVE EU THRESHOLDS**

<table>
<thead>
<tr>
<th>27.1k Execution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract details</strong></td>
</tr>
<tr>
<td>Every contract as a minimum shall be in writing and specify:</td>
</tr>
<tr>
<td>• the supplies or services to be provided and/or the work(s) to be executed;</td>
</tr>
<tr>
<td>• the price to be paid or the manner in which the price is to be determined together with details of the amount of any discounts or other deductions;</td>
</tr>
<tr>
<td>• the time within which the contract is to be performed;</td>
</tr>
<tr>
<td>• the Council’s requirements on indemnity and insurance;</td>
</tr>
<tr>
<td>• for services, an exit strategy for when the contract terminates and</td>
</tr>
<tr>
<td>• other conditions and terms as set out in the RFQ / invitation to tender.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Signing</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal &amp; Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100,000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.</td>
</tr>
<tr>
<td>The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.</td>
</tr>
<tr>
<td>Contracts entered into orally, due to extreme urgency, must be confirmed in writing as above as soon as possible.</td>
</tr>
<tr>
<td>The relevant Officer Decision Record should be completed by the Service Area and published on the council’s website as appropriate</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>27.1l OJEU Award Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract award must be announced by means of a Contract Award Notice in OJEU transmitted no later than 30 calendar days after the date of the post-standstill award letter. This is the responsibility of The Procurement People. An award notice must also be placed on Contracts Finder.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>27.1m Records &amp; Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Service Area shall retain records of the procurement exercise by maintaining the Regulation 84 report, in accordance with the Council’s approved record management or document retention policy. The project manager will ensure this decision record is uploaded, but not published, on YORtender.</td>
</tr>
<tr>
<td>The original signed copy of the contract shall be retained by the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal &amp; Democracy (Monitoring Officer) (NLC)</td>
</tr>
<tr>
<td>The contract must be awarded using the options available in the contract details module on YORtender, care must be taken to ensure that the contract details are up to date.</td>
</tr>
<tr>
<td>The award recommendation award approval and Regulation 84 report must be retained.</td>
</tr>
<tr>
<td>Officer Decision Record must be produced/published as appropriate.</td>
</tr>
</tbody>
</table>
28 REPORTING OF TENDERS

28.1 The Procurement People will:

- Publish details of all contracts let over £5,000 on a monthly basis on the Council’s website, to comply with the transparency code of practice guidelines.
- Publish details of all contracts let over £5,000 on the Council’s live Contracts Register via YORtender, the e-tendering system, for the Yorkshire and Humber Region.
- Report annually on all contracts let over £5,000 in the previous 12 months

29 PREVENTION OF CORRUPTION & THE BRIBERY ACT 2010

29.1 Requests for quotations and invitation to tenders must inform prospective tenderers of the Council’s whistle blowing policy

29.2 All contracts must contain a clause to the effect that the Council will be entitled to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if:

- the contractor, his employees or agents, shall have offered or given or agreed to give to any persons any gift or consideration of any kind as an inducement or reward in any way relating to the contract or any other contract with the Council; or
- in relation to any contract with the Council, the contractor, his employees or agents, shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, Section 117 of the Local Government Act 1972 and the Bribery Act 2010.

29.3 The Bribery Act 2010 has created the following new offences that can have particular relevance for the award of public contracts:

- bribing a person to induce or reward them to perform a relevant function improperly;
- requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly;
- failing to prevent bribery


30 EXCEPTIONS

30.1 With the approval of:

- The Director Governance & Partnerships (NLC) – for contracts over £50,000; The Head of Council Strategy, Information & Outcomes (NLC) for contracts under £50,000 or the Chief Legal Officer, (Monitoring Officer) (NELC); there may, where permitted by the Public Contracts Regulations 2015, be exceptions to the requirements of the CPRs in the following circumstances:

a. Where important urgent repairs are required to maintain and ensure efficient and continuous service delivery due to the breakdown, or other failure, of buildings, plant, appliances, machinery or ICT equipment or software. Where the urgent repair relates to a repairs & maintenance item, and where the value exceeds £5,000, a retrospective request for exception is acceptable.

b. Where renewals, repairs and upgrades to buildings, plant, appliances, machinery, vehicles or ICT equipment or software can only be efficiently carried out and most economically
supplied with regards to time, cost and speed of delivery by the original contractor or supplier (or their successors or other sole specialists).

c. Where urgent alternative arrangements are required to maintain the delivery of critical services due to the failure of an existing service provider or supplier.

d. Where an emergency situation exists as defined in the Council’s Emergency Plan.

e. When the Council is properly required to adopt other procedures by a Government body or the Council is procuring subsidised public transport services.

f. Works orders placed with utility companies (e.g. for re-routing cables or pipework).

g. Where there is only one potential supplier of the required supplies, services or works due to market factors and/or service exigency.

h. Where the use of a recognised regional or national framework arrangement will provide the most cost effective procurement solution.

i. Where contracts are extended beyond their specified term.

j. Where exceptionally it is not expedient to undertake an open process below £100k.

k. Where exceptionally above the EU LTR threshold variations to the open and restricted procedure are required.

l. Where there are other exceptional circumstances.

30.2 In all instances a written request for exception, clearly documenting the reasons, must be notified in advance to the approving officer before the exception can be actioned. A standard exception form should be completed.

31 COMMUNITY RIGHT TO CHALLENGE

31.1 The Localism Act provides relevant bodies with the right to challenge the running of local authority services where they believe they could do this differently or better.

31.2 Corporate guidance has been produced on the management of challenges received under the Act. An overview of the process for managing challenges is under Annex 1d.

32 DISPOSAL & WRITE-OFF OF ASSETS (EXCLUDING LAND & PROPERTY)

32.1 A disposal request form must be completed for disposals under £50,000, approved by authorised officers and forwarded to The Procurement People to be actioned based on the information provided. Items over £50,000 will require cabinet member (NLC) / portfolio holder (NELC) consultation.

32.2 The process for disposal is detailed in Annex 1e.

33 CONTRACT SIGNING & MODIFICATION

33.1 Directors are authorised to sign contracts that do not exceed £100,000 where the Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) has approved the form of contract as appropriate for the type of contract concerned.
33.2 The Chief Legal Officer, (Monitoring Officer) (NELC) or the Head of Legal & Democracy (Monitoring Officer) (NLC) are authorised to sign contracts that exceed £100, 000 and unless they determine otherwise, such contracts shall be executed by way of deed, under the Common Seal of the Council.

33.3 The Chief Legal Officer (Monitoring Officer) NELC or the Head of Legal and Democracy (Monitoring Officer) NLC are authorised to affix the Common Seal of their respective Council to such contracts.

33.4 Under limited circumstances, the Public Contract Regulations permit contract modifications during their term. Advice should be sought from The Procurement People in the first instance.

33.5 Changes to contracts and/or terms and conditions must be authorised by the relevant Director and substantial (i.e. material) changes to contracts and/or terms and conditions must be authorised by the relevant Director following consultation with the Head of Legal & Democracy (Monitoring Officer) (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC).

33.6 In all instances the council’s standard terms and conditions must be used unless an alternative form of contract has been authorised for use by the relevant Director (NLC) or Chief Legal Officer, (Monitoring Officer) (NELC).

34 CONTRACT MANAGEMENT

34.1 All contracts must be managed in compliance with the corporate contract management guidance and framework.
Opportunities identified

Evaluation by Commercial Unit to assess fit with Commercial Policy, Priorities and Strategy

Opportunities shared with all services

Service decides to bid

Service produces draft bid with assistance from Commercial Unit

Specialists consulted as necessary – legal, HR, etc.

Principal Accountant consulted to confirm adherence with the commercial charging framework

Draft bid finalised

Director Governance & Partnerships and Director Business Development consulted on bids >£25,000

Relevant Director approves final bid submission
ANNEX- 1b – PRELIMINARY MARKET CONSULTATION

1. Define Scope and Objectives
2. Seek advice from The Procurement People
3. Seek approval from Relevant Director
4. If in-house services are affected notify relevant portfolio holder/cabinet member and seek approval to proceed
5. Produce Background Document/Request for Information Questionnaire/PMC Protocol (and PIN Notice), ensuring competition is not distorted, parties are not excluded and equal treatment is maintained.
6. Publish PIN Notice; source potential respondents; upload documents to YORtender
7. Manage all correspondence using YORtender
8. Receive and evaluate RFI Submissions and select shortlist for PMC Discussion
9. Establish PMC interview panel/ undertake PMC discussions
10. Maintain audit trail and ensure equal treatment /transparency during PMC and any subsequent procurement
11. Produce findings report and recommendations
Annex 1c- DYNAMIC PURCHASING SYSTEMS

Stage 1 Establishment of DPS

1. Seek advice from The Procurement People to determine the rationale for creating DPS

2. Establish Project Brief

3. Pre-Procurement considerations – budget, business case, authority to proceed, TUPE and consider undertaking an IIA. Is it a key decision?

4. Establish a Project Team based on risk profile of the project

5. Produce a procurement timetable

6. Obtain and complete via the procurement team

7. Publish OJEU Contract Notice stating intention to establish a DPS via the Restricted Procedure

8. Allow a minimum of 30 days for receipt of Requests to Participate

9. Candidates submit Requests to Participate (SQ)

10. Evaluate SQs within 10 working days and admit all candidates that satisfy the selection criteria for admittance to the DPS

11. Candidates may submit a Request to Participate at any time throughout the validity period of the DPS

12. Inform candidates of acceptance or rejection on to DPS

13. DPS list to be managed using the ‘framework’ step on YORtender

Stage 2 – Further Competition

14. All DPS candidates must be invited to the Further Competition stage

15. Further competition to be run as a ‘restricted quotation’ process via YORtender

16. Contracts to be awarded on the basis of the overarching Terms and Conditions, specification and award criteria as stated in the DPS Request to Participate

17. No requirement for a standstill period. Contract Award noticed to be placed in OJEU/Contracts Finder/YORtender
Annex 1d - COMMUNITY RIGHT TO CHALLENGE EXPRESSION OF INTEREST PROCESS MAP

New expression of Interest (EOI) received

Is the EOI completed in the correct format i.e. on the standard form?

Yes

Is the application classed as a ‘relevant body’? (formal checking process)

Yes

Is the EOI based on a ‘relevant service’? Is the ‘relevant service’ currently delivered by the Council?

Yes

Was the EOI received within the specified time period?

Yes

EOI checked by the Performance Team to ensure accurately completed by relevant body.

Yes

Acknowledgment receipt and notify relevant body of the timescales required to make a decision on the EOI.

(If aligned with Commissioning/ Procurement Plans – 60 Days If outside)

Reject EOI with reasons

No

No

No - incomplete

Notify relevant Service of EOI Received: Also notify HR; Legal; Finance; Asset Management; ICT & (Governance & Partnerships NL only) (Commissioning and Strategic Support Unit NELC only)
From this point, the affected service to which the EOI relates will manage the completion of the process.

Does the challenge align with existing politically approved commissioning plans?

Yes

Notify relevant body in writing within specified timescale (Where accepted notify relevant body of procurement timeline)

Publish notification on the Council website

Initiate a procurement process in compliance with contract procedure rules

Where appropriate, outcome of the procurement exercise reported to relevant Cabinet Member / Portfolio Holder

No

Evaluate & Acceptance criteria: - Would the EOI enhance and/or promote the social, economic and/or well-being of the area? Cross Council evaluation chaired by affected service

Yes

Notify relevant body in writing within specified timescale (Where accepted notify relevant body of procurement timeline)

Cabinet member/Portfolio holder approval

Yes - Accept

No – Reject

Follow Guidance

No

Modify

No

No further action

Publish notification on Council website

Relevant body responds to proposed modifications.

Agree

Disagree

Send written rejection.
Annex 1e - DISPOSAL AND WRITE OFF OF ASSETS

1. Asset Surplus to Requirement
2. Read the Disposals Policy
3. Finance Manual
4. Possibility of Council reusing?
   a. Yes or Lands/BUILDINGS
   b. No - Complete Disposals Request
5. eForm submitted
6. Request form submitted
7. <£2,500 Approved
   a. Auto Submission of eform
   b. Approved Authorisation
   c. The Procurement People
5. Non specialist
   a. Send to Procurement Unit
   b. Waste & Recycling
   c. Electronic auction
5. Specialist
   a. Send to Procurement Unit
   b. Waste & Recycling
   c. Electronic auction
4. Service Director Authorization
5. Service Director Finance
6. Declined Authorisation
7. >£50,000 Approved
   a. Service Cabinet Member Approval
8. IT related assets
   a. IT Services
   b. Fleet Management
9. Vehicle assets
   a. Fleet Management
10. Land or Buildings assets
    a. Commercial Property Team
11. Any other assets
    a. Facilities Management
12. Recycle Framework
13. Can not dispose surplus asset
14. Update inventory records once disposal has been completed
Annex 1f - E-AUCTION PROCESS

1. Is the procurement, over £50k, for clearly defined requirements and can be concluded on lowest compliant quotation/tender?
   - No → 2. e-Auction Not Suitable
   - Yes → 3. Can a separate qualitative evaluation be undertaken effectively in advance of the e-auction?

5. Is the procurement for a design competition/intellectual property or consultancy?
   - No → 6. Is your procurement over the EU Threshold?
     - No → 7. No OJEU contract notice required. See CPR 24
     - Yes → 8. Contact The Procurement People. See CPR 27
   - Yes → 4. e-Auction Not Suitable

6. Is your procurement over the EU Threshold?
   - No → 7. No OJEU contract notice required. See CPR 24
   - Yes → 8. Contact The Procurement People. See CPR 27

8. Contact The Procurement People. See CPR 27

9. Is the e-Auction part of a further competition under a Dynamic Purchasing System or Framework?
   - No → 10. E-Auction to be included in the OJEU Contract Notice in section IV.2.2) “Information about electronic auction”.
   - Yes → 11. In establishing the process on YORtender the template used must include two auction ‘steps’ including a ‘training auction’ and ‘live auction’ step. The auction steps must be following the tender/quotation step and preceding the ‘award decision’ step. Advice from The Procurement People must be sought.

12. Information about the e-Auction process must be included in the invitation to tender documents. Dates and times of e-Auctions to be included in the tender documents. Advice from The Procurement People must be sought and documents approved prior to publication.

13. Invitation to tender/request for quotation documents must state that an ‘opening bid’ is required from tenderers, rather than a best and final bid. **This must be included in the pricing schedule.**
Compliant tenderers that meet the minimum criteria for evaluation are notified via YORtender of invitation to the training and live e-Auction. Notifications to be issued to tenderers at least 2 working days before the commencement of the training auction.

All tenderers submitting a compliant opening bid must be invited to participate in the training and live auctions. Training e-Auction to be set-up based on fictional lot/baseline values and opening bids. Advice from The Procurement People to be sought on setting up the Training and Live e-Auction parameters including minimum decrements applicable. Tenderers must only receive the following feedback during an e-Auction:

- Relative Position/Ranking
- Tenderers own price

Training and Live Auctions published must be communicated to all tenderers confirming the instructions and date/time of the auction. Template communication available from The Procurement People.

E-Auction must not be closed early. All bidders must be allowed to finish placing bids with unlimited extensions given. Once e-Auction is closed the process remains under evaluation until formal notifications commencing the standstill period are issued. Procurement process to be concluded under CPR 24 or CPR 27 as applicable.

Viewing of training and live auctions to be limited to project team members only. Viewing to take place in secure environment. Project lead to monitor the e-Auctions whilst live to respond to any messages. Technical issues to be referred to Proactis helpdesk.
## Annex 1g DEFINITIONS AND GLOSSARY

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy</td>
<td>A school that is directly funded by central government and independent of local authority control</td>
</tr>
<tr>
<td>Aggregation</td>
<td>The identification of similar purchases made and combined aggregated requirements over a specified period of time</td>
</tr>
<tr>
<td>Appropriate Officer</td>
<td>Member of staff who has delegated authority to conduct procurement exercises</td>
</tr>
<tr>
<td>Regulation 84</td>
<td>Is Regulation 84 of the Public Contracts Regulations 2015 which sets out the decisions made throughout the procurement process which must be recorded and retained</td>
</tr>
<tr>
<td>Budget Holder</td>
<td>The manager with responsibility for the budget concerned and with delegated authority to award the contract</td>
</tr>
<tr>
<td>Cabinet Member</td>
<td>Elected member of the Council who is responsible for the Cabinet Portfolio under which the service area sits</td>
</tr>
<tr>
<td>Category Manager</td>
<td>Officer responsible for the development of a category plan and to oversee procurement activity within the category</td>
</tr>
<tr>
<td>Central Purchasing Bodies</td>
<td>A contracting authority (as defined by the Public Contracts Regulations 2015) providing centralised purchasing activities and ancillary activities</td>
</tr>
<tr>
<td>Closed Tender Process</td>
<td>A number of providers are selected by the Council to be invited to participate in the tender opportunity as opposed to being “open” where anyone can submit an offer.</td>
</tr>
<tr>
<td>Commissioning</td>
<td>The process of specifying, securing and monitoring services to meet people’s needs at a strategic level. An ongoing process, it deals with whole groups of people, which distinguishes it from the process of buying individual services.</td>
</tr>
<tr>
<td>Concessions</td>
<td>A Concession Contract is where the Council grants a Service Provider the right to provide a service and rather than pay the Service Provider for providing the service. The Council transfers the opportunity of the market to the Service Provider, along with the demand risk in relation to the level of the market. Revenue from fees paid by service users is kept by the Service Provider and used to meet the costs incurred in delivering the service and potentially to make a profit</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>-------------------------</td>
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<tr>
<td>Constitution</td>
<td>The set of legal, administrative and legislative principles by which the Council is governed, especially in relation to the rights of the people it governs.</td>
</tr>
<tr>
<td>Contract</td>
<td>Document setting out various particulars for the provision of supplies, services and works</td>
</tr>
<tr>
<td>Contracts Finder</td>
<td>A online database which enables suppliers to search for contract opportunities valued over £10,000, across the nation and sectors.</td>
</tr>
<tr>
<td>Corporate Plan</td>
<td>The document by which the Council sets out its priorities and objectives, and how it will achieve them</td>
</tr>
<tr>
<td>Corporate Procurement Strategy</td>
<td>The document by which the Council’s Strategic Procurement Unit sets out its priorities and objectives, and how it will achieve them</td>
</tr>
<tr>
<td>Councils</td>
<td>Refers to North East Lincolnshire Borough Council and North Lincolnshire Borough Council unless otherwise specified</td>
</tr>
<tr>
<td>CPR</td>
<td>Contract Procedure Rule</td>
</tr>
<tr>
<td>Director</td>
<td>Officer who is responsible for a Service Area or grouping of services of the Council</td>
</tr>
<tr>
<td>Disaggregation</td>
<td>The splitting down of requirements into lower value packages</td>
</tr>
<tr>
<td>e-Certis</td>
<td>e-Certis is a guide to the different documents &amp; certificates required from companies tendering for public contracts in any EU country</td>
</tr>
<tr>
<td>Electronic auction</td>
<td>Price based procurement auction performed online following evaluation against non-price criteria. Usually a reverse auction where tenderers repetitively lower their prices.</td>
</tr>
<tr>
<td>Engie</td>
<td>Engie, NELC’s Regeneration Partner</td>
</tr>
<tr>
<td>ESPD</td>
<td>European Single Procurement Document consists of a self-declaration as preliminary evidence of certification</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>Framework Agreement</td>
<td>An overarching agreement with a supplier where prices, specifications and terms are pre-agreed, but where there is no obligation to purchase. Requirements are “called off” as and when required over a specified timeframe.</td>
</tr>
<tr>
<td>ITT</td>
<td>Invitation to Tender</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Key Decision (NLC)</td>
<td>Of all offers, compliant with the essential criteria of the specification, this is the lowest priced offer: specification-compliance being the first factor to determine.</td>
</tr>
<tr>
<td>Lowest Compliant</td>
<td>Light Touch Regime</td>
</tr>
<tr>
<td>Maintained School</td>
<td>Primary and secondary schools funded by central government via the local authority, not charging fees to students.</td>
</tr>
<tr>
<td>Mandatory &amp; Discretionary Exclusion</td>
<td>Grounds to exclude tenderers from participating</td>
</tr>
<tr>
<td>MEAT</td>
<td>Most Economically Advantageous Tender</td>
</tr>
<tr>
<td>Moderated Score</td>
<td>For each criterion or response considered under an evaluation, the evaluation team agrees one score for the said criterion (not an average or an aggregated score across the evaluation team members)</td>
</tr>
<tr>
<td>Monitoring Officer</td>
<td>The Monitoring Officer ensures the lawfulness and fairness of Council decision making and serves as the guardian of the Council's Constitution and the decision-making process. Responsibilities include advising the Council on the legality of its decisions, providing guidance to councillors and officers on the Council's Constitution and its powers and assisting the Standards Committee in its role of promoting and maintaining high standards of conduct and probity within the Council.</td>
</tr>
<tr>
<td>NELC</td>
<td>North East Lincolnshire Council</td>
</tr>
<tr>
<td>NLC</td>
<td>North Lincolnshire Council</td>
</tr>
<tr>
<td>OJEU</td>
<td>Official Journal of the European Union</td>
</tr>
<tr>
<td>Option Appraisal</td>
<td>The assessment of options in order to establish the most viable or feasible course of action</td>
</tr>
<tr>
<td>PIN</td>
<td>Prior Information Notice</td>
</tr>
<tr>
<td>Priorities</td>
<td>The areas that the Council or The Procurement People believes are important in order to deliver services to citizens</td>
</tr>
<tr>
<td>Procurement</td>
<td>The process of acquiring supplies, services and goods from third parties</td>
</tr>
<tr>
<td>Project Team</td>
<td>A project team should include somebody technically proficient in the subject matter and usually includes:</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Project manager</strong></td>
<td>The Procurement People officer, finance officer, HR officer, legal officer and any other expertise required to deliver the outcome.</td>
</tr>
<tr>
<td><strong>Procurement Toolkit</strong></td>
<td>Intralinc (NLC)/Intranet (NELC) based pack - self-service guidance and templates</td>
</tr>
<tr>
<td><strong>Purchasing Consortia</strong></td>
<td>A group of organisations joining together for the shared purpose of purchasing supplies, services or works</td>
</tr>
<tr>
<td><strong>Relevant Bodies</strong></td>
<td>A group of organisations defined in the Localism Act 2011, specifically voluntary and community organisations, charitable organisations, a group of two or more Council employees, parish and town Councils.</td>
</tr>
<tr>
<td><strong>RFQ</strong></td>
<td>Request for Quotation</td>
</tr>
<tr>
<td><strong>Risk Management</strong></td>
<td>The identification of potential risks and the arrangement of contingency plans to manage or minimise those risks</td>
</tr>
<tr>
<td><strong>Service Area</strong></td>
<td>An area of the Council that is responsible for specific service delivery</td>
</tr>
<tr>
<td><strong>SME</strong></td>
<td>Small and Medium sized Enterprises</td>
</tr>
<tr>
<td><strong>SME Concordat</strong></td>
<td>A nationally recognised procurement agreement to encourage a mixed range of suppliers to help develop and stimulate a varied and competitive marketplace</td>
</tr>
<tr>
<td><strong>Social Value</strong></td>
<td>It involves looking beyond the price of each individual contract and looking at what the collective benefit to a community is when a public body chooses to award a contract</td>
</tr>
<tr>
<td><strong>Supplier Questionnaire</strong></td>
<td>To gather information on and make assessments of the prospective bidders’ credentials, before considering tenders</td>
</tr>
<tr>
<td><strong>Threshold Level</strong></td>
<td>Sets out the amount of money (or contract value) by which different procurement procedures are followed</td>
</tr>
<tr>
<td><strong>TSO</strong></td>
<td>Third Sector Organisation. A non-governmental organisation which principally reinvests its surpluses to further social, environmental or cultural objectives</td>
</tr>
<tr>
<td><strong>TUPE</strong></td>
<td>The Transfer of Undertaking (Protection of Employment) Regulations 2006 (SI No.2006/246) as amended or re-enacted from time to time</td>
</tr>
<tr>
<td><strong>Value for Money</strong></td>
<td>Obtaining the most economical, efficient, and effective solution</td>
</tr>
<tr>
<td><strong>VAT</strong></td>
<td>Value Added Tax</td>
</tr>
<tr>
<td><strong>Whole Life Cost</strong></td>
<td>The calculation of the estimated value of a procurement based on the total amount payable, net of VAT, as</td>
</tr>
</tbody>
</table>
estimated by the contracting authority, including any form of option and any renewals

| YORtender | Supplier Contract Management System (or equivalent e-tendering system) web portal by which the Council effectively advertises and manages quotations and tenders |
ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

This Article deals with the issue of ensuring that the Constitution is kept under review and is revised as necessary. This will be the function of the Standards and Adjudication Committee.

The relevant legislation is Sections 30 and 37 of the Local Government Act 2000.

15.01 Duty to monitor and review the constitution

The Standards and Adjudication Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for monitoring and review of constitution by the Monitoring Officer

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 member and officer structure;
2) undertake an audit trail of a sample of decisions;
3) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.02 Changes to the Constitution

a) Approval. Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Standards and Adjudication Committee.

b) The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up any proposals to change from the Leader and Cabinet form of Cabinet to another type of Cabinet model.
ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

This Article ensures that the Articles of the Constitution may not be suspended except in limited circumstances (as shown below).

16.01 Suspension of the Constitution

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

b) 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 are 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 or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

a) The Monitoring Officer will take steps necessary to provide all Members of the Council with access to the Constitution, whether in hard copy or electronic format.

b) The Monitoring Officer will ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.