

Report of:	Monitoring Officer
Contact Officer:	Matt Berry
Telephone No:	01543 464 589
Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 17/04/19

COUNCIL
17 APRIL 2019
CONSTITUTION AMENDMENTS

1 Purpose of Report

- 1.1 To present to Council for consideration proposed amendments to the Constitution.

2 Recommendation

- 2.1 That the proposed amendments to the Constitution, as detailed in Appendix 1, be approved.
- 2.2 That the revised Financial Regulations, as included at Appendix 2, be approved.

3 Key Issues and Reasons for Recommendations

- 3.1 The current version of the Constitution was approved by Council on 12 August, 2015, and came into effect on 1 September, 2015.
- 3.2 Under Section 12 of the Constitution (Review and Revision of the Constitution), the Monitoring Officer, in conjunction with the Constitution Working Group, is required to monitor and review the Constitution on an annual basis.
- 3.3 The Constitution Working Group met on 14 January and 5 March, 2019 to undertake its latest review and considered a number of amendments for approval by Council which are outlined in paragraph 5.2 of this report.
- 3.4 Separately from the Working Group's annual review, Officers undertook a review of the Council's Financial Regulations.
- 3.5 In order to ensure the Constitution remains up-to-date, Council is requested to approve the proposed amendments as detailed in Appendices 1 and 2.

4 Relationship to Corporate Priorities

- 4.1 The Constitution provides for the proper governance of the Council and cuts across all priorities.

5 Report Detail

- 5.1 The process for reviewing the Constitution on an annual basis was adopted as part of the review undertaken in 2015 to ensure that it would remain up-to-date and allow for amendments to be made in a timely manner if the need was identified during the year.
- 5.2 The latest review undertaken by the Monitoring Officer, in conjunction with the Constitution Working Group, considered a number of amendments to the Constitution, the reasons for which are set out below. The amendments are shown as tracked changes in [Appendix 1](#).

Part/Section Amended	Reasons for Amendments
Part 2, Section 3 (Citizens and the Council)	To include in the Constitution the circumstances under which a 'community forum' can be held. The provisions specified were agreed by Council in May 2015 following the review of the Community Forums.
Part 3, Section 15 (Allocation of Portfolio Responsibilities to Cabinet Members)	To ensure the service functions listed under the portfolio responsibilities are correct and up-to-date.
Part 3, Section 22 (Appeals & Complaints Panel Terms of Reference)	The functions related to homelessness appeals are now carried out by Officers under the requirements of the Homelessness Reduction Act 2017 and associated Regulations. Therefore, it is no longer appropriate for the Panel to hold these functions.
Part 3, Section 25 (Substitution Scheme for Committees)	To increase the notice period allowed for advising on substitutes required for meetings that commence at 3:00pm on a given day.
Part 4, Section 27 (Council Procedure Rules)	To include provision within the order of business at Council meetings for the Council to receive any announcements from the Leader of the Council (such provision already exists for the Chairman of the Council and the Managing Director).

Part/Section Amended	Reasons for Amendments
Part 4, Section 29 (Budget and Policy Framework Procedure Rules)	To reflect the correct name of the Scrutiny Committee to be consulted as part of the annual budget setting process.
Part 6, Section 42 (Members' Allowances Scheme)	To include provision in the Scheme for Members to formally request not to receive any annual increases in allowances approved by Council and continue to be paid at a specified rate if they so wish.

- 5.3 Separately from the Constitution Working Group's annual review, Officers undertook a review of the Council's Financial Regulations to bring the Regulations up-to-date with current working practices and ensure the correct job titles etc. were included. The revised Regulations are enclosed at [Appendix 2](#).
- 5.4 Furthermore, any updates to the Scheme of Delegations approved by Cabinet or Council during the previous year will also be inserted into the Constitution as part of this update.

6 Implications

6.1 Financial

None.

6.2 Legal

Keeping the Constitution under regular review ensures that it complies with any relevant legal requirements currently in force.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 **Risk Management**

None.

6.8 **Equality and Diversity**

None.

6.9 **Best Value**

None.

7 Appendices to the Report

Appendix 1: Tracked changes amendments to the Constitution.

Appendix 2: Revised Financial Regulations

Previous Consideration

None.

Background Papers

Notes of the meetings of the Constitution Working Group.

Section 3

Citizens and the Council

3.1 CITIZENS' RIGHTS

Citizens have the following rights:

- (a) **Information.** Citizens have the right to:
- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and that part of the meeting is therefore held in private;
 - (ii) attend open meetings of the Cabinet;
 - (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;
 - (iv) see reports and background papers, and any records of decisions made by the Council in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;
 - (v) inspect the Council's accounts and make their views known to the external auditor; and
 - (vi) copies of public documents including this Constitution— a charge may be made for this.
 - (vii) inspect the Register of Member's Interests and other public registers during normal office hours at the Civic Offices Beecroft Road Cannock.
- (b) **Participation.**
- (i) Citizens have the right to attend Council meetings and submit questions to Council and present deputations in accordance with the Council Procedure Rules (see Part 4).
 - (ii) Citizens who are applicants or objectors to a planning application have a right to address the Planning Control Committee under the Protocol for Public Speaking at the Planning Control Committee in Part 4.

- (c) **Complaints.** Citizens have the right to complain to:
- (i) the Council itself under its complaints procedure (information on how to complain may be obtained from Customer Services or the Council website);
 - (ii) the Local Government Ombudsman, having first used the Council's own complaints procedure;
 - (iii) the Council's Monitoring Officer about a breach of the Councillors' Code of Conduct;
 - (iv) their local Councillor.
- (d) Citizens have the right to:
- (i) vote at local elections if they are registered;
 - (ii) contact their local Councillor about any matters of concern to them;
 - (iii) petition to request a referendum on a mayoral form of executive;
 - (iv) participate in the Council's Community Forums to raise issues of concern and to provide information for feedback to the Cabinet. Such Forums will be held when:
 - There is a specific issue that the Council wants to engage with the community on, or;
 - The community requests that a public meeting be held (a minimum of 10 members of the public need to support the request for a public meeting).

3.2 CITIZENS' RESPONSIBILITIES

Citizens must not be violent, abusive, threatening or discriminatory to Councillors or Officers and must damage things owned by the Council, Councillors or Officers.

Section 15

Allocation of Portfolio Responsibilities to Cabinet Members

15.1 COLLECTIVE RESPONSIBILITY OF THE CABINET

Cabinet will exercise collective responsibility in exercising its functions including the following:-

- The consideration of proposals involving any growth or service development and the making of recommendations to Council for approval if those proposals are contrary to the Policy Framework or not in accordance with the Budget.
- The consideration and submission of proposals to Council for approval in respect of the allocation of resources including consideration of the Council's Budget and the Council Tax to be set.
- The consideration and submission of policies to Council for approval in respect of plans and strategies identified in Section 4 of Part 2 of the Constitution as forming part of the Council's Policy Framework.
- The consideration and determination of plans and strategies which do not form part of the Council's Policy Framework.
- The appointment of representatives to other bodies and attendance at annual conferences where these relate to executive functions.
- The consideration of the implications of new or proposed legislation.
- The implementation of the Policy Framework and the Budget as approved by Council.
- Overall responsibility for good governance and value for money.
- The implementation of Council functions except those which are specifically stated not to be the responsibility of the Cabinet.

15.2 LEADER OF THE COUNCIL

The Leader is responsible for speaking at Council, Cabinet, Committees and other meetings on any matter which falls within the Collective Responsibility of Cabinet as detailed above and in particular:

- Member related matters including chairmanship of Cabinet, Civic Regalia, hospitality accounts, the Official Car, Members' allowances and functions relating to the conduct of Committee meetings.
- Development of the Council's budget strategy.
- Corporate finance, financial management.
- All statutory and non-statutory plans and policy documents prepared by the Council (insofar as they are not the responsibility of any other Committee, Member or Officer of the Council) including (but not limited to) the Corporate Plan; Pension Discretion Policy; Pay Policy Statement; Treasury Management Policy and the Minimum Revenue Provision Policy.
- General grants, bequests and donations to the Council.

The Leader also retains discretion to speak on any matter which falls within the remit of a specific Portfolio Leader; although he/she may delegate the responsibility for speaking on such matters to the Portfolio Leaders in the manner described in paragraphs 15.4 to 15.11.

15.3 DEPUTY LEADER

The Deputy Leader will substitute for the Leader when necessary, and be allocated one of the Portfolios referred to in paragraphs 15.4 to 15.11 as so desired by the Leader.

15.4 PORTFOLIO LEADER FOR CORPORATE IMPROVEMENT

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Resources to assist the Council in delivering its policies and objectives, including:
 - human resources (including payroll and training) and conditions of service for employees;
 - audit, insurance, risk management, corporate health & safety, civil contingencies and procurement;
 - technology; and
 - legal
- Corporate publicity and communications;

- Information Governance;
- Community engagement and consultation, corporate policy and performance policy planning and review, equality and diversity;
- Customer Services ~~& social alarms systems~~;
- Local Government & Social Care Ombudsman and MP liaison;
- Local Land Charges;
- Support Services (including Caretaking and Cleaning)
- Corporate Governance
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities including (but not limited to) the Performance Plans; Code of Corporate Governance; and the Equality and Diversity Policy.

15.5 PORTFOLIO LEADER FOR CRIME AND PARTNERSHIPS

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Community safety arrangements (insofar as they are not the responsibility of the Managing Director) including crime prevention and crime reduction programmes;
- CCTV;
- Developing partnerships;
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities.

15.6 PORTFOLIO LEADER FOR CULTURE AND SPORT

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Leisure, sports, cultural, recreation and entertainment services and facilities, entertainment venues, arts, theatres, leisure centres and museums;
- Parks and open spaces;
- Grounds Maintenance;
- Cemeteries and burial grounds;

- Allotments;
- Landscape and countryside management services including wildlife issues, tree preservation and the Ranger service. Except where it involves determining any application, taking direct regulation or enforcement action.
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities including (but not limited to) the Play Strategy.

15.7 PORTFOLIO LEADER FOR ECONOMIC DEVELOPMENT AND PLANNING

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Promotion of the economic well-being of the District including measures to alleviate unemployment and create new employment opportunities;
- Liaison with various bodies and agencies to further the economic well-being of the District;
- Services and facilities to assist tourism, other regeneration schemes (excluding town centres), derelict land and other economic initiatives, and industrial estate management and relevant externally funded projects;
- Town and country planning and transportation services and facilities including planning policy development at regional, county and local plan levels; public transportation policies;
- Building Control services;
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned service areas and facilities including (but not limited to); the Economic Regeneration Strategy, Local Development Framework (including Neighbourhood Plans) and the Tourism Strategy.

15.8 PORTFOLIO LEADER FOR ENVIRONMENT

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Issues relating to itinerants;
- Management of the Area of Outstanding Natural Beauty (AONB);
- Land drainage and watercourses, engineering services and public clocks;

- Environmental Protection services including; public nuisances, stray dog services, pest control and contaminated land. Except where it involves determining any application, taking direct regulation or enforcement action;
- Refuse collection, waste management and recycling;
- Street cleansing, graffiti, abandoned vehicles and fly-tipping. Except where it involves determining any application, taking direct regulation or enforcement action;
- Public car and lorry parks; Highways liaison;
- Private sector housing services including; disabled facilities grants, renovation grants and home security grants, except where it involves determining any grant or housing enforcement action;
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities.

15.9 PORTFOLIO LEADER FOR HEALTH AND WELLBEING

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Liaison with various bodies and agencies to tackle health inequalities across the District;
- Environmental Health services, including; food hygiene and safety, disease control, health & safety, health promotion and mortuary. Except where it involves determining any application, taking direct regulation or enforcement action;
- Licensing services in accordance with the policies determined for service portfolios for various activities including; hackney carriage and private hire vehicles, public entertainment, street trading, street collection, liquor licensing etc. Except where it involves determining any application, taking direct regulation or enforcement action;
- ~~The administration of Housing and Council Tax Benefits~~Housing Benefit and Local Council Tax Reduction administration, except where it involves determining any application, taking direct regulation or enforcement action;
- Council Tax and National Non-Domestic Rates administration, except where it involves determining any application, taking direct regulation or enforcement action;
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities, including (but not limited to); the Licensing Act Policy; Gambling Act Policy; Hackney Carriage and Private Hire Licensing Policies and the Food Safety Service Plan.

15.10 PORTFOLIO LEADER FOR HOUSING

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- The Housing Revenue Account (HRA) and HRA Capital Programme;
- The management and maintenance (including; rent collection, the Respect Agenda for housing management, and sheltered housing) of the Council's housing stock and other HRA assets associated with housing use, except where it involves taking enforcement action;
- Administration of the housing register, the allocation of Council dwellings and homelessness services, except where it involves determining any application;
- The provision of additional social housing;
- Management of the Council's land and property holdings (excluding Housing Revenue Account property);
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities including (but not limited to) the Housing Strategy; Homelessness Strategy; Housing 30 Year Business Plan and the Asset Management Plan.

15.11 PORTFOLIO LEADER FOR TOWN CENTRE REGENERATION

The Portfolio Leader will be responsible for speaking at Council, Cabinet, Committees and other meetings on the following:-

- Town centre regeneration schemes and town centres management;
- Liaison with various bodies and agencies involved with the economic well-being and management of town centres;
- Management of the Council's land and property holdings (excluding Housing Revenue Account property);
- All statutory and non-statutory plans and policy documents prepared by the Council relating to the above-mentioned services and facilities including (but not limited to) the Asset Management Plan.

Section 22

Appeals and Complaints Panel

22.1 STATUS

The Appeals and Complaints Panel is a committee of the Council with the purpose of:

(a) hearing employee appeals in respect of Chief Officers of the Council, with the exception of the Managing Director, the Section 151 Officer and the Monitoring Officer for whom other national and local procedures take precedence;

~~(b) hearing appeals in respect of homelessness decisions made under Part VII of the Housing Act 1996 (as amended);~~

~~(e)(b)~~ hearing requests for review of decisions delegated to officers in respect of various Housing issues;

~~(d)(c)~~ dealing with official complaints under Stage 34 of the Council's Complaints Procedure;

~~(e)(d)~~ dealing with Ombudsman complaints where these cannot be settled by Officers in accordance with delegated powers.

~~(f)(e)~~ dealing with requests for review of decisions made by Officers in the Urban Forestry Section in response to requests to carry out work to Council owned trees.

The Panel shall not hear any matters where the decision on the matter is delegated to another body within the Council. If a matter brought before the Panel includes such matters, or it becomes apparent during the hearing that it includes such matters, the Panel will refer that aspect of the matter to the appropriate body for decision.

22.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Appeals and Complaints Panel will comprise not more than 5 eligible Members of the Council, appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance. A Member should not hear an appeal or complaint in circumstances which might give rise to doubt as to their impartiality. Accordingly, a Member should not sit at the hearing of a case if he or she has any prejudicial or professional interest in the case or had involvement in the original decision against which an appeal or complaint is being made.

Annex 1

Housing Related Appeals and Complaints

1. FUNCTIONS

The Appeals and Complaints Panel is responsible for dealing with appeals and complaints relating to:

~~(i) any decision relating to Part VII of the Housing Act 1996 (as amended) (Homelessness) with regard to the following issues:~~

- ~~• eligibility for assistance under Part VII~~
- ~~• whether a duty is owed to an applicant and, if so, what duty~~
- ~~• whether a case should be referred to another authority~~
- ~~• the suitability of accommodation offered in the discharge of a duty owed under Part VII~~

~~(ii)~~(i) any decision delegated to an officer in respect of various Housing issues, for example

- breach of tenancy conditions
- neighbour complaints
- access to the Housing Register
- tenancy succession
- refusal of mutual exchange

2. PROCEDURE

The Appeals and Complaints Panel will hear the matter in accordance with the following procedure:

~~Homelessness:~~

~~(a) Following an officer review of the applicant's Part VII application, if the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to~~

~~be carried out by the Appeals and Complaints Panel.~~

- ~~(b) The Panel shall be convened within 21 days of receipt of a request for a further review.~~
- ~~(c) The Head of Housing and Partnerships will submit a report to the Panel setting out the circumstances.~~
- ~~(d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.~~
- ~~(e) The applicant shall be provided with a copy of the Head of Housing and Partnerships' Report and will be requested to supply a statement of his/her case at least 8 working days prior to the meeting.~~
- ~~(f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice at any time during its deliberations.~~
- ~~(g) The Panel, having considered all the information, shall determine whether:

 - ~~(i) to uphold the original decision or~~
 - ~~(ii) to allow the appeal~~~~
- ~~(h) If the appeal is allowed, the Panel shall determine what action should be taken.~~
- ~~(i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.~~

Review of Delegated Decisions:

- (a) If, following a request for an Officer review, the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to be carried out by the Appeals and Complaints Panel.
- (b) The Panel shall be convened on receipt of a request for a further review.
- (c) The Head of Housing and Partnerships will submit a report to the Panel setting out the circumstances and Council's Policies.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Housing and

Section 25

Substitution Scheme for Committees

25.1 INTRODUCTION

In addition to appointing usual Members to Serve on Committees, the Council may also appoint the number of Councillors shown below, on the nomination of the Political Groups, to act as the substitute members for the following Committees:-

- (i) Planning Control Committee – one substitute for each political group represented on the committee.
- (ii) Scrutiny Committees – one substitute for each political group represented on each of the committees.
- (iii) Licensing and Public Protection Committee – one substitute for each political group represented on the committee when it is acting in its remit as the Licensing Committee.
- (iv) Licensing and Public Protection Committee – one substitute for each political group represented on the committee when it is acting in its remit as the Public Protection Committee.

The substitute members of the Planning Control Committee and the Licensing and Public Protection Committee shall have had the relevant training before sitting on the committee as a substitute member.

25.2 PROCEDURE

- (a) If a usual member of the Committee is unable to attend a meeting, he/she may make the necessary arrangements with the named substitute members for that Committee from that Political Group.
- (b) The usual member will either give, or arrange for the Group Leader (or his/her nominee) to give, written notice (or by e-mail) of the substitution to the Managing Director by 5.00pm on the day before a meeting scheduled to commence before 43.00pm and by 10.00am on the day of a meeting scheduled to commence at 43.00pm or later. The Managing Director or his appointee will record the substitution in a book kept for the purpose.
- (c) The effect of a valid substitution notice will be that the usual member will cease to be a member of the Committee for the duration of that meeting and for the duration of any adjournment of it. The substitute member shall be a full member of the Committee for the same period.

Section 27

Council Procedure Rules

1. MEETINGS OF THE COUNCIL

- (1) The annual meeting of the Council must be held as provided by the Local Government Act 1972 on a date and at a time fixed by the Council.
- (2) Other meetings of the Council shall be held at such other days as the Council may fix.
- (3) An extraordinary meeting of the Council may be called at any time by the Chairman, Managing Director, Chief Finance Officer or the Monitoring Officer.
- (4) An extraordinary meeting of the Council may also be called provided that at least 5 Members have signed a requisition to that effect and have passed that to the Chairman of the Council. If, at the expiry of 5 clear working days from the receipt of the request the Chairman fails to call the requested extraordinary meeting within 10 clear working days then any 5 Members (which can be the same Members as made the initial request) may call an extraordinary meeting of the Council to which the Proper Officer shall so arrange.
- (5) The date, time and place of meetings will be determined by the Proper Officer.
- (6) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules and current regulations. The Proper Officer will send a summons by post or electronic means 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.

2. CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

- (1) The election of the Chairman of the Council shall be the first business to be transacted at the annual meeting of the Council.
- (2) The Council shall at the annual meeting appoint, by election, a Vice-Chairman.
- (3) The Chairman of the Council or if he is absent, the Vice-Chairman preside. If the Chairman and Vice-Chairman are absent a Member who is not a Member of the Executive, shall be appointed, by election, by those present to preside.

- (4) Any power or duty of the Chairman of the Council in relation to the conduct of a meeting may be exercised by the Member presiding at a meeting.
- (5) The Chairman and Vice-Chairman will hold office for the municipal year and shall not be removed from office unless they resign, or are disqualified by law from remaining as a Councillor or if there is a change in the administration of the Council, whereupon a Member may move that the Chairman and Vice-Chairman be removed and that a new Chairman and Vice-Chairman be nominated and appointed. For the avoidance of doubt, the Chairman or Vice-Chairman cannot be removed by a motion of “no confidence” or other similar motion.

3. QUORUM

No business shall be dealt with at a meeting of the Council unless one quarter of the whole number of Members of the Council is present. If there is no quorum the meeting must be adjourned immediately and any remaining business postponed either to a time fixed by the Chairman at the adjournment or if no time is fixed, the next ordinary meeting.

4A. ORDER OF BUSINESS - ANNUAL MEETING

- (1) In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual meeting will take place in March, April or May:
 - (a) To elect a person to preside if the Chairman or Vice-Chairman of the Council is not present;
 - (b) To elect the Chairman of the Council;
 - (c) To appoint, by election, the Vice-Chairman of the Council;
 - (d) To approve the minutes of the last meeting;
 - (e) To receive any announcements from the Chairman of the Council, the Leader of the Council or the Managing Director and/or Head of the paid service;
 - (f) To elect the Leader of the Council;
 - (g) To receive notification from the Leader of the Council of the number and identity of Cabinet Members and their Portfolios.
 - (h) To receive the acceptance of office from the Leader of the Opposition;
 - (i) To receive notification from the Leader of the Opposition of the number and identity of the Shadow Cabinet Members and their Portfolios;

- (j) To appoint at least one Overview and Scrutiny Committee (referred to as a Scrutiny Committee), a Standards Committee, a Licensing and Public Protection Committee, a Planning Control Committee and such other Committees as the Council considers appropriate;
 - (k) To decide the size and terms of reference for those Committees for the municipal year and other bodies including any such scheme for substitute Members;
 - (l) To appoint the Chairman and Vice-Chairman of Committees provided that advance notification of any Political Group's proposed Chairman, Vice-Chairman and membership has been circulated by the Proper Officer to all Members at least 24 hours prior to the Annual Meeting.
 - (m) To decide the allocation of seats to political groups in accordance with the current legislation;
 - (n) To appoint to Committees those Councillors named by the Group Leader.
 - (o) To appoint representatives to outside bodies provided that Group Leaders have submitted their nominations to the Proper Officer at least 48 hours prior to the commencement of the Annual Meeting. The submitted nominations shall be circulated to Members of the Council at the meeting and no amendments shall be permitted once the nominations are received by the Proper Officer.
 - (p) To receive and adopt any changes to the Constitution;
 - (q) To consider any other business set out in the notice convening the meeting.
- (2) The order of business may be changed, insofar as it is statutorily possible, at the discretion of the Chairman or by motion passed without discussion. The motion need not be in writing.

4B. ORDER OF BUSINESS - ORDINARY MEETINGS

The order of business at every meeting of the Council shall be:-

- (a) To choose the person to preside if the Chairman and Vice-Chairman are absent;
- (b) To approve as a correct record and sign the minutes of the last meeting of the Council;
- (c) To deal with any deputations or public questions received in accordance with the Council's approved schemes;

- (d) To receive any announcements from the Chairman of the Council, the Leader of the Council or the Managing Director and/or Head of the paid service;
- (e) In the event of the Leader being removed following a vote of 'no confidence' or a change in administration, to elect a Leader of the Council;
- (f) In the event of any change to the composition of the Cabinet (including the Leader), to receive notification from the Leader of the Council of the number and identity of Cabinet Members and their Portfolios;
- (g) In the event of a change in the leader of the Opposition, to receive the acceptance of office from the Leader of the Opposition;
- (h) In the event of any change to the composition of the Shadow Cabinet (including the Leader of the Opposition), to receive notification from the Leader of the Opposition of the number and identity of the Shadow Cabinet Members and their Portfolios;
- (i) In the event of any change in the Chair or Vice-Chair of a Committee, to appoint the Chair and Vice-Chair to such Committee.
- (j) In the event of any change in named membership of a Committee by a Group Leader, to appoint the newly named Member(s).
- (k) To dispose of business (if any) remaining from the last meeting;
- (l) To answer questions asked under Rule 8;
- (m) To consider reports and recommendations of the Cabinet, Committees and Panels;
- (n) To consider motions under Rule 6 in the order in which notice has been received;
- (o) To deal with comments and questions under Rule 9;
- (p) To consider other business, if any specified in the summons.
- (q) The order of business may be changed, insofar as it is statutorily possible, at the discretion of the Chairman or by motion passed without discussion. The motion need not be in writing.

Section 29

Budget and Policy Framework

Procedure Rules

PROCESS FOR DEVELOPING THE FRAMEWORK

- 1.1 The Council will be responsible for the adoption of its budget and policy. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

Pre-Adoption Policy

- 2.1 The Cabinet shall publicise in the Council's Annual Schedule of Meetings 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 Customers & Corporate Scrutiny Committee~~ and the Shadow Cabinet shall be consulted as part of this process.
- 2.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses received. The Managing Director (as Proper Officer) shall summons a Council meeting (called the First Council meeting) to consider the Cabinet proposals within 10 working days after the Cabinet have resolved on its proposals.
- 2.3 At least 5 working days prior to the First Council meeting any Political Group and/or any member of the Council shall advise the Managing Director of any alternatives to the Cabinet proposals which are to be presented at the First Council meeting. Each Political Group/Council Member shall only present one alternative proposal as a request for a referral back to the Cabinet by the Council. Such requests shall detail the reasons for the alternative/referral back to Cabinet and must have the effect of providing the Council with a "balanced budget" as determined by the S.151 officer. Any alternative proposals submitted will be circulated to all Councillors 4 working days before the First Council meeting.

The First Council Meeting

- 2.4 In reaching a decision, the Council may:-
- (a) Adopt the Cabinet's proposals as presented.
 - (b) Consider the previously advised alternative proposals (referred to in 2.3 above) as a request for a referral back of the proposals to the Cabinet for consideration.

Section 42

Members' Allowance

Scheme 2018-21

This document contains the scheme for Councillors' Allowances as approved by the Council for the period 1 April, 2018 to 31 March, 2021. Any amendment to the scheme requires the approval of the Council.

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4.4 As with the Basic Allowance, all Special Responsibility Allowances and Civic Allowances shall be increased by 2% for 2018/19 and index linked to any percentage changes in NJC Officer pay rates for 2019/20 and 2020/21.

5. RENUNCIATION

5.1 A Councillor may give notice in writing to the Managing Director to elect to forego any part of his/her entitlement to an allowance under this scheme. For clarification, this may include entitlement to an annual increase.

5.2 A Councillor must give notice in writing to the Managing Director to elect to forego any part of his/her entitlement, including any increases in Basic, Special Responsibility or Civic allowances payable under this Scheme. Any such request must also specify the rate of Basic, Special Responsibility or Civic allowance the Councillor concerned wishes to continue receiving (where applicable).

Section 32

Financial Regulations

1. INTRODUCTION

- 1.1 These regulations set out a minimum level of good financial practice which must be adopted by all Members and employees of the Council in relation to all of the financial affairs of the authority including partnership arrangements and particularly where the Council is the accountable body. Financial Management is the responsibility of all employees of the Council with the delegation of Financial Responsibility being directly linked to the delegation of functions and responsibilities (service provision) as detailed separately in the Constitution. The Regulations provide the control framework to be applied but are only concerned with financial matters, and therefore constitute only one of the aspects to be considered by employees in exercising their duties.
- 1.2 In this respect, particular (but not exclusive) attention should be paid to the following documents, which define the Council's overall control and main procedural environment. They are listed in the order of the precedence which should be followed in the event of any conflict between their provisions:
- a) European and National Law;
 - b) Financial Regulations (this document);
 - c) Procurement Regulations;
 - d) The Scheme of Delegations;
 - e) Emergency Planning Procedures; and
 - f) Other Council procedures, including elements of the Constitution not included above
- 1.3 The Council is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.
- 1.4 The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and one of their officers be responsible for the administration of those affairs. The Council's Constitution designates the Head of Finance as the Council's 'Section 151' Officer.
- 1.5 Under powers contained in the Local Government Finance Act 1982, the Secretary of State also makes regulations as to the accounts themselves and requires them to be audited. The "Accounts and Audit Regulations" require that the "Responsible Financial Officer" must determine and be responsible for the accounting systems and the form of both the accounts and all supporting records of the authority.

He/she must further ensure (by maintaining an effective and adequate internal audit) that rules so made are observed and that all records are maintained in a satisfactory manner. To conduct its business efficiently, a local authority needs to

ensure that it has sound financial management policies in place and that they are adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.

The Status of Financial Regulations

- 1.6 Financial regulations provide the framework for managing the authority's financial affairs. **They apply to every Member and employee of the Authority and anyone acting on its behalf.**
- 1.7 The regulations identify the financial responsibilities of the full Council, Members, the Chief Executive/Managing Director, the Monitoring Officer, the Section 151 Officer, Heads of Service and Service Managers/Budget Holders.
- 1.8 All Members and employees have a 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, properly authorised, provides value for money and achieves best value.
- 1.9 The Section 151 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;
 - Providing and issuing further advice, training and guidance in relation to how the financial regulations are to be implemented in context of the prevailing financial position of the Council and statutory or local deadlines;
 - He/she is also responsible for reporting, where appropriate, breaches of these Financial Regulations to the Council and/or to the members of the Cabinet and Audit & Governance Committee.
- 1.10 Managers are responsible for ensuring that all employees in their services are aware of and comply with the Authority's Financial Regulations and seek clarification on any issue that is uncertain or potentially conflicts with the regulations and/or supplementary advice and guidance.

Statement of Principles

- 1.11 The Council expects high standards of conduct from its Members and employees and those with whom it has dealings. As such, the Council's value of "Integrity" underpins these Financial Regulations.
- 1.12 Compliance with Financial Regulations will protect Members and employees in the event of potential allegations of wrongdoing. Failure to comply with the Financial Regulations may result in disciplinary action being taken.

The Principles

- 1.13 The Council is responsible for the stewardship of public money and will make arrangements to safeguard the interests of taxpayers and other stakeholders.

- 1.14 The Council expects its Members and employees to exercise high standards in financial management and administration.
- 1.15 The planning, monitoring and controlling the use of resources is of vital importance to the Council and it will make arrangements for these activities to be undertaken effectively.
- 1.16 Issues of probity will be dealt with effectively and the Council will work to meet its duty to maintain proper accounts and related records.
- 1.17 Value for money is at the core of the Council's financial activity and the way in which it administers its financial affairs.
- 1.18 Compliance with statutory requirements, accounting standards and appropriate codes of practice will be inherent in the Council's arrangements for financial matters.
- 1.19 Allocation of responsibility and authority in relation to financial matters will be clearly identified.
- 1.20 The Council is a large organisation and is mindful of the need for consistent standards in financial administration and management across all its operations and will set in place guidance to be adhered to by all its services. In particular, it expects staff to consult with and use all of the expertise in financial matters that it has available and act on advice from such sources.
- 1.21 The assets and resources of the Council must be protected from loss, damage and theft.
- 1.22 Identifying and quantifying risks to the Council is of key importance and arrangements must be made to reduce, eliminate or insure against them as appropriate.
- 1.23 The accurate, appropriate and timely payment and collection of monies forms much of the routine financial business of the Council and arrangements will be made for its proper administration.

Exceptions to Financial Regulations

- 1.24 Exceptions to Regulations 1 to 5 can only be authorised by the Council unless it is determined that an emergency situation exists. In the event of an emergency, the Chief Executive/Managing Director, Head of Service or Section 151 Officer, in consultation with the Leader or Deputy Leader of the Council can authorise an exception. The Section 151 officer may vary the provisions of Regulations 6 to 18, providing that the variation is evidenced in writing (one-off variation, or by the issuing of ongoing revised guidance through a Financial Guideline or Detailed Procedure Note to all relevant officers). In the latter case the changes will be reflected in the update to the Financial Regulations as part of the annual review of the Constitution.

2. THE RESPONSIBILITIES OF THE SECTION 151 OFFICER

- 2.1 The Section 151 Officer is a key member of the Leadership Team, helping it to develop and implement strategy and to resource and deliver the Council's objectives sustainably and in the public interest.
- 2.2 The Section 151 Officer must be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, and alignment with the Council's financial plan.
- 2.3 The Section 151 Officer must also lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
- 2.4 The Section 151 Officer will:
- a) determine the procedures for reporting to elected Members on financial matters incorporating the medium term financial plan, detailed budget preparation and monitoring of in-year spend against budget;
 - b) determine and issue any accounting and financial instructions considered necessary to supplement these regulations;
 - c) have the power to intervene in any area of the Council's financial activity to ensure the proper conduct of the Council's financial affairs;
 - d) determine the form of the accounts and supporting records of the Council;
 - e) determine the form of financial services and systems;
 - f) ensure that the financial implications of any grant application is correctly assessed pre submission
 - g) ensure that appropriate financial training is provided for employees of the Council.
- 2.5 The written approval of the Section 151 Officer is required to change or introduce any financial service, accounts or supporting records and systems that integrate or form a fundamental part of the authority's financial records.
- 2.6 The Section 151 Officer is also responsible for maintaining a continuous review of the Financial Regulations and recommending updates as appropriate.

3. THE RESPONSIBILITIES OF HEADS OF SERVICE / ALL MANAGERS¹

- 3.1 The responsibility for the management of the financial aspects of service provision is, within the framework of Financial Regulations, delegated to Heads of Services and Managers.
- 3.2 If Managers are unclear about any aspects of these regulations or their interpretation, they must seek clarification from the Section 151 Officer or their representative. Failure to comply with them may result in maladministration or an illegal act, which might be the subject of an investigation by, for example, the Monitoring Officer, Internal Audit, External Audit, the Local Government Ombudsman and/or the Police.
- 3.3 Managers are advised to consider whether any action they wish to take on behalf of their own service may conflict with the interests of another service. If this is the case, the Chief Executive/Managing Director and the Head(s) of Service(s) for the services involved must be advised in advance. If the Chief Executive/Managing Director and Head of Service considers that there is a conflict, then he/she will determine the course of action to be taken.
- 3.4 All managers are responsible for ensuring that all employees in their service are aware of the existence and contents of the Financial Regulations and that they comply with them. The Financial Regulations apply to all employees of the Council.
- 3.5 In order to ensure that the financial affairs of their services are properly maintained, all Managers will:
- a) ensure that the scheme of Financial Delegations for their services is maintained up to date;
 - b) be accountable for the security of all resources (including cash and keys) and assets within their area of responsibility;
 - c) report any thefts or losses of Council assets or income;
 - d) to plan, account for, monitor and control their budget;
 - e) ensure value for money is achieved in the delivery of all services;
 - f) consult with the Section 151 Officer on any issue that impacts, or could potentially, upon the financial affairs of the Council;
 - g) ensure that effective internal control procedures are in place for their service area;

¹ For the purposes of these Financial Regulations all references to Managers includes Heads of Services and Service Managers

- h) maintain any accounts and records under their control to the standard required by these regulations and any directions issued by the Section 151 Officer;
- i) ensure that their staff are aware of these regulations and their significance, and that they have access to copies;
- j) ensure that the written permission of the Section 151 Officer is obtained before the establishment of any unofficial or voluntary funds under the control of a Council employee in their official capacity, and that such funds are subject to audit as prescribed by the Chief Internal Auditor.
- k) Ensure the written approval of the Section 151 Officer is obtained before a bid or application; grant claim etc. is submitted for any external funding (revenue and capital);
- l) facilitate the Chief Internal Auditor or their authorised representatives to:
 - enter at any time onto any premises or land used or owned by the Council without necessarily giving prior warning;
 - have access to any information that they require in order to carry out their duties, including access to all records, correspondence and computer systems;
 - make checks and seek explanations as they consider necessary;
 - require any employee to produce cash, stores or other Council property under their control, and to remove the same for a short period, having consulted with the appropriate Head of Service regarding the needs of the Council for the ongoing provision of services.

4. AUTHORITY TO SPEND MONEY - CAPITAL

- 4.1 All Council expenditure is deemed to be revenue expenditure, to be met in the year of account in which it is incurred, unless it is specifically deemed to be capital expenditure by the Council by inclusion in an approved capital programme.
- 4.2 Capital programmes for a 3 year period are determined and approved (by Full Council) as part of the annual Budget Setting process. Inclusion in year will only take place in exceptional circumstances and will require full Council approval.
- 4.3 Before expenditure can be included within the Council's capital programme it must:
 - a) Be planned to be spent on an item of lasting nature, having benefit to the Council for more than one year;
 - b) Have a gross cost, including fees, in excess of £20,000.

- 4.4 Inclusion within an approved capital programme does not confer authority to spend but simply earmarks future expenditure for a scheme level. Any scheme in the Capital Programme will require permission to spend to be approved by Cabinet and will be subject to key milestones being in place/delivered such as Planning Permission; External Funding approval etc. A separate Capital Budget will exist which will analyse expenditure over the duration of the scheme for approved schemes only. If no commitment to spend is made within a 3 year period; the programmed spending will be removed from the Capital Programme.
- 4.5 Cabinet approval will be required to change the use of a previously approved capital expenditure scheme.
- 4.6 Schemes will be designated 'stage 1' (approved and uncommitted) and 'stage 2' (approved and committed) in the published multi-year Capital Programme and the annual Capital Budgets for clarity. Stage 1 confers approval in principle only and stage 2 confers full approval to spend.
- 4.7 The Section 151 Officer will issue detailed procedures regarding capital expenditure, including annual procedures and timetables, monitoring requirements and outturn reporting which must be adhered to as part of these regulations.
- 4.8 Sums within the Capital Budget may be vired between approved schemes and moved between financial years by the Cabinet, providing that the corresponding funding can also be transferred. Any approved amounts within schemes included in the Capital Budget remaining unspent at the end of a financial year may be carried forward to the following year by a Head of Service, providing that the Head of Service has:
- (i) Satisfied themselves that the funding for the scheme will transfer to the following year.
 - (ii) Ensured that no additional expenditure will fall to the Council as a result of the delay.
 - (iii) Notified the Section 151 Officer within 30 days of the year end that the scheme is subject to rollover, and of the revised timetable for implementation.

5. AUTHORITY TO SPEND MONEY - REVENUE

- 5.1 Managers must prepare a revenue budget of income and expenditure in accordance with the timetable issued by the Section 151 Officer and in the form required by the Section 151 Officer.
- 5.2 The Section 151 Officer will, after consultation with the relevant Head of Service, prepare a detailed budget for each service area having taken into account the submissions of managers; the priorities of the Council and the resources available to the Council that determine a balanced budget in accordance with the Council's Budget and Policy Framework.

- 5.3 No money can be spent out of that budget until the budget has been approved by the Council.
- 5.4 Money may be spent on any item considered by the appropriate Manager to be reasonably required to carry out the policies of the Council and at any time in the financial year concerned provided that:

- a) The expenditure is in accordance with the budget; and,
- b) The item concerned is fit for the purpose, and,

EITHER

- Enough money has been provided in the budget for the item;

OR

- Enough money can be transferred (vired) from another budget, subject to the virement rules set out below.

- 5.5 Money may be transferred (vired) from one revenue budget to another, subject to the following approvals:

1. Within the same cost centre:

Service Manager	up to £10,000 where Council policy is not changed and no increase in costs will result in future years
Head of Service and the Section 151 Officer (Jointly)	no limit, where Council policy is not changed and no increase in costs will result in future years
Council	no limit, where Council Policy is to be changed.

2. Between Cost Centres within the same Service (as designated within the Approved Budget Booklet):

Service Manager	Up to £10,000 where Council policy is not changed and no increase in costs will result in future years
Head of Service and the Section 151 Officer (Jointly)	no limit, where Council policy is not changed and no increase in costs will result in future years
Council	no limit where Council Policy is to be changed.

3. Between Services within the same Portfolio and Head of Service:

Both Service Managers and the Head of Service	up to £10,000 where Council policy is not changed and no increase in costs will result in future years
Head of Service and the Section 151 Officer (Jointly)	no limit, where Council policy is not changed and no increase in costs will result in future years.
Council	no limit where Council Policy is to be changed.

4. Between services under different Heads of Service:

Both Head of Services, plus the Section 151 Officer	no limit, where Council policy is not changed and no increase in costs will result in future years.
Council	no limit where Council Policy is to be changed.

5.6 In conjunction with the above, the following overriding principles shall apply:

- a) Virements between the General Fund; Housing Revenue Account; Collection Fund or any other “Funds” shall not be permitted under any circumstances;
- b) The employee budget is “ring fenced” meaning that funds cannot be transferred in or out of employee budgets without the Section 151 Officer’s prior approval;
- c) All employees shall inform the Section 151 Officer in writing of all virements approved by them within five working days, and the reason for the transfer;
- d) The Section 151 Officer will keep an up-to-date record of the Council’s “approved budget”, including all agreed virements and will inform the relevant delegated officer of any changes to such budgets;
- e) The Council shall specify any budget head against which no virement should be made without its express approval;
- f) Cabinet may specify any budget head against which no virement should be made without their express approval;
- g) Leadership Team may specify any budget head against which no virement should be made without their express approval;
- h) The Section 151 Officer may make any virement resulting from changes in accounting practices which do not affect Council policies or result in an overall increase in Council expenditure, and may amend the budget and other accounting records accordingly.

5.7 The ‘roll-over’ of budgets is defined as the carrying over from year to year of unspent or overspent balances into succeeding years.

- 5.8 A formal request is required for the rollover of any budget heading whereby the rollover is greater or equal to £2,500. Where additional income (other than grant funding) has been received this would not normally be considered for rollover as this is not part of a change in planned spending but fortuitous income.
- 5.9 Any unspent or overspent sums within the 'supplies and services' revenue budgets, or other budgets specifically agreed by the Section 151 Officer, shall be carried forward ('rolled-over') and added to or subtracted from the subsequent year's budget except:
- a) Where virements have been made into a budget head, any under spending as a result of sums vired shall not be rolled-over;
 - b) The total of underspends rolled-over from a 'budget page' shall not exceed the total underspending by the 'budget page' under all controllable budget heads.

The carry over of a budget for more than one year i.e. any roll-over that relates to a previous year roll-over, will require approval regardless of the amount concerned.

- 5.10 Special rules apply to employee budgets:
- a) Employee costs will only be included in the budget where the post is included in the approved establishment and at the grade included in the approved establishment;
 - b) New posts may only be created in the establishment where there is sufficient budgetary provision; as contained in the employee budget and approval of the Section 151 officer sought.
 - c) Where posts are re-graded, the additional costs of the re-grading and the source of additional funding must be approved by the Section 151 officer.
- 5.11 In general, any budgets consistently under or over spending will be reviewed as part of the budget setting process, to ensure that the Council's budgets match the Council's priorities as closely as possible.

6. TRADING ACCOUNTS

- 6.1 Certain parts of the Council "trade" with third parties where the Council has the legal powers to undertake such work on the basis of true commercial competition. Services to be classed as trading accounts will be as determined by the Section 151 Officer in conjunction with the Head of Legal Services, The circumstances surrounding these "trading accounts" are such that a modified form of accountability is needed.
- 6.2 In circumstances where it is permitted by legislation, the Head of Service responsible for the trading account will also be permitted to submit tenders for work outside the Council up to a total cumulative value of 10% of an individual trading account's annual turnover. Any tenders which could cause the total to

exceed this sum will need approval by the Council. If successful, the Head of Service will be responsible for:

- approving the contractual arrangements for any work undertaken by their services for third parties or external bodies;
- Maintaining a Register of contracts;
- Ensuring that the appropriate expertise exists to fulfil the contract;
- Ensuring that no contract adversely impacts upon the services provided by the Council and that appropriate insurance arrangements are in place and the financial standing of the organisation is assessed;
- authorised to incur expenditure in accordance with the tender.

6.3 This section thus overrides the provisions for virement and roll-over contained in section 0 above. All other provisions of the section will, however, apply.

6.4 As part of the Council's budget, a "target" will be established for each trading account as the surplus or deficit for the year on a "full cost²" basis. The Target will reflect the cost of service provision for the Council and the external trading activities undertaken.

6.5 The Head of Service responsible for a trading account will be expected to manage the income and expenditure of the trading account at such a level that the target or a favourable variance is achieved. A schedule of additional contracts entered into in the financial year will be forwarded to the Section 151 Officer as soon as practically possible to ensure the Trading account Budgets are updated accordingly. The service will be charged with the marginal costs of additional service provision, unless a contract requires a change in the level of support services required.

6.6 Unless otherwise required legally, 50% of all "surpluses" received above target will be paid into General Fund reserve accounts, with the remaining 50% carried forward to invest in the service or offset any potential deficits on individual trading accounts in future years. Any "deficits" would be initially charged against surpluses held in reserve in respect of the service incurring the deficit. Beyond this amount, targets for the service would be increased in subsequent years in order to recover the deficits made.

7. BANKING & TREASURY MANAGEMENT AND TAXATION ARRANGEMENTS

7.1 The Section 151 Officer has a personal fiduciary duty in respect of all monies of the Council and shall determine how decisions are made in respect of banking, borrowing, investment, and financing, in accordance with:

- a) CIPFA's "Code for Treasury Management in Local Authorities"; and;

² Full cost includes all charges to a trading account, including internal recharges and capital charges.

- b) the Council's own Treasury Policy Statement as approved from time to time by the Council, and its Treasury Strategy Statement, as approved annually by the Council.
- 7.2 The Section 151 Officer must report at least twice annually to the Council and the respective Monitoring Committee for treasury management activities and decisions implemented in the form of a mid-year review and an annual report.
- 7.3 The Section 151 Officer shall have sole discretion to determine whether assets should be leased, rented or acquired by any other form of deferred payment. No lease, rental or other form of deferred payment may be entered into without the written authority of the Section 151 Officer, other than:
- a) property leases authorised by the Head of Service responsible for the property;
 - b) plant and equipment, which may be hired by a Manager for a continuous period not exceeding twelve months.

In both such cases budgetary provision must exist for the lease or rental payment.

- 7.4 All discussions and negotiations with HM Revenue and Customs on taxation related matters should be undertaken by the Section 151 Officer, who shall also arrange for the completion of all taxation related returns on behalf of the Council. The Head of Human Resources has delegated authority to liaise with HM Revenue and Customs in respect of payroll issues only.
- 7.5 Banking arrangements and the handling of cheques, electronic payments or other instruments of payment must be in accordance with standards and procedures determined by the Section 151 Officer. In particular:
- a) Only the Section 151 Officer may approve the setting up of any bank account associated with the Council in relation to its own affairs/partnership arrangements or accountable body and any variation to banking arrangements including direct debit mandates (a bank is termed to be any financial institution, bank or building society). A new bank account can only be created following a written request to the bank by two designated bank signatories.
 - b) Cheques produced as output from the Council's computerised financial systems bear the printed signature of the Section 151 Officer. No further signature is required except for a second authorised signature for cheques exceeding **£50,000**.
 - c) Any alterations to a cheque must be initialled by an authorised signatory.
 - d) The opening of cheques for cash is to be authorised in exceptional circumstances only and must be in accordance with the Cheque Opening Guidelines issued by the Section 151 Officer.
 - e) No employee shall arrange to make payments from any Council bank account other than in accordance with these regulations.

- f) New Purchase Cards will only be issued by the Council's bankers upon approval of the Section 151 Officer.
- g) The use of Purchase Cards (Government Procurement Cards) must be in accordance with the Purchase Card Guidelines issued by the Section 151 Officer.

8. FEES & CHARGES AND INCOME COLLECTION

- 8.1 All managers must review their fees and charges at least annually, having regard to any general policy on fees and charges agreed by the Council and the guidelines issued by the Section 151 officer as part of its annual budget setting strategy.
- 8.2 Heads of Services have authority to set fees and charges at the level considered most appropriate to secure the achievement of the approved income budget for the service concerned, except where the level of fees and charges are set by an outside body, or where the power has been specifically reserved by the Council. Any fee or charge set by a Head of Service should not have an adverse impact on the service's overall budget.
- 8.3 Council approval will be required for any proposed change in fees and charges if an adverse impact on current or planned income budgets outside that anticipated in the Medium Term Financial Strategy is expected to result.
- 8.4 All changes to fees and charges must be notified in writing to the Section 151 Officer before implementation.
- 8.5 Managers are responsible for ensuring that:
 - Fees and Charges correctly identify whether the charge is liable for VAT in accordance with current VAT regulations;
 - Any charge indicates whether it is inclusive or exclusive of VAT;
 - VAT is charged correctly when raising invoices or collecting income.
- 8.6 If Managers are unclear about any aspects of VAT requirements, they must seek clarification from the Section 151 Officer or their representative.
- 8.7 Managers are responsible for complying with any procedures and standards approved by the Section 151 Officer for the collection, custody, control and banking of money due to the Council.
- 8.8 Managers are responsible for ensuring that income is paid fully and promptly into the Council's bank account in the form in which it is received. Paying in slips must be completed to evidence the banking and provide an audit trail.
- 8.9 All amounts due should be collected in full **in advance of service provision where possible** by the following payment methods:

- Direct Debit;
 - Cheque;
 - Credit or debit card.
- 8.10 The following payment options are available for customers wishing to make a payment:
- in person at the point of service provision/sale;
 - by telephone, assisted by the Council's Contact Centre staff;
 - by telephone via the Council's automated telephone payment system;
 - via the internet using the links to the Council's internet payment system on its website.
- 8.11 Where it is not possible to obtain payment in advance of service provision, Managers are responsible for ensuring that an invoice for the amount due is raised promptly in the Council's finance system.
- 8.12 Invoices should be avoided wherever possible for sundry debts below the value of £20.00 and the income should be collected in advance of a service being provided by the Council.
- 8.13 Managers are responsible for following the Council's Joint Credit Control Policy so that appropriate recovery procedures are followed for debts that are not paid promptly, including legal action where appropriate.
- 8.14 Managers are responsible for assisting the Section 151 Officer in collecting debts that they have originated, by providing any further information and appropriately signed documentation required by the Debtors Officer (Finance Section).
- 8.15 Where a situation arises after the raising of any invoice, that the invoice appears not to be valid, the invoice may be cancelled by the Section 151 Officer, on recommendation of the appropriate Head of Service.
- 8.16 Where debts are due and have actively been pursued, but remain unpaid, the Section 151 Officer is authorised to write-off bad debts up to **£2,500.00** on recommendation of the appropriate Head of Service. The Section 151 Officer will report to Cabinet the number and value of debts written off in this way.
- 8.17 For debts over **£2,500.00**, outstanding amounts may, on recommendation of the Section 151 Officer, be referred to the Cabinet for consideration for write off.

9. ESTATES

- 9.1 The ownership of all of the Council's properties shall be vested in the Cabinet, except those properties legally required to be held elsewhere.

9.2 The Property Officer, as determined by the relevant scheme of delegation, will act in the capacity of “landlord” for all of the Council’s properties as vested in the Cabinet and will:

- maintain a register of all properties owned by the Council, the service of the Council currently using the property, the purpose for which it is held, extent and plan reference, purchase details, latest valuation, particulars of nature of interest and rents payable and particulars of tenancy granted, together with such other further details as may be found useful after consultation with other Heads of Services;
- ensure that appropriate insurance arrangements are in place for all properties

9.3 The Council’s Solicitor (or other such person nominated by the Council’s Solicitor in writing) shall ensure the safe custody of all title deeds.

10. STOCK AND INVENTORIES

10.1 In order to ensure that the financial affairs of their services are properly managed, Managers will be accountable for the security of all resources and assets within their area of responsibility.

10.2 Any Manager who holds items for future consumption, other than normal “office consumables”, such as paper, pens, or computer consumables, must inform the Section 151 Officer, who must then determine whether the provisions of these regulations will apply. All items for which such a determination has been made are referred to as either “stock” or “inventory” for the purposes of these regulations.

10.3 Stocks should be kept at a minimum level consistent with meeting service needs and having regard for obtaining the best value for the authority.

10.4 Inventories shall be maintained by each Manager in accordance with the procedures approved by the Chief Internal Auditor. (The Head of Technology is responsible for ensuring that an appropriate inventory is maintained detailing all IT equipment and Software of the Council.

10.5 The Council’s assets shall not be removed otherwise than in accordance with the ordinary course of the Council’s business or used otherwise than for the Council’s purposes except where a specific arrangement has been approved and evidenced in writing by the appropriate Head of Service.

10.6 Managers will be responsible for the accuracy of their services’ stock and inventory records, and will ensure that appropriate checks are made regarding their accuracy. As a minimum, checks should be carried out annually.

10.7 For the purposes of these regulations, it is not necessary to maintain an inventory for items whose aggregate value is below £50.00.

10.8 An annual statement of quantities in stock as at 31 March, together with a valuation, must be supplied to the Section 151 Officer, certified by the responsible

Manager, no later than two weeks after the end of the financial year, unless a specific exemption has been agreed in writing between the Section 151 Officer and the Manager concerned. Where, in the view of the Section 151 Officer and the responsible Manager, the stock holding is of sufficient value, the responsible Manager will be required to make arrangements for stocktaking at least annually or alternatively that an independent stocktaking valuation certificate is obtained.

- 10.9 Any stock adjustments must be approved by the appropriate Manager and reported immediately to the Section 151 Officer.
- 10.10 Losses or thefts of stock or inventory items must be reported to the Chief Internal Auditor as soon as practicably possible.
- 10.11 Managers must be able to demonstrate that the disposal of surplus stocks and stores and inventory items, employees have followed the procedures approved by the Chief Internal Auditor.

11. ORDERS FOR WORKS, GOODS AND SERVICES AND PAYMENT OF ACCOUNTS

- 11.1 All purchases of goods, service or works should be made in accordance with the Procurement Regulations.
- 11.2 The ordering of, and payment for, goods and services shall only be undertaken in the format and using procedures approved by the Section 151 Officer. All work, goods or services to be supplied to the Council shall be ordered via the Council's electronic purchase ordering system, reflecting the "No Purchase Order No Pay" policy of the Council. Standing exceptions only exist for procurement card purchases, petty cash payments and work which is part of a formal contract. Requests for other exceptions must be approved by the Section 151 Officer.
- 11.3 Orders for goods and services shall not be issued unless the expenditure is included in an approved estimate or other specified financial provision.
- 11.4 No employee should enter into an agreement to make a payment other than in accordance with these regulations, though the Section 151 Officer is authorised to give written approval to the variation of this section where necessary for the efficient conduct of the Council's activities.
- 11.5 Apart from payments from advance accounts (see Regulation 12) or utilisation of Purchasing Cards, the normal methods of payment of money due from the Council shall be by BACS, or by single crossed cheque drawn on the Council's Bank account in accordance with the Council's scheme. No other method of payment including direct debits, standing orders or any form of deferred payment such as leasing or rental shall be used without the written approval of the Section 151 Officer.
- 11.6 The appropriate Manager, or such other employee authorised by him/her in writing in accordance with the scheme of Financial Delegations, shall be authorised to

approve payment of supplier invoices, having satisfied themselves that, save to the extent that the Section 151 Officer may otherwise approve:

- a) The work, goods or services to which the account relates have been received, carried out, examined and approved, both as to quantity and quality by another authorised officer;
- b) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct, having been checked against prior quotes, tenders or price lists by another authorised officer;
- c) The relevant expenditure has been properly incurred and can be met from the relevant budget;
- d) Appropriate entries have been made in inventories, stores records or stock books as required;
- e) The account is an original, rather than any form of copy, has not been previously passed for payment and is properly due from the Council.

11.7 Accounts shall be certified without delay in the format, and with any supporting documentation, specified in guidance approved by the Section 151 Officer, who shall be entitled to make such enquiries and to receive such information and explanations as he may require.

11.8 Incorrect supplier invoices should not be amended by Council employees. They should be returned to the supplier with a request to provide an invoice for the correct amount or a credit note. Where the item of expenditure is subject to VAT either:

- A VAT invoice is obtained to ensure that the appropriate amount can be recovered; or
- A VAT receipt is obtained and forwarded to the Chief Finance Officer.

11.9 In exceptional certain circumstances, it will be necessary to make payments to external bodies where the placement of an order is not possible, and no invoice will be submitted to the Council for payment. The Section 151 Officer will maintain a list of items falling into this category, which must be authorised for payment using the appropriate "payment request" forms instead of a supplier invoice. In all other respects, these payments must be processed in the same way as payments to suppliers.

11.10 In circumstances approved by the Section 151 Officer, the authority for approving accounts for payment shall fall to the Head of Service responsible for the payment, provided that an order has been electronically generated within the Council's finance system and that the goods or services ordered have been satisfactorily goods receipted in the system.

11.11 The Manager responsible for the order will be responsible, at the time of placing the order or noting receipt of the goods as appropriate, to satisfy themselves that:

- a) The order placed has been fully priced within the Council's finance system;
- b) The work, goods or services to which the order relates have been received, carried out, examined and approved, both as to quantity and quality and that the goods have been notified as "received" in the Council's finance system to certify that this is the case;
- c) The relevant expenditure has been properly incurred and is within the relevant budget;
- d) Appropriate entries have been made in inventories, stores records or stock books as required.

11.12. The Principal Accountant – Exchequer Services responsible for the payment invoices will, before paying any sums due in this way, shall satisfy themselves:

- a) The work, goods or services to which the account relates have been recorded within the Council's approved system as received or carried out;
- b) The priced account is in accordance with the priced order, subject to any tolerance that may be approved by the Section 151 Officer;
- c) Any request for payment which is not in accordance with the requirements above is specifically approved by the Head of Service in addition, and that this is recorded within the Council's system;
- d) The account is an original, rather than any form of copy, has not been previously passed for payment and is a proper liability of the Council.

11.13 No employee shall certify any account for payment where that employee is to benefit from the payment. In such cases an independent certification must be obtained

12. ADVANCE ACCOUNTS

12.1 Heads of Services shall provide such advance accounts or floats as considered appropriate for such employee of the Council as may need them for the purposes of defraying petty cash and other expenses, subject to the approval of the Section 151 Officer should such an advance exceed **£500**. Such accounts shall be maintained on the imprest system and will be identified as "advance" accounts.

12.2 The conduct of advance accounts or floats must be in accordance with instructions approved by the Chief Internal Auditor, and should not, in particular, be used as a means of circumventing other parts of these regulations. No income received on behalf of the Council may be paid into an advance account, but must be banked or paid to the Section 151 Officer as provided elsewhere in these regulations.

12.3 Any employee responsible for an advance account or float shall, if so requested, give to the Section 151 Officer a certificate of the value of the account.

- 12.4 On leaving the employment of the Council, or otherwise ceasing to be entitled to hold an advance account or float, an employee shall account to the relevant Head of Service for the amount advanced to him/her.
- 12.5 Any discrepancy in relation to an Advance Account must be reported without delay to the Section 151 Officer.

13. SALARIES AND WAGES

- 13.1 The payment of all salaries, wages, compensation, allowances and other emoluments to all Members, employees or former employees of the Council shall be made by the Head of Human Resources under arrangements approved by the Section 151 Officer. The Head of Human Resources shall have the power to make changes to such payments reflecting changes in local or national pay rates or conditions of service. Such payments shall be made by BACS, unless otherwise agreed in writing by the Section 151 Officer.
- 13.2 The Head of Human Resources shall retain records of all matters affecting the payment of such emoluments and in particular:
- a) Appointments, resignations, dismissals, suspensions, secondments and transfers;
 - b) Absences from duty for sickness or other reason which may affect payment;
 - c) Changes in remuneration;
 - d) Information necessary to maintain records of service for pension, income tax and national insurance.
- 13.3 Appointments of all employees shall be made in accordance with the Council's Scheme of Delegations and the approved grades and rates of pay.
- 13.4 All individuals who undertake work for the Council will be paid under arrangements determined by the Head of Human Resources in accordance with the Council's guidelines.
- 13.5 All time records or other documents shall be in a form approved by the Section 151 Officer and shall be certified by or on behalf of a Manager by an Officer so approved in accordance with the scheme of Financial Delegations.

14. TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES

- 14.1 All claims for payment of car allowances, subsistence allowances, travelling and training and other expenses shall be submitted to the Head of Human Resources in a format approved by the Section 151 Officer, duly certified by an authorised employee in accordance with the scheme of Financial Delegations.
- 14.2 A schedule of applicable rates will be maintained by the Head of Human Resources.

- 14.3 The certification by or on behalf of the Manager shall be taken to mean the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 14.4 Claims must be submitted on a monthly basis for the previous month's expenses. Any claims that cover a back dated period in excess of three months will require the special approval of the Section 151 Officer before payment.
- 14.5 All claims received by the notified monthly deadline will be paid with that month's salary. Claims must be accompanied by appropriate receipts to evidence expenditure incurred.
- 14.6 Employees who are required to use their private vehicle for work purposes on an ad hoc or regular basis must ensure that their car is insured for business use.
- 14.7 Managers must check, at least once a year, that their employees who are required to use their private vehicle for work purposes on an adhoc or regular basis have:
- a) valid car insurance for business use; and
 - b) a valid driving licence.
- 14.8 Payment of Members' travelling or other allowances will be made by the Head of Human Resources on receipt of the appropriate form duly completed and submitted by the Member. All claims received by the notified monthly deadline will be paid with that month's basic allowance.
- 14.9 The Section 151 Officer shall be responsible for determining the Council's scheme for car loans and its operation. The Section 151 Officer shall be responsible for updating and approving the interest rate payable on car loans.

15. RISK & INSURANCES

- 15.1 Managers will be responsible for supporting the delivery of the Council's Risk Management Policy and Strategy.
- 15.2 Managers should notify the Insurance Officer of the extent and nature of all new insurable risks and any alteration affecting existing insurance risks.
- 15.3 Managers shall notify the Insurance Officer³ of all appropriate employees of the Council to be included in suitable fidelity guarantee insurance.
- 15.4 The Insurance Officer shall effect all insurance cover in respect of insurable risks, including fidelity guarantee insurance, in consultation with the Section 151 Officer.

³ The "Insurance Officer" for the purposes of these regulations shall be the service manager who has responsibility for the Insurance function within their job description

- 15.5 Managers shall give prompt notification to the Insurance Officer in writing of any loss, liability or damage or any event likely to lead to a claim, and, inform the police in appropriate cases.
- 15.6 The Insurance Officer shall undertake all liaison with the Council's insurers in respect of the negotiation and payment of all claims in consultation with Heads of Services where necessary.
- 15.7 No Council Member or employee shall be permitted to discuss or admit liability to a third party, other than the Insurance Officer, in consultation with the Council's Solicitor where appropriate, in the course of settling a claim.
- 15.8 Managers shall provide the Insurance Officer with the information available to deal with any claim arising.
- 15.9 Where claims under the Council's public liability policy fall below the excess limit, and the Manager concerned has accepted liability, the Insurance Officer in shall consider, negotiate and make any payment due in settlement of the claim.
- 15.10 Formal indemnity can only be granted by the Council's Solicitor in consultation with the Insurance Officer.
- 15.11 The Insurance Officer shall annually, or at such other period as they may consider necessary, review all insurances in consultation with Managers as appropriate.

16. THE POWERS AND DUTIES OF INTERNAL AUDIT

- 16.1 Internal Audit is an assurance function that primarily provides an independent and objective opinion to the Council on its governance arrangements and internal controls.
- 16.2 Managers, and not Internal Audit, have ultimate responsibility for ensuring that internal controls throughout the Council are adequate and effective. This responsibility includes the duty to continuously review internal controls and ensure that they remain suitable in design and effective in operation. The existence of Internal Audit does not diminish the responsibility of management to establish and maintain systems of internal control to ensure that activities are conducted in a secure, efficient and effective manner.
- 16.3 The Chief Internal Auditor and the Section 151 Officer have a responsibility for ensuring that the Council has an adequate and effective internal audit service in operation in accordance with Section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2015.
- 16.4 The work of the Internal Audit Section will be performed with due professional care and in accordance with the Accounts and Audit Regulations 2015, the Public Sector Internal Audit Standards (PSIAS) and any subsequent guidance that updates or replaces these.
- 16.5 The Chief Internal Auditor will fulfil the role and responsibilities of the "Chief Audit Executive" as set-out in the PSIAS.

- 16.6 In order to perform their duties, the Chief Internal Auditor or their nominated representatives have authority to:
- a) enter at all reasonable times, any Council premises or land;
 - b) have access to all records, documents, correspondence and computer systems relating to the Council and its activities;
 - c) require and receive such explanations as necessary concerning any matter under examination;
 - d) require any employee of the Council to produce records, cash, stores or any other Council property under their control, necessary to carry out their duties.
- 16.7 Where necessary such rights of access may be called upon and should be granted to Internal Auditors on demand and not subject to prior notice or approval. All employees are required to assist Internal Audit in fulfilling its roles and responsibilities.
- 16.8 For Internal Audit to fulfil its responsibilities effectively, it must be independent of the activities it audits. In order to achieve this, it should not be involved, as a matter of routine, in the operation of procedures or financial services within the Council. Where the Chief Internal Auditor's independence is comprised this must be agreed with the Section 151 Officer and suitable alternative arrangements put in place.
- 16.9 The Chief Internal Auditor has the right to direct access to: the Section 151 Officer; Chief Executive/Managing Director; Heads of Services; Chair of the Audit & Governance Committee; Leader of the Council; and External Auditors, where it is deemed necessary.
- 16.10 Internal Audit supports the Section 151 Officer in carrying out their statutory duty to providing an effective system of internal control at the Council. Internal Audit shall report any significant control weaknesses in systems to the appropriate Head of Service and the Section 151 Officer. If action is not taken within the time specified by the Chief Internal Auditor, escalation procedures will be commenced, including reporting the matter to the Head of Service, the Monitoring Officer, the Head of Governance and Corporate Services, Section 151 Officer, Chief Executive/Managing Director, Head of Service and/or the Council's Audit & Governance Committee.

17. FRAUD & IRREGULARITIES

- 17.1 Managers are responsible for establishing procedures to prevent and detect fraud occurring within their service area.
- 17.2 Any Officer who suspects that these regulations have been or may be breached, that any financial records may have been falsified or that resources of the Council have been or may be stolen, must immediately notify the Head of Governance and Corporate Services, Section 151 Officer or the Chief

Internal Auditor.

- 17.3 The Chief Internal Auditor in consultation with the Section 151 Officer⁴ will be responsible for involving the Police in any matters relating to fraud or breaches of these regulations.
- 17.4 Where there is a suspicion that Money Laundering may be occurring, the Chief Internal Auditor or Head of Governance and Corporate Services must be informed immediately and the Council's Money Laundering Framework must be followed.
- 17.5 The Chief Internal Auditor, in consultation with the Section 151 Officer⁵, shall take such steps as he/she considers necessary by way of investigation, reporting and commencement of disciplinary procedures for all cases of fraud/irregularity.
- 17.6 The Section 151 Officer shall have the right to be represented and give evidence at any proceedings under the Council's disciplinary procedures relating to any employee breaching the Council's Financial Regulations.
- 17.7 At an employee's option, the processes in paragraph 17.1 may be replaced by the provisions of the Council's Confidential Reporting Framework or the Council's Anti-Fraud and Bribery Framework.

⁴ In the absence of the S151 Officer, the Monitoring Officer or the Head of Governance and Corporate Services will be consulted

⁵ As for footnote 4 above

ANNEX**Values Referred to within Financial Regulations**

Paragraph	Item	Value
5.5	Limit on virement authority for items within the same Service, Service Division and fund.	£10,000
7.5	Threshold above which second signature is required for cheques produced as output from the Council's computerised financial systems	£50,000
	Threshold above which second signature is required for manually produced cheques.	£5,000
8.12	Threshold below which sundry debtor invoices should not be raised.	£20
8.16	Maximum individual debt that can be written off by Section 151 Officer.	£2,500