



Listening Learning Leading



Constitution

of South Oxfordshire District Council and Vale of White Horse District Council

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PART 1: SUMMARY AND EXPLANATION

Summary and explanation

The councils' constitution

1. South Oxfordshire and Vale of White Horse district councils have agreed a constitution which sets out how the councils operate, how decisions are made and the rules and procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, whilst others are a matter for each council to choose.
2. The constitution is for the benefit of people who use council services, those who do business with the council, councillors and officers.

What's in the constitution?

3. The constitution is divided into three sections:
 - Summary and explanation – this section sets out how the councils operate.
 - Decision making – this section sets out how decisions are made including the remit of Cabinet and each of the councils' committees, details of the councils' decision making mechanisms and a scheme of delegation setting out who is responsible for taking which decision.
 - Codes, protocols and procedure rules – this section sets out the expected standards of behaviour for officers and councillors and includes financial, contracts and officer employment procedure rules.

How the councils operate

COUNCILLORS

4. South Oxfordshire District Council is made up of 36 councillors and Vale of White Horse District Council is made up of 38 councillors elected every four years with elections due in May 2023. Councillors are elected for an area known as a 'ward' and are democratically accountable to residents of their ward, but they also have an overriding duty to the whole community, including people who did not vote for them.
5. All councillors will:
 - (a) collectively be the ultimate policy-makers and carry out a number of strategic functions;
 - (b) represent their communities and bring their views into the council's decision-making process, i.e. become the advocate of and for their communities;
 - (c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (d) balance different interests identified within the ward and represent the ward as a whole;
 - (e) be involved in decision-making;
 - (f) be available to represent the council on other bodies; and
 - (g) maintain the highest standards of conduct and ethics.

6. Councillors have the right to access council documents, information, land and buildings that they need to carry out their functions. Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. Councillors who are not members of a committee may attend committee meetings, including where confidential or exempt information is being discussed.
7. Councillors must follow the councillors' code of conduct and the protocol on councillor/officer relations set out in part 3 of this constitution to ensure high standards in the way they undertake their duties. The Joint Audit and Governance Committee oversees the code of conduct and complaints arising.
8. Councillors are entitled to allowances and expenses, in accordance with the councillors' allowances scheme as set out in part 3 of this constitution that have been determined by each Council after considering a report by an Independent Remuneration Panel (consisting of people who are not councillors).
9. All councillors meet together as the Council, at meetings that are normally open to the public. Here, councillors decide the council's policy framework and set the budget each year.
10. Both councils operate a leader and executive model of governance. This means each council elects its own leader every four years. He/she then appoints up to nine other councillors to form the Cabinet, one of whom will be the deputy leader. The leader and deputy leader will act as chair and vice-chair respectively of the Cabinet. As a balance, each council's Scrutiny Committee holds the Cabinet to account.
11. Councillors also make decisions in relation to regulatory functions, for example determining planning applications and licensing matters. Council appoints committees of councillors to make decisions on these matters. Full details of the councils' committees are set out in part 2 of this constitution.

THE CHAIR

12. Each council will elect a chair annually from the membership of the council.
13. The chair (or in his/her absence, the vice-chair) will have the following roles and responsibilities:
 - (a) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
 - (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
 - (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet or hold committee chair positions are able to hold the Cabinet and committee chair to account;
 - (d) to promote public involvement in the council's activities; and
 - (e) to attend such civic and ceremonial functions as the council and/or he/she determines appropriate or to appoint a representative to attend on his/her behalf.

LEADER OF THE COUNCIL

14. The council appoints a leader, who then appoints councillors to the Cabinet. The leader of the council may delegate executive responsibilities to Cabinet members. The detail is set out in Part 2 of this Constitution under the Cabinet arrangements and procedure rules.

LEADER OF THE OPPOSITION

15. For South Oxfordshire District Council, the opposition political group which holds the highest number of seats is known as the 'majority opposition group' with its leader known as the leader of the majority opposition group. If there are two or more larger opposition groups of the same size, the right of the title will alternate as agreed between the leaders of the groups or, in the absence of agreement, by Council.
16. For Vale of White Horse District Council, the opposition political group which holds the highest number of seats is known as the 'majority opposition group' with its leader known as the leader of the opposition. If there are two or more larger opposition groups of the same size, the right of the title will alternate as agreed between the leaders of the groups or, in the absence of agreement, by Council.

How decisions are made

17. Decisions relating to certain functions must be taken by Council. Council delegates most of the decision making to a number of committees and officers. Details are available under the responsibility for functions section in part 2 of this constitution.

PRINCIPLES OF DECISION MAKING

18. All decisions of the councils will be made in accordance with the following principles:
 - (a) proportionality – i.e. the action should be proportionate to the desired outcome;
 - (b) decisions will be taken on the basis of due consultation and professional advice from officers;
 - (c) respect for human rights;
 - (d) a presumption in favour of openness;
 - (e) clarity of aims and desired outcomes; and
 - (f) in accordance with the law and the council's agreed procedures, as set out in this constitution.

COUNCIL MEETINGS

19. Meetings of Council, which are chaired by the chair of the council, are more formal than Cabinet or committee meetings. Decisions are taken following a debate by councillors in which motions setting out recommended action are discussed. Amendments to these motions may also be discussed as part of the debate.

THE EXECUTIVE (CABINET)

20. The executive (known as the Cabinet at each council) is responsible for most day-to-day decisions. These decisions can be delegated by the leader to the Cabinet, committees of the Cabinet and individual councillors on the Cabinet or officers.

21. The Cabinet is made up of the leader and up to nine other councillors appointed by the leader. Councillors appointed to the Cabinet are given specific areas of responsibility known as portfolios. These members of Cabinet are also known as 'portfolio holders'.
22. When 'key' decisions are to be made, these are published in the Cabinet work programme insofar as they can be anticipated. Meetings of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the council's overall policies and budget. If Cabinet considers a matter which is outside the budget or policy framework, this must be referred to the Council for determination.

KEY DECISIONS

23. A key decision is a decision of the Cabinet, individual Cabinet member or an officer acting under delegated powers which is likely:
 - (a) to incur expenditure, make savings or to receive income (except government grant) of more than £75,000;
 - (b) to award a revenue or capital grant of over £25,000; or
 - (c) to agree an action that, in the view of the chief executive or the relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.

SCRUTINY

24. Each council is required to appoint at least one district Overview and Scrutiny Committee (usually called a 'Scrutiny Committee') each year. The councils also have a Joint Scrutiny Committee. These committees hold inquiries in public into matters of local concern and may make reports and recommendations which advise the Cabinet and the Council on its policies, budget and service delivery and performance. The scrutiny committees may set up such panels as they consider appropriate to deal with reviews of service provision and delivery. The committees may also consider matters of wider local concern, which are not the council's direct responsibility.
25. Each council's district Scrutiny Committee monitors the decisions of its Cabinet and can 'call-in' a key decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate and to make recommendations, e.g. that the Cabinet reconsiders the decision. Scrutiny Committee may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

OTHER COMMITTEES

26. The committee system consists of a number of service-based committees and panels taking decisions within their terms of reference agreed by full Council. The main committees are:
 - Planning Committee;
 - Climate and Ecological Emergencies Advisory Committee (South only);
 - Climate Emergency Advisory Committee (Vale only);
 - Licensing Acts Committee;
 - General Licensing Committee; and
 - Community Governance and Electoral Issues Committee.

27. The councils also operate joint committees. Currently these are the Joint Scrutiny Committee, Joint Audit and Governance Committee and Joint Staff Committee.

JOINT ARRANGEMENTS

28. Council may establish joint arrangements with one or more local authorities to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities and the delegation of functions to the joint committee. Currently the council is involved in the Five Councils Partnership Corporate Services Joint Committee and Joint Scrutiny Committee.
29. Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities and the delegation of functions to the joint committee. Currently the council is involved in the Oxfordshire Growth Board.

Meetings of the Council, Cabinet and committees

NOTICE OF MEETINGS

30. The council will give at least five clear working days' notice of any statutory meeting by publishing the agenda and reports which are to be considered on the relevant council's website, unless the meeting is convened at shorter notice as a matter of urgency.

RECORDING ATTENDANCE AT MEETINGS

31. The attendance of councillors and officers present at each meeting shall be recorded in the minutes.
32. At Vale of White Horse District Council, the minutes shall also record when a councillor joins the meeting after the meeting has started or leaves before the end.

EXCLUSION OF PRESS AND PUBLIC

33. Members of the press and public will be asked to leave a meeting if it is likely that confidential or exempt information will be disclosed.

Exempt information is information falling into one or more of the following categories as specified in part 1 of schedule 12A of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006:

1. information relating to any individual;
2. information which is likely to reveal the identity of an individual;
3. information relating to the financial or business affairs of any particular person (including the authority holding that information);
4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;

5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
 6. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime; and
 7. information which reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment.
34. Information which falls within any of paragraphs (a) to (g) above is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Confidential information means information given to the council by a government department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by court order.

The council's staff

35. The councils employ staff (called officers) to give advice, implement decisions and manage the day to day planning and delivery of the wide range of functions undertaken for the councils on a non-party political basis. Some officers have a specific duty to ensure that the council acts within the law and to use its resources wisely. A protocol in part 3 of this constitution governs the relationships between officers and councillors. The councils' most senior officers are set out below with details of their responsibilities:

Post	Functions and area of responsibility
Chief executive	Head of paid service Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process
Deputy chief executive	Place Partnerships Transformation and operations
Heads of service	Corporate services Finance Legal and democratic Development and corporate landlord Housing and environment Policy and programmes Planning

Structure

36. The head of paid service will determine and publicise a description of the overall departmental structure of the councils showing the management structure and deployment of officers.
37. In addition, the councils are required to appoint three statutory officers whose roles are set out below:

Post and designation	Role and responsibilities
Head of paid service (chief executive) (Cannot be the monitoring officer but may hold the post of the chief finance officer if a qualified accountant.)	Discharge of functions by the council. The head of paid service is the councils' principal advisor and is responsible for the overall discharge of the councils' functions.
Monitoring officer (head of legal and democratic) (Cannot be the chief finance officer or the head of paid service)	Maintaining the constitution. The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by councillors, officers and the public.
	Ensuring lawfulness and fairness of decision making. After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council or to the Cabinet in relation to a Cabinet function if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
	Standards of councillor conduct. The monitoring officer will contribute to the promotion and maintenance of high standards of conduct of councillor conduct and will receive and act on code of conduct complaints.
	Proper officer for access to information. The monitoring officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
	Advising whether executive decisions are within the budget and policy framework. The monitoring officer will advise whether decisions of the Cabinet are in accordance with the policy framework.

	Providing advice. The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
Chief finance officer (Head of finance) (Cannot be the Monitoring Officer)	Ensuring lawfulness and financial prudence of decision making. After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council, or to the Cabinet in relation to a Cabinet function, and the council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the council is about to enter an item of account unlawfully.
	Administration of financial affairs. The chief finance officer will have responsibility for the administration of the financial affairs of the council, in accordance with the provisions of Section 151 of the Local Government Act 1972.
	Contributing to corporate management. The chief finance officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice.
	Providing advice. The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
	Give financial information. The chief finance officer will provide financial information to the media, members of the public and the community.

38. The councils are required to provide the monitoring officer and chief finance officer with sufficient officers, accommodation and other resources to allow them to perform their duties.
39. The councils approve an annual pay policy statement before the start of the financial year, and this includes details of the remuneration of senior officers. It can be accessed on the councils' websites.
40. Officers must comply with the employee conduct policy available on the intranet and the protocol on officer/councillor relations set out in part 3 of this constitution.
41. The recruitment, selection and dismissal of officers will comply with the officer employment procedure rules set out in part 3 of the constitution.

Rights of members of the public

42. The public have a number of rights in their dealings with the councils. Some of these are legal rights, whilst others depend on the councils' own processes.
43. The public have the right to:
- (a) vote at elections if they are registered;
 - (b) contact their local councillor about any matters of concern to them;
 - (c) obtain a copy of the constitution;
 - (d) attend meetings of Council and committees except where, for example, personal or confidential matters are being discussed;
 - (e) petition to request a referendum on a mayoral form of executive;
 - (f) participate in meetings of Council, committees and panels and contribute to investigations by the scrutiny committees as set out in part 2 of this constitution;
 - (g) find out, from the Cabinet work programme, what major decisions are to be discussed by Cabinet or to be decided by Cabinet members or officers, and when;
 - (h) attend meetings of Cabinet where key decisions are being discussed or decided, except where confidential or exempt information is being discussed;
 - (i) see reports and background papers, and any record of decisions made by the Council and Cabinet;
 - (j) complain to the council, in accordance with the council's complaints procedure, about any service for which the council is responsible;
 - (k) complain to the Local Government Ombudsman if they think the council has not followed its procedures properly. However, they should only do this after using the council's own complaints process;
 - (l) complain to the council's monitoring officer if they have evidence which they think shows that a councillor has not followed the council's code of conduct; and
 - (m) inspect the councils' accounts and make their views known to the external auditor.
44. The councils welcome public participation in their work. For further information on your rights, or if you would like to inspect agendas and reports or attend any Council, Cabinet or committee meetings please see the councils' websites www.southoxon.gov.uk or www.whitehorsedc.gov.uk or contact democratic services at democratic.services@southandvale.gov.uk

Authentication of documents

45. Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the head of legal and democratic, the chief executive, the legal services manager or a senior lawyer unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

Common seal of the council

46. The common seal of the council will be kept in a safe place in the custody of the head of legal and democratic. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents, which in the opinion of the

head of legal and democratic should be sealed. The affixing of the common seal will be attested by the head of legal and democratic, the chief executive, the legal services manager or a senior lawyer, or another senior officer authorised by the chief executive.

47. The use of electronic signatures and sealing is permitted in accordance with the process established and approved by the Head of Legal and Democratic.

Review and revision of the constitution

48. The monitoring officer will monitor and regularly review the operation of the constitution.
49. Changes to the constitution will only be approved by Council and after consideration of a report by the monitoring officer. The Joint Constitution Review Group may consider proposals and make recommendations to Council.

PART 2: DECISION MAKING

The full Council

This part of the constitution explains the role of the full Council (at South Oxfordshire District Council this is all 36 councillors and at Vale of White Horse District Council all 38 councillors), what decisions can be made only by the full Council and includes the Council procedure rules.

1. **Policy framework.** The policy framework means the following plans and strategies:
 - (a) corporate plan and priorities;
 - (b) licensing policy statement;
 - (c) gambling statement of principles; and
 - (d) plans and alterations which together comprise the development plan (the “Local Plan”).

2. **Budget.** The budget includes:
 - (a) the calculation of the revenue budget requirement;
 - (b) the original and revised revenue estimates;
 - (c) the capital programme;
 - (d) the allocation of financial resources to different services and projects;
 - (e) proposed contingency funds;
 - (f) the council tax base;
 - (g) setting the council tax;
 - (h) the annual investment strategy; and
 - (i) decisions relating to the control of the council’s borrowing requirements and control of its expenditure.

Functions of the full Council

3. Only the full Council will exercise the following functions, to:
 - (a) adopt and change the constitution subject to amendments being made by the head of legal and democratic to reflect changes in staff responsibilities;
 - (b) approve or adopt the policy framework and the budget;
 - (c) make decisions on matters that are the responsibility of the Cabinet where the decision maker is minded to make it in a manner that would be contrary to the policy framework, outside the budget, or outside any limits on the Cabinet’s ability to make minor changes to the budget;
 - (d) adopt or approve a plan or strategy (other than a plan or strategy forming part of the policy framework), where the Council determines that it should take the decision whether to adopt that plan or strategy;
 - (e) elect the leader and remove him/her from office;
 - (f) agree and/or amend the terms of reference for committees, decide on their composition and make appointments to them except where the head of legal and democratic exercises a delegation to make appointments;
 - (g) adopt a councillors’ allowances scheme;
 - (h) approve the council’s pay policy statement on an annual basis;
 - (i) change the name of the area;
 - (j) adopt the councillors’ code of conduct;
 - (k) confer the title of honorary alderman or honorary freeman;

- (l) appoint councillors to the Oxfordshire Joint Health Overview and Scrutiny Committee and the Thames Valley Police and Crime Panel;
- (m) appoint the head of paid service, the chief finance officer, the monitoring officer, the returning officer and the electoral registration officer;
- (n) make, amend, revoke, re-enact or adopt bylaws and promote or oppose the making of local legislation or personal bills;
- (o) decide whether to accept a delegation from another local authority under joint arrangements, carry out or delegate all local choice functions which the council decides should be undertaken by itself rather than the Cabinet; and
- (p) deal with other matters which, by law, must be decided by Council.

Council meetings

- 4. There are three types of Council meeting:
 - (a) the annual meeting;
 - (b) ordinary meetings; and
 - (c) extraordinary (special) meetings.

They will be conducted in accordance with the Council procedure rules.

Responsibility for functions

- 5. The council will maintain the responsibility for functions tables in the 'Decision Making' section of this constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Cabinet.

Council procedure rules

Annual meeting of Council

TIMING AND BUSINESS

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 May.
2. The annual meeting will:
 - (a) elect a person to preside if the chair or vice-chair of Council is not present;
 - (b) elect the chair of Council;
 - (c) elect the vice-chair of Council;
 - (d) approve the minutes of the last meeting;
 - (e) receive any declarations of interest from councillors;
 - (f) receive any announcements from the chair and/or head of paid service;
 - (g) appoint councillors to committees;
 - (h) elect a leader in every fourth year;
 - (i) agree any amendments to the constitution; and
 - (j) consider any business set out in the notice convening the meeting.

SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

3. At the annual meeting, Council will:
 - (a) decide which committees to establish for the forthcoming year;
 - (b) decide the size and terms of reference for those committees;
 - (c) allocate seats to political groups in accordance with the political balance regulations and appoint councillors to those committees;
 - (d) appoint chairs and vice-chairs for the forthcoming year of those committees appointed under (a) above; and
 - (e) appoint to joint committees and outside bodies which are not the responsibility of the Cabinet.

Ordinary Council meetings

4. Ordinary Council meetings will take place in accordance with an agreed programme. The chair of Council may cancel and agree to vary the start time and date of meetings in exceptional circumstances. Ordinary meetings will:
 - (a) elect a person to preside if the chair and vice-chair are not present;
 - (b) approve the minutes of the last meeting;
 - (c) receive any declarations of interest from councillors;
 - (d) receive any announcements from the chair, leader and/or the head of paid service;
 - (e) receive questions from, and provide answers to, the public;
 - (f) receive petitions, under the council's petition scheme;
 - (g) deal with any business from the last Council meeting;
 - (h) consider recommendations from the Cabinet and the council's committees and receive questions and answers on any of those matters;

- (i) consider officer reports;
- (j) receive the report of the leader;
- (k) receive questions on notice from councillors;
- (l) consider motions;
- (m) agree any amendments to the constitution; and
- (n) consider any other business specified in the agenda.

When the budget is discussed at Council meetings, questions and motions from councillors will follow consideration of the budget.

Extraordinary (special) Council meetings

CALLING EXTRAORDINARY MEETINGS

5. Those listed below may request the head of legal and democratic to call extraordinary meetings in addition to ordinary meetings:
 - (a) the Council by resolution;
 - (b) the chair of the Council;
 - (c) the monitoring officer;
 - (d) the section 151 officer; or
 - (e) any five members of the council if they have submitted a written request to the chair of the Council and he/she has refused or failed to call a meeting within seven days of the presentation of the request.

BUSINESS

6. An extraordinary meeting will only consider business required by law and the business for which the extraordinary meeting has been called. There shall be no consideration of the previous minutes of Council. Public questions will only be accepted at an extraordinary meeting of the Council if they relate to the item due to be discussed at that meeting. No petitions or motions will be accepted at an extraordinary meeting.

Time and place of meetings

7. The time and place of meetings will be notified in the agenda for each meeting. The calendar of meetings is published on the council website.

Notice of, and agenda for, meetings

8. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and send a summons signed by him/her in hard copy or electronically, to every councillor. 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. Where not all of the reports are available with the summons they will be posted on the council's website as soon as they become available and e-mailed or posted to councillors.

Chair of meeting

9. The person presiding at the meeting may exercise any power or duty of the chair. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Quorum

10. A quarter of the whole number of councillors must be present for a legally valid Council meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Duration of meeting

12. No meeting shall exceed two and a half hours in duration unless the Council, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next ordinary meeting.

Participation at a meeting

13. Participation at a meeting by the public, ward councillors, councillors who are not members of the meeting, applicants, supporters, objectors, parish/town council/parish meeting representatives and other invitees at decision-making bodies of the council, or meetings open to the public, may be in person, remotely via Microsoft Teams or via a written statement.

Public participation

14. A period of 15 minutes will be set aside for members of the public to ask questions, make addresses on items on the agenda or present petitions.

QUESTIONS

15. At the beginning of each ordinary Council meeting, members of the public (who are not councillors or officers) may ask questions of the chair of Council, members of the Cabinet or chairs of the Planning, General Licensing, Licensing Acts, Audit and Governance or Scrutiny Committees. No question shall exceed three minutes.

ORDER OF QUESTIONS

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

NOTICE OF QUESTIONS

17. A question may only be asked if notice has been given by delivering it in writing or by email to democratic.services@southandvale.gov.uk no later than 5.00pm on the last working day before the day of the meeting. Each question must give the name and address of the questioner and must name the councillor to whom it is to be put.

NUMBER OF QUESTIONS

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

SCOPE OF QUESTIONS

19. The head of legal and democratic, in consultation with the chair, may reject a question if it:
 - (a) is not about a matter for which the local authority has a responsibility, or which affects the district;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.
20. Even if questions are received in advance of an agenda despatch they will not be included on the agenda for the meeting. Copies of all questions will be circulated to all councillors and will be made available to the public attending the meeting. Details of all questions and answers given at the meeting will be recorded in the minutes of the meeting.

ASKING THE QUESTION AT THE MEETING

21. The chair will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may ask the chair to put the question on their behalf.

SUPPLEMENTARY QUESTION

22. There is no provision for members of the public to ask a supplementary question.

WRITTEN ANSWERS

23. Any question that cannot be dealt with during public question time, either because of lack of time, because of the non-attendance of the councillor to whom it was to be put or because the councillor answering the question requires further information, will be dealt with by a written answer.
24. At the discretion of the chair, in the absence of the councillor to whom a question is put, the question may be put to the leader of the council.

REFERENCE OF QUESTION TO THE CABINET OR A COMMITTEE

25. Unless the chair decides otherwise, no discussion will take place on any question, but any councillor may move that a matter raised by a question be referred to the Cabinet or the relevant committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

Representation on an item of business

26. Members of the public may address Council on an item on the agenda for a period of up to three minutes.

NOTICE OF REQUEST TO ADDRESS THE COUNCIL

27. An address may only be made if notice has been given by delivering it in writing or by email to the head of legal and democratic by 5.00pm on the last working day before the day of the meeting. A person who has registered to speak at a meeting may appoint a representative to speak on his/her behalf, provided that written notice is given to the head of legal and democratic or his/her representative prior to it commencing.

EXCLUSIONS

28. Nothing in this section permits an officer or a councillor to address the Council, if they would otherwise be excluded from taking part due to any interest they may have in a matter under consideration. Addresses may not be made on items containing exempt or confidential information, or on enforcement or prosecution or other legal matters, or matters relating to individual officers. A person or organisation will not normally be permitted to address a meeting on the same issue on more than one occasion in any period of six months.

ADDRESSING THE MEETING

29. The chair may require a spokesperson to be appointed where there is more than one request to address a meeting on the same issue. Councillors may ask questions of any points raised by public speakers, subject to the chair of the meeting being satisfied that the questions are relevant.

Petitions

30. All petitions shall be dealt with in accordance with the council's published petition scheme.
31. At all ordinary Council meetings members of the public can present petitions and speak on the matter for a period not exceeding three minutes.
32. If the petition has sufficient signatures for a Council debate it will be considered at the next scheduled ordinary Council meeting. The chair will refer other petitions to the appropriate Cabinet member or committee chair to respond on behalf of the council.

Questions by councillors

ON RECOMMENDATIONS OF THE CABINET OR COMMITTEES

33. A councillor may ask the leader, relevant Cabinet member or the chair of a committee any question without notice on a recommendation of the Cabinet or a committee when that item is under consideration by the Council.

QUESTIONS ON NOTICE AT FULL COUNCIL

34. Subject to rule 34, a councillor may ask:

- (a) the chair;
- (b) a member of the Cabinet;
- (c) the chair of any committee or sub-committee;
- (d) representatives appointed to outside bodies or joint committees; or
- (e) a question on any matter in relation to which the council has powers or duties or which affects the district.

NOTICE OF QUESTIONS

35. A councillor may only ask a question under rule 33 if:

- (a) they have given at least seven clear working days' notice in writing of the question to the head of legal and democratic; or
- (b) the question relates to urgent matters, they have the consent of the chair and the content of the question is given to the head of legal and democratic by noon on the day of the meeting.

36. The chief executive may decline a question submitted by a councillor if he/she considers that, due to the level of detail or repetitive nature of the question responding to it will have an adverse effect on service delivery. The reason for such a decision will be reported to Council which may overrule the decision.

RESPONSE

37. A written answer will be provided to Democratic Services for circulation at least 24 hours before the meeting.

SUPPLEMENTARY QUESTION

38. A councillor who raised the original question may ask one supplementary question on the subject of the original question. A response will be given either orally, or in writing within five working days. A copy of any written reply will be circulated to all councillors.

Motions on notice

NOTICE

39. Except for motions which can be moved without notice under rule 41, written notice of every motion, must be delivered to the head of legal and democratic not later than seven clear working days before the date of the meeting.

MOTION SET OUT IN AGENDA

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

SCOPE

41. Motions must be about matters for which the council has a responsibility or which affect the district. Motions to Council may not relate to a decision on an individual case, or a decision made on an individual case under planning, licensing or other regulatory legislation. The head of legal and democratic will not accept any motion

which, if approved, would be unlawful, defamatory, or which, if published, would bring the council into disrepute.

Motions without notice

42. The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or councillor arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to vote immediately on the issue being discussed;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the access to information procedure rules;
- (p) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
- (q) to give the consent of the council where its consent is required by this constitution.

Rules of debate

NO SPEECHES UNTIL MOTION SECONDED

43. Councillors may not speak on a motion until it has been moved and seconded.

SECONDER'S SPEECH

44. A councillor who seconds a motion or amendment, may reserve their speech until later in the debate.

CONTENT AND LENGTH OF SPEECHES

45. Speeches must be directed to the issue under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the chair. At the budget meeting the Cabinet member for finance and group leaders are entitled to ten minutes on the budget setting item.

WHEN A MEMBER MAY SPEAK AGAIN

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

- (a) to speak once on an amendment moved by another councillor;

- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order;
- (f) by way of personal explanation; and
- (g) at the chair's discretion.

AMENDMENTS TO MOTIONS

47. An amendment to a motion must be relevant to the motion and:

- (a) refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) leave out words;
- (c) leave out words and add others; or
- (d) add words.

as long as the effect of (b) to (d) is not to negate the motion.

- 48. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 49. If an amendment is not carried, other amendments to the original motion may be moved.
- 50. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments can be moved.

ALTERATION OF MOTION

- 51. A councillor, or councillors, may alter a motion of which he/she/they has/have given notice with the consent of the meeting, signified without discussion.
- 52. Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

- 53. A councillor may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder, signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused.

RIGHT OF REPLY

- 54. The mover of a motion has a right to reply at the end of the debate on his/her motion, immediately before the vote is taken.
- 55. If an amendment is moved, the mover of the amendment, followed by the mover of the original motion, who may not otherwise speak on it, have the right of reply at the close of the debate on the amendment.

MOTIONS WHICH MAY BE MOVED DURING DEBATE

56. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) to vote immediately on an item;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) that the meeting continue beyond two and a half hours in duration in accordance with rule 12;
 - (h) to exclude the public and press for confidential or exempt business;
 - (i) to not hear further a councillor named under rule 77 or to exclude them from the meeting under rule 78; and
 - (j) to refer the subject of debate back to the Cabinet or a committee.

CLOSURE MOTIONS

57. A councillor, who has not previously spoken on the matter under consideration, may move, without comment, the following motions at the end of a speech of another councillor:
- (a) to proceed to the next business;
 - (b) to vote immediately on the issue being discussed;
 - (c) to adjourn a debate; or
 - (d) to adjourn a meeting.
58. If a motion to proceed to the next business is seconded and the chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
59. If a motion to vote immediately on an issue is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
60. If a motion to adjourn the debate or to adjourn the meeting is seconded and the chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Point of order

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

Personal explanation

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

Previous decisions and motions

MOTION TO RESCIND A PREVIOUS DECISION

63. A motion or amendment to rescind a decision made at a meeting of Council within the past six months may not be moved.

MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

64. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months may not be moved.

Voting

MAJORITY

65. Unless this constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is put.

CHAIR'S CASTING VOTE

66. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

67. Unless a recorded vote is requested under rule 67, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

68. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RECORDED VOTE FOR ANY BUDGET OR COUNCIL TAX DECISION

69. Any vote on a motion, including any vote on any amendment, that is taken at a meeting of Council relating to the approval of the council's budget or the setting of council tax must be a recorded vote showing the names for and against the motion, or amendment, as well as those abstaining from voting.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

VOTING ON APPOINTMENTS

71. If more than two people are nominated for any position and one person fails to achieve a clear majority of votes, then the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Minutes

SIGNING THE MINUTES

72. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

73. Where the next meeting for the purpose of signing the minutes is an extraordinary meeting then the next ordinary meeting will be treated as a suitable meeting for the purpose of signing of minutes.

Record of attendance

74. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

75. The public and press may only be excluded from attending a Council meeting for the consideration of confidential or exempt business or under rules 80 and 81 (disturbance by the public).

Councillors' conduct

SITTING TO SPEAK

76. When a councillor speaks at Council, they may remain seated and must address the meeting through the chair. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

77. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

81. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

82. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Suspension and amendment of Council procedure rules

SUSPENSION

83. All, or any, of these Council procedure rules except rule 68, 69 and 72 may be suspended by motion on notice, or without notice if at least half of all councillors are present. Suspension can only be for the duration of the meeting.

AMENDMENT

84. Any motion to change any of the Council procedure rules will, if proposed and seconded, be referred without discussion to the Joint Constitution Review Group for discussion and a report to a future meeting of Council.

Cabinet arrangements and procedure rules

This part of the constitution explains the council's executive arrangements and sets out the Cabinet procedure rules.

Cabinet's role

1. The Cabinet carries out all of the council's functions which are not the responsibility of any other part of the council, whether by law or under this constitution.

Membership

2. Cabinet is made up of the leader, together with up to nine councillors appointed to the Cabinet by the leader (one of whom will be appointed by the leader to act as deputy leader). The leader will allocate areas of responsibility (portfolios) to them.
3. The leader is a councillor elected to the position by the Council and normally holds office for a period of four years starting on the day of his/her election unless:
 - (a) he/she resigns from the office;
 - (b) he/she is no longer a councillor; or
 - (c) he/she is removed from office by resolution of the Council.
4. Only councillors may be appointed to the Cabinet. There are no substitutes for Cabinet members. Cabinet members cannot be appointed to a Scrutiny Committee, Planning Committee or Audit and Governance Committee.
5. The leader appoints other Cabinet members who hold office until:
 - (a) they resign from office;
 - (b) they are no longer councillors; or
 - (c) they are removed from office, either individually or collectively, by the leader.
6. The leader appoints a Cabinet member to be the deputy leader who carries out the functions of the leader when the leader is absent. The deputy leader holds office until the end of the term of office of the leader unless:
 - (a) he/she resigns from the office;
 - (b) he/she is no longer a councillor;
 - (c) he/she is no longer a member of the Cabinet; or
 - (d) he/she is removed from office by the leader.

Who can take Cabinet (executive) decisions?

7. The leader decides arrangements for the discharge of executive functions. These are set out in the scheme of delegation of the leader part 2 of this constitution. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the arrangements or the leader may provide for executive functions to be discharged by:

- the Cabinet as a whole;
- a committee of the Cabinet;
- a member of the Cabinet;
- an officer of the council;
- an Area Committee;
- joint arrangements; and
- another local authority.

Delegation by the Cabinet

8. At the annual meeting of the Council, the leader will present to the Council a scheme of delegation of executive functions for inclusion in the council's scheme of delegation in part 2 of this constitution. The document presented by the leader will contain details of the nature and extent of any delegation to officers and individual Cabinet members with details of any limitation on that delegation, and the title of the officer to whom the delegation is made in relation to Cabinet functions for the coming year. The leader may at any time amend this scheme of delegation of executive functions but must report the revised scheme to the Council.
9. Where the Cabinet is responsible for a function, it may delegate further to a committee of the Cabinet, an Area Committee, a joint committee or an officer.
10. Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
11. If the exercise of a Cabinet function has been delegated to an individual Cabinet member or a committee of the Cabinet, and a disclosable pecuniary interest or conflict of interest arises, then the function will be exercised by the Cabinet, the leader or an alternative Cabinet member authorised by the leader.

Executive decisions

KEY DECISIONS

12. Where executive key decisions are taken by Cabinet, by a committee of Cabinet, by a Cabinet member, by an officer, or by a joint committee, notice of these key decisions shall be sent to all councillors to commence the scrutiny call-in procedure, except where call-in has been waived by the Scrutiny Committee chair or in his/her absence, the chair of the Council. A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers which is likely to:
 - (a) to incur expenditure, make savings or to receive income (except government grant) of more than £75,000;
 - (b) award a revenue or capital grant of over £25,000; or
 - (c) agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.

PROCEDURE BEFORE TAKING KEY DECISIONS

13. Subject to the general exception rule and the special urgency rule below, a key decision may not be taken unless:
- (a) a notice (a Cabinet work programme) has been published containing the matter in question;
 - (b) at least 28 clear calendar days have elapsed since publication of the Cabinet work programme containing the matter in question;
 - (c) where the decision is to be taken at a meeting of the Cabinet, further notice of the meeting has been given; and
 - (d) when all, or any part, of the meeting will take place in private, that notice includes:
 - the reasons for all, or any part of, that meeting taking place in private;
 - any representations received about why the meeting should take place in public; and
 - the council's response to those representations.

CABINET WORK PROGRAMME

14. The Cabinet work programme will be prepared by the head of legal and democratic on behalf of the leader. The Cabinet work programme will contain matters which the leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a Cabinet member, a committee of the Cabinet, officers, or under joint arrangements in the course of the discharge of a Cabinet function. Officers may also voluntarily include in the Cabinet work programme other items that do not fit the key decision definition. Exempt information need not be included in a Cabinet work programme and confidential information cannot be included. The Cabinet work programme will describe the following particulars insofar as the information is available or might reasonably be obtained:
- (a) the decision to be made and, if that decision is to be made without the public present, the reason for confidentiality;
 - (b) where the decision taker is an individual, his/her name and title, and where the decision taker is a body, its name and details of its membership;
 - (c) the date on which, or the period within which, the decision will be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) how a person can make representations to the Cabinet or decision maker about a forthcoming decision; and
 - (f) a list of the documents used by the decision maker in making the decision.

GENERAL EXCEPTION RULE

15. If a matter which is likely to be a key decision has not been published in the Cabinet work programme for 28 clear days, then subject to the special urgency rule below, the decision may still be taken if:
- (a) the decision must be taken by such a date and it is impracticable to defer the decision until it has been published in the Cabinet work programme for 28 clear days;
 - (b) the proper officer has informed the Scrutiny Committee chair by notice in writing;

- (c) the proper officer has set out reasons why compliance with paragraph 14 is impracticable;
- (d) the proper officer has made copies of that notice available to the public at the offices of the council and on its website; and
- (e) at least five clear working days have elapsed since the proper officer complied with (b) to (d).

SPECIAL URGENCY RULE

16. If the general exception rule cannot be followed due to urgency, then a key decision can be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Scrutiny Committee chair that the decision cannot be reasonably deferred. If the Scrutiny Committee chair is unavailable, or unable to act, then the agreement of the chair of the Council, or in his/her absence the vice-chair of the Council will suffice. The proper officer will make available at the council's offices, and on its website, a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred. The leader will submit a report to Council on the key decisions taken under the special urgency rule.

REPORT TO COUNCIL

17. If the Scrutiny Committee thinks that a key decision has been taken which was not included in the Cabinet work programme or did not follow either the general exception procedure or the special urgency procedure, the committee can require Cabinet to submit a report to the next meeting of the Council. The proper officer may require such a report on behalf of the committee when so requested by the chair or any five councillors. The report will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

RECORD OF DECISIONS

18. The proper officer will produce a record of every decision taken as soon as reasonably practicable after any meeting of the Cabinet or any of its committees, or a Cabinet member has made a key decision, or an officer has made a key decision. This record will be made available for inspection at the council's offices and on its website, as soon as reasonably practicable and shall include:
- (a) details of the decision;
 - (b) the date it was made;
 - (c) reasons for the decision;
 - (d) details of any alternative options considered and the reasons they were rejected; and
 - (e) any conflict of interest by the decision-maker and any dispensations granted.

Time and place of meetings

19. Cabinet will meet at times agreed by the leader. The time and place of meetings will be notified in the agenda for each meeting.

Notice of, and agenda for, meetings

20. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal

and democratic will publish the agenda on the council's website and available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for Cabinet's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Cabinet agendas will also be available for six years after a meeting.

Chair of meeting

21. If the leader is present, he/she will chair Cabinet meetings. In the leader's absence, the deputy leader will chair the meeting. In the absence of both the leader and the deputy leader, a person shall be elected from among those Cabinet members present to chair the meeting. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Quorum

22. At least three Cabinet members must be present for a legally valid meeting. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
23. If there is no quorum at the published start time of the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Duration of meeting

24. No meeting shall exceed two and a half hours in duration unless the Cabinet, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next ordinary meeting.

Public participation

25. Cabinet meetings are open to the public, except where confidential or exempt information is being discussed.
26. Councillors who are not members of the Cabinet may attend Cabinet meetings, including where confidential or exempt information is being discussed.

SPEAKING AT CABINET MEETINGS

27. The public may address Cabinet meetings by asking a question, making a statement or presenting a petition. Every question must relate to an agenda item for that meeting. Statements or petitions must relate to the council's powers or duties or to a matter that affects the district. Public questions, statements or petitions will only be

accepted at a special meeting of the Cabinet if they relate to the item due to be discussed at that meeting.

28. Any person may address Cabinet for up to three minutes, providing they have first registered to do so by 5.00pm on the working day before the Cabinet meeting by contacting democratic services: democratic.services@southandvale.gov.uk.
29. The public address session at the start of each Cabinet meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced. The chair has discretion to change this.
30. Questions or statements will be considered by Cabinet in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
31. Councillors who are not members of the Cabinet may request to speak at Cabinet meetings in the following circumstances:
 - when their motion has been referred to Cabinet for consideration;
 - where a matter under consideration affects their ward; and
 - on any other matter within Cabinet's remit.
32. The chair of the Cabinet meeting may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the previous six months, or if it requires the disclosure of confidential or exempt information.
33. Cabinet may ask questions of any points raised by public speakers, subject to the chair of the meeting being satisfied that the questions are relevant.
34. Where an answer cannot be given to a question at a meeting, a written answer will be provided.

What business?

35. Cabinet agendas may include the following business:
 - (a) adoption of the minutes of the last meeting;
 - (b) declarations of interest;
 - (c) matters referred to the Cabinet (whether by the Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the scrutiny committees' procedure rules (in part 2 of this constitution) or the budget and policy framework procedure rules set out in part 3 of this constitution;
 - (d) consideration of reports from the Scrutiny Committee; and
 - (e) matters set out in the agenda for the meeting.

Who can put items on the Cabinet agenda?

36. Any Cabinet member or any other councillor may ask the leader to place an item on a Cabinet agenda for consideration. Subject to the leader's agreement, the head of legal and democratic will include the item on the agenda for the next Cabinet meeting, provided that it is received at least seven clear working days before the day of the meeting.
37. The head of legal and democratic will make sure that an item is placed on the agenda for the next available Cabinet meeting where Scrutiny Committee or the Council have so requested.
38. Any five councillors may, by notice given in writing to the head of legal and democratic, require an item to be included in the Cabinet agenda for any function which Cabinet is responsible. On receipt of such notice, the head of legal and democratic will include the item on the next Cabinet agenda, provided that it is received at least seven clear working days before the day of the meeting.
39. The head of paid service, monitoring officer and/or the chief finance officer may include an item for consideration on the next Cabinet agenda and may require the head of legal and democratic to call such a meeting in pursuance of their statutory duties.

Consultation and reports

40. All reports to the Cabinet will contain officer recommendations. Where the relevant Cabinet member requires it, a report will also contain an alternative recommendation from the Cabinet member.
41. The relevant Cabinet member will introduce reports at Cabinet meetings and will propose recommendations, as appropriate.
42. All reports to the Cabinet from any Cabinet member or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders, and the relevant Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Voting

43. Only Cabinet members may vote at Cabinet meetings. Matters will be decided by a simple majority vote by a show of hands. If there are equal numbers of votes for and against a motion, the chair will have the second or casting vote. If the chair does not exercise his/her casting vote, the motion will be deemed to be lost.
44. Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

Minutes

45. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

46. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

47. The public and press may only be excluded from attending a Cabinet meeting for the consideration of confidential or exempt business or under rules 53 and 54 (disturbance by public).

Councillors' conduct

48. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

49. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

53. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

54. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Planning Committee procedure rules

Purpose of the Planning Committee

1. The key purpose of planning is to manage development in the public interest.
2. The committee will apply national and local policies to determine planning applications as set out in the head of planning scheme of delegation in section 2 of this constitution.

Membership

3. The Planning Committee will comprise 11 councillors for South Oxfordshire District Council and nine councillors for Vale of White Horse District Council, appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance.
4. Any non-Cabinet councillor may be a member of the Planning Committee. A councillor who is a member of both the General Licensing Committee/Licensing Acts Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period.
5. The chair and vice-chair of the Planning Committee shall be appointed by Council annually or elected by the committee as a vacancy arises. The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.
6. At Vale of White Horse District Council's Planning Committee, a councillor may not participate in a decision on an application in their ward. The ward councillor must stand down from the committee during its consideration of that application, and must not take part in the debate or vote. However, the ward councillor may address the committee as part of the public participation.
7. At meetings of South Oxfordshire District Council's Planning Committee, a councillor may participate in decisions on applications in their ward, take part in the debate, and vote.

Time and place of meetings

8. The time and place of meetings will be notified in the agenda for each meeting. Planning committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of and agenda for meetings

7. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and send a summons signed by him/her in hard copy or electronically, to every member of the planning committee. 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. Where not all of the reports are available with the summons they will be posted on the council's website as soon as they become available and e-mailed or posted to councillors.

Chair of meetings

8. The chair (and vice-chair in their absence), appointed by Annual Council each year or by the planning committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

9. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Planning Committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
10. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
11. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
12. Where possible, absent members must be substituted by a preferred substitute who has been named; where that is not possible, any member of the same political group may act as a substitute. A councillor may only substitute if they have received up to date training.

Quorum

13. A quarter of the number of members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, votes for the meeting to continue to complete the item under discussion. Remaining business will be considered at the next meeting.

Meeting procedure

16. The order of business is as follows:
 - (a) to receive any apologies and notifications of substitutes;
 - (b) declarations of disclosable pecuniary interests and other interests;
 - (c) minutes of the previous meeting;
 - (d) notification of any urgent items;
 - (e) notification of applications deferred or withdrawn; and
 - (f) applications will be presented and subsequently debated.
17. Planning item process:
 - (a) Officers will present each planning application.
 - (b) Registered speakers will have their allocated time to speak.
 - (c) Committee members may ask questions of clarification of each speaker following their speech.
 - (d) Committee members may ask questions of the presenting officer.
18. Motions – the chair will ask for the following:
 - (a) A member to move a motion. Motions can be to support, go against or defer the officer's recommendation as stated in their report.
 - (b) A seconder for the motion; the committee member may reserve their speech until later in the debate.
 - (c) If a seconder cannot be found, an alternative motion will be requested.
 - (d) If no member puts forward a motion, the chair (or vice-chair) will put the officer's recommendation forward to commence the debate.
 - (e) A debate will ensue.
 - (f) If refusing or deferring an application, members will need to have material planning reasons based on national and local policies.
19. Voting as follows:
 - (a) The chair will put the motion to the vote.
 - (b) Unless a recorded vote is requested under rule 19 (c), the chair will take the vote by show of hands.
 - (c) If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.
 - (d) If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.
 - (e) The motion will be carried with a majority vote in favour.

- (f) If the motion is not carried, the chair will request another motion be put forward, or will put forward a motion him/herself.

Public participation

20. An application to speak must be made in writing or by email to the South Oxfordshire District Council planning team: planning@southoxon.gov.uk, or the Vale of White Horse District Council planning team: planning@whitehorsedc.gov.uk **by midday on the last working day before the day of the meeting**. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to the planning@southoxon.gov.uk or planning@whitehorsedc.gov.uk planning teams before the meeting commences.
21. All questions, statements and petitions must relate to an item on the agenda, and parties wishing to speak must already have registered an interest in the application.
22. Following the introduction of each application, the following procedure will apply:
- (a) The following groups of speaker may then address the meeting for up to five minutes (South Oxfordshire) or three minutes (Vale of White Horse) each:
- Parish/town council/parish meeting representatives who have been consulted.
 - Objectors.
 - Applicants and/or supporters.
 - Ward councillors in whose area the application falls.
- For the avoidance of doubt groups of speakers will be entitled to five minutes (South Oxfordshire) or three minutes (Vale of White Horse) per application site regardless of the number of individual applications. A county councillor or MP wishing to address the committee may do so by sharing the appropriate speaking period designated for objectors or supporters.
- (b) Where more than one person has registered to speak in any of the above groups of speaker, the speaking period will be shared. In those circumstances, speakers are encouraged to appoint a spokesperson; if that is not possible, speakers will be heard in the order in which they have registered until the time period has elapsed.
- (c) On conclusion of each address, members of the Planning Committee may question the speaker solely to clarify any matter that they have not understood in the address. The ruling of the chair of the meeting as to what is an acceptable question shall be final.
- (d) A person who has registered to speak may circulate written or photographic material in support of their representations, provided they are given to the head of legal and democratic or his/her representative no later than 4pm on the last working day before the meeting: democratic.services@southandvale.gov.uk
- (e) The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Minutes

23. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

24. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

25. The public and press may only be excluded from attending a Planning Committee meeting for the consideration of confidential or exempt business or under rules 29 and 30 (disturbance by the public).

Councillors' conduct

CHAIR SPEAKING

26. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

29. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

30. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at planning committee

31. A councillor who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances, including where confidential or exempt information is being discussed:
- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
 - (b) with the agreement of the chair, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

Scrutiny Committees procedure rules

Purpose of the Scrutiny Committees

1. The Councils have each appointed a Scrutiny Committee, and one Joint Scrutiny Committee. There are also partnership Scrutiny Committees (see paragraphs 83 and 84) which are governed by their own arrangements and procedure rules.
2. The committees are responsible for discharging the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. They are responsible for discharging any other functions conferred by legislation on an Overview and Scrutiny Committee of a district council.
3. The district Scrutiny Committees will be known as the South Scrutiny Committee and the Vale Scrutiny Committee (or together as the “district Scrutiny Committees”) and the Joint Scrutiny Committee of both South and Vale councils will be known as the Joint Scrutiny Committee.
4. The committees cannot consider anything that relates to a decision on an individual case, or a decision made under planning, licensing, or other regulatory legislation.

Role and function

5. The Scrutiny Committee will have the following roles and functions:
 - (a) within their terms of reference, consider anything that affects the district and its people;
 - (b) consider any matter relating to the provision of council services or for which the council is responsible;
 - (c) consider items referred to the committee by the Cabinet or Council;
 - (d) consider councillor calls for action that relate to a matter that affects a single ward and are not, in the opinion of the monitoring officer, vexatious, persistent, unreasonable or discriminatory and do not relate to a planning, licensing or regulatory function;
 - (e) hold other public service providers to account;
 - (f) help the Council and Cabinet to develop and review policy;
 - (g) assist the Cabinet in the development of policies on matters for which the council has responsibility;
 - (h) review council policies and aspects of the budget and policy framework and make recommendations to the Cabinet or the Council for changes and improvements; and
 - (i) consider the budget for the next financial year prior to the Council approving this.

HOLDING THE CABINET TO ACCOUNT

6. The Scrutiny Committees will hold the Cabinet to account as follows:
 - (a) review and scrutinise decisions made or actions taken by the Cabinet, Council, committees and officers;

- (b) exercise the right to call in decisions, for reconsideration, made but not yet implemented by the Cabinet;
- (c) review the council's progress in achieving its policy aims and performance targets;
- (d) review the performance of individual services or Cabinet member portfolios;
- (e) consider and make recommendations on mechanisms to encourage and enhance community participation in the development of policy options;
- (f) consider and make recommendations on any matters in connection with the discharge of functions which are the responsibility of the Council or Cabinet, or which affect the council's area or its community;
- (g) review functions or development of policies and strategies;
- (h) make proposals periodically to the council for ways to improve the discharge of policy development; and
- (i) review and scrutinise the decisions made by, and performance of, the Cabinet and/or committees and, in relation to key decisions taken under delegated powers, council officers, both in relation to individual decisions and over time.

7. The Scrutiny Committee may do this by:

- (a) conducting research, and community and other consultation in the analysis of policy issues;
- (b) making recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process or from task groups;
- (c) writing and sending reports and recommendations to the Cabinet or Council and making recommendations to officers for their consideration; and
- (d) reporting annually to Council on its workings and making recommendations for future work programmes and amended working methods if appropriate.

8. The Scrutiny Committee can be given a budget by Council. It is responsible for any budget it is given and can use it as it wishes to support the work of the committee.

9. The Scrutiny Committee may establish task groups to consider particular matters within its work programme. Task groups meet in private.

10. The number of task groups running shall be proportionate to the resources available to the council.

11. The task group will ensure that the relevant Cabinet member and other persons affected by the subject matter under consideration have the opportunity to give evidence to the group.

Committee powers

12. The Scrutiny Committee can:

- (a) make reports and recommendations to the county council and any other partner authorities and require the county council and partner authorities to provide information that the committee reasonably requires;
- (b) monitor the Cabinet work programme and call for reports on items that are listed on this;
- (c) review and scrutinise the performance of other public bodies in the area, invite reports from them, and request them to address the Scrutiny Committee about their activities and performance;

- (d) require senior officers and Cabinet members to attend Scrutiny Committee meetings and answer questions; and
- (e) question officers and Cabinet members generally about service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

Membership

- 13. The Scrutiny Committee will comprise nine councillors, each appointed annually by Council and will be politically balanced (not Cabinet members).
- 14. All councillors except members of the Cabinet may be members of a Scrutiny committee. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved.
- 15. The chair and vice-chair of the Scrutiny Committee shall be appointed by Council annually or by the committee if a vacancy arises. The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.

Time and place of meetings

- 16. The time and place of meetings will be notified in the agenda for each meeting.
- 17. Each Scrutiny Committee shall meet at least once per year and meetings will take place in accordance with an agreed programme. An additional meeting may be called as required. An additional meeting may be called by the chair of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), or by the head of legal and democratic, the head of paid service, the monitoring officer or the chief finance officer. The person or persons calling the meeting must state the business that is to be conducted.

Notice of, and agenda for, meetings

- 18. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Scrutiny Committee agendas will also be available for six years after a meeting.

Chair of meetings

- 19. The chair (and vice-chair in his/her absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

20. The Council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Scrutiny Committee or Joint Scrutiny Committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee or joint committee. A political group need not appoint to all available substitute places.
21. Substitute members will have all the powers and duties of any ordinary member of the committee or joint committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
22. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
23. Where possible, absent members must be substituted by a preferred substitute who has been named but, where this is not possible, any member of the same political group may act as substitute.

Quorum

24. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
25. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Co-optees

26. A Scrutiny Committee or Joint Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

Joint Scrutiny Committee

27. The Joint Scrutiny Committee will:
 - (a) consider and make recommendations to the relevant Cabinet members on the assessment of the performance of contractors delivering joint contracts;
 - (b) consider any matter within the terms of reference of the Scrutiny Committee affecting both councils' areas or their inhabitants;

- (c) act as the crime and disorder committee of the council in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009; and
- (d) review and scrutinise the performance of the councils in relation to its policy objectives, performance targets and/or particular service areas.

MEMBERSHIP

- 28. The Joint Scrutiny Committee will comprise five councillors from South Oxfordshire District Council and five councillors from Vale of White Horse District Council (not Cabinet members) and will be politically balanced.
- 29. The councils will appoint preferred substitutes with an equivalent political balance (not Cabinet members) as set out in rules 20-23 above.

TIME AND PLACE OF MEETINGS

- 30. The time and place of meetings will be notified in the agenda for each meeting.
- 31. The Joint Scrutiny Committee will meet at least twice per year, with additional meetings when required.

QUORUM

- 32. Four councillors, two from each council, must be present for a legally valid committee meeting to be held. All other matters relating to the quorum are the same as those of the district Scrutiny Committees.

CHAIR OF MEETINGS

- 33. The committee will be co-chaired (one from each council) and the person presiding at any meeting will alternate between the two councils. These will be the chair of the two district Scrutiny Committees. These shall be non-Cabinet members and their will be no vice-chair.
- 34. The establishment of a Joint Scrutiny Committee will not impact upon the ability of each council's Scrutiny Committee to review specific issues covered by the above terms of reference – for example a specific issue relating to a contract.

Duration of meeting

- 35. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Work programme

- 36. Each Scrutiny Committee will be responsible for setting its own work programme.
- 37. Any member of a Scrutiny Committee, or any sub-committee shall be entitled to give notice to the head of legal and democratic that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for a meeting of the committee or sub-committee. On receipt of a valid request, the proper officer will ensure that it is included on the next available agenda.

38. The Cabinet or the full Council may refer any matter to the Scrutiny Committee for consideration and report.

Policy review and development

39. The role of the Scrutiny Committees in relation to the development of the council's budget and policy framework is set out in detail in the budget and policy framework procedure rules.
40. The Scrutiny Committees may jointly or severally hold inquiries and investigate the available options for future direction in policy development and, subject to budgetary provision, may appoint advisers and assessors to assist it in this process. The committee/s may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it/they reasonably consider/s necessary to inform its/their deliberations. The committee/s may ask witnesses to attend and address them on any matter under consideration.

Rights of Scrutiny Committee members to documents

41. In addition to their rights as councillors, members of the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the protocol on councillor and officer relations in part 3 of this constitution.
42. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee depending on the particular matter under consideration.

Councillors and officers giving account

43. Where any councillor or officer is required to attend a Scrutiny Committee, the chair of that committee will inform the head of legal and democratic. The head of legal and democratic will inform the councillor or officer that he/she is required to attend; the nature of the item on which he/she is required to attend to give account; and whether any papers are required to be produced for the committee.
44. Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then the Scrutiny Committee will, in consultation with the councillor or officer, arrange an alternative date for attendance.

Attendance by others

45. A Scrutiny Committee, or the chair of the committee may invite people, other than those people referred to in rules 43 and 44, to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and may invite such people to attend.

Procedure at Scrutiny Committee meetings (Vale, South or Joint)

46. The Scrutiny Committee, and any sub-committees shall consider the following business:
 - (a) minutes of the last meeting;

- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee as a result of call-in arrangements;
- (d) responses of the Cabinet to reports of the Scrutiny Committee; and
- (e) the business otherwise set out on the agenda for the meeting.

Public participation

47. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
48. The public may address scrutiny meetings by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question must relate to an agenda item for that meeting. Statements or petitions must relate to the council's powers or duties or to a matter that affects the district. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
49. The public address session at the start of each Scrutiny Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
50. Questions or statements will be considered by Scrutiny Committee in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
51. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.
52. Councillors who are not members of the Scrutiny Committee may request to speak at meetings in the following circumstances:
 - where their motion has been referred to Scrutiny Committee for consideration;
 - where a matter under consideration affects their ward; or
 - on any other matter within Scrutiny Committee's remit.
53. The chair of the Scrutiny Committee may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the previous six months, or if it requires the disclosure of confidential or exempt information.
54. Scrutiny Committee members may ask questions of clarification of the speaker.
55. Where an answer cannot be given to a question at a meeting, a written answer will be provided.

Voting

MAJORITY

56. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

57. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

58. Unless a recorded vote is requested under rule 59, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the committee.

RECORDED VOTE

59. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

Minutes

61. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

62. All councillors present must sign the attendance list provided at the meeting.

Exclusion of public

63. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rules 69 and 70 (disturbance by the public).

Councillors' conduct

64. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

65. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

69. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

70. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by councillors at meetings

71. Any councillor may attend a meeting of the committee, including where confidential or exempt information is being discussed. With the consent of the chair he/she may speak, but not vote, on any item on the agenda for the meeting.

Call-in

72. When a key decision is made by the Cabinet, an individual Cabinet member, a committee of the Cabinet or an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. The chair of the district Scrutiny Committee will be sent electronic copies of all such decisions within the same timescale, by the person responsible for publishing the decision.
73. During the five working day period following publication of a notice, the head of legal and democratic shall call-in a decision for scrutiny by the Scrutiny Committee if so

requested by the chair of the Scrutiny Committee or any three members of the council (one of whom must be a member of the Scrutiny Committee), and shall then notify the decision-taker of the call-in. Where a valid request for call-in is made, a meeting of the committee shall be convened by the head of legal and democratic. The meeting will be held within 15 working days of receipt of the call-in and the decision shall not be implemented until the Scrutiny Committee has considered it. Alternatively, the chair of the Scrutiny Committee may agree to refer the matter to the Joint Scrutiny Committee for consideration.

74. Having considered the decision, the Scrutiny Committee may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.
75. Where a matter is referred back to the decision maker, they shall reconsider the matter and then either take the final decision as already proposed or take the final decision incorporating amendments.
76. If, following the call-in, the Scrutiny Committee does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting.
77. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public interests.
78. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The chair of the Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chair of the Scrutiny Committee, the consent of the vice-chair or the chair of the Council and, in the absence of both, the consent of the head of paid service, or his/her nominee, shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

Call-in of decisions outside the budget or policy framework

79. Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
80. The monitoring officer's and/or chief finance officer's report shall be submitted to the Cabinet and be made available to every councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

81. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may:
- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework; or
 - (b) amend the council's financial regulations or policy concerned to encompass the decision or proposal and agree to the decision with immediate effect; or
 - (c) where the Council accepts that the decision or proposal is contrary to the policy framework; or contrary to or not wholly in accordance with the budget; and does not amend the existing framework to accommodate it, it shall require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

Responsibility for health scrutiny functions

82. The responsibility for health scrutiny functions are as follows:

Committee	Functions
Oxfordshire Joint Health Overview and Scrutiny Committee*	All functions within the committee's terms of reference.

*A statutory committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.

Joint Audit and Governance Committee procedure rules

Purpose of the Joint Audit and Governance Committee

1. The councils have appointed a Joint Audit and Governance Committee, responsible for managing risk and maintaining an effective control environment. It considers reports on financial and non-financial performance.

Role and function

2. The Joint Audit and Governance Committee will have the following roles and functions in relation to matters applicable to both South Oxfordshire and Vale of White Horse District Councils:
 - (a) to consider and determine all aspects of the accounts of the authorities including the approval of the statement of accounts;
 - (b) to receive the external auditor's annual governance report (or equivalent) and review responses to it;
 - (c) to consider corporate governance matters (including but not limited to comments and complaints, Ombudsman investigations and risk management issues) and review responses to them;
 - (d) to agree a governance framework and a local code of governance for inclusion in the constitution;
 - (e) to approve the annual governance statement;
 - (f) to receive external and internal audit reports and review responses to them;
 - (g) to ensure the effective scrutiny of the treasury management strategy, policies and performance;
 - (h) to agree human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new council policies on pensions (e.g. discretionary payments policy);
 - (i) to have an overview of the councils' whistleblowing policy;
 - (j) to have an overview of the standards of conduct framework for councillors, any co-opted members and parish councillors; and
 - (k) to determine any other matters delegated to this committee by both councils.

Audit and governance sub-committees

3. Sub-committees for South and Vale will have the following roles and functions:
 - (a) The exercise of (a) to (k) above insofar as they relate specifically to either council.
 - (b) To deal with code of conduct complaints about councillors.
 - (c) To grant dispensations to councillors under section 33 of the Localism Act 2011.
 - (d) To agree up to two consecutive three-month periods of non-attendance at meetings by councillors in the absence of agreement by group leaders.

4. The sub-committees will not discuss matters which go to the joint committee.
5. Each sub-committee will comprise all the members of the joint committee from the relevant council. Each council's substitutes on the joint committee may act as substitutes on the sub-committee.

Membership

6. The Joint Audit and Governance Committee will comprise:
 - (a) four councillors from South Oxfordshire District Council (not Cabinet members);
 - (b) four councillors from Vale of White Horse District Council (not Cabinet members);
 - (c) a political balance in accordance with the provisions of the Local Government and Housing Act 1989. (Politically balanced by council, not necessarily across both councils); and
 - (d) substitutes from the political groups (not Cabinet members).

The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.

Time and place of meetings

7. The time and place of meetings will be notified in the agenda for each meeting. Joint Audit and Governance Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

Notice of, and agenda for, meetings

8. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Joint Audit and Governance Committee agendas will also be available for six years after a meeting.

Chair of meetings

9. The committee will be co-chaired (one from each council) and the person presiding at any meeting will alternate between the two councils. These shall be non-Cabinet members, appointed at Annual Council each year or by the committee if a vacancy arises. There will be no vice-chair.
10. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

11. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the Joint Audit and Governance Committee or sub-committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee or sub-committee. A political group need not appoint to all available substitute places.
12. Substitute members will have all the powers and duties of any ordinary member of the committee or sub-committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
13. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
14. Where possible, absent members must be substituted by a preferred substitute who has been named but, where this is not possible, any member of the same political group may act as substitute.

Quorum

15. Four councillors, two from each council, must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
16. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

17. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

18. The committee shall consider the following business:
 - (a) to receive any apologies and notifications of substitutes;

- (b) declarations of interests;
- (c) minutes of the previous meeting; and
- (d) the business otherwise set out on the agenda for the meeting.

Public participation

- 19. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
- 20. The public may address a Joint Audit and Governance Committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question, statement and petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
- 21. The public address session at the start of each Joint Audit and Governance Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
- 22. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
- 23. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Voting

MAJORITY

- 24. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question is as put.
- 25. Only South Oxfordshire District Council members shall vote on matters that solely relate to South Oxfordshire, and only Vale of White Horse District Council members shall vote on matters that relate solely to the Vale.

CHAIR'S CASTING VOTE

- 26. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

- 27. Unless a recorded vote is requested under rule 26, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the committee.

RECORDED VOTE

28. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

Minutes

30. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

31. All councillors present must sign the attendance list provided at the meeting.

Exclusion of public

32. The public and press may only be excluded from attending a Joint Audit and Governance Committee meeting for the consideration of confidential or exempt business or under rules 36 and 37 (disturbance by public.)

Councillors' conduct

33. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

34. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

38. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

39. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other Councillors at meetings

40. A member who is not otherwise entitled to attend and speak at a committee or sub-committee shall be entitled to do so (but not to vote) at a meeting of a committee or sub-committee in any of the following circumstances, including where confidential or exempt information is being discussed:
- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
 - (b) with the agreement of the chair, or the person presiding at the meeting of the committee or sub-committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

Code of conduct complaints panels

41. Each audit and governance sub-committee:
- (a) may appoint panels to determine matters in relation to code of conduct complaints referred by the monitoring officer;
 - (b) may appoint panels of three eligible members of the sub-committee or their appointed substitutes to make decisions on code of conduct complaints except where the chair (or vice-chair) of the sub-committee agrees that the whole sub-committee should be convened when a complaint merits consideration by the full sub-committee;
 - (c) may agree that wherever possible, a panel comprising the chair or vice-chair of the sub-committee plus two other members of the sub-committee will consider complaints, but this should not affect the principle that any three members or their substitutes of the sub-committee will constitute a properly appointed panel; and
 - (d) may authorise the head of legal and democratic to appoint panels to consider code of conduct complaints having regard to members' availability and eligibility to take part.
42. Any panel will be known as a complaints panel.

General Licensing Committee procedure rules

Purpose of the General Licensing Committee

1. The General Licensing Committee is responsible for determining issues relating to licensing and registration.
2. The General Licensing Committee is responsible for the licensing policy for hackney carriage and private hire vehicles. A three-member sub-committee considers individual cases under the council's taxi licensing policy.
3. It is also responsible for policies on contaminated land, air quality, health and safety, street trading and street naming. A three-member sub-committee considers individual cases.

Membership

4. The General Licensing Committee will comprise 12 councillors appointed annually by Council and will be politically balanced. There shall be no substitute members.
5. A councillor who is a member of both the General Licensing Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period. A councillor shall not participate in the determination of any licensing application in their ward.
6. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the committee.

Time and place of meetings

7. The time and place of meetings will be notified in the agenda for each meeting. General Licensing Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

Notice of, and agenda for, meetings

8. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. General Licensing Committee agendas will also be available for six years after a meeting.

Chair of meetings

9. The chair (and vice-chair in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. No member of the cabinet shall act as chair or vice-chair of the committee.
10. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Quorum

11. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
12. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

13. No meeting shall exceed two and a half hours in duration unless the Council, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

14. The committee shall consider the following business:
 - (a) To receive any apologies and notifications of substitutes;
 - (b) Declarations of pecuniary interests and other interests;
 - (c) Minutes of the previous meeting; and
 - (d) The business otherwise set out on the agenda for the meeting.

Public participation

15. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
16. The public may address a General Licensing Committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three

minutes each. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.

17. The public address session at the start of each General Licensing Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
18. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
19. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Voting

MAJORITY

20. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

21. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

22. Unless a recorded vote is requested under rule 21, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

23. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

Minutes

25. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

26. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

27. The public and press may only be excluded from attending a General Licensing Committee meeting for the consideration of confidential or exempt business or under rules 32 and 33 (disturbance by the public).

Councillors' conduct

28. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

29. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

33. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

34. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

35. A councillor who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:
- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
 - (b) with the agreement of the chair, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

Taxi and other General Licensing Panels

36. The General Licensing Committee will appoint sub-committees known as taxi licensing panels and other licensing panels to consider matters delegated to these under the council's general licensing policies. These panels will comprise any three members of the General Licensing Committee. The head of legal and democratic has delegated authority to convene such panels.
37. Wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel.

Licensing Acts Committee procedure rules

Purpose of the Licensing Acts Committee

1. The Licensing Acts Committee is responsible for all matters under the Licensing Act 2003 and the Gambling Act 2005 but it will make recommendations to Council on the licensing policy statement and the gambling statement of principles. The 2003 Act concerns the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment. The 2005 Act covers the control and licensing of gambling (namely gaming, betting and lotteries).
2. The Licensing Acts Committee appoints sub-committees called licensing panels to deal with particular cases.

Membership

3. The Licensing Acts Committee will comprise 12 councillors appointed annually by Council and will be politically balanced. There shall be no substitute members.
4. A councillor shall not participate in the determination of any licensing application in their ward.
5. A councillor who is a member of both the Licensing Acts Committee and the Planning Committee shall only consider licensing and planning applications relating to a particular site as a member of one of those committees during a 12 month period. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the committee.

Time and place of meetings

6. The time and place of meetings will be notified in the agenda for each meeting. General Licensing Committee meetings will take place in accordance with an agreed programme. In addition, additional meetings may be scheduled as required.

Notice of, and agenda for, meetings

7. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Licensing Acts Committee agendas will also be available for six years after a meeting.

Chair of meetings

8. The chair (and vice-chair in their absence) will preside over meetings and lead and guide the work of the committee. No member of the Cabinet shall act as chair or vice-chair of the committee.
9. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Quorum

10. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

12. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

13. The committee shall consider the following business:
 - (a) to receive any apologies and notifications of substitutes;
 - (b) declarations of pecuniary interests and other interests;
 - (c) minutes of the previous meeting; and
 - (d) the business otherwise set out on the agenda for the meeting.

Public participation

14. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
15. The public may address a Licensing Acts Committee meeting by asking a question, making a statement or presenting a petition and may speak for up to three minutes each. Every question must relate to an agenda item for that meeting. Public

questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.

16. The public address session at the start of each Licensing Acts Committee meeting will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
17. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together.
18. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Voting

MAJORITY

19. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

20. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

21. Unless a recorded vote is requested under rule 21, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

22. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

Minutes

23. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

24. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

25. The public and press may only be excluded from attending a Licensing Acts Committee meeting for the consideration of confidential or exempt business or under rules 31 and 32 (disturbance by the public).

Councillors' conduct

26. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

27. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

31. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

32. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

33. A councillor who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:
- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
 - (b) with the agreement of the chair, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

Licensing Acts Panels

34. The Licensing Acts Committee will appoint sub-committees known as Licensing Acts Panels to consider matters delegated to these under the Licensing Act 2003 and Gambling Act 2005. These panels will comprise any three members of the Licensing Acts Committee. The head of legal and democratic has delegated authority to convene such panels.
35. Wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel.

Climate and Ecological Emergencies Advisory Committee procedure rules (South only)

Purpose of the committee

1. The committee is an advisory committee with no delegated decision making.
2. To advise Cabinet on matters relating to the climate emergency and ecological crisis including, but not limited to:
 - (a) Providing community leadership on the climate emergency and sustainability, facilitating and engaging public sector partners, businesses, community groups and the public.
 - (b) Advising on how the council can contribute to the delivery of:
 - national legally-binding targets on the climate emergency
 - countywide targets on the climate emergency through the Oxfordshire Environment Partnership (OEP)
 - the council's own targets on the climate emergency
 - the Oxfordshire Energy Strategy Delivery Plan
 - (c) Reviewing and making recommendations on ways in which the council can reduce damage to the global and local environment through its policies and practices.
 - (d) Reviewing the internal operations of the council with a view to promoting sustainability, adopting best practice and strengthening the council's environmental performance.
 - (e) Making recommendations on bids for external funding relating to the climate emergency.

Membership

3. The committee will comprise 12 councillors appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance. The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.

Time and place of meetings

4. The time and place of meetings will be notified in the agenda for each meeting. The committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of, and agenda for, meetings

5. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under

consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Committee agendas will also be available for six years after a meeting.

Chairing meetings

6. The chair (or vice-chair in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

7. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
8. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
9. Substitute members may attend meetings:
 - (a) to take the place of the ordinary member for whom they are the substitute;
 - (b) where the ordinary member will be absent for the whole of the meeting; and
 - (c) after notifying the head of legal and democratic before the start of the meeting.
10. Where possible, absent members must be substituted by a preferred substitute who has been named, but where this is not possible any member of the same political group may act as a substitutes.

Quorum

11. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
12. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

13. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

14. The committee shall consider the following business:
 - (a) To receive any apologies and notifications of substitutes;
 - (b) Declarations of disclosable pecuniary interests and other interests;
 - (c) Minutes of the previous meeting; and
 - (d) The business otherwise set out on the agenda for the meeting.

Voting

MAJORITY

15. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

16. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

17. Unless a recorded vote is requested under rule 18, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

18. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE AN INDIVIDUAL VOTE TO BE RECORDED

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

Attendance by others

20. The committee or the chair of the committee may invite people to address them, discuss issues and/or answer questions. They may for example wish to hear from residents, stakeholders and councillors and officers and may invite such people to attend.

Public participation

21. The public may address a committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
22. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
23. The public address session will be limited to 15 minutes. No address shall exceed three minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
24. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together. There is no provision to ask a supplementary question.
25. If an answer cannot be given to a question at a meeting, a written answer will be provided.
26. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Minutes

27. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

28. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

29. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rule 34 and 35 (disturbance by the public).

Councillors' conduct

30. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

31. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF MEMBER OF THE PUBLIC

35. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

36. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

37. Any councillor may attend a meeting of the committee. With the consent of the chair he/she may speak, but not vote, on any item on the agenda for the meeting.

Climate Emergency Advisory Committee procedure rules (Vale only)

Purpose of the committee

1. The committee is an advisory committee with no delegated decision making.
2. To advise Cabinet on matters relating to the climate emergency and environmental sustainability including, but not limited to:
 - (a) Reviewing and making recommendations on ways in which the council can reduce damage to the global and local environment through its policies and practices.
 - (b) Reviewing the internal operations of the council with a view to promoting sustainability, adopting best practice and strengthening the council's environmental performance.
 - (c) Providing community leadership on the climate emergency and sustainability, facilitating and engaging public sector partners, businesses, community groups and the public.
 - (d) Advising on how the council can contribute to delivery of
 - national legally-binding targets on the climate emergency
 - countywide targets on the climate emergency through the Oxfordshire Environment Partnership
 - the council's own targets on the climate emergency
 - the Oxfordshire Energy Strategy Delivery Plan
 - (e) Making recommendations on bids for external funding relating to the climate emergency.

Membership

3. The committee will comprise seven councillors appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance. No member of the Cabinet will sit on the committee. The chair or the vice-chair of Council shall not act as chair or vice-chair of the committee.

Time and place of meetings

4. The time and place of meetings will be notified in the agenda for each meeting. The committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of, and agenda for, meetings

5. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the committee's

consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Committee agendas will also be available for six years after a meeting.

Chairing meetings

6. The chair (or vice-chair in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

7. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
8. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
9. Substitute members may attend meetings:
 - (a) to take the place of the ordinary member for whom they are the substitute;
 - (b) where the ordinary member will be absent for the whole of the meeting; and
 - (c) after notifying the head of legal and democratic before the start of the meeting.
10. Where possible, absent members must be substituted by a preferred substitute who has been named, but where this is not possible any member of the same political group may act as a substitute.

Quorum

11. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
12. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

13. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

14. The committee shall consider the following business:
 - (a) To receive any apologies and notifications of substitutes;
 - (b) Declarations of disclosable pecuniary interests and other interests;
 - (c) Minutes of the previous meeting; and
 - (d) The business otherwise set out on the agenda for the meeting.

Voting

MAJORITY

15. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

16. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

17. Unless a recorded vote is requested under rule 18, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

18. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE AN INDIVIDUAL VOTE TO BE RECORDED

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

Attendance by others

20. The committee or the chair of the committee may invite people to address them, discuss issues and/or answer questions. They may for example wish to hear from

residents, stakeholders and councillors and officers and may invite such people to attend.

Public participation

21. The public may address a committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
22. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.
23. The public address session will be limited to fifteen minutes. No address shall exceed three minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
24. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together. There is no provision to ask a supplementary question.
25. If an answer cannot be given to a question at a meeting, a written answer will be provided.
26. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Minutes

27. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

28. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

29. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rule 34 and 35 (disturbance by the public).

Councillors' conduct

30. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

31. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF MEMBER OF THE PUBLIC

35. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

36. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

37. Any councillor may attend a meeting of the committee. With the consent of the chair he/she may speak, but not vote, on any item on the agenda for the meeting.

Panel procedure rules

1. These procedure rules apply to any panel exercising quasi-judicial functions.

Purpose of the panel

2. To hear the matter put before the panel and to make a determination.

Membership

3. As appointed by Council or a committee or sub-committee.
4. Panel members are required to have attended training in the last 12 months before serving on a panel, to ensure they remain informed on legislative and procedural changes.
5. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the panel.
6. The chair may choose to indicate how they wish to be addressed, according to personal preference.

General principles

7. Meetings of the panel are quasi-judicial formal hearings.

Notification of hearings

8. The council will notify all interested parties of the date, time and venue of the hearing in accordance with relevant legislation. The time and place of meetings will be notified in the agenda for each meeting

Attendance at hearings

9. Interested parties must supply details of who will be attending the hearing to address the panel to the council by midday on the day before the date of the hearing.

Report

10. A report will be prepared by the relevant head of service of the council. A copy of the report will be sent to all interested parties in advance of the meeting when the agenda is finalised.

Documentary evidence

11. Documentary evidence (including any electronic evidence) upon which any party intends to rely shall be submitted to the head of legal and democratic by 5:00pm on the day before the date of the hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally five copies of the document must be supplied.

11. The panel may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
12. Taking into account its power to grant an adjournment (including possible delay and cost caused) and any representations or objections made by the parties, the panel shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

Record of attendance

13. All councillors present must sign the attendance list provided at the meeting.

General procedure

14. The councillors who sit on the panel may meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the democratic services officer and legal adviser.
15. At any hearing, the appellant/applicant/licence holder and any representors shall attend in person wherever possible.
16. All appellants/applicants/licence holders and any representors may appoint a legal or other representative at their own expense or by a representative.
17. The procedure at the hearing will be similar to that found in a court. The panel will be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
18. At the start of each hearing, the chair will introduce the panel members, democratic services officer, legal adviser and council officers.
19. The chair will then outline the procedure to be followed for the remainder of the hearing.
20. Each panel's full procedure rules are available on the council's website: www.southoxon.gov.uk or www.whitehorsedc.gov.uk.

Exclusion of public

21. The public and press may only be excluded from attending a panel meeting for the consideration of confidential or exempt business or under rules 22 and 23 (disturbance by the public).

Councillors' conduct

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

23. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

24. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Decision

25. When the evidence has been heard, the chair will announce that the hearing is adjourned to enable the panel to deliberate in private.

26. The panel will then ask everyone except the democratic services officer and legal advisor to leave the room to make their decision. These officers will provide advice on legal and procedural points.

27. Where the panel wish to seek clarification on any other point, they will re-convene the hearing.

Notification of the decision

28. When the panel has made its decision, the chair will invite all parties back into the meeting room. The chair will announce the decision together with the reasons for it. This decision will then be communicated in writing to the appellant/applicant/licence holder as soon as possible after the hearing.

Statutory provisions

29. Where a relevant statutory provision has been enacted that is in conflict with any of the arrangements in this section, the statutory provision will always take precedence.

Community Grants Panel procedure rules – South only

Purpose of the Community Grants Panel

1. The role of the panel is to make recommendations on grant applications, in line with the council's relevant grants policies, to the Cabinet member for grants.
2. The panel will also make recommendations on improvements to the scheme to the Cabinet member for grants.

Decisions of the community grants panel

3. Additional guidance to the panel will be provided by relevant officers and the Cabinet member for grants.

Membership

4. The Council will appoint up to nine councillors to a community grants panel at the annual Council meeting each year and the panel will be politically balanced, where possible.
5. Any non-Cabinet councillor may be a member of the Community Grants Panel. The chair or the vice-chair of Council shall not act as chair or vice-chair of the panel.

Time and place of meetings

6. The time and place of meetings will be notified in the agenda for each meeting. Community grants panels will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of, and agenda for, meetings

7. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the panel's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Community Grants Panel agendas will also be available for six years after a meeting.

Chairing meetings

8. The chair (or vice-chair in their absence) will preside over meetings and lead and guide the work of the panel. They will be appointed each year by annual Council, or

by the panel if a vacancy arises. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

9. The Council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the grants panel. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the panel. A political group need not appoint to all available substitute places.
10. Substitute members will have all the powers and duties of any ordinary member of panel but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
11. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
12. Where possible, absent members must be substituted by a preferred substitute who has been named, but where that is not possible, any member of the same political group may act as a substitute. A councillor may only substitute if they have received up to date training relevant for the panel.

Quorum

13. A quarter of the members of the panel must be present for a legally valid panel meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

15. No meeting shall exceed two periods of two and a half hours in duration unless the panel, prior to the expiry of each period, votes for the meeting to continue each period for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting. The two periods of the meeting will be separated by a break of at least 30 minutes.

Public participation

16. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic before the meeting commences.
17. The public may address a Community Grants Panel meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting.
18. The public may address the panel for up to five minutes per application. Where more than one speaker is registered per application the time will be shared.
19. The panel may ask questions of clarification of the speaker.
20. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Cabinet member for grants

21. The Cabinet member for grants will:
 - (a) consider the recommendations of the panel and decide what grants to award; and
 - (b) approve any amendments to the policy and scoring criteria, to make sure it continues to meet the needs of the community (via an individual Cabinet member decision).
22. If the Cabinet member does not agree with any of the panel's recommendations, those applications will go to the next full Cabinet meeting for decision.

Voting

23. As the Panel is advisory to the Cabinet member for grants, it will produce a recommendation based on consensus, rather than voting.

Minutes

24. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

25. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

26. The public and press may only be excluded from attending a Community Grants Panel meeting for the consideration of confidential or exempt business or under rules 32 and 33 (disturbance by the public).

Councillors' conduct

27. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

28. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

32. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

33. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

34. A councillor who is not otherwise entitled to attend and speak at a committee shall be entitled to do so (but not to vote) at a meeting of a committee in any of the following circumstances:

- (a) during the consideration of any matter which specifically affects his/her ward, provided that prior notice is given to the head of legal and democratic before the start of the meeting; or
- (b) with the agreement of the chair, or the person presiding at the meeting of the committee, provided that prior notice is given to the head of legal and democratic before the start of the meeting.

Area Committees procedure rules – Vale only

Purpose of the Area Committees

1. The Council may appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
2. The council will consult with relevant parish and town councils and the chairmen of relevant parish meetings, when considering whether and how to establish Area Committees.
3. The chairmen and vice-chairmen of the Area Committees will be appointed at the annual council meeting, or by the relevant committee if a vacancy arises.

Membership, terms of reference and delegation

MEMBERSHIP

4. Area Committees shall cover the whole of the district with the membership of each being composed of all district councillors for the relevant area.
5. No political balance is necessary.

TERMS OF REFERENCE

6. The Area Committees shall have the following roles and functions:
 - (a) To promote the economic, social and environmental well-being of the area and incur expenditure for that aim within limits agreed by the Cabinet;
 - (b) To receive reports and take decisions on matters delegated to the Area Committee by the Cabinet in line with council policies or by the Council;
 - (c) To submit reports on matters of concern to the Council, Cabinet and Scrutiny Committees;
 - (d) Question members of the Cabinet as required in relation to particular decisions, initiatives or projects relevant to the Area Committee; and
 - (e) To determine any other matters delegated to Area Committees by the Council.

Access to information

7. Area Committees will comply with the access to information rules as set out in the protocol on councillor and officer relations in part 3 of this constitution.

Cabinet members on Area Committees

8. A member of the Cabinet may serve on an Area Committee, if eligible to do so as a district councillor.

Time and place of meetings

9. The time and place of meetings will be notified in the agenda for each meeting. Area Committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of, and agenda for, meetings

10. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the Committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Area Committee agendas will also be available for six years after a meeting.

Chairing meetings

11. The chair (and vice-chair in their absence), will preside over meetings and lead and guide the work of the committees. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

12. There are no substitutes at Area Committees.

Quorum

13. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
14. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

15. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Voting

MAJORITY

16. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

17. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

18. Unless a recorded vote is requested under rule 19, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

19. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

Public participation

21. The public may address Area Committee meetings by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting, or must relate to a matter that specifically, and wholly or mainly, affects the area. (District wide matters, which are not on the agenda, should be addressed to an appropriate committee with a remit to cover the entire district).
22. Any person may address the Area Committee for up to three minutes, providing they have first registered to do so by 5.00pm on the working day before the committee meeting by contacting democratic services:
democratic.services@southandvale.gov.uk.
23. The public address session, on matters which are not about grant applications, will be limited to fifteen minutes. Where the number of speakers exceeds the time available, each speakers' time will be reduced.
24. Questions or statements will be considered by the Area Committee in the order that they are registered with democratic services. Speakers relating to items not on the agenda will be heard at the beginning of the meeting. Speakers relating to items on the agenda, will be heard with that item. Where multiple questions or statements are

received from different people on the same subject, the chair may group these together.

25. The chair of the Area Committee meeting may reject a question or statement if he/she considers it to be defamatory, frivolous or offensive, or if it is substantially the same as a question or statement put to a Cabinet, Council or committee meeting in the past six months, (except in the case of grant applications) or if it requires the disclosure of confidential or exempt information.
26. Area Committee members may ask questions of clarification of the speaker.
27. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Minutes

28. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

29. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

30. The public and press may only be excluded from attending an Area Committee meeting for the consideration of confidential or exempt business or under rules 36 and 37 (disturbance by the public).

Councillors' conduct

31. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

32. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF A MEMBER OF THE PUBLIC

36. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF THE MEETING ROOM

37. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Community Governance and Electoral Issues Committee procedure rules

Purpose of the committee

1. The committee has specific responsibility to undertake community governance reviews and to determine other electoral issues as set out below:
 - To make recommendations to Council on reviews of electoral arrangements for the district undertaken by the Local Government Boundary Commission for England.
 - To undertake parish community governance reviews.
 - To respond to consultations from the Boundary Commission on reviews of parliamentary constituencies and county divisions within the district.
 - To undertake reviews of polling districts and polling places.
 - To consider reports from the Returning Officer on district and parish council elections.

Membership

2. The committee will comprise six councillors appointed annually by Council and will be politically balanced. The Council will appoint substitutes with an equivalent political balance. No member of the Cabinet, nor the chair or the vice-chair of Council shall act as chair or vice-chair of the committee.

Time and place of meetings

3. The time and place of meetings will be notified in the agenda for each meeting. The committee meetings will take place in accordance with an agreed programme. In addition, extra meetings may be scheduled as required.

Notice of, and agenda for, meetings

4. The head of legal and democratic will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the head of legal and democratic will publish the agenda on the council's website and make it available for public inspection at the council's offices, except where the matter under consideration contains confidential or exempt information. The agenda will set out the date, time and location of the meeting, and will specify the business to be transacted. The agenda may contain reports about matters for the committee's consideration. Where not all reports are available with the agenda they will be published as soon as they become available. Community Governance and Electoral Issues Committee agendas will also be available for six years after a meeting.

Chairing meetings

5. The chair (or vice-chair in their absence), appointed by Annual Council each year, or by the committee if a vacancy arises, will preside over meetings and lead and guide

the work of the committee. The chair may choose to indicate how they wish to be addressed, according to personal preference.

Substitutes

6. The council will appoint the same number of preferred substitutes in respect of each political group as that group holds ordinary seats on the committee. Each political group will be entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee. A political group need not appoint to all available substitute places.
7. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.
8. Substitute members may attend meetings:
 - to take the place of the ordinary member for whom they are the substitute;
 - where the ordinary member will be absent for the whole of the meeting; and
 - after notifying the head of legal and democratic before the start of the meeting.
9. Where possible, absent members must be substituted by a preferred substitute who has been named, but where this is not possible any member of the same political group may act as a substitutes.

Quorum

10. A quarter of the members of the committee must be present for a legally valid committee meeting to be held. During any meeting, if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.
11. If there is no quorum at the published start time for the meeting, a period of 15 minutes will be allowed. If there remains no quorum at the expiry of this period, the meeting shall be declared null and void. The business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next meeting.

Duration of meetings

12. No meeting shall exceed two and a half hours in duration unless the committee, prior to the expiry of the period, vote for the meeting to continue for a further period not exceeding 30 minutes. Remaining business will be considered at the next meeting.

Meeting procedure

13. The committee shall consider the following business:

- (a) To receive any apologies and notifications of substitutes;
- (b) Declarations of disclosable pecuniary interests and other interests;
- (c) Minutes of the previous meeting; and
- (d) The business otherwise set out on the agenda for the meeting.

Voting

MAJORITY

14. Any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put.

CHAIR'S CASTING VOTE

15. If there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote. If the chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

16. Unless a recorded vote is requested under rule 17, the chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

17. If three councillors present at the meeting request it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is requested, the vote shall be taken alphabetically.

RIGHT TO REQUIRE AN INDIVIDUAL VOTE TO BE RECORDED

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

Public participation

19. The public may address a committee meeting by asking a question, making a statement or presenting a petition. Every question, statement or petition must relate to an agenda item for that meeting. Public questions, statements or petitions will only be accepted at a special meeting of the committee if they relate to the item due to be discussed at that meeting.
20. An application to speak must be made in writing or by email to democratic services democratic.services@southandvale.gov.uk by 5.00 pm on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to democratic services before the meeting commences.

21. The public address session will be limited to fifteen minutes. No address shall exceed three minutes. Where the number of speakers exceeds the time available, each speaker's time will be reduced.
22. Questions or statements will be considered by the meeting in the order that they are registered with democratic services. Where multiple questions or statements are received from different people on the same subject, the chair may group these together. There is no provision to ask a supplementary question.
23. If an answer cannot be given to a question at a meeting, a written answer will be provided.
24. The chair of the meeting may suspend the operation of speaking rules at any time if he/she considers it necessary for the purpose of maintaining order.

Minutes

25. The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes may be discussed.

Record of attendance

26. All councillors present must sign the attendance list provided at the meeting.

Exclusion of the public

27. The public and press may only be excluded from attending a committee meeting for the consideration of confidential or exempt business or under rule 33 and 34 (disturbance by the public).

Councillors' conduct

28. If more than one councillor speaks, the chair will ask one to speak. Other councillors must remain silent whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation.

CHAIR SPEAKING

29. When the chair speaks during a debate, any councillor speaking at the time must stop.

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

31. If the councillor continues to behave improperly after such a motion is carried, the chair may move that either the councillor leaves the meeting or that the meeting is

adjourned for a specified period. If seconded, the motion will be voted on without discussion.

GENERAL DISTURBANCE

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

Disturbance by the public

REMOVAL OF MEMBER OF THE PUBLIC

33. If a member of the public interrupts the meeting, the chair will invite the person to stop. If they continue to interrupt, the chair will order their removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

34. If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared and if necessary, adjourn the meeting for as long as he/she thinks necessary.

Attendance by other district councillors at meetings

35. Any councillor may attend a meeting of the committee. With the consent of the chair he/she may speak, but not vote, on any item on the agenda for the meeting.

Joint staff committee procedure rules

Purpose of the committee

1. South Oxfordshire and Vale of White Horse district councils (the councils) have appointed this committee to undertake those non-executive functions relating to the employment of officers in the shared management structure.

Terms of reference

2. Establish the framework and procedure for recruitment and appointment of the chief executive (head of paid service), deputy chief executives, monitoring officer and chief finance officer.
3. Determine the terms and conditions of service to apply to the chief executive.
4. Act as the appointment panel for interviewing for the chief executive, deputy chief executives, monitoring officer and chief finance officer.
5. Appoint deputy chief executives and in the case of the chief executive, monitoring officer and chief finance officer to make recommendations on appointments to the councils.
6. Consider any proposed redundancy dismissals of the chief executive, deputy chief executives, monitoring officer or chief finance officer, and to make recommendations on redundancy dismissals to the councils.
7. Determine any proposed efficiency retirement of the chief executive subject to proposals for enhanced benefits being determined by the Joint Audit and Governance Committee save that any relevant settlement package over £100k must be approved by the councils.
8. Approve the sign off of any probationary period for the chief executive.
9. Review the objectives and targets set by the leaders for the chief executive and review the formal performance and development reviews undertaken by the leaders.
10. Deciding upon the salaries of the chief executive, deputy chief executives, monitoring officer and chief finance officer.
11. Receive a report from the chief executive within six months of any change to the senior management arrangements being implemented by the chief executive at his/her discretion. This report should include the number of officers that have been authorised to carry out work for another local authority, if such authorisations have been made.
12. Make appointments to the Independent Person panel.
13. Appoint panels to suspend the chief executive, deputy chief executives, monitoring officer and chief finance officer under the procedures set out in the JNC Chief Executives Handbook.

14. Appoint panels to take disciplinary action against and to make recommendations to the employing council on matters relating to the dismissal of the chief executive, monitoring officer and chief finance officer in accordance with the procedures set out in the officer employment procedure rules.
15. Appoint panels to take disciplinary action and dismiss a deputy chief executive in accordance with the procedures set out in the employment procedure rules.
16. Appoint panels to determine appeals against disciplinary action short of dismissal against the chief executive, monitoring officer and chief finance officer and all disciplinary action against deputy chief executives in accordance with the procedures set out in the officer employment procedure rules.

Membership

17. The committee will comprise:
 - South Oxfordshire District Council – Leader and four councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
 - Vale of White Horse District Council – Leader and four councillors (politically balanced unless otherwise agreed by Council with no-one voting against).
18. The leader may be substituted by another Cabinet member and it must be noted that for disciplinary matters at least one cabinet member from each council must be a member of the committee.
19. Other members of the committee may be substituted by any other member of the council (cabinet or non-cabinet and from any political group). The chair or the vice-chair of council shall not act as chair or vice-chair of the committee.

Appointment of sub-committees

Investigation and Disciplinary Sub-Committee

20. The committee may appoint on a standing basis an investigation and disciplinary sub-committee with powers to:
 - (a) consider disciplinary and capability matters relating to the chief executive, deputy chief executives, monitoring officer or chief finance officer
 - (b) take disciplinary action against and to make recommendations to the (employing) council on matters relating to the dismissal of the chief executive, monitoring officer, chief finance officer in accordance with the procedures set out in the employment procedure rules
 - (c) suspend the chief executive, deputy chief executives, monitoring officer, chief finance officer pending an investigation
 - (d) appoint an independent investigator to investigate allegations of misconduct or capability relating to the chief executive, deputy chief executive, monitoring officer or chief finance officer
 - (e) appoint an independent investigator to investigate grievances relating to the chief executive, deputy chief executives, monitoring officer, chief finance officer.
 - (f) consider grievances relating to the chief executive

21. The sub-committee will be politically balanced and comprise five members of the joint staff committee (three members from the employing council and at least one member of the cabinet from each council).

Appeals Sub-Committee

22. The committee may appoint on a standing basis an appeals sub-committee with power to consider appeals against any decisions made by the investigation and disciplinary sub-committee with the exception of a recommendation of dismissal against the chief executive, monitoring officer or chief finance officer which must be considered by council.
23. The sub-committee will be politically balanced and comprise five members of the joint staff committee (three members from the employing council and at least one member of the cabinet from each council).
24. No councillor who was a member of the investigation and disciplinary sub-committee making the decision which is the subject of the appeal may be a member of the appeals sub-committee.

Independent Persons Panel

25. The Independent Persons Panel is an advisory committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of the Statutory Officers in accordance with Schedule 3 to The Local Authorities (Standing Orders) (England) Regulations 2001. The role of the panel is to advise the council where there is a proposal to dismiss a statutory officer.
26. The advice of the panel must be sought in accordance with the Officer Employment Procedure Rules where the investigation and disciplinary sub-committee proposes to recommend the dismissal of a statutory officer.
27. The advice of the panel may (but need not) be sought by the investigation and disciplinary sub-committee at any other point in an investigation or as part of the disciplinary process.
28. For the avoidance of doubt, the panel may commission and have access to external legal and professional advice.

Membership

29. The panel must be convened at least 20 working days before the council meeting convenes to consider a recommendation of dismissal and the council meeting may not take place within 10 working days of the panel having been convened.
30. The panel must consist of a minimum of two of the Independent Persons appointed under section 28(7) of the Localism Act 2011 (to advise on Member conduct allegations) by the council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the council considers appropriate.

31. It shall be for the monitoring officer to invite the Council's current Independent Persons to take part and the investigation and disciplinary sub-committee will confirm appointments to the panel. In the event the disciplinary action is against the monitoring officer, the chief executive will invite independent persons to form the panel.
32. The panel will be appointed from those Independent Persons who have accepted an invitation to be considered for appointment, in accordance with the following priority order:
 - (a) an Independent Person who has been appointed by the authority and who is a local government elector in the Council's area
 - (b) any other Independent Person who has been appointed by the authority
 - (c) an Independent Person who has been appointed by another authority or authorities.

Responsibility for functions

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision Making Body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	Council	All members	
2. The determination of an appeal against any decision made by or on behalf of the authority.	The appeals panel	All members of each panel	
3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet by way of the Scrutiny Committee	All members	The committee reports will be submitted to the Cabinet
4. Any function relating to contaminated land.	General Licensing Committee	All members of the committee	
5. The discharge of any function relating to the control of pollution or the management of air quality.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
6. The service of an abatement notice in respect of a statutory nuisance.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
7. The passing of a resolution that schedule 2 to the Noise and Statutory Nuisances Act 1993 should apply in the authority's area.	Council	All members	See schedule 1 of the scheme of delegation
8. The inspection of the authority's area to detect any statutory nuisance.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
9. The investigation of any complaint as to the existence of a statutory nuisance.	General Licensing Committee	All members of the committee	See schedule 1 of the scheme of delegation
10. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning committee	All members of the committee	See schedule 1 of the scheme of delegation

Function	Decision Making Body	Membership	Delegation of Functions
11. The approval of the Statement of Accounts	Joint audit and governance committee or sub-committee	All members of the committee	
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	All members	See schedule 1 of the scheme of delegation
13. The appointment, and revocation of appointments, of any individual to any office or body other than the authority.	Cabinet	All members of Cabinet	

RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Functions	Delegation of Functions
PLANNING	<ol style="list-style-type: none"> 1. All functions in relation to town and country planning and development control as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto. 2. Subject to the costs being met from existing budgets, to take default action and execute works under any of the council's powers as local planning authority. 3. All functions in relation to the preservation of trees and the protection of important hedgerows, as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto. 4. All functions for which the council is the responsible authority in relation to footpaths and bridleways as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto. 	<p>See schedule 1 of the scheme of delegation.</p> <p>See schedule 1 of the scheme of delegation.</p>
	<ol style="list-style-type: none"> 5. The determination of complaints under the Anti-Social Behaviour Act 2003 – High Hedges 	See schedule 1 of the scheme of delegation

Committee	Functions	Delegation of Functions
GENERAL LICENSING	<ol style="list-style-type: none"> 1. All functions for which the council is the responsible authority in relation to licensing and registration as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and any amendments thereto. 2. All functions for which the council is the responsible authority in relation to health and safety at work to the extent that those functions are discharged otherwise than in the council's capacity as an employer. 3. All functions for which the council is the responsible authority in relation to control of pollution, management of air quality or contaminated land. 4. To consider objections to proposed street name changes. 5. Under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to: <ul style="list-style-type: none"> • review the policy for sexual entertainment venue licences as necessary and recommend changes to Council • agree changes to the standard guidance and conditions for sexual entertainment venue licences • determine applications for and revoke sexual entertainment venue licences 	See schedule 1 of the scheme of delegation
LICENSING ACTS	<ol style="list-style-type: none"> 1. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Licensing Act 2003. 2. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Gambling Act 2005. 3. The recommendation to Council of the approval or revision of a statement of licensing policy or gambling statement of principles. 	See schedule 1 of the scheme of delegation
JOINT AUDIT AND GOVERNANCE	<ol style="list-style-type: none"> 1. To consider and determine all aspects of the accounts of the authorities including the approval of the statement of accounts. 2. To receive the external auditor's annual governance report (or equivalent) and review responses to it. 	

Committee	Functions	Delegation of Functions
	<ol style="list-style-type: none"> 3. To consider corporate governance matters (including but not limited to comments and complaints, Ombudsman investigations and risk management issues) and review responses to them. 4. To agree a governance framework and a local code of governance for inclusion in the constitution. 5. To approve the annual governance statement. 6. To receive external and internal audit reports and review responses to them. 7. To ensure the effective scrutiny of the treasury management strategy, policies and performance. 8. To agree human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new Council policies on pensions (e.g. discretionary payments policy). 9. The overview of the councils' whistleblowing policy. 10. Having an overview of the standards of conduct framework for councillors, any co-opted members and parish councillors. 11. To determine any other matters delegated to this committee by both councils. 	

Committee	Functions	Delegation of Functions
Appeals Panel (NNDR, benefits and Housing)	<ol style="list-style-type: none"> 1. The consideration of appeals against the council's decisions in relation to: <ul style="list-style-type: none"> • whether the applicant is a qualifying person and may join the housing register (except where the applicant is prohibited by law) • a decision to suspend or cancel an application, except where this is at the applicant's request, or when a cancellation is because the applicant has accepted an offer of accommodation • the applicant's points award (this includes points for health and social priority) • whether an offer of accommodation is valid and counts as one of the three to which the applicant is entitled. • the award of housing grants. • the implementation of the rent deposit/rent in advance scheme. 2. The consideration of appeals against the council's decisions on all NNDR rate relief matters. 3. The consideration of appeals against the council's determinations in respect of housing, council tax and community charge benefit claims. 	

Responsibility for Cabinet functions

Who is responsible	Functions	Delegation of functions
The leader	All executive functions	See schedule 1 of the scheme of delegation
The leader	All executive functions	See schedule 2 of the scheme of delegation

Executive joint arrangements

Joint committee	Functions	Delegation of functions
Oxfordshire Growth Board	To oversee the delivery and implementation of the Oxford and Oxfordshire City Deal bid.	

Responsibility for health scrutiny functions

Committee	Functions
Oxfordshire Joint Health Overview and Scrutiny Committee*	All functions within the committee's terms of reference.

*A statutory committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.

Five Councils Partnership

Committee	Functions
Five Councils Partnership Corporate Services Joint Committee	All functions within the committee's terms of reference.

Schedule 1: functions which are the responsibility of the Cabinet, Council and local choice functions – delegation to officers

Introduction to the scheme

1. The Local Government Acts 1972 and 2000 provide that a local authority may arrange for the discharge of its functions by an executive/Cabinet, committees and sub-committees and by individual members and officers of the council, or by any other authority.
2. The following scheme of delegation to officers ("the scheme") is made pursuant to the Local Government Acts 1972 and 2000, and was approved by the Council and the leader.
3. The scheme may be amended by the Council at any time with or without any recommendation from the Cabinet or any committee or sub-committee but with the agreement of the leader in the case of executive/Cabinet functions.
4. The scheme shall not prejudice the right of the Council or any committee or sub-committee to delegate any specific matter to an officer or of the Cabinet and the leader to delegate any specific matter to an individual member of the Cabinet or officer when they are considering or determining any item on an agenda.
5. The scheme is split into two schedules as follows:

Schedule 1 – Functions which are the responsibility of the Cabinet, Council and local choice functions – delegations to officers; and

Schedule 2 – Functions which are the responsibility of the Cabinet – Leader's scheme of delegation to individual Cabinet members and officers.

6. Schedule 1 sets out the general principles which shall be applied in exercising any delegated authority, general powers of the chief executive and heads of service and then specific powers to each.
7. The scheme applies to the officers listed whether they are employed by this authority or, whether they are employed by another authority and have been placed at the disposal of this authority under an agreement made under Section 113 of Local Government Act 1972.

Abbreviations

(Listed in alphabetical order - Any reference or abbreviated reference to any statute or other legislation shall be construed as referring to any statutory amendment, modification or re-enactment of the said legislation and in the case of any statute is also deemed to refer to any regulation order or other subordinate legislation made

Act	Abbreviation
Animal Boarding Establishments Act 1964	ABEA 1964
Animal Boarding Establishments Act 1970	ABEA 1970
Animal Health Act 1981	AHA 1981
Animal Welfare Act 2006	AWA 2006
Anti-Social Behaviour Act 2003	ASBA 2003
Breeding of Dogs Act 1973	BDA 1973
Breeding of Dogs Act 1991	BDA 1991
Building Act 1984	BA 1984
Caravan Sites Act 1968	CSA 1968
Caravan Sites and Control of Development Act 1960	CSCDA 1960
Children and Young Peoples Act 1933	CYPA 1933
Cinemas Act 1985	CA 1985
Civil Contingencies Act 2004	CCA 2004
Clean Air Act 1968	CAA 1968
Clean Air Act 1993	CAA 1993
Clean Neighbourhoods and Environment Act 2005	CNEA 2005
Control of Pollution Act 1974	CPA 1974
Criminal Justice and Public Order Act 1994	CJPOA 1994
Dangerous Wild Animals Act 1976	DWAA 1976
Dogs (Fouling of Land) Act 1996	DA 1996
Employment of Women, Young Persons and Children Act 1920	EWYPCA 1920
Employment Act 1995	EA 1995
Environmental Impact Assessment Regulations 1999	EIAR 1999
Environmental Protection Act 1990	EPA 1990
European Communities Act 1972	ECA 1972
Factories Act 1961	FA 1961

Act	Abbreviation
Flood and Water Management Act 2010	FWMA 2010
Food and Environmental Protection Act 1985	FEPA 1985
Food Safety Act 1990	FSA 1990
Gambling Act 2005	GA 2005
Game Act 1931	GA 1931
General Development Order 1995	GPDO 1995
Goods Vehicles (Licensing of Vehicles) Act 1995	GV(LofV)A 1995
Health Act 2006	HA 2006
Health and Safety at Work Act 1974	HSAWA 1974
Hedgerow Regulations 1997	HR 1997
Highways Act 1980	HA 1980
Home Energy Conservation Act 1995	HECA 1995
Housing Act 1985	HA 1985
Housing Act 1996	HA 1996
Housing Benefit (General) Regulations 1987	HB Regs 1987
Housing Grants, Construction and Regeneration Act 1996	HGCRA 1996
Land Drainage Act 1991	LDA 1991
Licensing Act 2003	LA 2003
Local Government (Contracts) Act 1997	LGA 1997
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A 1976
Local Government (Miscellaneous Provisions) Act 1982	LG(MP)A 1982
Local Government Act 1972	LGA 1972
Local Government Act 1974	LGA 1974
Local Government Act 1988	LGA 1988
Local Government Act 1992	LGA 1992
Local Government Act 2000	LGA 2000
Local Government and Housing Act 1989	LGHA 1989
Local Government Finance Act 1982	LGFA 1982
Local Government Finance Act 1988	LGFA 1988
Local Government Planning and Land Act 1980	LGPLA 1980
Mobile Homes Act 1983	MBA 1983
National Assistance Act 1948	NAA 1948

Act	Abbreviation
Noise Act 1996	NA 1996
Noise and Statutory Nuisance Act 1993	NSNA 1993
Offices, Shops and Railway Premises Act 1963	OSRPA 1963
Open Spaces Act 1906	OSA 1906
Oxfordshire Act 1985	OA 1985
Party Wall etc. Act 1996	PWA 1996
Pet Animals Act 1951	PAA 1951
Planning (Listed Buildings and Conservation Areas) Act 1990	LBA 1990
Planning and Compensation Act 1991	PCA 1991
Pollution Prevention and Control Act 1999	PPCA 1999
Prevention of Damage by Pests Act 1949	PDPA 1949
Private Places of Entertainment Act 1967	PPEA 1967
Protection from Eviction Act 1977	PEA 1977
Public Health (Control of Disease) Act 1984	PH(CD)A 1984
Public Health Act 1875	PHA 1875
Public Health Act 1936	PHA 1936
Public Health Act 1961	PHA 1961
Public Health Acts (Amendments) Acts 1890	PHA(A) A 1890
Public Health Acts (Amendments) Acts 1907	PHA(A) A 1907
Regulation of Investigatory Powers Act 2000	RIPA 2000
Riding Establishments Act 1964	REA 1964
Riding Establishments Act 1970	REA 1970
Refuse Disposal (Amenity) Act 1978	RD(A)A 1978
Representation of the People Act 1983	RPA 1983
Road Safety Act 2006	RSA 2006
Road Traffic Act 1988	RTA1988
Road Traffic Regulation Act 1984	RTRA 1984
Scrap Metal Dealers Act 2013	SMDA 2013
Slaughterhouses Act 1974	SHA 1974
Slaughter of Poultry Act 1967	SPA 1967
Social Security Administration Act 1992	SSAA 1992
Sunday Trading Act 1994	STA 1994

Act	Abbreviation
Theatres Act 1968	TA 1968
Town and Country Planning (Control of Advertisements) Regulations 2007	Advertisement Regulations
Town and Country Planning Act 1990	TCPA 1990
Town Police Clauses Act 1847	TPCA 1847
Traffic Management Act 2004	TMA 2004
Water Act 1989	WA 1989
Water Industry Act 1991	WIA 1991
Welfare Reform Act 2007	WRA 2007
Zoo Licensing Act 1981	ZLA 1981

General principles of the scheme

The powers referred to in Schedule 1, (which for the avoidance of doubt are the powers allocated to the chief executive and heads of service), may be exercised subject to the following:

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
1.0	CONDITIONS OF DELEGATION	
1.1	Officers may manage and control their respective service areas , exercise the powers designated to them and deliver the service for which they are responsible subject to the following general principles:	
	(a) All decisions taken must be in accordance any statutory requirements, the approved budget, any policies and plans approved by the council, the council's financial procedure rules and procurement procedure rules, any other procedure rules as agreed by the council and the council's code of conduct and adopted protocols.	
	(b) Any decision taken must not contradict any decision of any other person or body with authority to take such decision unless approval to do so has been agreed.	Monitoring officer
	(c) Decisions can be taken where there is inadequate budgetary provision in case of urgency or emergency or cases where the council has a legal duty to act.	Section 151 officer / monitoring officer (Note refer to budget and policy framework rules and access to information regulations/ procedure rules)
	(d) Where, in the opinion of the relevant officer, a decision taken under delegated powers is likely to be contentious or have adverse legal consequences .	Leader of the council and/or the relevant cabinet member before taking the decision / monitoring officer
	(e) All decisions must be taken in compliance with the constitution .	

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
	(f) An officer with line management responsibility for an officer with delegated powers may exercise that power, instead of the officer so designated, and may direct or negate any course of action proposed. In the absence of the officer with line management responsibility, a head of service may exercise that power. In the absence of an alternative head of service the chief executive may exercise that power.	
	(g) An officer may, instead of exercising a delegated power, refer a matter to a more senior officer, or to the council, cabinet or a committee or sub-committee.	
	(h) References in these general principles to delegated powers include any delegation whether in the scheme of delegation or a specific delegation given by cabinet, council or a committee.	
	(i) Any head of service may exercise delegated powers to the chief executive in his absence.	
	(j) The chief executive may suspend the authority delegated to any head of service, and the chief executive and heads of service may suspend the authority delegated to any other officer.	
	(k) All “key” decisions, as defined in the constitution, will be recorded, published and made available for inspection by members of the council and the public, subject to the rules of procedure in relation to exempt or confidential information also set out in the constitution.	
	(l) Where a decision affects a particular ward.	Ward councillor(s) except where cabinet, council or committee has agreed otherwise
	(m) Where a decision is delegated to an officer in consultation with a specified cabinet member who is absent.	Alternative cabinet member

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
	(n) A decision delegated to an officer by council, cabinet or a committee can be taken by an officer with line management responsibility for that officer in his/her absence.	
	(o) A decision delegated to an officer in consultation with the chair(man) of a committee may be taken in consultation with the vice-chair(man) if the chair(man) is absent.	
	(p) Where responsibility for functions transfers from one head of service to another, assuming responsibility for a function may exercise delegated powers relating to that function.	
	(q) Delegations to the chief executive and heads of service apply to any officers appointed to those roles whether they are employed by the authority or have been placed at the disposal of the authority.	
	(r) When exercising any delegated powers, the relevant officer will also have the power to do anything which is calculated to facilitate, or is conducive, or incidental to the exercise of such delegated powers.	
	(s) A power delegated to an officer under this scheme or any other powers delegated to them may be given to any other person to carry out that power and act on their behalf, albeit the responsibility cannot be delegated.	

General delegations

Ref	Function	Consultation (where applicable)
DELEGATIONS TO CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVES AND HEADS OF SERVICE		
1.0	FINANCIAL	
1.1	To incur expenditure within approved capital and revenue budgets.	
1.2	To remit or reduce charges normally paid to the council when there are exceptional or special circumstances justifying the remission or discount.	Relevant cabinet member (executive functions) or chair of the relevant committee or the council (non-executive functions) if the remission or discount is £500 or above
1.3	To determine the fees and charges to be levied for all council services, excluding car parking charges.	Relevant cabinet member and chair of scrutiny committee
1.4	To settle small compensation payments up to a value of £500, where a claim has been agreed through the council's complaints procedure.	
1.5	To award revenue and capital grants up to a maximum of £5,000	Relevant cabinet member
1.6	To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council.	

Ref	Function	Consultation (where applicable)
2.0	LAND, PROPERTY AND ASSETS	
2.1	To incur expenditure on any item or service, including the acquisition of land or property, vehicles, plant and equipment.	Relevant cabinet member where the proposed expenditure exceeds £50,000 or a leasing arrangement is proposed
2.2	To serve notices to obtain particulars of persons' interests in land.	
2.3	To serve notices under any enactment and take follow up action.	
2.4	To grant permission to carry out works on the council's land.	Relevant cabinet member
2.5	To declare as surplus, and to sell, assets up to a book value of £10,000.	Relevant cabinet member in the case of land and property with a book value in excess of £5,000
3.0	LEGAL	
3.1	To serve notices, make orders, take enforcement action, and respond to consultations under the provisions of the Anti-Social Behaviour Act 2003.	
3.2	Without prejudice to any specific delegation in the scheme to authorise the issue and service of any statutory notice or requisition relating to any matters within their area of responsibility and to take any associated enforcement action and authorise default works.	

Ref	Function	Consultation (where applicable)
3.3	Without prejudice to any specific delegation in the scheme to act as the proper officer for the authentication of any statutory notices, any requisitions, Orders or other documents which are issued and served relating to any matter within their area of responsibility.	
3.4	To approve the copying of documents for the purpose of the copyright, designs and patents legislation.	
3.5	Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than high court proceedings or above) relating to any matters within their area of responsibility.	Head of legal and democratic
3.6	Subject to any rules of court to authorise members of staff to attend, appear as witnesses and represent the council in any legal proceedings in court, public inquiries, tribunals or any other hearings.	
3.7	To authorise, under Section 223 of the Local Government Act 1972 (as amended) officers to appear on behalf of the council in proceedings before magistrates' courts .	
3.8	Where any officer has delegated powers to authorise legal proceedings that power also includes the power to administer simple cautions (previously known as formal cautions).	
3.9	To deal with lost and uncollected property found on or deposited from land or property within their area of responsibility (S.41 LG(MP)A 1982).	
3.10	Without prejudice to any specific delegation in the scheme to determine any application for permissions, consents or licences or registration within their area of responsibility.	
3.11	Without prejudice to any specific delegation in this scheme, to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any statutory power of inspection and entry onto land or property, powers of inspection (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.	

Ref	Function	Consultation (where applicable)
3.12	To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.	
3.13	To release Council held information under the Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR), the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.	Head of legal and democratic on any applications for exemptions
3.14	To sign statements of truth on behalf of the council under the civil procedure rules 1998.	
3.15	To make planning applications including listed building, conservation area and advertisement consents, and footpath diversion or tree preservation orders.	Relevant cabinet member in the case of major projects
3.16	To make applications for any orders and other application such as building control applications.	
3.17	To authorise any employee to admit liability or to negotiate a settlement of any professional negligence liability claim made against that employee.	Head of legal and democratic
3.18	To exercise the council's powers and duties under the Health and Safety at Work etc. Act 1974 including statutory powers of inspection and entry, service of notices, taking enforcement action and the appointment of inspectors.	
4.0	STAFFING MATTERS	
4.1	To enter into agreements under section 113 of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils.	Relevant cabinet member
4.2	To take any action required or authorised under any recruitment and selection policies and procedures.	
4.3	To authorise the appointment of temporary and relief staff and agency staff where essential during periods of absence, sickness or holidays or as a result of resignation or to deal with unexpected peaks in workload.	

Ref	Function	Consultation (where applicable)
4.4	To determine applications to extend an employee's contractual period of sick leave on full or half pay for an additional period of up to three months.	Relevant head of service
4.5	To determine applications for leave of absence without pay .	
4.6	To agree flexible contracts and working patterns , including job share, home working and term time working.	
4.7	To approve the payment of temporary additions to salary where the additional duties of responsibilities are shared by one or more employees.	Head of corporate services
4.8	To authorise ex-gratia payments to employees who suffer accidental loss or damage incurred in the course of their duties.	Section 151 officer and head of corporate services if above £500
4.9	To authorise contractual salary progression within career graded posts.	
4.10	To authorise the working and payments to employees for standby duties and for overtime .	
4.11	To approve applications for annual, compassionate or other leave .	
4.12	To determine applications for special leave with full pay .	
4.13	To enter into apprenticeship or similar agreements.	
4.14	To determine applications from officers graded senior officer and above for permission to take up secondary employment .	
4.15	To authorise the reimbursement of employees for essential additional expenditure incurred by them in carrying out their duties.	
4.16	To formally discipline staff in strict accordance with the any disciplinary procedures.	Head of corporate services
4.17	To authorise time sheets, mileage and subsistence claims, and other expenses .	

Ref	Function	Consultation (where applicable)
4.18	To authorise the attendance by staff at meetings, training sessions, discussion groups, seminars, exhibitions and conferences.	
4.19	To give approval to staff to attend training courses and day release courses in pursuit of relevant professional or other qualifications.	
4.20	To grant paid leave of absence to staff for personal development or training purposes.	
4.21	To authorise the acceleration of increments to staff within their salary scale until the top of the scale is reached.	Head of corporate services
4.22	To approve permanent additions to the establishment , which will come forward as an essential growth bid.	Head of paid service, section 151 officer, leader of council and Cabinet member for finance
5.0	PURCHASES, PLANT, STOCK, EQUIPMENT AND MATERIALS	
5.1	To authorise and incur expenditure of a recurring nature or to purchase stock, plant, equipment and other materials subject to compliance with procurement procedure rules.	
5.2	To hire plant subject to the inclusion of cost of hire within approved estimates.	
5.3	To incur expenditure on the reception and entertainment of persons connected with local government or other public services.	
5.4	To authorise the disposal of surplus stock , plant, equipment and other materials at the best possible prices subject to compliance with procurement procedure rules.	
6.0	CONTRACTUAL AND FINANCIAL MATTERS	
6.1	To take any action authorised by the council's procurement procedure rules and any financial rules and procedures.	

Ref	Function	Consultation (where applicable)
6.2	To monitor and take all necessary action (except legal proceedings) to enforce all the legal provisions contained within any deeds of transfer made between the council and any other organisation and all ancillary provisions contained within any schedules of any deeds relating to any matter within their area of responsibility	Head of legal and democratic
6.3	To sign on the council's behalf any contract for works, good or services.	
6.4	To approve an additional on-going budget of the lesser of £50,000 or 20% of the contract price if following the tendering of a contract, the new contract sum is greater than the approved budget. This would subsequently come forward as an essential growth bid.	Chief executive, section 151 officer, leader of council and Cabinet member for finance
7.0	MISCELLANEOUS	
7.1	To respond to consultations from the government, neighbouring authorities and other public or private sector bodies having regard to any protocol on responding to consultation documents.	
7.2	To carry out the maintenance and publication of performance indicators and other information relating to performance standards.	
7.3	To undertake any roles and functions allocated under any council policies or procedures.	
7.4	To make minor amendments to strategies/policies after approval by council/cabinet prior to publication.	
7.5	To exercise powers delegated to the council under agency agreements or contracts with other councils.	
7.6	To review and deal with all complaints in accordance with any comments and complaints procedure.	
7.7	To instruct consultants and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council.	
7.8	To determine a formal review of assets of community value requested by the landowner.	
8.0	URGENCY	

Ref	Function	Consultation (where applicable)
8.1	Without prejudice to any specific delegation in the scheme in cases of emergency or urgency only to carry out any action or exercise any statutory power within their area of responsibility on behalf of the council.	

Chief executive (head of paid service)

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)		
Ref	Function	Consultation (where applicable)
1.0	HUMAN RESOURCES	
1.1	To act as the council's head of the paid service .	
1.2	To determine the council's establishment , numbers of staff, grading, remuneration and deployment and agree terms and conditions for the employment of staff, subject to fundamental changes to the organisation structure being agreed by the cabinet.	
1.3	To approve any redundancies, retirements, secondments, unpaid leave requests, pension related matters, job maintenance decisions, market premia, annual increments and any other employment related matters , subject to proposals for enhanced benefits exceeding £10,000 being determined by the Joint Audit and Governance Committee.	
1.4	To authorise the payment of recruitment and retention incentives .	
2.0	ASSETS OF COMMUNITY VALUE	
2.1	To determine or authorise another officer to determine a formal review requested by the landowner.	
2.2	To determine or authorise another officer to determine landowner claims for compensation .	
3.0	HEALTH AND SAFETY	
3.1	To exercise the council's powers and duties under the Health and Safety at Work etc. Act 1974 .	
4.0	MISCELLANEOUS	
4.1	To receive and deal with all Ombudsman complaints and authorise local settlements (LGA 1974 and S92 LGA 2000).	
4.2	To nominate appropriate officers to deputise for the chief executive and head of paid service.	
4.3	To take any action considered necessary in an emergency .	Group leaders
4.4	To authorise additional senior officers to sign documents and to attest the affixing of the common seal .	

Deputy chief executive – partnerships

(Strategic partnerships, housing growth deal delivery, Arc, and Five Councils Partnership)

DEPUTY CHIEF EXECUTIVE - PARTNERSHIPS		
Ref	Function	Consultation (where applicable)
1.0	STRATEGIC PARTNERSHIPS	
1.1	To act as the council's representative in communication with its partners.	
2.0	HOUSING AND GROWTH DEAL	
2.1	To act as the council's lead in the delivery of the council's obligations under the Oxfordshire Housing and Growth Deal.	
3.0	PAN-REGIONAL PARTNERSHIPS	
3.1	To act as the council's lead in the cross-border pan-regional partnerships.	
4.0	FIVE COUNCILS' PARTNERSHIP	
4.1	To act as the council's lead in the Five Councils' Partnership.	
5.0	DEPUTY TO THE CHIEF EXECUTIVE	
5.1	To act as the chief executive's nominated deputy , with full authority to act in the chief executive's absence.	

Deputy chief executive – place

DEPUTY CHIEF EXECUTIVE - PLACE		
Ref	Function	Consultation (where applicable)
1.0	DEPUTY TO THE CHIEF EXECUTIVE	
1.1	To act as the chief executive’s nominated deputy , with full authority to act in the chief executive’s absence.	
2.0	MASTERPLANNING	
2.1	To act as the council’s lead on masterplanning .	
3.0	SERVICES OVERSIGHT	
3.1	To have an oversight and overall responsibility for all functions delegated to the head of development and corporate landlord, the head of housing and environment, and the head of planning.	
4.0	SAFEGUARDING	
4.1	In the absence of the deputy chief executive – transformation and operations, to make reports of safeguarding concerns in accordance with the council’s safeguarding policy.	

Deputy chief executive – transformation and operations

DEPUTY CHIEF EXECUTIVE – TRANSFORMATION AND OPERATIONS		
Ref	Function	Consultation (where applicable)
1.0	TRANSFORMATION	
1.1	To act as the council's lead on strategic and corporate delivery and transformation.	
2.0	DEPUTY TO THE CHIEF EXECUTIVE	
2.1	To act as the chief executive's nominated deputy , with full authority to act in the chief executive's absence.	
2.2	To be the nominated deputy head of paid service.	
3.0	SERVICES OVERSIGHT	
3.1	To have an oversight and overall responsibility for all functions delegated to the head of corporate services and the head of policy and programmes.	
3.2	To act as the responsible officer for the council's executive support team.	
4.0	SAFEGUARDING	
4.1	To make reports of safeguarding concerns in accordance with the council's safeguarding policy.	

Chief finance (section 151) officer

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
1.0	PAYMENTS	
1.1	To deal with all the council's staff salaries and wages , together with all tax, superannuation and similar deductions	
1.2	To organise, administer and monitor the council's loan scheme and authenticate all agreements relating to the scheme	
2.0	FINANCIAL	
2.1	To sign all cheques and similar documents for the payment of monies due by the council	
2.2	To make determinations relating to government controls over spending and borrowing and to administer the council's accounts and various bank accounts Sections 42, 56, 60 and 63 LGFA1988	
2.3	To organise, administer and monitor any council overdrafts with the council's bank.	
2.4	To organise, administer and monitor any loans or other borrowing arrangements with the council's bank or other lending institutions or individuals.	Cabinet member for finance in the case of borrowing for more than 365 days.
2.5	To organise, administer and monitor the investment of council funds and other treasury management functions .	
2.6	To act as the money laundering reporting officer .	
2.7	To make exceptions to the limits in the treasury management investment strategy in any financial year up to £3,000,000, where he is satisfied that it is financially advantageous to the council and at a comparable level of risk to that detailed in the treasury management investment strategy.	Cabinet member for finance

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
3.0	DEBT COLLECTION	
3.1	To authorise the writing off of any debt.	Cabinet member for finance when over £5,000
4.0	COUNCIL TAX AND LOCAL TAXATION	
4.1	To grant discounts/relief to non-domestic ratepayers under Sections 43, 45, 47 and 49 LGFA 1988.	
4.2	To determine all applications for discretionary council tax reductions in accordance with any rules made by the council. (S.13A(c).LGFA 1992).	
4.3	To approve and submit the Council's national non-domestic rates 1 form (NNDR1) each year as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 2012).	Cabinet member for finance
5.0	MISCELLANEOUS	
5.1	To determine variations in interest rates on mortgages and advances for private house purchase. (S.438 HA 1985).	
5.2	To authorise action and incur expenditure in connection with emergencies and disasters , in accordance with the Financial procedure rules.	
5.3	To authorise postponement of the council's right to repayment of discount until after a lender has received the amount owing on a mortgage.	
5.4	To determine applications for the postponement of the council's registered charge following the sale of a council house. (S.156 HA 1985).	

Electoral registration officer and returning officer

(Elections and Electoral Registration)

ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER		
Ref	Function	Consultation (where applicable)
1.0	ELECTIONS AND ELECTORAL REGISTRATION	
1.1	To take such action and make such decisions as are necessary as the council's electoral registration officer and returning officer in respect of all related electoral, poll or referendum duties, including in relation to county council elections, and national, regional and local polls or referendums.	
1.2	Assigning officers in relation to requisitions of the electoral registration officer.	
1.3	As returning officer to designate an alternative polling place if the designated polling place becomes unavailable for a particular election, referendum or poll.	
1.4	To make changes to polling districts and polling places where circumstances dictate that this is desirable.	Members of the Community Governance and Electoral Issues Committee and the relevant ward councillor(s)
1.5	Providing assistance at European parliamentary elections .	
1.6	Power to fill vacancies in office and giving notice of casual vacancies .	
1.7	Duties relating to providing notice to the Electoral Commission and relating to publicity .	

Deputy Chief Executive – Transformation and Operations

Head of corporate services

(Communications and engagement, customer services, people and culture, and IT services)

HEAD OF CORPORATE SERVICES		
Ref	Function	Consultation (where applicable)
1.0	PUBLICITY AND MARKETING	
1.1	To compile and deal with all the council's publicity and marketing material including the publication of any council magazine and all press releases (S142, 144, 145 LGA 1972 and S2 LGA 1986).	
2.0	HEALTH AND SAFETY	
2.1	To exercise the council's powers and duties under the Health and Safety at Work etc. Act 1974 including statutory powers of inspection and entry, service of notices, taking enforcement action and the appointment of inspectors.	
3.0	HUMAN RESOURCES	
3.1	To take any action required or authorised under the council's recruitment and selection policy and procedures.	
3.2	To issue and authenticate all council contracts of employment .	
3.3	To make awards to employees achieving qualifications.	
3.4	To authorise contractual salary progression .	
3.5	To determine staff salary grades in accordance with the council's approved job evaluation scheme.	
3.6	To authorise honoraria to staff.	
3.7	To implement pay awards and decisions of national negotiating bodies.	
3.8	To make appointments and dismissals of staff.	
3.9	To undertake any disciplinary action .	

HEAD OF CORPORATE SERVICES		
Ref	Function	Consultation (where applicable)
3.10	To undertake any action necessary in respect of job maintenance and staff capabilities .	
3.11	To authorise casual and essential user car allowances	
4.0	STREET NAMING AND NUMBERING	
4.1	To authorise the display and service of any Notice and authorise the naming of any street, or the alteration of any street name provided it is unopposed (S.13 OA 1985).	
4.2	To place the name of any street in a conspicuous position (S.13 OA 1985).	
4.3	To confirm new street names .	Group leaders and local ward councillors

Deputy chief executive - place

Head of development and corporate landlord

(Strategic property and asset management, technical services, and economic development)

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
1.0	LAND AND PROPERTY MATTERS	
1.1	To manage the council's land and property portfolio.	
1.2	To authorise the following types of land and property transactions provided that: <ul style="list-style-type: none"> (i) in the case of paragraph (a), the consideration is the best that can reasonably be obtained unless a general consent of the Secretary of State applies; and (ii) all disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member. 	
	(a) To approve the freehold or leasehold sale of land and property where the land or property transaction is up to a book value of £10,000.	Relevant cabinet member in the case of land and property with a book value in excess of £5,000
	(b) To approve and accept surrenders or terminations of leases and licences and any ancillary documents (including deeds of variation) , and determine applications for the assignment, sub lettings and transfer of leases and licences and the granting of sub-leases and under leases and other applications for consent required by lessees.	Head of legal and democratic
	(c) To determine the renewal of leases and tenancies .	Cabinet member for property/head of legal and democratic where the annual rental value exceeds £10,000

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
	(d) To grant new leases and tenancies up to an annual rental value limit of £50,000.	Cabinet member for property/head of legal and democratic where the annual rental value exceeds £10,000
	(e) To negotiate and approve rent reviews and licence fee reviews .	Head of legal and democratic
	(f) To determine applications for the release or variation of covenants .	Head of legal and democratic
	(g) To grant wayleaves, easements, licences and other rights of users in respect of council owned land or property.	Head of legal and democratic
	(h) To dedicate land owned by the council as a highway.	Head of legal and democratic
	(i) To enter into agreements under section 278 of the Highways Act 1980.	Head of legal and democratic
	(j) To determine requests from developers for the council to adopt land on housing developments , subject to the payment of a commuted sum and the land being transferred at a nominal sum.	Head of housing and environment and head of planning
	(k) To serve notices required in relation to the acquisition, disposal, rental, leasing and management of land and property.	
SOUTH ONLY	(l) To grant the consent of the council and agree to release covenants in respect of land and property matters including retrospective consents and consents under section 157 of the Housing Act 1985.	
	(m) To grant the consent of the council and agree to release covenants in respect of land and property matters including retrospective consents under restrictive covenants contained in historic conveyances and transfers of former council housing.	

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
1.3	To acquire the freehold of leasehold land.	
1.4	To enter into easements, wayleaves and other licences on non-council owned land.	
2.0	ECONOMIC DEVELOPMENT	
2.1	To award capital grants for economic development projects for which there is an approved budget.	
2.2	To carry out day to day management of the council's role as accountable body for the Oxfordshire LEADER programme , including the hosting of staff associated with the project.	
3.0	LEISURE FACILITIES AND COMMUNITY CENTRES	
3.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the day to day management of all the council's leisure facilities.	
3.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract for the management of the council's leisure and sports centres and other facilities .	
3.3	To authorise the commencement, continuation, discontinuance or settlement of any legal proceedings for any offence against any statute byelaw or other law relating to the council's leisure and sports centres.	Head of legal and democratic
3.4	To determine and take all necessary action in respect of the promotion of sports within the district.	
3.5	To procure approved capital investment projects for the leisure centres where the funding for such projects is in the council's approved capital programme.	Cabinet member with responsibility for leisure services

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
4.0	THE BEACON AND THE CORNERSTONE	
4.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the day to day management of all the council's arts facilities at The Beacon and The Cornerstone.	
4.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract for the management of the council's arts facilities .	
4.3	To authorise the commencement continuation, discontinuance or settlement of any legal proceedings for any offence against any statute byelaw or other law relating to the council's arts facilities.	Head of legal and democratic
4.5	To procure approved capital investment projects for arts facilities where the funding for such projects is in the council's approved capital programme.	Cabinet member for leisure
5.0	OPEN SPACES (Recreation grounds, parks and gardens and riverbanks)	
5.1	To monitor and take all necessary action relating to the day to day management of all the council's open spaces.	
5.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract or quasi-contract for the management and maintenance of all open spaces.	
5.3	To determine all applications for the letting and use of all the council's open spaces.	Relevant cabinet member (in the case of free or other special terms only)
5.4	To determine all applications for the holding of fairs, fetes and other entertainment on the council's recreation grounds, parks and gardens.	Relevant cabinet member
5.5	To negotiate and authorise the entering into of open space agreements . (S.9 OSA 1906)	Relevant cabinet member

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
5.6	To authorise the commencement continuation, discontinuance or settlement of any legal proceedings for any offence against any statute byelaw or other law relating to the council's recreation grounds, open spaces and gardens.	Head of legal and democratic
6.0	CAR PARKING	
6.1	To authorise the enforcement of the provisions of the council's car parking orders (S.35A 112 RTRA 1984 and Part IV of Schedule 9 of the Act, the Traffic Management Act 2004 and all other enabling powers).	
6.2	To determine applications to use the council's pay and display car parks for the following purposes:	Cabinet member for technical services
	(a) Requests for charitable organisations to use the car parks to hold fund raising events such as flag days and charity car washes.	
	(b) Requests for charities or other not-for-profit organisations to locate temporary mobile units offering advice and information at car parks.	
	(c) Requests from public bodies such as Southern Electricity and training and enterprise councils, offering advice and information at car parks.	
	(d) Requests to reserve spaces in the car parks or waive charges for parking during special events .	
	(e) Requests for permits to be issued to allow car parks to be used for the purposes of dropping off and picking up where no other suitable parking facilities exist, such as schools and playgroups.	
	(f) Requests from private companies wishing to gain alternative temporary access to their businesses or have a temporary base (e.g. film crews) at the car parks for which a charge is made.	
6.3	To waive car park charges for Christmas and other special occasions.	Cabinet member for technical services

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
6.4	To determine appeals against penalty charge notices issued for contravention of regulations in the council's car parks.	
6.5	To write off penalty charge notices.	
7.0	SANITATION, SEWERAGE AND LAND DRAINAGE	
7.1	To exercise the council's powers and duties under the Public Health Act 1936 and the Public Health Act 1961 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
7.2	To exercise the council's powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 and 1982 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
7.3	To exercise the council's powers and duties under the Building Act 1984 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
7.4	To carry out all the statutory duties and powers of Thames Water Utilities under the terms and conditions of any agency agreement or contract including the adoption of any sewer or drains by Agreement or otherwise. (WA 1989 and S.17 18 PHA 1936).	
7.5	To authorise and serve any notices of entry onto land in connection with the provision or maintenance of sewerage facilities or the alteration of sewerage or drainage systems. (WA 1989).	
7.6	To authorise the making of any agreement with the highway authority for the use of highway sewers as sewers for sanitary purposes or to allow public sewers to be used for the drainage of public highways. (S.21 PHA 1936).	
7.7	To require works to be carried out relating to the disconnection of drains (S62 BA 1984).	

HEAD OF DEVELOPMENT AND CORPORATE LANDLORD		
Ref	Function	Consultation (where applicable)
7.8	To authorise and serve any notice for the repair, maintenance and cleansing of any culvert (S.264 PHA 1936).	
7.9	To authorise drainage works and exercise any powers of the drainage authority to prevent flooding or remedying or mitigating any flood damage (S.14 LDA 1991).	Cabinet member for technical services, except in cases of emergency or urgency.
7.10	To provide a drainage clearance service to clear private blocked sewers and all drains and to serve the necessary notice and form on the relevant owners and occupiers (S17 and 22 PHA 1961 and S35 LG (MP) A 1976).	
7.11	To authorise and serve any notice for the maintenance of the flow of non-main river watercourses . (S.25 LDA 1991).	
8.0	BURIAL	
8.1	To grant exclusive rights of burial and sign the necessary certificate.	

Head of finance

(Strategic finance, revenues and benefits, internal audit, exchequer services and procurement)

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
1.0	FINANCIAL	
1.1	To receive and bank all income received by the council.	
1.2	To administer the statutory schemes for payment of housing benefit, rent allowances, rent rebates, council tax rebates and transitional relief, including the exercise of discretion in exceptional circumstances.	
1.3	To approve the issue of liability orders .	
1.4	To grant discretionary housing payments in accordance with the Child Support, Pensions and Social Security Act 2000.	
1.5	To administer sanctions and initiate proceedings in accordance with the Social Security Administration Act 1992 and the Theft Act 1968 and any future enactments.	
1.6	To authorise officers to obtain information from employers, etc. under Section 110A of the Social Security Administration Act 1992.	
2.0	DEBT COLLECTION	
2.1	To organise, administer and monitor the collection and recovery of sundry debts owed to the council, including penalty parking charges and to authorise the issue and service of all notices and demands concerning the same.	
2.2	Subject to any rules of court, to authorise those members of staff who may represent the council as advocates or as witnesses in any legal proceedings relating to the council tax community charge or housing benefit and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
3.0	COUNCIL TAX, COMMUNITY CHARGE AND LOCAL TAXATION	
3.1	To administer the demand, collection and recovery of the council tax, community charges, rates and other locally levied or collected taxes.	
3.2	Subject to any rules of court, to authorise those members of staff who may represent the council as advocates or as witnesses in any legal proceedings relating to the council tax community charge and rates and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	
4.0	BENEFITS	
4.1	To administer and determine all applications for housing, council tax, community charge or other benefits.	
4.2	To determine entitlement to concessionary fares and to organise, administer and maintain the concessionary fares scheme.	
4.3	To authorise criminal proceedings for housing and council tax benefit (SSAA 1992 and WRA 2007)	
4.4	To prosecute for offences relating to national benefits administered by the Department for Work and Pensions.	
4.5	To investigate national benefits (income support, jobseeker's allowance, incapacity benefit, state pension credit or employment and support allowance) in conjunction with investigating housing and council tax benefit in the same case.	
5.0	AUDIT	
5.1	Functions for maintaining an adequate and effective system of internal audit.	
6.0	COMMUNITY INFRASTRUCTURE LEVY	
6.1	In accordance with the Community Infrastructure Levy Regulations 59D to make payment to the towns and parishes	Head of planning

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
	in respect of the Community Infrastructure Levy revenue received from: (a) 1 April to 30 September in any financial year – payment by 28 October (b) 1 October to 31 March in any financial year – payment by 28 April.	
6.2	To make payments to the towns and parishes in relation to the Community Infrastructure Levy Regulation 59 and 59D and approve payments (by 28 October and 28 April in any financial year) to the relevant receiving town or parish council or parish meeting.	Head of planning
6.3	To negotiate and enter into funding agreements with Oxfordshire County Council and Oxfordshire Clinical Commissioning Group or other public health care providers regarding the release of Community Infrastructure Levy funds.	
6.4	To determine applications for funding in line with the appropriate approved Community Infrastructure Levy Spending Strategy for funds allocated in the capital programme.	Head of planning, plus Cabinet member for amounts greater than £20,000
6.5	In accordance with the Community Infrastructure Levy Regulation 59(F), to approve projects submitted by parish meetings and spend of associated funding either directly to the parish meeting or through a third party, subject to consultation with the head of planning and the head of finance.	Head of planning
6.6	To collect Community Infrastructure Levy revenue and calculate the chargeable amount under Regulation 40 of the Community Infrastructure Levy Regulations 2010. Appropriate budgets must be created as follows in accordance with the financial procedure rules: (a) for the administration of Community Infrastructure Levy (5 per cent of the Community Infrastructure Levy revenue) (b) for the towns and parishes (15 or 25 per cent of the Community Infrastructure Levy revenue) (c) for the district council (remainder of the Community Infrastructure Levy revenue).	
6.7	In accordance with the Community Infrastructure Levy Regulations 59D to make payment to the towns and parishes	Head of planning

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
	in respect of the Community Infrastructure Levy revenue received from: (a) 1 April to 30 September in any financial year – payment by 28 October (b) 1 October to 31 March in any financial year – payment by 28 April.	
6.8	To make payments to the towns and parishes in relation to the Community Infrastructure Levy Regulation 59 and 59D and approve payments outside of the prescribed payment cycle where a town or parish council has requested that the council retains all or part of the parish's allocation.	Head of planning
6.9	To recover Community Infrastructure Levy under Regulation 59E, the reimbursement of expenditure incurred and repayment of loans under Regulation 60, the collection of administrative expenses under Regulation 61, the reporting under Regulation 62 of the Community Infrastructure Levy Regulations 2010, the publishing of the annual infrastructure funding statement under Schedule 2 the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019	Head of planning
6.10	To deal with liability notices under Regulations 31 to 39 of the Community Infrastructure Levy Regulation 2010.	
6.11	To deal with exemptions and reliefs from the Community Infrastructure Levy under Regulations 41 to 45, 47 to 49 to 53, 54 to 54D, 55 to 57 of the Community Infrastructure Levy Regulation 2010.	
6.12	To deal with notices of chargeable development, liability notices, demand notices and infrastructure payments under Regulations 64 to 79 of the Community Infrastructure Levy Regulation 2010.	
6.13	To impose surcharges and interest under Regulations 80 to 88 of the Community Infrastructure Levy Regulation 2010.	
6.14	To deal with the recovery of the Community Infrastructure Levy including stop notices, liability orders and other enforcement mechanisms under Regulations 89 to 111 of the Community Infrastructure Levy Regulations 2010.	
7.0	MISCELLANEOUS	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
7.1	To exercise discretion in waiving the repayment of renovation and associated housing grants .	
7.2	Until 6 May 2021, to sign any document that is necessary to any legal procedure or proceedings on behalf of the council, unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.	Democratic Services Manager
7.3	Until 6 May 2021, to attest the affixing of the common seal to any document that needs to be sealed.	Democratic Services Manager

Deputy chief executive - place

Head of housing and environment

(Housing delivery, housing needs, and environmental services)

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
1.0	HOUSING	
1.1	Allocation management of housing accommodation.	
1.2	To be responsible for the annual review of the statutory homelessness strategy .	Cabinet member for housing
1.3	To discharge the council's statutory responsibilities for homelessness under the housing legislation.	
1.4	To carry out statutory section 202 reviews under the Housing Acts 1996 Parts 6 and 7 in accordance with legislation and guidance.	
1.5	To keep and maintain a housing register .	
1.6	To exercise the council's powers and duties under Housing Act 1996 Part VI (and the Localism Act 2011).	
1.7	To determine on application or otherwise whether any person should be placed on the housing register and amend or remove any such entry in appropriate circumstances and to review any decision not to place or to remove a person from the housing register.	
1.8	To provide information to any person on the housing register relating to himself.	
1.9	To provide information about the council's allocation scheme to any member of the public.	
1.10	In exercising the allocation of housing functions mentioned above to notify all applicants and other relevant persons of all decisions made giving reasons where appropriate.	
1.11	To determine applications for accommodation / assistance by former agricultural workers under the rent (agriculture) legislation.	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
1.12	To determine the allocation of dwellings to local people who have housing needs .	
1.13	To determine claims and authorise payments for home loss and disturbance .	
1.14	To serve statutory notices and take enforcement action relating to housing and associated matters for example prohibition orders, improvement notices, hazardous awareness notices and empty dwelling management orders.	
1.15	To enter into nomination agreements .	
2.0	HOUSING RENEWAL / ASSISTANCE	
2.1	To exercise the powers conferred on housing authorities under the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002 Article 3.	
2.2	To determine all applications for housing renewal and disabled facilities adaptations in accordance with the councils adopted policy.	
2.3	To recover monies secured by charge on sale of property or transfer of title deed in accordance with housing renewal policy applicable when application determined	
2.4	To exercise the powers and duties of the council under the national assistance legislation.	
3.0	HOUSING DEVELOPMENT	
3.1	To determine applications from registered housing providers to waive the 80 per cent equity share restriction on shared ownership dwellings , on a case-by case basis, where such a restriction has been included within a section 106 planning agreement, and where the application meets the established criteria for granting the waiver.	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
3.2	To determine continuous market engagement requests and confirm support to Homes England for both grant and nil-grant applications from registered housing providers, for the inclusion of affordable dwellings or developments within the national affordable homes programme.	
4.0	WASTE AND STREET CLEANING	
4.1	To monitor and take all necessary action to enforce the provisions of the contract with any contractor relating to waste and street cleaning.	Relevant cabinet member and head of legal and democratic in the case of legal proceedings only
4.2	To authorise and serve any notices and take all necessary action relating to the removal of abandoned vehicles or other things. (S.3-8 RD(A)A 1978)	
4.3	To authorise the service of any Notices and take all necessary action relating to the council's duties as a waste collection authority as set out in sections 45 and 46 of the Environmental Protection Act 1990 (as amended).	
4.4	To authorise and serve any notices and take all necessary actions relating to the council's duties as a principal litter authority in accordance with section 89 of the Environmental Protection Act 1990 (as amended).	
4.5	To authorise an exemption for residents who wish to pay their annual subscription to the garden waste service by means other than direct debit.	
5.0	BURIAL	
5.1	To grant exclusive rights of burial and sign the necessary certificate	
6.0	LEGAL PROCEEDINGS	
6.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to offences under the relevant council	Head of legal and democratic

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
	enforced legislation highlighted in sections 7.0 to 23.17 below.	
6.2	To exercise the council's powers to gather evidence and investigate under the Police and Criminal Evidence Act 1984 .	
7.0	HOUSING STANDARDS, HOUSING GRANTS AND MOBILE HOMES	
7.1	To exercise the council's powers and duties under the Housing Act 1985 (as amended) and the Housing Act 2004 , including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.2	To exercise the council's powers and duties under the Caravan Sites and Control of Development Act 1960 and the Mobile Home Act 2013 including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.3	To determine applications for mandatory and discretionary grants for the provision, repair, maintenance, renewal or improvement of housing in accordance with the Housing Grants, Construction and Regeneration Act 1996 .	
7.4	To determine applications for disabled facilities grants in accordance with the Housing Grants, Construction and Regeneration Act 1996 .	
7.5	To determine applications for Homes Repair Assistance for minor works in accordance with the Housing Grants, Construction and Regeneration Act 1996 .	
7.6	To determine applications for loans through the Flexible Home Improvement Loans Limited scheme.	
7.7	To allocate pitches for the stationing of mobile homes on the council's mobile home sites and enter into	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
	agreements with occupiers of such mobile homes (S.1 MHA 1983).	
7.8	To determine applications for the succession, transfer or exchange or sale of Mobile Homes (S.3 MHA 1983).	
7.9	To determine all others matters relating to the management of the council's Mobile Home Sites, including authorising the service of any notices and the commencement, continuance, defence, settlement or discontinuance of any legal proceedings (other than High Court Proceedings or above) against occupiers, including also the issue and execution of Warrants for Possession. (Sch 1968 S.2 and Sch.1 MHA 1983).	Cabinet member for technical services in the case of legal proceedings only (other than cases of rent arrears or urgency).
8.0	ENVIRONMENTAL PROTECTION, AIR QUALITY AND CONTAMINATED LAND	
8.1	To exercise the council's powers and duties under the Environmental Protection Act 1990 including taking enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
8.2	To exercise the council's powers and duties under the Pollution Prevention and Control Act 1999 including issuing and revoking Permits, taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.3	To exercise the council's powers and duties under the Environment Act 1995 and the Environment Act 2021 , including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.4	To exercise the council's powers and duties under the Control of Pollution Act 1974 and 1989 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.5	To exercise the council's powers and duties under the Clean Air Act 1993 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
8.6	To exercise the council's duties under the Licensing Act 2003 as the responsible authority for public safety and the prevention of public nuisance .	
9.0	FOOD SAFETY AND HYGIENE	
9.1	To exercise the council's powers and duties under the Food Safety Act 1990 including statutory powers of inspection and entry, service of notices, taking of enforcement action, and the appointment of inspectors.	
9.2	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to the food safety or hygiene powers mentioned above or to the relevant regulations made under the European Communities Act 1972 .	
9.3	To determine applications for certificates in connection with the export of food to certain foreign countries.	
10.0	HEALTH AND SAFETY	
10.1	To exercise the council's powers and duties under the Health and Safety at Work etc. Act 1974 including statutory powers of inspection and entry, service of notices, taking enforcement action and the appointment of inspectors.	
11.0	NOTIFIABLE DISEASES	
11.1	To exercise the council's powers and duties under the Public Health (Control of Diseases) Act 1984 including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	Medical officer/community physician
11.2	To appoint in writing a suitably qualified medical practitioner to act as the council's community physician (proper officer) and deputies in connection with the control of disease (S74 PH (CD) A 1984) and to rescind any appointment.	
12.0	RATS AND MICE / PEST CONTROL	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
12.1	To exercise the council's powers and duties under the Prevention of Damage by Pests Act 1949 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
12.2	To take all necessary action to reduce the number of pigeons etc. in any built up area in the district. (S.74 Public Health Act 1961).	
13.0	CLEAN NEIGHBOURHOODS	
13.1	To exercise the council's powers and duties under the Clean Neighbourhoods and Environment Act 2005 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
13.2	To exercise the council's powers and duties to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act and the Clean Neighbourhoods and Environment Act 2005.	
13.3	To give authority to police community support officers to issue fixed penalty notices in respect of litter and dog fouling offences under the Clean Neighbourhoods and Environment Act 2005.	
14.0	SMOKING CONTROLS	
14.1	To exercise the council's powers and duties under the Health Act 2006 , including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	
15.0	SUNDAY TRADING	
15.1	To exercise the council's powers and duties under the Sunday Trading Act 1994 , including taking of enforcement action, powers of entry and the appointment of inspectors.	
16.0	ANIMALS	
16.1	To exercise the council's powers and duties under the Animal Welfare Act 2006, the Dangerous Wild Animals Act 1976, The Zoo Licensing Act 1981 , including licensing and registration functions, service of notices, taking of enforcement action, inspections,	

HEAD OF HOUSING AND ENVIRONMENT		
Ref	Function	Consultation (where applicable)
	risk assessing, powers of entry and the appointment of inspectors.	
17.0	STRAY DOGS AND KENNELS	
17.1	To discharge the council's statutory responsibilities in connection with stray dogs under the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 .	
17.2	To approve the use of the council's contracted dog warden service, dog boarding establishments, kennelling and veterinary services .	
17.3	In cases of hardship, to waive or vary the charges for collection of and kenneling of lost or stray dogs.	
18.0	SCRAP METAL	
18.1	To exercise the council's powers and duties under the Scrap Metal Dealers Act 2013 including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
19.0	PRIVATE WATER SUPPLIES	
19.1	To exercise the council's powers and duties under the Water Industry Act 1991 including risk assessment functions (rechargeable), undertaking water sampling (rechargeable), taking of enforcement action, service of notices, inspections, powers of entry and the appointment of inspectors.	
19.2	To give authority to approved companies or organisations to carry out risk assessment functions and water sampling on behalf of the council under the Water Industry Act 1991 .	
20.0	CONTROL OF CORONAVIRUS	
20.1	To exercise the council's powers and duties under any legislation relating to the control of Coronavirus , including taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	

Head of legal and democratic

(Democratic services, elections, legal, local land charges, licensing, community safety, CCTV, and information governance)

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
1.0	LEGAL	
1.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings and to deal with all related matters.	Relevant head of service
1.2	To authorise the commencement, continuation, defence, settlement or discontinuance of any legal proceedings for the prosecution of any alleged offences following the service of any notice issued by the council or relating to any breach of the advertisement regulations or the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.	Head of planning
1.3	To prepare any agreements, orders, directions, notices and other documents for the council.	
1.4	To accept service of any legal proceedings commenced against the council and any pleadings, notices and other documents relating to such proceedings.	
1.5	To instruct counsel or outside solicitors to represent or otherwise assist the council in any legal proceedings in court, public inquiries, tribunals and similar hearings .	
1.6	To instruct counsel or outside solicitors to advise or otherwise assist the council in connection with any legal work of the council.	
1.7	To make road closure orders under the Town Police Clauses Act 1847.	
1.8	To authorise and make orders for the temporary closure of streets during public processions. (S.21 TPCA 1847).	
1.9	To grant wayleaves, easements, licences and other rights of use in respect of council property.	
1.10	To document rent reviews .	
1.11	To enter into agreements with developers in relation to proposed foul sewerage systems for estates.	

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
1.12	To enter into other legal agreements .	Relevant head of service
1.13	To initiate proceedings for the recovery of all sums due to the council.	
1.14	To institute proceedings for making anti-social behaviour orders .	
1.15	To make orders and make temporary appointments to parish councils as required under the powers in Section 91(1) of the Local Government Act 1972.	
1.16	To be responsible for the authentication of any council documents .	
1.17	To be responsible for the common seal and for sealing any documents on behalf of the council.	
1.18	To organise, administer and monitor the collection and recovery of sundry debts owed to the council, including penalty parking charges and to authorise the issue and service of all notices and demands concerning the same.	
1.19	To make an order under Section 109 of the Local Government act 1972 to grant, on request, powers to parish meetings .	
2.0	DEMOCRATIC	
2.1	To make any necessary amendments to the Constitution to give effect to any council decisions.	
2.2	To update the Constitution to reflect changes in staff responsibilities.	
2.3	To make appointments to outside bodies , occurring during the period of appointments, where they arise as a result of vacancies or new appointments.	Group leaders
2.4	To approve attendance of councillors at seminars and conferences, training courses and any other events.	
2.5	To appoint members to task groups and panels.	Group leaders

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
2.6	To approve and make amendments to the calendar of meetings .	Group leaders
2.7	To approve up to two consecutive three-month periods of non-attendance at meetings by councillors with the agreement of group leaders.	Group leaders
2.8	To change committee memberships in accordance with the wishes of the group leader.	Group leader
3.0	LOCAL LAND CHARGES	
3.1	To be responsible for local land charges and any registration or searches in accordance with the local land charges legislation.	
3.2	To negotiate and agree with enquirers fees for supplementary enquiries when the standard fees are inappropriate.	
4.0	DATA PROTECTION	
4.1	To adopt future versions of the Information Commissioner's Standard Publication Scheme .	
4.2	All responsibilities under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 , mainly maintain a publication scheme for the proactive release of information; confirm or deny to applicants whether the council holds information not covered by the publication scheme and disclose the information to applicants, providing it is not exempt under the Act.	Head of legal and democratic
4.3	To act as the council's data protection officer under the UK General Data Protection Regulation (UK GDPR).	
5.0	INFORMATION GOVERNANCE	
5.1	To act as the council's senior information risk owner .	
6.0	HIGHWAYS	
6.1	To authorise the making of an agreement for the adoption of highways on behalf of the Highway Authority. (S.38 HA 1980).	

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
6.2	To authorise and serve any notice relating to the removal of structures from highways. (S.143 HA 1980).	
6.3	To authorise and serve any notice relating to the enlargement of gates across highways or bridleways. (S.145 HA 1980).	
6.4	To authorise and serve any notice relating to the maintenance of stiles, gates or other works. (S.146 HA 1980).	
6.5	To authorise the erection of stiles, gates or other works on footpaths or bridleways. (S.147 HA 1980).	
6.6	To authorise and serve any notice requiring the removal of things deposited on highways and authorise the removal of the same with or without a Disposal Order. (S.148 HA 1980).	
6.7	To authorise and serve any notice and take any other action relating to any dead, diseased, damaged, insecure or overhanging hedges, trees or shrubs. (S.154 HA 1980).	
6.8	To authorise and serve any notice for the prevention of water flowing onto highways. (S.163 HA 1980).	
6.9	To authorise and serve any notice and take any other action to require the removal of barbed wire near a highway. (S.164 HA 1980).	
6.10	To authorise and serve any notice and take any other action relating to dangerous land, forecourts and retaining walls near streets. (S.165-167 HA 1980).	
6.11	To require the removal of obstructions and the filling in of excavations on streets. (S.174 HA 1980).	
6.12	To issue consents for the construction of vaults, arches or cellars under streets. (S.179 HA 1980).	
6.13	To issue consents for the control of openings and works on a street to provide access, air or light to premises. (S.180 HA 1980).	
6.14	To determine applications for Licences relating to apparatus in or under highways. (S.181 and 182 HA 1980).	

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
6.15	To require payments and determine liability and amounts of payments under the Advance Payments Code (S.219 and 220 HA 1980).	
7.0	ELECTIONS	
7.1	To declare a vacancy if a councillor fails to attend a meeting of the authority for six months without the prior approval of Council.	
8.0	LICENSING	
8.1	To determine all matters (including applications, variations, transfers, suspensions, terminations and revocations), exercise all statutory powers and carry out all functions for which the service is responsible in relation to licensing and registration as specified in Regulation 2 and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
8.2	To appoint new hackney carriage ranks following the statutory consultation process (S63 LG(MP)A 1976).	Cabinet member for legal and democratic and local ward councillor(s)
8.3	To apply on behalf of the council relevant powers in connection with provisions of the Road Traffic Act 1988 (RTA 1988) and Road Safety Act 2006 (RSA 2006).	
8.4	To exercise the council's powers and duties under the Licensing Act 2003 to take enforcement action, review licences, carry out inspections, exercise powers of entry, and appoint inspectors.	
8.5	To serve a counter notice in respect of temporary event notices .	
8.6	To determine applications for personal licences where there are no police objections and no unspent convictions.	
8.7	To determine applications for premises licences/club	

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
	premises certificates , including variation and transfer applications where there are no valid representations.	
8.8	To determine applications for designated premises supervisors , including variations (and removal requests) where there are no police objections.	
8.9	To deal with applications for interim authorities where there are no police objections.	
8.10	To decide whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.	
8.11	To decide whether a representation is a valid representation.	
8.12	To decide on behalf of the authority that a hearing is not necessary when all relevant persons so agree.	
8.13	To determine applications for gambling premises licences , including variation and transfer applications where no representations have been received or representations have been withdrawn.	
8.14	To determine applications for provisional statements where no representations have been received or representations have been withdrawn.	
8.15	To determine applications for club gaming / club machine permits where no objections have been made or objections have been withdrawn.	
8.16	To cancel licensed premises gaming machine permits .	
8.17	To determine applications for other permits .	
9.0	COMMUNITY SAFETY AND ANTI-SOCIAL BEHAVIOUR	
9.1	To authorise expenditure in connection with the funding of projects from specific government funding streams provided for community safety initiatives	
9.2	To issue community protection notices and fixed penalty notices , to make public spaces protection orders , to issue	

HEAD OF LEGAL AND DEMOCRATIC		
Ref	Function	Consultation (where applicable)
	closure notices and make applications for closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.	
9.3	To exercise the council's powers and duties under the Anti-Social Behaviour Act 2003 and the Anti-Social behaviour, Crime and Policing Act 2014 including taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
10.0	SAFEGUARDING	
10.1	In the absence of the deputy chief executive – transformation and operations, to make reports of safeguarding concerns in accordance with the council's safeguarding policy.	

Deputy chief executive - place

Head of planning

(Development management)

HEAD OF PLANNING			
Ref	Function	Consultation (where applicable)	
1.0	PLANNING		
1.1	To determine all applications made to either District Council relating to planning matters, except in the following cases:		
	(a) i VALE ONLY	A ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in the application to be considered by the Planning Committee within 28 days of the start of the consultation period and the request is agreed by the head of planning. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous. Councillors' right of call-in does not apply to applications for certificates of lawful use or development, prior approvals and notifications.	Chair or, in their absence, the Vice-Chair of the Planning Committee
	(a) ii SOUTH ONLY	A ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in a planning application (except an application for a certificate of lawful use or development, prior approval or notification) within 28 days of the start of the consultation period, to be considered by the Planning Committee. This request must be in writing and refer to material planning matters to ensure the audit trail for making that decision is clear and unambiguous.	
	(b)	No application being determined before the expiry of the consultation period(s) .	
	(c)	Where the following applies the planning matter shall be referred to the Planning Committee for determination: (i) The head of planning, in consultation with the Planning Committee Chair, considers that the Planning Committee should consider it .	Chair of the Planning Committee

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	<p>(ii) The application is recommended for approval and would represent a significant departure from:</p> <p>a. the policies of the development plan (includes the adopted local plan, neighbourhood plans, and the waste and minerals local plan);</p> <p>b. the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England);</p> <p>or the development plan policies are 'set aside'.</p> <p>(iii) An outline or full application is recommended for approval and falls into the category of a 'large scale major' application (defined as 200 or more dwellings). This does not apply to a reserved matters application where the principle has been agreed.</p>	
VALE ONLY	<p>(iv) In major applications (defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size) where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish meeting (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chair and the local ward councillor or cannot be resolved by condition or negotiation.</p>	Chair of the Planning Committee and relevant ward councillor
SOUTH ONLY	<p>(v) In applications categorised as major (defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size) or in applications classified as minor (from one to nine dwellings) where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council or parish</p>	Chair and Vice-Chair of the Planning Committee and relevant ward councillor(s)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	<p>meeting (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chair, vice-chair and the local ward councillor or cannot be resolved by condition or negotiation.</p> <p>(vi) The proposal involves either council as applicant or landowner, except in the case of 'minor proposals' (<i>defined as fewer than ten dwellings; commercial space of less than 1,000 square metres; or sites of less than a hectare in size</i>) or 'other proposals' (<i>defined as changes of use, householder development (development within the curtilage of a residential property), adverts, listed building consents, conservation area consents, lawful development certificates, agricultural notifications, telecommunications, etc.</i>) and where no objections on planning grounds have been received by the Head of Planning; and subject to the decision being signed off by the Monitoring Officer of the District Council.</p> <p>(vii) The applicant, landowner or planning agent or consultant is a councillor of either Council.</p> <p>(viii) Any application where an employee of either council is involved in any capacity as either agent or consultant and objections have been received on planning grounds.</p> <p>(ix) The applicant is a member of staff in the planning service.</p> <p>(x) The applicant is a member of staff who, in the course of their duties has an input in to the planning process and objections have been received on planning grounds. (Any other application from employees of either council may be delegated to the head of</p>	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	planning)	
1.2	To invoke in the following circumstances a ‘ cooling off period ’ following a decision taken by the planning committee:	
	(a) where the committee refuses an application on grounds that the head of planning / or an officer authorised by him/her considers it puts the council at significant risk of having a cost award made against it in the event of an appeal being lodged.	
	(b) where the committee approves an application that the head of planning / or an officer authorised by him/her considers it is clearly contrary to the development plan and could set a planning precedent for the future.	
	(c) When the head of planning , or an officer authorised by him/her, considers that he/she may wish to use the “cooling off” powers, s/he will inform the planning committee accordingly before the meeting proceeds to the next item. S/he will then consult with the cabinet member for planning or in his/her absence the leader of the council and confirm his/her decision by noon on the second working day after the date on which the decision was taken. If he/she confirms a “cooling off period”, s/he will not issue the decision notice but will bring a further report to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter. The decision taken by the committee having considered this second report will be final and the head of planning will issue the decision notice.	Relevant cabinet member for planning or in his/her absence the leader
1.3	To refuse a planning application in circumstances where a section 106 agreement is not signed within the application target decision date.	
1.4	To grant planning permission in circumstances where a section 106 agreement is signed outside the application target decision date.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.5	To decline to accept a repeat planning application following a previous refusal.	
1.6	To determine all notifications under the Town and Country Planning (General Permitted Development) Order 2015.	
1.7	To approve or refuse non-material amendments to approved plans.	
1.8	To determine Certificates of Lawfulness of existing and proposed uses or development.	
1.9	To approve or refuse items reserved for further approval by a condition attached to a planning permission or approval, or an advertisement or listed building consent (for example, details of landscaping or materials).	
1.10	To determine which applications should be the subject of a formal site visit . Note - This does not preclude the Planning Committee from agreeing to hold a site visit in respect of any application submitted to it for determination.	Chair of the Planning Committee
1.11	To authorise the entering into, acceptance of, amendment to, or revocation of any planning or any other agreement, consent or obligation regulating or controlling the use or development of land.	Chair of the Planning Committee (for all applications referred to committee)
1.12	To receive and consider all environmental statements submitted with an application for planning permission, and to request further information when necessary.	
1.13	To determine requests made by ward councillors to attend, observe and take part in pre-application discussions where a formal officers' development team has been set up.	
1.14	To determine which applications need to be referred to the Secretary of State .	
2.0	APPEALS	
2.1	To deal with all matters relating to planning appeals , subject to the following:	

HEAD OF PLANNING			
Ref	Function	Consultation (where applicable)	
	(a)	any proposal to challenge appeal decisions; and	Chief executive, leader of the council and Chair of the Planning Committee
	(b)	any amendment to the grounds on which the council will defend an appeal against a decision made by the planning committee.	Chair of the Planning Committee
3.0	CONSULTATION / RESPONSES		
3.1	To determine which applications should be the subject of consultation and to undertake that consultation.		
3.2	To determine and undertake any publicity required in respect of planning applications.		
3.3	To issue directives requiring the submission of information relating to planning applications.		
3.4	To determine the council's response to all consultations on planning matters by statutory undertakers and utility companies, government departments and other authorities and bodies (e.g. ecclesiastical exemptions), including the council's view on applications that are the subject of appeals against non-determination.		
3.5	To comment on any planning applications submitted to adjacent local authorities or by Oxfordshire County Council in cases when this council is a consultee.		
3.6	To submit and pursue objections with the traffic commissioners against applications for goods vehicles operators' licences .		Head of legal and democratic
3.7	To express the opinion of the council as local planning authority on whether a proposal is affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations and The Environmental Assessment of Plans and Programme Regulations, to include providing a screening or scoping opinion, and assessment of statements.		
4.0	ENFORCEMENT / EXERCISE OF POWERS		

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
4.1	To exercise the council's powers in relation to planning enforcement .	Local ward councillor(s) to be kept informed
4.2	To authorise the service of notice on the owner of any listed building of the council's intention to execute urgent works for the preservation of such building, and to authorise the execution of those works.	Chair of Planning Committee
4.3	To issue stop notices and temporary stop notices .	Chair of the Planning Committee
4.4	To authorise and serve any requisition for information including planning contravention notices.	
5.0	FOOTPATHS AND BRIDLEWAYS	
5.1	To authorise and certify the necessary works for the creation of any footpath or bridleway (S 26 & 27 HA 1980).	
5.2	To authorise the making and confirmation of any footpath and bridleway orders for the stopping up, or diversion of footpaths and bridleways, subject to:	
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
5.3	To authorise the making of footpath and bridleway dedication agreements .	
6.0	TREES	
6.1	To make, confirm, vary, modify and / or revoke a tree preservation order (including those in the conservation area) subject to:	
	- where there are objections.	Chair of the Planning Committee with the local ward

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
		councillor(s) being kept informed
6.2	To grant or refuse consent under a tree preservation order to cut down, top, lop, destroy or uproot any trees.	
6.3	To determine notices in relation to trees in conservation areas .	
6.4	To exercise the council's powers relating to dangerous trees (s.23 and 24 of the Local Government (Miscellaneous Provisions) Act).	
7.0	HEDGEROWS	
7.1	To exercise the council's powers relating to hedgerows to include the issuing of any Notices.	Head of legal and democratic
	- where there are objections	Chair of the Planning Committee with the local ward councillor(s) being kept informed
7.2	To authorise the service of any high hedges remedial notice , and to authorise works to be carried out in default of compliance with any high hedges remedial notice.	Head of legal and democratic
8.0	LOCAL AMENITY (OVERGROWN GARDENS)	
8.1	To serve Notice in respect of the condition of land and buildings (S.215 TCPA 1990)	
8.2	To serve notice in respect of information relevant to the S.215 procedure (S.330 TCPA 1990).	
8.3	To instigate powers to undertake clean up works in default of a Notice (S.219 TCPA 1990).	
8.4	To instigate legal proceedings under for failure to comply with a Notice (S.216 TCPA 1990).	Head of legal and democratic

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
9.0	LICENSING	
9.1	To apply to the licensing authority for a review of a premises licence or club premises certificate.	
10.0	BUILDING CONTROL	
10.1	To exercise the council's powers under the Building Act 1984 .	
11.0	DEFECTIVE AND DANGEROUS BUILDINGS AND DEMOLITIONS	
11.1	To authorise and make application to the magistrates' court for an order to demolish or to obviate the danger in respect of dangerous buildings (S.77 BA 1984).	Head of legal and democratic
11.2	In cases of urgency to take such emergency measures including the service of any notice to make safe any dangerous building and authorise the recovery of any expenses in so doing. (S.78 BA 1984).	Head of legal and democratic
11.3	To authorise and serve any notice to provide for the satisfactory drainage of any courtyard or passage (BA 1984).	
11.4	To authorise the execution of default works and the recovery of expenses of so doing, including the recovery of expenses by the sale of materials. (S.99-100 BA 1984).	
11.5	To authorise and serve any notice and take all necessary action including default action to deal with dangerous excavations . (S.25 and 26 LG (MP) A 1976).	
11.6	To act as the appointing officer as required by S.10(8) of the Party Wall Act 1996.	

Deputy chief executive – transformation and operations

Head of policy and programmes

(Corporate programmes and assurance, insight and policy, planning policy, and community wellbeing)

HEAD OF POLICY AND PROGRAMMES		
Ref	Function	Consultation (where applicable)
1.0	CORPORATE PROGRAMMES	
1.1	To act as the council's lead on corporate programmes and project management.	
1.2	To act as the council's lead on corporate IT programmes.	
1.3	To act as the council's lead on policy and insight, the development of the corporate plan, and influence on external funding.	
1.4	To act as the council's lead on the development of strategic energy programmes.	
1.5	To act as the council's lead on climate change programmes.	
2.0	COMMUNITY HUB	
2.1	To lead the council's community hub service.	
3.0	NEIGHBOURHOOD PLANNING	
3.1	To designate neighbourhood planning areas. This includes the designation of a neighbourhood plan forum, where there is a parish meeting but no parish council.	Cabinet member for planning policy
3.2	To express the opinion of the council as local planning authority on whether a neighbourhood plan requires Strategic Environmental Assessment (Environmental Assessment of Plans and Programmes Regulations 2004) and/or an appropriate assessment (Conservation of Habitats and Species Regulations 2010 (as amended 2011)).	
3.3	To determine that a neighbourhood plan can proceed to referendum.	

HEAD OF POLICY AND PROGRAMMES		
Ref	Function	Consultation (where applicable)
4.0	ARTS STRATEGY	
4.1	To determine and take all necessary action in respect of the promotion of the arts within the district.	
5.0	GRANTS	
5.1 (VALE ONLY)	To make grant award decisions if: i. any area committee only receives three or fewer eligible applications in any one application round; and ii. the combined total of the applications in any one application round is £10,000 or less; and iii. the grant requests in any one application round do not exceed the available budget.	Chair of the relevant committee
5.2 (SOUTH ONLY)	To award grants up to £5,000 in accordance with the decision of the ward councillor to community projects that benefit the councillor's ward.	Ward councillor
5.3	To approve or refuse extensions for the take up of capital grants awards.	
5.4 (VALE ONLY)	To approve or refuse time extensions for the take up of new homes bonus grants awards.	
5.5 (VALE ONLY)	To approve festival and event grant awards of up to £1,000.	Cabinet member for grants
5.6 (SOUTH ONLY)	To approve grant awards of up to £1,000 for young achievers .	Cabinet member for grants
5.7	To change the percentage of a grant award in line with the grants policy.	Cabinet member for grants
5.8	To withhold or reduce a revenue grant for failing to meet the agreed targets.	Cabinet member for grants
5.9	To amend agreed targets relating to revenue grant awards.	
5.10 (SOUTH ONLY)	To transfer money allocated in the provisional capital programme for external capital grants to the approved capital programme as and when required to pay grants previously approved.	

HEAD OF POLICY AND PROGRAMMES		
Ref	Function	Consultation (where applicable)
5.11	To remove conditions on grants awarded.	
5.12	To decide to accept grant applications that do not meet all of the eligibility criteria.	
6.0	ASSETS OF COMMUNITY VALUE	
6.1	To decide whether to list or not to list an asset as an asset of community value.	
7.0	CRISIS RESPONSE	
7.1	All operational matters in relation to preparation for and management of the council's response to civil emergencies.	
8.0	INSURANCE	
8.1	To effect such insurances as are necessary, compatible with the proper management of the council's assets, and having regard to potential liabilities and other risks.	
8.2	To deal with all insurance claims and the settlement of such claims with the council's insurers.	

Monitoring officer

MONITORING OFFICER		
Ref	Function	Consultation (where applicable)
1.0	CODE OF CONDUCT	
1.1	To receive complaints that a councillor may have failed to comply with the code of conduct and to determine the action to take in dealing with complaints subject to referring a complaint to a panel of the audit and governance sub-committee when considered appropriate to do so.	Independent person
1.2	To establish and maintain a register of members' interests including co-opted members	
1.3	To receive requests for dispensations under section 33 of the Localism Act	

Proper officers and authorised officer appointments

1. An officer with line management responsibility for an officer listed in the list of proper officer and authorised officer appointment may exercise the power in the absence of the proper officer/authorised officer. The relevant post holders listed below have been appointed or confirmed as proper officers/authorised officers for the purposes of the adjacent legislative provisions.
2. Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Law of Property Act 1925	S.146	To serve forfeiture notice on behalf of the council	Head of development and corporate landlord
	S.147	To serve and receive notices on behalf of the council on relief from forfeiture	Head of development and corporate landlord
Landlord and Tenant Act 1927	S.23	To serve and receive notice on behalf of the council	Head of housing and environment
Public Health Act 1936 (as amended)	S.45	Defective sanitary conveniences	Head of housing and environment
	S.50	Overflowing cesspools	Head of housing and environment
	S.79	To serve notice to require removal of noxious matter	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.83	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of housing and environment
	S.84 and S.85(2)	To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles	Head of housing and environment
	S.290 – S.191 and S.300	Works in default	Head of housing and environment
National Assistance Act 1948 (as amended)	S.47	Taking people in need of care and attention to a suitable place	Medical officer/community physician
Prevention of Damage by Pests Act 1949	S.2 – S.7	Control of rats and mice	Head of housing and environment
National Assistance (Amendment) Act 1951	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical officer/community physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	
Landlord and Tenant Act 1954	S.24 – S.28	To serve and receive notices on behalf of	Head of development and

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
		the council on business tenancy renewals/terminations	corporate landlord
	S.66	To serve and receive notices on behalf of the council	Head of housing and environment
	S.40	To serve and receive notices on behalf of the council to request information from a tenant	Head of development and corporate landlord
Milk and Dairies (General) Regulations 1959 (as amended)	Reg.20	Milk treatment orders	Medical officer/community physician
Public Health Act 1961	S.17	Blocked drains	Head of housing and environment
	S.34	Accumulation of rubbish	Head of housing and environment
	S.36	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of housing and environment
	S.37	Controlling verminous things to include seizing articles	Head of housing and environment
Local Government Act 1972	S.13 (3)	Appointment as a parish trustee	Head of legal and democratic

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government Act 1972	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Head of legal and democratic
	S.84 (1)	Receipt of notice of resignation of councillor	Head of legal and democratic
	S.88 (2) and schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chair	Head of legal and democratic
	S.89 (1) (b)	Filling of casual vacancy	Returning officer
	Local Elections (Parishes and Communities) rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning officer
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of legal and democratic
	S.99	Convening of meetings	Head of legal and democratic
	S.100 and schedule 12A	Access to information	Head of legal and democratic
	S.100 (except 100D)	Admission of public (including press) to meetings	Head of legal and democratic
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of legal and democratic
	S.215	To receive notices on behalf of the council relating to closed	Head of development and corporate

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
		churchyards	landlord
Local Government (Access to Information) Act 1985	S.100D (1)A	Compilation of lists of background papers	Each head of service for their service area reports
	Section 100D (5)A	Identification of background papers	Each head of service for their service area reports
Local Government Act 1972	S.115 (2)	Receiving money due from officers	Chief finance (section 151) officer
	S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Chief finance (section 151) officer
	S.151	Financial administration	Chief finance (section 151) officer
	S.173 - S178	Keeping of records of councillors' allowances	Head of legal and democratic
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of planning
	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of housing and environment
	S.210	To exercise powers in respect of charities	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of housing and environment
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of legal and democratic
	S.225	Deposit of documents	Head of legal and democratic
	S.228	Inspection of documents	Head of legal and democratic
Local Government Act 1972	S.228(3)	Accounts for inspection by any member of the council	Chief finance (section 151) officer
	S.229(5)	Certification of photographic copies of documents	Head of legal and democratic
	S.234	Authentication of documents	Head of legal and democratic / senior lawyer
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of legal and democratic
	S.238	Certification of byelaws	Head of legal and democratic
	S.248	Keeping a list of Freemen	Head of legal and democratic

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.251 and schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of legal and democratic
	S.270	Except in the case of financial powers or matters, to act as the proper officer in respect of any other statute where specific arrangements have not been made in the scheme	Head of legal and democratic
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of legal and democratic
Local Government Act 1972	Schedule 12 para 4 (2) (b)	Signing of summons to Council meeting	Head of legal and democratic
	Schedule 12 para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Head of legal and democratic
	Schedule 14 Para 25	Certification of resolution passed under this paragraph	Head legal and democratic
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of planning

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of planning
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of planning
	Schedule 16	Receipt of deposit lists of protected buildings	Head of planning
	Schedule 29	Adaptations, modifications and amendments of enactments.	Head of legal and democratic
	Part VA	Access to information	Head of legal and democratic
Health and Safety at Work Act 1974	S.19 – S.25 / 39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Head of corporate services
Local Government Act 1974	S.30 (5)	To give notice that copies of a Local Commissioner's (Ombudsman) report are available	Chief executive
Control of Pollution Act 1974	S.60 – S.61	Construction site noise	Head of housing and environment
Local Land Charges Act 1975	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of legal and democratic

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government (Miscellaneous Provisions) Act 1976	S.16	Requests to obtain particulars of persons interests in land	Heads of service
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of legal and democratic
Local Authorities Cemeteries Order 1977 (as amended)	Article 10	To sign exclusive rights of burial	Head of housing and environment
Refuse Disposal (Amenity) Act 1978 (as amended)	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of housing and environment
Wildlife and Countryside Act 1981	S.28 – S.29	To receive notices on behalf of the council relating to notification of proposed Sites of Special Scientific Interest	Head of Planning
	S.53	To receive notices on behalf of the council relating to Definitive Map Modification Orders to amend the alignment of public footpaths	Head of development and corporate landlord
Local Government (Miscellaneous Provisions) Act 1982	S.13 – S.17	Skin piercing	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.27	Repair of drains, private sewers etc.	Head of housing and environment
	S.35	Blocked private sewers	Head of housing and environment
Local Government (Miscellaneous Provisions) Act 1982		Control of sex establishments	Head of housing and environment
Representation of the People Act 1983	S.28	Acting returning officer at Parliamentary Elections	Returning officer
	S.67(1)	Receipt of appointment of election agents	Returning officer
	S.67(6)	Publication of names and addresses of agents	Returning officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning officer
	S.81(1)	Receipt of return of election expenses	Returning officer
	S.82(1)	Receipt of declaration of election expenses	Returning officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning officer
	S89(3)	Copy and inspections of returns and declarations.	Returning officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.131	Providing accommodation for holding election count	Returning officer
Building Act 1984	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of planning
	S.64 – S.65	Replacement of sanitary conveniences	Head of planning
Building Act 1984	S.78	To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings.	Head of planning
	S.84	Paved yards	Head of planning
	S.93	Authentication of documents	Head of planning
County Courts Act 1984	S.60(2)	Rights of audience in the County Court before district judge	Head of legal and democratic
Public Health (Control of Disease) Act 1984	S.11	Cases of notifiable disease and food poisoning to be reported	Medical officer/ community physician
	S.11	To receive certificates from medical practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of housing and environment
	S.20	Stopping of work to prevent spread of disease	Medical officer/community physician
	S.21	Exclusion from school of child liable to convey notifiable disease	Medical officer/community physician
Public Health (Control of Disease) Act 1984	S.22	List of day pupils at school having case of notifiable disease	Medical officer/community physician
	S.23	Exclusion from places of entertainment	Medical officer/community physician
	S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of housing and environment
	S.25	Library books	Head of housing and environment
	S.26	Infectious matter not to be placed in dustbins	Head of housing and environment
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical officer/community physician

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.31	Certification by officer of need for disinfection of premises	Head of housing and environment
	S.32	Certification by officer of need to remove person from infected house	Head of housing and environment
	S.34	Duty of owner etc. of public conveyance	Head of housing and environment
	S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical officer/community physician
Public Health (Control of Disease) Act 1984	S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical officer/community physician
	S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical officer/community physician
	S.38	To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease	Medical officer/community physician
	S.39 – S.40	Getting a warrant to examine residents of a common lodging house	Medical officer/community physician

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical officer/community physician
	S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical officer/community physician
	S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical officer/community physician
	S.49 – S.51	Regulations concerning canal boats	Head of housing and environment
Public Health (Control of Disease) Act 1984	S.59	Authentication of documents relating to matters within his province	Medical officer/community physician
	S.61	Power of entry	Medical officer/community physician
Food Act 1984	S.8	Enforcement of provision relating to working conditions	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of housing and environment
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of housing and environment
Housing Act 1985	S.265	Demolition Order	Head of housing and environment
	S.289	Clearance Area Declaration	Head of housing and environment
	S.300	Determination to Purchase	Head of housing and environment
Local Elections (Principal Area) Rules 1986	All	All functions	Returning officer / electoral registration officer
Local Elections (Parishes and Communities) Rules 1986	rules 46, 47 and 48	Keeping documents after and election and making them available for the public to look at	Returning officer / electoral registration officer
Landlord and Tenant Act 1987	S.3	To serve notice on behalf of the council for a landlord to notify residential tenants when the landlord wishes to sell the freehold	Head of development and corporate landlord
	S.5	To serve notice on behalf of the council for a landlord to offer residential tenants first right of refusal when the landlord wishes to sell the freehold	Head of development and corporate landlord

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S47 – S48	To serve notice on behalf of the council requiring the identity of the freeholder to be given to tenants	Head of development and corporate landlord
Public Health (Infectious Diseases) Regulations 1988	Reg.6	Special reporting of infectious diseases	Medical officer/community physician
Public Health (Infectious Diseases) Regulations 1988	Reg. 8	Statistical returns	Medical officer/community physician
	Reg.9	Prevention of spread of disease	Medical officer/community physician
	Reg.10	Immunisations and vaccination	Medical officer/community physician
	Reg.11	Measures against rats	Medical officer/community physician
	schedule 3	Typhus and relapsing fever	Medical officer/community physician
	schedule 4	Food poisoning and food borne infections	Medical officer/community physician
Local Government and Finance Act 1988	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial administration of the council's affairs	Chief finance (section 151) officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the chief finance officer under this Act	Head of paid service
Local Government and Housing Act 1989	S.2(4)	Maintenance and review of the council's List of Politically Restricted Posts	Head of paid service
	S.4	Functions as head of paid service.	Head of paid service
Local Government and Housing Act 1989	S.5	Functions of monitoring officer within the meaning of this section of the Act	Monitoring officer
	S.15 - 17	Allocating seats on committees	Head of legal and democratic
	S.18	Arrangements in respect of the scheme of members' allowances	Chief finance (section 151) officer / head of legal and democratic
	S.19	Arrangements in respect of the register of members' interests	Head of legal and democratic
	Part 7	Declaration of renewal areas	Head of housing and environment
Environmental protection Act 1990 (as amended)	S.6 – S.15	Prescribed processes	Head of housing and environment
	S.78	Contaminated land	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.79 – S.82	Statutory nuisance	Head of housing and environment
	S.88	Fixed penalty notices for leaving litter	Head of housing and environment
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of housing and environment
Food Safety Act 1990	S.9	Seizure of food	Head of housing and environment
	S.29 – S.30	Sampling food	Head of housing and environment
	S.11, S37 –S.39	Improvement / prohibition notices	Head of housing and environment
Food Safety Act 1990	S.49(3)	To sign documents on behalf of the authority	Head of housing and environment
Town and Country Planning Act 1990	S.215	Waste land	Head of planning
Planning (Listed Buildings and Conservation Areas) Act 1990		To serve notices in relation to Listed Buildings and Conservation Areas	Head of Planning
Local Government (Committees and Political Groups) Regulations 1990	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of legal and democratic
Water Industry Act 1991	S.80 – S.83	Private water supply	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Clean Air Act 1993	S.1 – S.2	Prohibition of dark smoke	Head of housing and environment
	S.51 and S.56	To exercise all functions conferred by these sections	Head of housing and environment
Leasehold Reform, Housing and Urban Development Act 1993	S.13	To receive notices on behalf of the council regarding an initial notice by tenants to exercise their collective enfranchisement	Head of development and corporate landlord
	S.21	To serve notice on behalf of the council regarding a landlord's counter notice to s13	Head of development and corporate landlord
	S.42	To receive notices on behalf of the council regarding the extension of long leases for residential	Head of development and corporate landlord
	S.45	To serve notice on behalf of the council regarding the landlord's response to S.42	Head of development and corporate landlord
	S.166	To serve notice on behalf of the council regarding the requirement for a landlord of residential premises (long leases) to serve notice on tenants requiring rent to be paid	Head of development and corporate landlord

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Criminal Justice and Public Order Act 1994	S.77 – S.80	Removal of unauthorised encampments	Head of housing and environment
Environment Act 1995	S.80	Local air quality management	Head of housing and environment
	S.84	Air quality management areas	Head of housing and environment
Dogs (Fouling of Land) Act 1996	S.4	To issue fixed penalty notices	Head of housing and environment
Noise Act 1996 (as amended)	S.8	Fixed penalty notices in respect of noise nuisance	Head of housing and environment
Party Wall Act 1996	S.10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Head of planning
Party Wall Act 1996	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head of planning
Local Government (Contracts) Act 1997	S.3	Signing certificates in respect of certified contracts	Head of legal and democratic
	S.4	To maintain a register of certificates in respect of certified contracts to be open to public inspection	Head of legal and democratic
Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of legal and democratic

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Crime and Disorder Act 1998	S.5	To work in partnership with the police and other responsible bodies to reduce crime	Head of housing and environment
	S.17	To consider crime and disorder implications of any decisions	Head of housing and environment
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of housing and environment
Local Government Act 2000	S.34	Determine whether a petition is valid	Electoral registration officer
	S.99 and S.100	Regarding councillors' allowances and having regard to all relevant regulations, including The Local Authorities (Members' Allowances (England) Regulations 2003.	Head of legal and democratic
Local Government Act 2000	Various	Dealing with the holding of referendums	Returning officer / electoral registration officer
		All other responsibilities in the Act and any subordinate legislation	Head of legal and democratic

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government Act 2000: Section 22: The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		All proper officer responsibilities under these regulations, including: publishing forthcoming executive key decisions, exception notices, agendas, reports and related documents, excluding exempt/confidential information, and recording executive decisions.	Head of legal and democratic
Freedom of Information Act 2000	S.36	Application from exemption disclosure	Head of legal and democratic
Regulation of Investigatory Powers Act 2000 (RIPA)	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorise the use of covert human intelligence sources under the Act	Heads of service
Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)	Reg. 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under S.34 of the Local Government Act 2000	Electoral registration officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)	Reg.8 and all others	Amalgamation of petitions	Electoral registration officer
Local Authorities (Standing Orders) (England) Regulations 2001	schedule 1 Part II	Giving notice of appointments and dismissal of officers to the Cabinet in accordance with the Regulations	Head of corporate services
Private Security Industry Authority Act 2001		Enforcement of actions by licensed door supervisors	Head of housing and environment
Criminal Justice and Police Act 2001	S.19(2)	Power of closure where the sale of alcohol if not in accordance with any authorisation	Head of housing and environment
The Representation of the People (England and Wales) (Amendment) Regulations 2002	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Electoral registration officer
Money Laundering Regulations 2003	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief finance (section 151) officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Anti-Social Behaviour Act 2003 (as amended)	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of housing and environment
Anti-Social Behaviour Act 2003 (as amended)	S.43	To issue penalty notices for graffiti and flyposting	Head of housing and environment
Accounts and Audit Regulations 2003	All Regs	All responsibilities	Chief finance (section 151) officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the chief finance officer is unable to act
Commonhold and Leasehold Reform Act 2003	S.20	To serve notice on behalf of the council regarding the consultation procedure for qualifying works – residential only	Head of development and corporate landlord
Housing Act 2004	S.239	Determining if a survey or examination is necessary	Head of housing and environment
	Part 1	Enforcement of Housing Standards	Head of housing and environment
	Part 2	Licensing of Houses in Multiple Occupation	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Part 3	Selective licensing of residential accommodation	Head of housing and environment
Housing Act 2004	Part 4	Additional controls in relation to residential accommodation	Head of housing and environment
	Part 6	Other provisions about housing	Head of housing and environment
	Part 7	Supplementary and final provisions	Head of housing and environment
The Clean Neighbourhoods and Environment Act 2005	Part 2	Nuisance parking	Head of housing and environment
	Part 3	Litter	Head of housing and environment
The Clean Neighbourhoods and Environment Act 2005	Part 4	Fly posting	Head of planning
	S.59	Dog control fixed penalty notices	Head of housing and environment
Food Hygiene Regulations 2006	Reg.6	Hygiene improvement notice	Head of housing and environment
	Reg.7	Hygiene prohibition orders	Head of housing and environment
	Reg.8	Hygiene emergency prohibition orders	Head of housing and environment
	Reg.9	Remedial action/detention notice	Head of housing and environment

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Reg.12	Food sampling	Head of housing and environment
	Reg.14	Powers of entry	Head of housing and environment
	Reg.17	Food premises registration	Head of housing and environment
Smokefree (Premises and Enforcement) Regulations 2006		Enforcing smokefree legislation in premises and vehicles	Head of housing and environment
Criminal Justice and Police Act 2006	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti-social behaviour	Head of housing and environment
	S.22	To share depersonalised data	Head of housing and environment
Localism Act 2011	S29	Establishment and maintenance of the register of councillors' interests including co-opted members	Monitoring officer
Localism Act 2011	S33	To receive requests for dispensations under section 33 of the Act	Monitoring officer
General Data Protection Regulations 2018	All	To act as the council's data protection officer under the General Data Protection Regulations	Head of legal and democratic

The chief finance (section 151) officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The head of legal and democratic shall act as the proper officer for any other legislative provisions where specific arrangements have not been made under this scheme.

Schedule 2: functions which are the responsibility of the Cabinet – Leader’s scheme of delegation to individual Cabinet members and officers

South Oxfordshire District Council only

SCHEME OF DELEGATION OF THE LEADER OF THE COUNCIL TO CABINET MEMBERS AND OFFICERS

Introduction

1. The Local Government Act 2000 provides that the leader may discharge any executive functions or may arrange for the discharge of any of those functions by the cabinet, by another member of the cabinet, by a committee of the cabinet or by an officer of the council.
2. This scheme of delegation to cabinet members and to officers is made pursuant to the Local Government Act 2000 and was approved by the leader of the council on 18 May 2023. This scheme replaces all previous schemes.
3. The scheme may be amended by the leader of the council at any time during the year. The scheme is subject to the general terms and conditions described below.

Terms and conditions

4. Any decision taken by a cabinet member under this scheme of delegation shall only be taken having regard to any advice from the head of service responsible for the relevant function associated with the decision.
5. Any decision which could attract to the council adverse legal consequences shall be taken after consultation with the monitoring officer.
6. Any decision which could attract adverse financial implications shall be taken after consultation with the chief finance (section 151) officer.
7. Where functions may be discharged by a cabinet member under this scheme of delegation the cabinet member may arrange for the discharge of any of those functions by an officer of the council.
8. Any cabinet member exercising any delegated powers under this scheme also has the power to do anything which is calculated to facilitate or is conducive or incidental to the exercise of such delegated powers.
9. Once a cabinet member has exercised any delegated power under this scheme, he or she shall make a record of the decision which shall include the views of any officer consulted on the issue. The record of the decision shall be forwarded by the cabinet member or officer immediately to democratic services.

Responsibility for executive functions

10. The following cabinet members are responsible and are delegated authority to take decisions in respect of the functions and projects set out below until they are amended or withdrawn by the leader in writing.

Councillor David Rouane: Leader
Councillor Maggie Filipova-Rivers: Community wellbeing, and statutory deputy leader
Councillor Robin Bennett: Economic development and regeneration, and deputy leader
Councillor Pieter-Paul Barker: Finance and property assets
Councillor Sue Cooper: Environment
Councillor Andrea Powell: Corporate services, policy and programmes
Councillor Anne-Marie Simpson: Planning
Councillor Freddie van Mierlo: Climate change and nature recovery

11. I delegate authority to the chief executive to discharge all executive functions and to request any member of the cabinet to act on behalf of the leader in the leader's and deputy leader's absence.

Executive joint committee/partnership appointments

12. I appoint members to the following:

Health Improvement Partnership Board – Councillor Maggie Filipova-Rivers
Oxfordshire Health and Wellbeing Board - Councillor Maggie Filipova-Rivers, with David Rouane as substitute
Five Councils' Partnership Corporate Services Joint Committee – Councillors Pieter-Paul Barker and David Rouane, with all other cabinet members as substitutes
Safer Oxfordshire Partnership Oversight Committee – Councillor David Rouane
South and Vale Community Safety Partnership – Councillor David Rouane
Combatting Drugs Partnership – Councillor David Rouane
The Future Oxfordshire Partnership – Councillor David Rouane (substitute Councillor Pieter-Paul Barker)
The Future Oxfordshire Partnership Housing Advisory Group – Councillor Robin Bennett, with all other Cabinet members as substitutes
The Future Oxfordshire Partnership Environment Advisory Group – Councillor Andrea Powell, with all other Cabinet members as substitutes
The Future Oxfordshire Partnership Infrastructure Advisory Group – Councillor Pieter-Paul Barker, with all other Cabinet members as substitutes
The Future Oxfordshire Partnership Planning Advisory Group (subject to approval by FOP on 13 June) – Councillor Anne-Marie Simpson, with all other Cabinet members as substitutes
Oxfordshire Inclusive Economy Partnership – Councillor Robin Bennett

Scrap Metal Sub-Committee

13. I establish a Scrap Metal Sub-Committee (known as a Panel) comprising any three members of the Cabinet, to include the Cabinet member for housing and environment if he/she is available, to consider contested applications and authorise the head of legal and democratic to invite an appropriate panel to conduct a scheduled hearing.

Councillor David Rouane, Leader of South Oxfordshire District Council
18 May 2023

Vale of White Horse District Council

SCHEME OF DELEGATION OF THE LEADER OF THE COUNCIL TO CABINET MEMBERS AND OFFICERS

Introduction

1. The Local Government Act 2000 provides that the leader may discharge any executive functions or may arrange for the discharge of any of those functions by the cabinet, by another member of the cabinet, by a committee of the cabinet or by an officer of the council.
2. This scheme of delegation to cabinet members and to officers is made pursuant to the Local Government Act 2000 and was approved by the leader of the council on 2 October 2023. This scheme replaces all previous schemes.
3. The scheme may be amended by the leader of the council at any time during the year. The scheme is subject to the general terms and conditions described below.

Terms and conditions

4. Any decision taken by a cabinet member under this scheme of delegation shall only be taken having regard to any advice from the head of service responsible for the relevant function associated with the decision.
5. Any decision which could attract to the council adverse legal consequences shall be taken after consultation with the monitoring officer.
6. Any decision which could attract adverse financial implications shall be taken after consultation with the chief finance (section 151) officer.
7. Where functions may be discharged by a cabinet member under this scheme of delegation the cabinet member may arrange for the discharge of any of those functions by an officer of the council.
8. Any cabinet member exercising any delegated powers under this scheme also has the power to do anything which is calculated to facilitate or is conducive or incidental to the exercise of such delegated powers.
9. Once a cabinet member has exercised any delegated power under this scheme, he or she shall make a record of the decision which shall include the views of any officer consulted on the issue. The record of the decision shall be forwarded by the cabinet member or officer immediately to democratic services.

Responsibility for executive functions

10. The following cabinet members are responsible and are delegated authority to take decisions in respect of the functions and projects set out below until they are amended or withdrawn by the leader in writing.

Councillor Bethia Thomas: Council Leader and climate action and the environment, strategic partnerships and place
 Councillor Mark Coleman: Deputy Council Leader and environmental services and waste
 Councillor Sue Caul: Affordable housing, infrastructure, development and governance
 Councillor Andy Crawford: Finance and property
 Councillor Debra Dewhurst: Leisure centres and community buildings
 Councillor Lucy Edwards: Communications
 Councillor Neil Fawcett: Economic development
 Councillor Andy Foulsham: Corporate services, policy and programmes
 Councillor Diana Lugova: Planning and development management
 Councillor Helen Pighills: Community health and wellbeing

11. I delegate authority to the chief executive to discharge all executive functions and to request any member of the cabinet to act on behalf of the leader in the leader's and deputy leader's absence.
12. I delegate authority to officers to discharge executive functions as set out in schedule 1 of the scheme of delegation in part 2 of the constitution.

Executive joint committee/partnership appointments

13. I appoint Cabinet members to the following:

The Future Oxfordshire Partnership – Councillor Bethia Thomas (substitute Councillor Neil Fawcett)
 The Future Oxfordshire Partnership Housing Advisory Group – Councillor Sue Caul, with all other Cabinet members as substitutes
 The Future Oxfordshire Partnership Environment Advisory Group – Councillor Bethia Thomas, with all other Cabinet members as substitutes
 The Future Oxfordshire Partnership Infrastructure Advisory Group – Councillor Sue Caul, with all other Cabinet members as substitutes
 The Future Oxfordshire Partnership Planning Advisory Group – Councillor Diana Lugova, with all other Cabinet members as substitutes
 Oxfordshire Local Enterprise Partnership – Councillor Bethia Thomas
 Five Councils' Partnership Corporate Services Joint Committee – Councillor Andy Foulsham, with Councillor Bethia Thomas as substitute
 Safer Oxfordshire Partnership Oversight Committee – Councillor Helen Pighills
 South and Vale Community Safety Partnership – Councillor Helen Pighills
 Oxfordshire Health and Wellbeing Board – Councillor Helen Pighills, Councillor Neil Fawcett as substitute
 Health Improvement Partnership Board – Councillor Helen Pighills
 Didcot Garden Town Advisory Board – Councillor Sue Caul and Councillor Bethia Thomas
 Oxfordshire Inclusive Economy Partnership – Councillor Neil Fawcett

Scrap Metal Sub-Committee

14. I establish a Scrap Metal Sub-Committee (known as a Panel) comprising any three members of the Cabinet, to include the Cabinet member for climate action and environment if available, to consider contested applications and authorise the head

of legal and democratic to invite an appropriate panel to conduct a scheduled hearing.

Councillor Bethia Thomas, Leader of Vale of White Horse District Council
2 October 2023

PART 3: CODES, PROTOCOLS AND FINANCIAL, CONTRACTS, OFFICER EMPLOYMENT, AND BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Financial Procedure Rules

INTRODUCTION

APPLICATION AND PURPOSE

1. The financial procedure rules set out how the council's financial affairs are to be managed. All councillors and officers, and any person acting on behalf of the council, shall comply with these rules and any procedures setting out their detailed application.
2. Procedures setting out the detailed application of the rules may be issued by the chief finance officer.
3. The financial procedure rules form part of the council's constitution and are to be read in the context of the council's objectives as set out in its corporate plan and corporate development plan.
4. In circumstances deemed exceptional, the chief finance officer may waive one or more of these financial procedure rules at the request of a councillor or manager. The waiver must be confirmed in writing before implementation.
5. Heads of service shall ensure that: the financial procedure rules are brought to the attention of all their staff; their staff are adequately trained in their use. All officers have a fiduciary duty to the local taxpayer and for the effective and efficient stewardship of any public funds under their control.

DEFINITIONS

6. In these Rules:

“*Cabinet*” means the body appointed to exercise executive functions in accordance with the Cabinet arrangements and procedural rules in the constitution.

“*Chief Executive*” means the person appointed by the council as the Council's head of paid service.

“*Chief Finance Officer*” means the officer responsible for financial affairs of the Council under s.151 of the Local Government Act 1972 and s.114 of the Local Government Finance Act 1988. It includes the officer nominated by him/her to act in his/her absence and any officer of his/her staff acting on his/her behalf.

“*Council*” means the South Oxfordshire District Council/Vale of White Horse District Council, or any body or person acting on its behalf under the constitution or delegated authority.

“*Full Council*” means a meeting of the full Council.

“*Head of service*” means a person appointed by the council to a post of head of service, or any member of his/her staff who is acting under delegated authority from their head of service. It includes the chief executive when he/she acts in the manner

of a head of service, for example as a cost centre manager, or instead of a head of service.

“*Strategic management team*” means the body comprising the chief executive.

“*monitoring officer*” means the person appointed by the council for the purposes of s5 of the Local Government & Housing Act 1989, or the person nominated to act in his/her absence.

“*Relevant Cabinet member*” means the member of the Cabinet who has responsibility for that particular function.

“*Scrutiny Committee*” mean the committee set up under the scrutiny committees procedure rules in the constitution.

RESPONSIBILITIES FOR FINANCIAL MATTERS

7. The full Council is responsible for approving the following:
 - (a) The medium term financial strategy – South only.
 - (b) The medium term financial plan.
 - (c) The revenue budget and council tax requirement.
 - (d) The capital programme.
 - (e) The borrowing limits and prudential indicators
 - (f) The tax base.
 - (g) The council tax.
 - (h) The treasury management strategy incorporating the annual investment strategy.
 - (i) The treasury management mid-year report.
 - (j) The treasury management outturn report.
 - (k) The financial procedure rules.
8. The Cabinet shall make recommendations to full Council on those matters referred to in the preceding paragraph apart from the council tax and the financial procedure rules.
9. The Cabinet has overall responsibility for the implementation of the council’s financial strategies and spending plans, and is authorised to make financial decisions subject to these being consistent with the budget and policy framework procedure in the constitution.
10. The chief finance officer is responsible for the overall management of the financial affairs of the council.
11. The chief finance officer shall determine all financial systems, procedures and supporting records of the council (whether held on paper or electronically), after consultation with the relevant head of service. Any new or amended financial systems, procedures or practices shall be agreed with the chief finance officer before they are implemented.
12. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.

13. The chief executive and heads of service shall consult with the head of finance and head of legal and democratic on the financial and legal implications respectively, of any report that they are proposing to submit to the full Council, a committee (or sub-committee) or the Cabinet.

Delegation of responsibilities for financial matters

14. In the absence of the chief finance officer, or if he/she is unable to act, then his/her nominated deputy shall be empowered to act on his/her behalf in relation to these rules.
15. In the absence of a head of service any officer within his/her team that has been nominated by him/her shall be empowered to act on his/her behalf in relation to these rules.
16. The chief executive is empowered to act instead of a head of service, and may require a head of service to consult him/her before taking any decision under these rules.
17. In cases of urgency two members of the council's strategic management team (including the chief finance officer or the monitoring officer) acting jointly shall be empowered to act instead of another officer in relation to these rules.

Accounting arrangements and procedures

18. The chief finance officer will determine the form and standard of all financial records, statements and accounts consistent with statutory requirements and professional standards.
19. The chief finance officer will provide or approve systems, procedures, instructions and guidance to each head of service to enable them to carry out their financial duties in an acceptable way. Each head of service must follow such systems, procedures, instructions and guidance and may not rely on any other systems and procedures unless the chief finance officer has agreed to alternatives.
20. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.
21. The chief finance officer will produce an annual statement of accounts and Whole of Government Accounts, and any other financial information required by statute. Each head of service must provide the chief finance officer with any information that he/she needs to enable the council's accounts to be closed in accordance with the timetable for the production and audit of the accounts.

Audit

22. All the activities of the council are subject to both internal and external audit.

Internal audit

23. In accordance with the Accounts and Audit Regulations, the chief finance officer shall maintain an adequate and effective system of internal audit to carry out a continuous and independent appraisal of all the Council's activities, financial and otherwise. This function shall operate in accordance with professional standards.
24. The internal audit team shall undertake a cyclical review of all financial systems throughout the council under the direction of the chief finance officer, who shall determine the appropriate level of audit coverage.
25. It shall be the specific responsibility of internal audit to review, appraise and report upon:
 - (a) the soundness, adequacy and application of financial and other management-related controls;
 - (b) the extent of adherence to, the relevance and the financial effect of management's policies and directives and compliance with other relevant procedures, legislation and regulations;
 - (c) the extent to which the council's assets and interests are accounted for and safe-guarded from losses, which include fraud and other offences, waste, extravagance and inefficient administration, poor value for money and other causes;
 - (d) the economical, efficient and effective use of resources; and
 - (e) the suitability, integrity and reliability of financial and other related management data developed within the council.
26. Internal audit will advise heads of service and the strategic management team on such matters as risk assessment and systems of check and control in order that heads of service maintain appropriate internal controls within their financial and administrative systems to ensure that the council's resources are properly applied in the manner and on the activities intended.
27. Heads of service shall consider internal audit reports and provide a response within an agreed timescale. Heads of service shall implement agreed recommendations unless they can demonstrate satisfactory alternative arrangements.
28. The internal audit manager (following approval from the chief finance officer, a member of the strategic management team or chief executive) has the authority to:
 - (a) enter at all reasonable times any council premises or land;
 - (b) subject to any legislative constraints, have access to all records, documents and correspondence, and data in computer systems relating to any financial or other transactions of the council as appear to him/her to be necessary to fulfil his/her responsibilities. This includes the possessing or taking copies of any record, document or correspondence;
 - (c) require and receive such information or explanations from any relevant person as are necessary concerning any matter under examination or in the discharge of his/her responsibilities;
 - (d) require any relevant person to produce cash, stores or any other council property under their control; and

- (e) examine any accounts or records not covered by the above but relating to funds managed by any relevant person arising out of his/her employment with the council.
- 29. In rule 28(c) “any relevant person” means a councillor or officer of the council, or any organisation or person acting on behalf of the council.
- 30. The internal audit manager shall be entitled to report directly to any level of management, the Cabinet or any committee, in his/her own name.
- 31. Internal audit will liaise with the external auditors to maximise the efficiency of both services provided to the council.

External audit

- 32. The council’s accounts, financial records, operations and systems shall be audited annually in accordance with best audit practice and the audit regime as determined by the council’s external auditor in accordance with regulations and statutory requirements.
- 33. The external auditor’s management letter and reports shall be issued and considered in accordance with the agreed protocol.

Fraud and irregularities

- 34. Heads of service shall establish and maintain adequate systems of internal control and check for the prevention and detection of fraud and other illegal acts.
- 35. Any relevant person (as defined in rule 29) shall notify the chief finance officer or the internal audit manager immediately of any financial or accounting irregularity, or suspected irregularity, or of any circumstances which may suggest the possibility of such loss or irregularity, including those affecting cash, stores, property, remuneration or allowances.
- 36. Procedures designed to frustrate and prevent any attempted fraudulent or corrupt act are contained in the council’s anti-fraud and corruption strategy issued in accordance with rule 2 of these rules. The process for staff to notify any suspicions to management and how management should respond are contained in the council’s whistle-blowing and, anti-fraud and corruption response plans.

Officers authorised to approve financial documents

- 37. The heads of service shall determine who is authorised to approve/sign financial documents on their behalf.
- 38. Each head of service shall provide the chief finance officer with the names, and specimen signatures where appropriate, of officers authorised to approve, certify or sign financial documents either in paper form or electronically. The chief finance officer shall maintain a register of all such officers. Any changes of authorised officers must be promptly notified to the chief finance officer.

39. Authorised signatories shall sign in their own name and not sign in the name of their head of service. The use of facsimile signature stamps is not permitted on paper based returns.

Banking arrangements, electronic, cheque and credit card payments

40. All arrangements with the council's bankers shall be made by the chief finance officer, who shall be authorised to open and operate such bank accounts, or arrange such other services as the council requires, and to give directions to the bank as shall be necessary for the making of payments on behalf of the council and for the deposit of monies received by the council.
41. No bank account, account with an institution similar to a bank, credit card facility or other arrangement for credit shall be opened in the name of the council or establishments of the council except by or with the prior approval of the chief finance officer.
42. All cheques shall be ordered only on the authority of the chief finance officer, who shall make proper arrangements for their safe custody.
43. Cheques on the council's bank accounts (including National Giro accounts) shall either bear the facsimile signature of the chief finance officer or be signed personally by the chief finance officer or officers authorised by him/her to do so. Additionally all cheques over the sum of £10,000 shall be personally countersigned by the chief finance officer or such officer as may be specifically authorised by him/her to do so. Any electronic payments over the sum of £10,000 shall be authorised by any authorised signatory to the originating account. The method of authorisation will be in accordance with chief finance officer's instructions.
44. All payments by cheque shall be made on a drawings or disbursements account to which transfer shall be made as and when required. Payments by electronic fund transfer shall be in accordance with procedures approved by the chief finance officer.
45. Request for payments by any other method must be approved by the head of finance. Officers must not set up direct debit or standing order payments without the prior consent of the head of finance.
46. It shall be an instruction to the council's bankers that no overdraft shall be allowed on the drawings and disbursements accounts. Overdrafts may be negotiated on the council's general account in accordance with arrangements approved by the head of finance.
47. All authorisations to transfer sums between accounts shall be signed (or authorised electronically) by the head of finance or such officer as may be specifically authorised by him/her to do so.
48. Any monies received must be paid without delay to the council's bank, or as the head of finance directs. Unless there is specific written authority from the head of finance no deductions shall be made from monies received. Under no circumstances may personal cheques of councillors or employees of the council be cashed out of monies held on behalf of the council. (See also the financial procedure rules re Income).

49. Council credit cards must only be used in accordance with guidance issued by the head of finance.

Borrowing, leasing and other financial arrangements

50. The borrowing powers of the council shall be exercised only in accordance with:
- (a) the policies of the council;
 - (b) the borrowing limits and prudential code set by the full Council;
 - (c) procedures determined by the chief finance officer
51. The chief finance officer shall be notified promptly of all proposed arrangements for the acquisition of property, vehicles or equipment which are to be financed by way of any credit, finance or operating lease.
52. All borrowing, leasing, finance and credit arrangements, will be effected by the head of finance.
53. The council's investments will be managed in accordance with the approved treasury management strategy.

Claims for grant or subsidy and financial returns

54. Each head of service shall make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. (See also the financial procedure rules re Income)
55. It shall be the duty of each head of service to prepare, and the responsibility of the chief finance officer or nominated deputy to certify and otherwise deal with, all claims for grants or subsidy and other financial returns required by Government departments and other bodies or organisations.

Contracts

56. The management and administration of contracts shall be in accordance with the council's procurement procedure rules.

Estates and asset management

57. The head of development and regeneration shall maintain an up-to-date terrier system of all land and physical property owned or controlled by the council or in which the council has an interest. The register will detail:
- the legal powers used for acquisition (if known);
 - the purpose for which the property is held;
 - description;
 - location and plan reference;
 - area/size of land/property;
 - the council's interest in the land/property, e.g. freehold/leasehold;
 - purchase details;
 - rents and other charges payable;
 - any restrictive covenants;

- particulars of tenancies or other interests granted; and
- maintenance of the land and property.

58. The head of development and regeneration is responsible for the valuation of all of the land and property in accordance with the Chartered Institute of Public Finance Accounting code of Practice on Local Authority Accounting in the UK.
59. The head of finance is responsible for keeping a fixed asset register which shall identify the value of all of the physical assets recorded in the council's accounts (including land and property). The fixed asset register will be kept in a form that will be agreed with the chief finance officer and in accordance with the relevant accounting code of practice. The head of finance is responsible for calculating capital charges and depreciation charges for all properties for which purpose the head of development and regeneration shall supply to him/her such details as required by him/her of the financial implications of any purchase, disposal, revaluation, reclassification or holding of land or property on the council's behalf.
60. The head of legal and democratic shall have custody of all title deeds and keep them under secure arrangements.
61. Disposals of surplus land and property with an estimated book value of up to £10,000 can be authorised by a head of service. Consultation with the relevant Cabinet member is required for disposals of land and property with a book value between £5,000 and £10,000. Above that value disposals must be authorised by the relevant Cabinet member or the Cabinet. Before deciding whether to dispose of land or property the head of service, relevant Cabinet member or Cabinet shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value. Any sale of property resulting in a significant reduction in income of £100,000 or more, impacting on the current budget and the medium term financial plan, must be referred to full Council for consideration. For all disposals an initial valuation must be provided by a qualified valuer: if the likely value exceeds £100,000 this must be supplemented by a second, external valuation. Unless otherwise agreed by the chief finance officer and monitoring officer, all disposals with an estimated value over £5,000 shall be put on the open market and competitive bids sought from as many interested parties as is commensurate with the estimated value and intended use. All disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member. Except where a general consent exists, specific consent shall be obtained from the Secretary of State where required, prior to the disposal of an interest in land or property for less than the best consideration reasonably obtainable.
62. Heads of service shall notify the chief finance officer of all cases where steps are necessary to prevent or investigate loss of or damage to physical property not belonging to the Council but in its control.

Financial planning

63. The head of finance shall co-ordinate, monitor and report on the council's financial plans in accordance with the council's financial policies and as determined by the chief finance officer.

64. Heads of service shall prepare, monitor and report on financial plans for the services for which they are responsible in consultation with the head of finance

Budgets

65. The head of finance shall prepare consolidated estimates of income and expenditure on revenue and capital accounts and any special funds maintained by the council, and shall submit these to the Cabinet.
66. The Cabinet will consider on an annual basis:
- (a) the estimates of proposed revenue income and expenditure for the ensuing year together with a review of the current year's revenue income and expenditure;
 - (b) the medium term financial plan;
 - (c) the proposed programme of capital expenditure, including how such expenditure will be financed and estimates of any revenue income or expenditure that will arise;
 - (d) the estimates of income and expenditure to be met from any special funds in the ensuing year.
67. The Cabinet shall, after any necessary consultation and after receiving reports from the relevant heads of service, chief finance officer and chief executive, consider these financial plans and make recommendations on them to the full Council.
68. Approval of the revenue estimates by full Council authorises officers to incur expenditure as detailed in the estimates subject to compliance with all requirements of the council's constitution.
69. South only: only full Council can approve the addition of a scheme to the provisional capital programme. In doing so council approve the funding of the scheme.
70. South only: expenditure on a capital scheme cannot commence until Cabinet has approved the scheme be transferred from the provisional to the approved capital programme. Heads of service are authorised to incur expenditure on schemes within the approved part of the programme.
71. Vale only: approval of the capital estimates by full council authorises officers to incur expenditure as detailed in the capital programme subject to compliance with all requirements of the council's constitution.
72. Once set by council, budgets can be changed in one of three ways: by virement, by supplementary estimate, and by an approved carry forward request.

Section 106 and community infrastructure levy (CIL) income and related expenditure

73. The head of planning shall be responsible for negotiating and gaining the relevant approval for section 106 agreements. Receipt of a section 106 or CIL income does not confer the power to spend. Appropriate budgets must be created in accordance with the financial procedure rules to give heads of service authority to incur expenditure on schemes funded from section 106 or CIL income. Part 2 of this

constitution sets out delegations to the heads of service relating to the community infrastructure levy.

74. For section 106 or CIL agreements that provide clear and unambiguous details on how the receipts raised must be used, where that agreement has been approved by the Planning Committee and over which further discretion cannot be applied then the head of finance can approve the creation of the relevant revenue or capital budget.
75. For all other section 106 and CIL agreements where contributions are received by the council a budget for the spending of the receipt must be created as follows:
 - (a) For agreements of up to £20,000 budgets can be approved by the head of finance.
 - (b) For agreements greater than £20,000 up to £100,000 budgets can be approved by the relevant Cabinet member in consultation with the Cabinet member for finance.
 - (c) For agreements of greater than £100,000 budgets must be approved by Council.

Budgetary control

76. Heads of service are responsible for controlling and monitoring income and expenditure within the service areas and capital projects for which they are responsible.
77. The head of finance shall make available to each head of service periodic statements comparing actual and budgeted income for the service areas each head of service is responsible for.
78. Heads of service shall promptly notify the head of finance of any actual variance or forecast variance from an overall (“bottom-line”) budget for a cost centre or capital project for which they are responsible.
79. On a quarterly basis heads of service will report their projected estimate of outturn income and expenditure against their revenue and capital budgets for those service areas for which they are responsible. In addition heads of service will provide explanations for any projected variation to budget as requested by the head of finance.
80. Any variance, or forecast variance, from a revenue cost centre or capital project budget of more than £50,000 shall be reported in the budget monitoring report. Budget monitoring reports as at 30 September and 31 December will be published in In Focus.

BUDGET MOVEMENTS WITHIN A YEAR

81. Where a budget is moved between cost centres or capital projects but it is used for the purpose it was originally created this is known as a budget transfer. All budget transfers must be approved by the head of finance, strategic finance manager or an accountancy manager.

82. Where a budget is moved between cost centres or capital projects so that it can be used for a purpose other than which it was originally created this is known as a budget virement which must comply with the following rules.
83. All new expenditure as a consequence of virements must be in accordance with the council's corporate objectives, strategies and policies.
84. All virements must be made and notified to accountancy in advance of expenditure being incurred.
85. Heads of service may vire (move) budgets within a year and within the revenue cost centres for which they are accountable provided this does not create a new financial liability for a future financial year. If this results in a significant change in the standard or level of the service or the introduction of a new service this requires approval of the chief executive.
86. The chief finance officer in consultation with the relevant heads of service, may vire budgets of up to £20,000 or 5% of the total relevant budget (whichever is the greater) within a year and between any revenue budgets or between budgets for capital projects. The Cabinet may vire budgets of up to £100,000 within a year and between any revenue budgets or budgets for capital projects.
87. Budget virements in excess of these limits, or virements in a year which also commit the council to additional expenditure in future years, shall only be made by full Council.

BUDGET MOVEMENTS BETWEEN YEARS

88. The estimated cost of any revenue or capital project for which one-off budgetary provision has been approved may be carried forward to the following financial year, subject to:
 - (a) the amount carried forward not exceeding the underspend on the relevant revenue cost centre or capital project; and
 - (b) the approval of the head of finance who shall maintain a record of such approvals.

SUPPLEMENTARY ESTIMATES

89. A supplementary estimate is where a budget is created in-year funded from outside existing general fund budgets e.g. from reserves, new or additional government grant.
90. The chief finance officer in consultation with the relevant heads of service and Cabinet members may agree requests for revenue supplementary estimates of up to £20,000. Requests for revenue supplementary estimates in excess of £20,000 shall be made to the Cabinet which shall seek the approval of full Council if the amount exceeds £100,000, or if the total of revenue supplementary estimates in the year would exceed £250,000 should the request be agreed. For the purpose of these limits supplementary estimates for expenditure that is to be met from an existing grant that has been increased are to be ignored provided the additional income is used for the same purpose as the original grant. No request for a supplementary estimate is necessary where it arises from a government grant for a specific purpose.

91. The chief finance officer, in consultation with the leader of the council and the chief executive, may increase the revenue or capital budget after considering a request from the relevant head of service where the council has:
- (a) Received government grant outside of the usual budget setting cycle for which no budget exists.
 - (b) Received additional income for fees and charges that has led to additional costs that require a budget to give authority to spend.
 - (c) Received additional income from insurance claims.

In all instances a budget no greater than the increase in income can be created.

92. South only: Schemes within the provisional part of the capital programme can be transferred into the approved programme by a decision of a Cabinet member. Schemes may only be added to the provisional part of the programme by full Council. The head of finance may add schemes directly into the approved capital programme where they are fully funded by government grants.

Vale only: The head of finance may add schemes directly into the capital programme where they are fully funded by government grant.

93. The advice of the chief finance officer shall be sought before any consideration of a request for a supplementary estimate.
94. In cases of urgency the Cabinet, or officers discharging Cabinet functions, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in rule 90 if it is not practical to convene a quorate meeting of the full Council; and the chair of the Scrutiny Committee agrees that the decision is a matter of urgency.
95. In cases of disaster or emergency, and with the agreement of the leader and the chair of the Scrutiny Committee (where this is possible) heads of service, with the approval of the chief finance officer, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in rule 90. The chief finance officer shall report such approvals to the next meetings of the Cabinet and Scrutiny Committee. In the absence of the chief finance officer this authority shall only be available to the chief executive in consultation with the chief finance officer's nominated deputy.

Gifts and hospitality

96. The Council has introduced a scheme whereby officers record gifts with a value above £50 and hospitality offered during the course of their duties. Detailed guidance notes are contained in the council's code of practice on gifts and hospitality.

Income

COLLECTION ARRANGEMENTS

97. Arrangements for the collection of all sums due to the council and for the prompt and proper accounting for all cash, including its collection, custody, control and deposit shall be determined by the head of finance.

98. Each head of service shall promptly raise debtor accounts within the council's accounts receivable system for all work done, goods supplied and services rendered within their service.
99. The head of finance shall be notified promptly of all money due to the council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the council; and shall have the right to inspect any documents or other evidence in this connection as he/she may decide.
100. Each head of service is required to make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. The head of finance shall determine the accounting records to be maintained by each head of service to record income and expenditure of the council in relation to the claims made.
101. Heads of service shall in consultation with the relevant Cabinet member, and within the budget setting parameters and any overall parameters agreed by the council, review all fees and charges for goods and services provided at least annually.
102. The head of finance is responsible for the arrangements for the collection of miscellaneous income due to the council. Each head of service should normally use the council's accounts receivable (debtors) system or cash collection arrangements, or establish their own arrangements (which shall be subject to the approval of the head of finance). Accounts raised must require payments to be made to the council.
103. Each head of service must ensure that there are appropriate procedures for raising accounts, monitoring receipts and following up unpaid bills. Income and VAT must be accounted for correctly in both the council's accounts receivable (debtors) system and any other systems.
104. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate head of service or such member of staff specifically designated by him/her for that purpose.
105. Heads of service shall advise the head of legal and democratic of debts that have remained unpaid with a view to the commencement of legal proceedings in accordance with the council's corporate debt and recovery strategy.
106. No amount due to the council shall be discharged otherwise than by payment in full, or by writing-off the whole amount due, or an unpaid portion thereof.

Write offs

107. Sums due to the council shall not be written off other than in accordance with the scheme of delegation.
108. Where sums are written off under delegated powers these shall be recorded in a register in a form determined by the head of finance.

Insurance and risk management

109. Each head of service must take all reasonable steps to prevent accident, injury, loss or damage, and to minimise any losses which may occur. Each head of service must ensure that effective risk management is in place within their service areas, having regard to advice from any specialist officers (e.g. fire prevention and health and safety). Risk management includes the identification, evaluation, control, financing and ongoing monitoring of risks.
110. Each head of service shall notify promptly the head of finance of all new risks, properties, vehicles or assets which require to be insured and any alterations affecting existing insurance.
111. The head of finance in consultation with the head of service shall determine the appropriate insurance cover. The head of finance shall be responsible for ensuring that all insurable risks are adequately covered and, in conjunction with heads of service, for regularly reviewing the levels of cover.
112. The head of finance shall hold in safe custody all insurance policies of the council and arrange for payment of premiums by the due date.
113. Each head of service shall inform the head of finance immediately of any insurance claim received, or any incident which will or has the potential to become an insurance claim. Procedures for the notification of claims, or potential claims, will be determined by the head of finance.
114. In the case of a major fire, flood or explosion affecting the council's property, or any incident resulting in the death or injury to an employee or other person, the head of service shall contact the head of finance immediately and follow this up with a report.
115. The head of finance, in conjunction with the head of service where necessary, shall be responsible for supervising the negotiating and settling of all claims made by or against the council.
116. The head of finance shall ensure that appropriate employees of the council are included in a suitable fidelity guarantee insurance policy.
117. Heads of service shall consult the head of finance and head of legal and democratic regarding the terms of any indemnity the council is requested to give and shall not give any form of indemnity without the approval of these officers.
118. Insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and self-insurance and risk management arrangements must be retained for six years. All other matters relating to insurance or indemnities shall be carried out in accordance with arrangements determined by the head of finance.

Internal control and check

119. In implementing and maintaining financial systems and procedures head of finance shall ensure that these include adequate levels of internal control and check, taking

into account an assessment of the risks involved. The following principles shall be observed in the allocation of financial duties:

- (a) the duties of providing information regarding sums due to or from the council, and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
- (b) where possible adequate segregation of duties shall be maintained. Officers charged with the duty of examining and checking the accounts of transactions shall not themselves be engaged in any of these transactions; and
- (c) the principle of internal check must be included, where possible, in all accounting duties undertaken by staff. Unless it would be impracticable, each head of service must avoid any arrangement that would enable one officer to authorise, process and record a complete financial transaction. In cases where this would be impracticable, the chief finance officer must be asked to approve alternative arrangements and the head of service must ensure that the work is properly monitored.

Inventories and control of assets

120. For the purposes of these financial procedure rules an asset is any item which has an intrinsic value and includes land, buildings, fittings, furniture and equipment, computer equipment and systems, vehicles plant and machinery, stores and materials.
121. Heads of service shall maintain an inventory or register of all assets under their control in a form and to the extent determined by the chief finance officer.
122. Items shall be added to the inventory as soon as they are received. Items leased to the council should be recorded with note of ownership. If an item is lost or stolen this must be recorded against the entry in the inventory and the item should be written-off after authorisation by the chief finance officer.
123. The assurance manager shall at all reasonable times have access to the assets of the council and to examine and audit registers and inventories.
124. Each head of service shall undertake an annual check on all items on the inventory and take action in relation to surpluses or deficiencies in accordance with the requirements of these financial procedure rules (see financial procedural rule re Stocks and Stores), or where items become unserviceable or obsolete and shall update the inventory accordingly.
125. Council property, assets, or materials shall only be used in connection with council business unless otherwise authorised by the head of service. Council property shall only be removed from council premises for use in the course of ordinary council business, or with the permission of the head of service, and a record should be kept of authorised removals.
126. Where it is necessary to take custody of property which is not the property of the council, the relevant head of service shall ensure that a complete inventory is prepared and that all reasonable steps are taken to protect that property from loss or damage. The head of finance should be informed of any new insurable risk.

127. Items of property or cash left on council premises and regarded as lost property must be dealt with in accordance with procedures determined by the assurance manager.

Orders for works, goods and services

128. Heads of service shall place orders only in accordance with:

- (a) the procurement procedure rules;
- (b) the council's procurement and other relevant policies (including arrangements for central purchasing or the standardisation of supplies);
- (c) legal and health and safety requirements;
- (d) the principles of value for money (i.e. ordering what is legitimately required at the correct quality, quantity and time, and at the best possible price); and
- (e) procedures determined by the chief finance officer.

129. Heads of service should ensure that the council will not knowingly obtain supplies from or deal with organisations which fail to meet the reasonable expectations of their creditors, regarding payment of debts.

130. Prior to placing an order or entering into any other sort of commitment to expenditure, a head of service must be satisfied that there is enough provision in the relevant approved revenue or capital budget and that the order will not result in an overspending.

131. Official orders ('purchase order') shall be issued for all works, goods and services supplied to the council except where the circumstances are such that it is not possible to raise an official order and where this exception has been approved by the head of finance.

132. All payments shall be made via the council's accounts payable (creditors) system unless agreed otherwise by the head of finance.

133. An officer must not seek or receive any gift or personal inducement, including lavish or excessive hospitality, in connection with the placing of any order. Officers may not place orders with any individual or organisation with whom they have a family, personal or financial relationship. If an officer's work involves contact with any individual or organisation with whom they have a family, personal or financial relationship, that officer must notify their head of service in writing.

Payments

134. All payments (including invoices, salaries, wages, other emoluments, allowances, benefits and petty cash) shall be made under arrangements determined by the head of finance.

135. No payment to a member of staff shall be authorised by himself/herself. Payments to heads of service shall be authorised by the chief executive; payments to the chief executive shall be authorised by another member of the strategic management team.

136. All payments to members of staff and councillors will be made via the payroll system unless an alternative arrangement has been agreed by the head of finance.

PAYMENT OF INVOICES

137. Each head of service is responsible for checking the accuracy and validity of invoices submitted for payment, and for processing these promptly in accordance with procedures determined by the head of finance. Heads of service shall provide the head of finance with such particulars in connection with work done, goods supplied or services rendered and all other amounts due, as may be required and in such a manner as the head of finance may specify.
138. The head of finance may examine any account, and obtain any explanation considered necessary.
139. Wherever practicable the duties of ordering, receiving goods or services and certifying the invoice shall not be performed by the same officer.
140. Heads of service shall notify the head of finance of all outstanding expenditure relating to the previous financial year, in accordance with the year-end accounting timetable produced by the head of finance.

SALARIES, WAGES AND ALLOWANCES

141. Heads of service are responsible for checking the accuracy and validity of claims and other records relating to contracts of employment (including travel and subsistence).
142. The head of corporate services is responsible for ensuring that all payments made under contracts of employment are in accordance with such contracts, the council's human resources policies, and in accordance with procedures determined in consultation with the head of finance.
143. The head of corporate services shall advise the head of finance of all matters affecting the remuneration of employees.

COUNCILLORS' ALLOWANCES

144. Councillors who are entitled to claim travelling or other allowances shall submit their claim on the prescribed form, duly completed and signed. Claims should be submitted in accordance with the councillors' allowance scheme. The accuracy of the information contained in a claim shall be the responsibility of the councillor concerned.
145. The head of legal and democratic shall be empowered to examine all claims submitted and make whatever checks or enquiries he/she feels are reasonable to verify the accuracy of the claim before payment.

PETTY CASH IMPREST AND CASH FLOATS

146. The head of finance shall provide officers with petty cash accounts and cash floats, as he/she considers necessary. Petty cash will be maintained on the imprest system. Any officer to whom a petty cash imprest or a cash float has been issued shall maintain records and operate the account in accordance with procedures determined by the head of finance.
147. The internal audit manager shall at all reasonable times have access to petty cash accounts and cash floats for control and check purposes.

148. Heads of service shall notify the head of finance when authorisation is withdrawn from an officer or an authorised officer leaves the council, or when responsibility for the imprest is transferred to a different officer.

Retention of documents and financial records

149. Heads of service are responsible for the retention of documents and other financial records. These shall be retained for periods prescribed by statutory or other external regulations or, in the case of financial records and supporting documents where there are no such requirements, the head of finance shall determine the retention periods, including the type of storage media. Details of this are contained within the council's 'corporate procedure – retention and disposal of documents'.

150. Financial records shall not be disposed of other than in accordance with prescribed statutory requirements or as approved by the head of finance.

Security

151. Heads of service are responsible for the security and safe custody of all assets, cash and other property under their control. For this purpose an asset is any item which has an intrinsic value and includes land, buildings, fittings, furniture and equipment, computer equipment and systems, vehicles plant and machinery, stores and materials, money, investments and securities, data and confidential information.

152. Each head of service shall consult the internal audit manager in any case where security is thought to need improvement, or where it is considered that special security arrangements may be needed.

153. Maximum limits for cash holdings shall be agreed with the head of finance and shall not be exceeded without his/her express permission. Cash held in any safe must not exceed the amount of the insurance limit for that safe.

154. Keys to safes, cash boxes, strong rooms, machines and security systems shall be in the safe keeping of those responsible at all times. The loss of any such keys shall be reported to the head of service concerned immediately who should take appropriate steps to protect the interests of the council.

155. Each head of service shall be responsible for the control and security of all funds managed by employees arising out of their employment.

156. The holders of safe keys shall not accept unofficial funds or valuables for depositing in the safe unless authorised by the head of finance. In such circumstances it must be made clear to the depositors that the council is not to be held liable for any loss.

157. Assets shall, where possible but in particular attractive, desirable and portable items, be clearly marked as being the property of the council. Leased property should be marked in accordance with any agreement reached between the relevant head of service and lease companies.

158. Computer equipment, programs and data must be adequately protected against theft, misuse and unauthorised access and each head of service is responsible for

ensuring the compliance with all council policies and guidelines on security and crime prevention.

159. If any financial irregularity occurs or is suspected concerning cash, stores or other property of the council, or in the exercise of the functions of the council, the head of service concerned shall immediately notify the head of finance and the internal audit manager who will take such steps as they consider necessary by way of investigation and report.
160. In instances of criminal activity, or suspected criminal activity, affecting the council's finances, heads of service shall immediately notify the head of finance and the internal audit manager of the circumstances.

Stocks and stores

161. Heads of service shall be responsible for the custody and physical control of the stocks and stores held in his/her service area(s) and shall ensure that stocks and stores are not carried in excess of reasonable requirements.
162. Heads of service are responsible for maintaining systems of stock accounting, examination and control, which accurately and completely record the value of stock and stores for which they are responsible, and which have been approved by the head of finance.
163. Heads of service shall arrange for a stock take of all stocks and stores at least once every year, as near as possible to 31 March each year, or on a regular continuous basis during the year. Such checks should be carried out independently of the officers responsible for their custody.
164. The chief finance officer and the internal audit manager may at all reasonable times have access to all stocks and stores of the council and may make such checks as are deemed necessary including their presence during stock-taking.

Taxation

165. The chief finance officer shall be authorised to make any decision or determination with regard to taxation that he/she considers necessary for the overall tax efficiency of the council. All instructions or guidance issued by the chief finance officer relating to the tax affairs of the council shall be complied with by any employee and where appropriate shall be drawn to the attention of any contractor to the council.
166. The head of finance is responsible for the administration of the tax affairs of the council.

Treasury management

167. The council shall observe the CIPFA Code of Practice for Treasury Management in Local Authorities.
168. A Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of the CIPFA Code of Practice for Treasury Management in Local Authorities, namely:

- (a) definition of approved activities;
- (b) strategy formulation, approved financing methods, sources of borrowing, approved organisations for investment and investment instruments;
- (c) policy on interest rate exposure, external management of investment and delegation;
- (d) review and reporting requirements

shall be adopted by the council and thereafter its implementation and monitoring shall be delegated to the head of finance (subject to any directions from the chief finance officer).

169. Before the start of the financial year the head of finance shall report to the Joint Audit and Governance Committee on the strategy for treasury management it is proposed to adopt for the coming financial year. The strategy will be formally adopted by council.
170. All executive decisions on borrowing, investment or financing shall be delegated to the head of finance who shall be required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities and the Policy Statement and strategy referred to above.
171. The head of finance shall report to the audit and [corporate] governance committee and Council not less than three times in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year. The second will be a mid-year report. The third being the strategy referred to in the previous paragraph.
172. All money in the hands of the council shall be under the control of the chief finance officer.
173. All borrowing and investments of the council's funds shall be made in the name of the council or nominees approved by the chief finance officer.
174. The head of finance shall be the council's registrar of stocks, bonds and mortgages. All negotiable instruments, financial bonds and securities (other than title deeds of land or buildings), the property of, or in the name of the council, or its nominees, shall be held by the head of finance, or otherwise as the head of finance may specifically direct, under secure arrangements.
175. The head of finance shall determine the form of records of all borrowing or investments made by the council.
176. All trust funds shall, wherever possible, be in the name of the council and shall be operated in accordance with arrangements made by the chief finance officer. Officers acting as trustees by virtue of their official position shall deposit all securities relating to the trust with the chief finance officer unless the deed provides otherwise.

Unofficial funds

177. An unofficial fund is any fund associated with council business, supervised or managed by council staff, but which is not part of council funds or trust funds of the council. All unofficial funds monies shall be kept separate from council monies.
178. Officers planning to act as honorary treasurers of unofficial funds shall consult the appropriate head of service and chief finance officer before accepting the position.
179. Unofficial funds shall be managed and administered in accordance with any statutory requirements and at least to the same standards as those applicable to the council generally.
180. The head of service concerned shall be responsible for ensuring sound arrangements for the financial management and audit of unofficial funds and shall consult with the chief finance officer before formulating regulations that apply to such funds, and shall seek guidance from him/her on taxation. The type and extent of audit will be decided in consultation with the chief finance officer and will take into account the nature of the fund and the degree of risk.
181. Financial records shall be kept for all unofficial funds as determined by the head of finance who shall be given complete access to all records and information relating to unofficial funds.
182. The head of finance shall have the right to require any officer holding unofficial funds to give a true account, in writing, of the following:
- (a) all money and property committed to the officer's custody;
 - (b) all receipts and payments, together with vouchers and other supporting documents; and
 - (c) a complete list of the amounts due from, or to, all persons.

Procurement Procedure Rules

SECTION 1 INTRODUCTION

The aim of this document and its underlying procedures is to bring Value for Money to the forefront of any expenditure when procuring Supplies, Services, or Works, awarding any Concession and disposing of surplus or obsolete goods/stock. These procurement rules ('the Rules') together with the Corporate Procurement Strategy and supporting guidance notes will help to ensure strategic, efficient, and economic contracts are in place, that are managed well, and help to reduce costs and risk within the supply chain. This will also help to ensure all procurements contribute to the economic, social, and environmental benefits for our communities.

Background

- 1.1. The Council is accountable to the public for the way it spends public funds, ensuring value for money, efficient, effective, and economic delivery of services and maximising the benefits available from the budgets and activity which supports the Council's strategic objectives as set out in the corporate plan. These Rules comprise standing orders and set out the framework that must be followed for:
 - i. the procurement of Supplies, Services or Works
 - ii. the award of any Concession and/or
 - iii disposal of surplus goods or obsolete items of stock or items on an inventory.
- 1.2. The Rules are complemented with supporting guidance notes and templates which must be adhered to. These documents will be periodically reviewed and amended by the Council's Procurement Team in consultation with Legal Services and the Section 151 Officer where appropriate, to reflect changes in law, policy, corrections. etc.
- 1.3. In the case of Concessions, reference should be made to the Concession Contracts Regulations 2016 ('CCR') and advice sought from the Procurement Team and / or Legal Services

General Principles

- 1.5. These Rules constitute the Council's standing orders in respect of third party contracts for the purposes of section 135 of the Local Government Act 1972:
 - i. To ensure the Council complies with its legal obligations regarding:
 - (a) the procurement of Supplies, Services and Works
 - (b) any Concession; and
 - (c) Disposals
 - ii. To ensure the Council obtains Value for Money and Best Value
 - iii. To prevent corruption or the suspicion of it
 - iv. To ensure fairness and equality of treatment of all suppliers, avoidance of bias, favouritism and that fairness can be demonstrated through an audit trail, and
 - v. To promote Social Value, including the local economy and environmental sustainability, to the extent that it is legally permitted
 - vi. To align with the Council's Corporate Procurement Strategy.
- 1.6. All Contracts must be let in accordance with:

- i. all applicable laws from time to time
- ii. these Rules and the Constitution (including the Financial Procedure Rules and scheme of delegation)
- iii. the Council's standard terms and conditions from time to time. **See Guidance Note Using the Council standard terms and conditions of contract (PROC26)**

Where this is not possible, or departure is being considered, the Waiver process set out in these Rules should be followed in advance of any Procurement commencing with the requisite form being completed and signed off by Procurement (and legal and finance if required) for audit purposes. Depending on the nature of risk / complexity to be assessed by the Procurement Team, Legal Services shall be consulted ahead of any formal decision as to whether a Waiver is appropriate. **See Guidance Note Use of Waivers (PROC24).**

1.7. For Supplies or Services procurement related to Financial, Legal Services or ICT, these should not commence without prior approval from the Procurement Team, in conjunction with Legal Services, where appropriate.

1.8. The Council's procurement process shall:

- i. Comply with such of the Council's policies as are relevant, specifically the Corporate Procurement Strategy, Social Value Policy and associated supply chain standards and initiatives
- ii. Seek to reduce disadvantage, advance equality and promote community cohesion as defined in the Equality Act 2010
- iii. Make every effort to promote local businesses including Small and Medium-sized Enterprises ('SMEs').

1.9. No Contract shall be made unless:

- i There is a statutory power to do so
- ii It can be demonstrated that it represents Value for Money
- iii The necessary authorisation has been obtained in accordance with the
- iv Constitution and appropriate decision-making process
- v It positively contributes to the Council's strategic themes and priorities, and
- vi It is in compliance with all applicable laws and Council policies in force from time to time.

1.10. In addition, where a procurement is to be undertaken it should:

- i. Ensure that the whole needs of the Council are considered and wherever possible taken into account
- ii. Take into consideration opportunities to benefit from collaboration either inter department or inter authority or using existing compliant Contracts.

When the Rules do not apply

1.12. These Rules do not apply to:

1.13. Service contracts excluded under Regulation 10 of the Public Contracts Regulations Act (2015) ('PCR'), including but not limited to:

- i. Contracts regarding the purchase or lease of property, acquisition, disposal, transfer of land, or any interest in land which includes licenses (for which the Council's Land Transaction Procedure Rules shall apply)

- ii. Expenditure on legal matters (including all associated costs and fees) in connection with legal proceedings (including tribunals, inquiries, civil or criminal court proceedings and external legal advice in anticipation or contemplation of legal proceedings)
- iii. Treasury Transactions as outlined within the council's Treasury Management Strategy.

- 1.14. Contracts awarded under the PCR 12(1) (formerly referred to as the Teckal exemption).
- 1.15. Contracts awarded under PCR 12(7) (e.g. establishing or implementing a public contract with another public sector entity).
- 1.16. Contracts of employment which make an individual a permanent or interim employee of the Councils (for the avoidance of doubt this exemption does not apply to the appointment of consultants).
- 1.17. Non-contractual funding arrangements (including Grant agreements under which the Council gives a Grant to third parties in accordance with the applicable policy or procedures) provided that the terms of the funding arrangements do not contain mutual obligations which would constitute a Contract (rather than a Grant).
- 1.18. Specific licencing requirements (such as TV Licence or Public Entertainment Licence) or subscriptions to national organisations (such as the Local Government Association).
- 1.20. Contracts for the execution of either Works or provision of Supplies or Services which must be provided by a Statutory Undertaker other than the Council. This includes, but is not limited to, arrangements with a utilities provider, where the Council has no discretion regarding whether Works are required or who must deliver them
- 1.21. Disposal of supplies deemed surplus to Council needs;
- 1.22 In the event of a genuine emergency or a major disaster involving immediate risk to persons, property or serious disruption to Council services or significant financial loss, these Rules would not apply to the extent necessary to deal with the immediate risk.
- 1.23 Once the immediate risks of that genuine emergency or major disaster has been duly mitigated, any follow up actions which would typically be subject to these Rules should look to comply with the Rules as soon as practically possible following this.

Waivers

- 1.24. It should be the default position to obtain Best Value through competition, as described in these Rules, unless there are compelling reasons not to do so which are compliant with relevant laws. The **Guidance Note: Use of Waivers (PROC24)** must be applied in these instances.
- 1.25 The circumstances in which a Waiver may be requested are as follows:

- A. **No Genuine Competition** There is no genuine competition, for example Works, Supplies and Services:
- i Are sold only at a fixed price and no reasonably satisfactory alternative is available
 - ii are wholly controlled by trade organisation or government order and no reasonably satisfactory alternative is available
 - iii are of a proprietary type only available from a single supplier
 - iv are required for repairing or servicing existing specialist plant or equipment
 - v involve the provision of highly specialised professional legal or other services
 - vi constitute a reasonable short-term extension (less than 6 months) of a time-based contract or form part of a serial programme, the terms having been negotiated with the contractor on the basis of rates and prices contained in an initial contract awarded competitively following an invitation to Tender or Quote in accordance with these Rules
- (B) **Unforeseen Emergency** – A Waiver is necessary because of an unforeseen emergency involving immediate risk to persons, property or serious disruption to Council services
- (C) **Contract Extension** – The Contract is an extension of an existing Contract and a change of supplier would cause disproportionate technical difficulties, diseconomies of scale or significant disruption to Council services.

1.26. When considering a Waiver, it must be done in a manner that ensures the best interests of the Council are being secured.

1.27 Note that the approval of a Waiver does not preclude the need to formalise any necessary approvals and administration, for example, the creation of purchase orders and a formal Contract.

1.28 When requesting a Waiver, the Waiver Template must be used and the relevant Waiver(s) specified and evidenced (**See Guidance Note - Use of Waivers PROC24**)

Standards, Breaches and non-compliance

1.29. Compliance with these Rules is mandatory.

1.30. Those with responsibility for fulfilling their duties in line with the Rules are required to maintain ongoing knowledge and awareness to ensure compliance.

1.31. It will be the responsibility of Officers (including those with line management responsibilities) to address non-compliance swiftly and in the most appropriate way according to the circumstances.

1.32. Means of reporting concerns can also be raised anonymously in line with the Council's Anti-Fraud and Whistleblowing policies

1.33. Failure to comply with these Rules may constitute a disciplinary matter that may be pursued as appropriate, in accordance with the Council's Disciplinary Policy.

- 1.34. Councillors or Officers must not seek or receive any bribe, gift or inducement of any kind. Any Councillor or Officer who has either been offered a bribe, gift or inducement, or is aware or suspects that another Councillor or Officer has been, shall report it to the Monitoring Officer.
- 1.35. If a Councillor or Officer is, or could be, in a position where somebody with whom they have a family, personal or financial relationship might bid for a contract, they must not be involved in any way in the procurement exercise or seek to influence it.
- 1.36. Officers should follow the Employee Code of Conduct and relevant authorisations.
- 1.37. Councillors shall be aware of the requirements of the member Code of Conduct and must declare any direct or indirect interest in accordance with the law and such code.
- 1.38. Other than Cabinet Members who will be consulted where appropriate, councillors have no role in the Procurement process and must ensure that their actions do not compromise or impact on the due process that has been set out.

SECTION 2 KEY FINANCIAL & PROCUREMENT THRESHOLDS

General

- 2.1. Before considering a new procurement, the following approaches should be used:
 - i. Use of internal Council services; or
 - ii. Use of an existing corporate Contract
- 2.2. The above should take into account the wider principles of these Rules.

Observance of Thresholds

- 2.3. The value for a proposed Contract must be a genuine pre-estimate and must be based on the total aggregated value over the life of the Contract, including any provision for extension(s).
- 2.4. Where there is a requirement for similar Supplies, Services and / or Works, this spend should be aggregated to ensure compliance with the PCR, in particular Regulation 6. There shall be no disaggregation of requirements across the Council in order to avoid the Key Financial Thresholds.
- 2.5. The **Guidance Note: Financial Values (PROC33)** together with the Key Financial Thresholds should be followed when determining which threshold applies in particular circumstances.

Authorisation and approvals Stages

- 2.6. Approvals and authorisations shall be made at four key stages (Sign-Off Approvals):
 - i. Stage 1 – Determining the appropriate Route to Market – (Procurement Plan sign off)
 - ii. Stage 2 – Confirmation of Award Decision
 - iii. Stage 3 – Contract Variations / Extensions
 - iv. Stage 4 – Benefits Realisation (for Significant Contracts)

Table 1 Key Financial Thresholds & Procurement Procedures

ACTIVITY	UP TO £24,999	Over £25k to £75k	Over £75k to FTS Threshold	Over FTS Threshold (Services, Supplies, Concessions or Light Touch Regime) ¹
Tender process (as a minimum)	Obtaining at least one written Quotation using the appropriate email template	Quotation process obtaining at least 3 quotes using ITQ Template with specification and evaluation information	Formal Tender process seeking a minimum of three Tenders using ITT Template	Formal compliant Tender procedure
Formal advertising / publication of opportunity and award	Optional	eTendering System and Contracts Finder	eTendering System and Contracts Finder	eTendering System and Contracts Finder
Contract published on Contract Register	Yes, if total value exceeds £5,000 plus	Yes	Yes	Yes
Use of e-Tendering System?	Optional	Yes	Yes	Yes
Application of a Waiver (see Guidance Note: Use of Waivers PROC24)	Not required but necessary records to be kept for audit purposes	Yes – in line with Scheme of Delegation	Yes – in line with Scheme of Delegation	Yes – in line with Scheme of Delegation
Procurement Team engaged	Yes	Yes	Yes	Yes

¹ See Guidance Note Financial Values PROC33 for FTS Threshold information

Table 2 Authorisations, approvals and Contract signatory

Value Level	Acceptance of Quotation/Tender	Order/Contract Signatory
Up to £25,000	Service Manager	Service Manager
In excess of £25,000, but not more than £75,000	Head of Service	Head of Service
In excess of £75,000 but not more than FTS Threshold	Head of Service in consultation with relevant Cabinet Member	Head of Service
In excess of FTS Threshold	Cabinet approval	Executed by an Authorised Signatory of the Council

SECTION 3 KEY PROCESSES AND OTHER CONSIDERATIONS

Background

3.1. The following section provides a summary of key areas to consider when assessing procurement implications and / or undertaking a procurement process.

Due Diligence

3.2. Relevant subject matter experts (e.g. service area teams, Procurement Team, Legal Services, Finance Team, ICT, Property Team, Data Protection Officer, etc.) are to be consulted at appropriate times during the procurement process.

3.3. Prior to their involvement in a procurement activity, Officers (including those involved in the development specifications right through to being part of an evaluation team) are required to sign a declaration of conflict / interest form, (**see Conflicts of Interest Declaration and Confidentiality Undertaking form PROC08**) outlining any direct or indirect interest, canvassing and confidentiality matters. The completed form should be retained on the corporate Contract Register (**see Guidance Note Contract Register & Document Storage PROC31**) as part of the Contract records.

Timescales

3.4. Documenting specifications clearly and accurately is critical to achieving the right long-term outcomes for the Council so Officers should dedicate sufficient time for this activity.

- 3.5. Timescales for submission of tenders / quotations shall be reasonable, sufficient and proportionate to enable suppliers to submit a suitable response in order to facilitate genuine competition and compliance with the relevant PCR requirements.
- 3.6. Where the procurement is a re-tender it is essential to put in place necessary and appropriate time in advance to ensure continuity of service.

Preliminary Market Consultation

- 3.7. Where relevant and proportionate to do so, preliminary market consultation is permitted and encouraged with the intention of informing the procurement process and potential suppliers. Where such consultation takes place, care shall be taken that it is in line with the PCR and in particular Regulations 40 and 41.

Advertising Opportunities

- 3.8. Publishing of quotation / tender opportunities shall be in line with Key Financial Thresholds and all relevant procurement procedures. The primary means of advertising shall be via Contracts Finder, any associated Portal in connection with the Council's default eTendering System and for those subject to the PCR on FTS.
- 3.9. Advertising of Contracts subject to the PCR shall be in line with the requirements of the PCR and in particular Regulations 49 and 50 plus Regulation 106 in relation to Contracts Finder.

Procurement Clarifications

- 3.10. Where Quotations/Tenders are placed via the Council's eTendering System, clarifications on the procurement are only permitted via that eTendering System.
- 3.11. Discussions with Bidders after submission of a Tender and before the award of a Contract, with a view to obtaining adjustments in price, delivery or content (i.e. post-tender negotiations) is generally not permitted. If this is considered necessary then advice must be sought from the Procurement Team.
- 3.12. Planned and structured supplier contact in the form of a Bidder's day or dialogue / negotiation as part of a prescribed procedure are permitted. Advice should be sought from the Procurement Team before undertaking such a process.

Evaluation

- 3.13. Quotations and Tenders will be evaluated in accordance with the evaluation criteria disclosed in the published procurement documents.
- 3.14. In setting criteria and in the evaluation of Quotations and Tenders, reference should be made to **Guidance Note: Production of Specification and Evaluation (PROC03)**.

Opening of Quotations / Tenders

- 3.15. In line with Key Financial Thresholds and relevant procurement procedures, Quotations and Tenders are submitted via eTendering System (**See Guidance Note**

eTendering System (PROC37) and will be transmitted by electronic means.

Quotations and Tenders submitted by electronic means shall ensure that:

- i. evidence that the transmission was successfully completed is obtained and recorded through the system, and
- ii. Quotations and Tenders are not opened until the deadline has passed for receipt of tenders.

3.16. Quotations and Tenders received after the specified date and time must be assessed in line with any guidance note or policy applicable at the time and in the absence of such direction in consultation with the Procurement Team.

3.17. Where information is felt to be missing or omitted in a Quotation and Tender then reference should be made to any guidance note or policy applicable at the time and in the absence of such direction in consultation with the Procurement Team.

3.18. Where the eTendering System is not used in relation to a quotation process, an audit trail shall be put in place in order to uphold the principles as set out in these Rules. A record shall be made of the Quotations received including names, addresses and the date and time of opening using Guidance Note: Quotation Opening Record (PROC07).

Contract Award

3.19. Where a Contract is awarded with a value above the relevant threshold within the Key Financial Thresholds the following information shall be published on Contracts Finder: name of contractor; date on which Contract entered into; value of Contract; whether contractor is a SME or VCSE.

3.20. For all Contracts subject to the PCR, Contract Award Notices shall take into account any requirements and conditions around Standstill Period, in line with Regulation 87 and an individual contract report is to be completed in line with regulation 84 of the PCR.

Application of the Light Touch Regime

3.21. Under the PCR the Councils can apply flexibility to the approach and procedures for certain Services. A list of services to which the Light Touch Regime applies can be found in Schedule 3 of the PCR.

3.22. The Light Touch Regime only applies to Contracts over the PCR stated threshold (see Guidance Note Financial Values PROC33)

3.23. Although the use of the flexibility permitted by the Light Touch Regime is encouraged the procurement procedures and the award of Contracts must be at least sufficient to ensure compliance with the principles of transparency and equal treatment and demonstrate Value for Money.

3.24. Application of the Light Touch Regime does not negate requirements to comply with these Rules and follow the Council's formal decision-making process.

Contracts and documentation

- 3.25. All Contracts shall be executed by an Officer with authority to do so in accordance with these Rules.
- 3.26. The use of electronic signatures and sealing is permitted provided any process established and approved by Legal Services from time to time is followed.
- 3.27. Subject to 3.28, a Contract must be executed as a deed when one or more of the following situations exist (See Guidance Note: Financial Values (PROC33)):
- i The Contract relates to a construction project (whether a Contract for Works or a Contract for Services) where the overall value of the Works or Services is greater than the relevant sum set out in the Key Financial Thresholds.
 - ii Contracts for Works below the relevant sum set out in the Key Financial Thresholds where there is a risk of latent defects
 - iii Where it is particularly complex or high risk as identified in the Procurement Plan
 - iv Where it is a mortgage or charge
 - v Where it is for the acquisition or disposal of an interest in land
 - vi Where it is an appointment of a trustee, and/or
 - vii Where it is a power of attorney.
 - viii Where the Services relate to an interest in land or property
 - ix Where it is a Grant agreement
- 3.28. Notwithstanding the above, there is no requirement for a Contract to be executed as a deed where the Head of Legal and Democratic has determined that a deed is not required.
- 3.29. The formal advice of Legal Services must be sought for a Contract that includes one or more of the following features:
Where the Contract Value is greater than the FTS Threshold for Services and Supplies and greater than the relevant sum set out in the Key Financial Thresholds for Works See Guidance note Financial Values PROC33
- Where it involves financial lease arrangement
 - Where it is proposed to use a contractor's own terms
 - Where it is particularly complex or high risk
 - Where a contractor or the circumstances demand a substantive amendment to the Councils' precedent contract documents
- 3.30. Where payment in advance is required then formal written approval of the S.151 Officer is also required. In the event of industry standards leading to a common accepted practice of advance payments (e.g. software licences) this would only need to be sought once.
- 3.31. All Contract formalities must be concluded before the Supply, Service or Works begin, bar in exceptional circumstances, and then only with the written approval of Legal Services. All related Guarantees and/or Bonds should be delivered in accordance with the Contract/Tender.
- 3.32. The Officer responsible for securing signature of the Contract must ensure that the person signing for the other contracting party has authority to bind it. Cases where this is uncertain must be referred to Legal Services.

Contract Extensions and Variations

- 3.33. Extensions or variations to existing contracts must be made in line with the **Guidance Note: Financial Values (PROC33)**.
- 3.34. If the particular circumstances of an extension or variation are not covered by these Rules, guidance should be sought from the Procurement Team, with confirmation sought from a Legal Services (where required) that the variation or extension does not conflict with applicable procurement law.

Contract Management

- 3.35. Contract management must be an integral part of the consideration when seeking to award a new Contract. This will include establishing dedicated contract managers and contract management systems that are aligned to contract and corporate objectives, Value for Money and performance improvement. **See Guidance Note Contract Implementation and Contract Management (PROC14)**
- 3.36. Payments shall be made in accordance with the contract and in a timely manner so as to avoid the payment of any interest charges.
- 3.37. During the life of a Contract, the contract manager must monitor the Contract in line with any approved Contract management framework
- 3.38. If a contractor fails to comply with any of the provisions of a Contract, the contract manager must try to secure compliance. Proper records must be kept regarding Contract failings and any corrective measures put forward. If this is not successful, the matter should be referred promptly to the Procurement Team and advice sought as to what action should be taken to protect the Council's interests.
- 3.39. Where practicable, all Contracts should contain a dispute resolution procedure. If a contractor raises a dispute which is not clearly within the terms of a Contract, the contract manager must not negotiate a settlement until the claim has been referred to:
- i A Legal Officer for advice about the Council's legal liability, and,
 - ii The Section 151 Officer for advice about the financial implications.

OTHER MATTERS AND CONSIDERATIONS

Frameworks and Dynamic Purchasing Systems (DPS)

- 3.40. These Rules allow for the use of frameworks placed by other public authorities, central government and other third parties.
- 3.41. The use of a Framework Agreement or DPS set up by a third-party must be approved by the Procurement Team, who will seek advice from Legal Services where necessary. This is to ensure the framework is both the most appropriate route and that it is open for the Council to use.
- 3.43. All call-offs must be in accordance with the terms of relevant framework agreement.

Subsidy Control Commitments

3.45. Trade and Co-operation Agreement (“TCA”) must be considered in situations or circumstances where the proposed arrangement may provide an advantage through state resources on a selective basis to any organisation(s) that could potentially distort competition and / or trade.

Provision of Art

3.46. Where the Council is seeking to acquire or commission the creation of a unique work of art or an artistic performance then the **Guidance Note: Acquisition and Commissioning of Art (PROC35)** shall be followed.

Retention, Bonds and Guarantees

3.47. As part of the overall due diligence, consideration should be taken as to the necessity or otherwise around seeking a Retention, Bond or Guarantee based on strategic risk. See **Guidance Note: Retention, Bonds and Guarantees (PROC35)**.

SCHEDULE 1 – DEFINITIONS

DEFINED TERM	MEANING
Authorised Signatory of the Council	Means such individual(s) within the Council authorised to sign documents on its behalf as set out in the relevant section of the Constitution from time to time.
“Best Value”	Means arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
“Bidder”	Means any person who asks or is invited to submit a quotation or tender.
“Bond”	Means a financial instrument evidencing a debt of the issuer, under which the issuer promises to pay the bondholder the face value of the bond plus (usually) amounts of interest at future dates
“Cabinet Members”	Means Councillors appointed to the cabinet which carries out all of the Council’s functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution
“CCR”	Means The Concession Contracts Regulations 2016
“Code of Conduct”	Means any code of conduct applicable to Councillors of the Council from time to time.
“Concession”	Means any contract under which the Council grants rights, land or property to another organisation
“Constitution”	Means the Council’s Constitution of which these Rules form part
“Contract” or “Contracts”	Means contracts that have been or are to be set up with the express intention of supporting the delivery of Works, Service or Supplies or Concessions.
“Contract Award Notices”	Means a formal written communication sent from the Council to a Bidder accepting a Quotation or Tender
“Contract Manager”	Means the officer appointed by the relevant officer (pursuant to Rule 3.39) with responsibility for managing a particular Contract.
“Contract Value”	<p>Means the whole life value or estimated whole life value (in money or equivalent value) for any purchase (including any extensions available) calculated as follows:</p> <p>(a) Where the Contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the fixed period</p> <p>(b) Where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions over the life expectancy of the Contract</p> <p>(c) Where the Contract is for an uncertain duration, by multiplying the monthly payment by 48.</p> <p>Specific guidance is available in the Procedural Note: Financial Values.</p>

“Contract Register”	Means the register kept by the Council detailing all Contracts with a value of £5,000 or more.
“Contracts Finder”	Means the service provided by the UK Government by which contractors can search for information and contract opportunities within the public sector
“Corporate Procurement Strategy”	Means a high-level document which sets out the approach to show how procurement will support the council’s corporate plans and priorities and strategic themes
“Councillor”	Means a duly elected Member representing the Council in line with the Council’s Constitution.
“Council”	Means South Oxfordshire District Council OR Vale of White Horse District Council
“Data Protection Officer”	Means the Officer appointed by the Councils as being responsible for their data protection affairs from time to time.
“Disciplinary Policy”	Means any policy relating to the conduct and disciplinary procedures applicable to employees of the Council from time to time
“Disposals”	Means disposal by the councils of surplus goods or obsolete items of stock or items on an inventory
“DPS”	Means Dynamic Purchasing System
“Employee Code of Conduct”	Means the policy which sets out the expected conduct from the Council’s Officers, Contractors, agency staff and those on casual contracts
“eTendering System”	Means the Electronic Tendering System
“Finance Team”	Means the team within the Council responsible for conduct of their financial affairs
“Framework Agreement”	Means an agreement between one or more public bodies with one or more contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period.
“FTS”	Means the Find a Tender Service (or such alternative service from time to time) as is provided by the UK Government
“FTS Threshold”	Means the sum above which the UK Government recommends that the FTS be used in the UK’s public and utilities sectors. The current FTS Threshold is set out in PROC33: Financial Values Guidance Note

“Grant”	For the purpose of this document Grant shall mean a payment to help the recipient (e.g. charity) to delivery an agreed outcome but has no contractual basis. In return, the grant funder (e.g. the Council) gets no direct service delivery. A grant is usually provided subject to conditions that state how the Grant shall be used (for example to support the wider objectives of the Council in promoting the social, economic or environmental well-being within their communities). Grant funding is usually preceded by a call for proposals. The Grant offer letter will normally set out general instructions as to how this is to be achieved, and any particular conditions in regard to clawback if those wider objectives are not met
“Guarantee”	Means an instrument that guarantees a debt will be repaid to a lender by another party if the borrower defaults
“Head of Service”	Means an Officer appointed by the Council to head one of its services as set out in the Council’s management structure.
“ICT”	Means the team within the Councils responsible for their Information Communication Technology affairs.
“ITQ Template”	Means the template used by the Council to invite a Quotation anticipated to be under £75,000
“ITT Template”	Means the template used by the Council to invite a Tender anticipated to be £75,000 or over
“Key Decision”	Means a key decision as defined in the Constitution.
“Key Financial Thresholds”	Means the financial thresholds for contract value as defined from time to time in Table 1 of Section 2 of these Rules
“Legal Officer”	Means the Director – Legal and Democratic Services or such other Legal Officer with the appropriate delegated authority.
“Legal Services”	Means the team within the Council that is responsible for the provision of legal services.
“LGA”	Means Local Government Association
“Light Touch Regime”	Means the Light-Touch Regime as defined in and applying to services set out in Schedule 3 of the Public Contracts Regulations 2015 (Annex A)
“Local Authorities”	Means Public Sector organisations as defined as Local Authorities in the UK
“Monitoring Officer”	Means the Officer duly appointed in accordance with Section 5 of the Local Government and Housing Act 1989
“Officer”	Means an Officer as employed by the Council with relevant and appropriate authority to act on behalf of the Council.
“PCR”	Means the Public Contracts Regulations Act (2015)

“Portal”	Means the Southeast Business Portal run by Proactis (or such alternative service from time to time) used to publish the Council’s Contract opportunities
“Procurement Guidance”	Means the guidance notes issued by the Procurement Team together with a number of standard documents and forms, which supports the implementation of these Rules.
“Procurement Officer”	Means the appropriate officer in the Procurement Team
“Procurement Plan”	Means the document used by the Council to obtain sign off and approvals to procure and award contracts
“Procurement Team”	Means the team of individuals responsible for procurement on behalf of the Council from time to time.
“Property Team”	Means the team within the Council responsible for managing their property portfolio affairs from time to time.
“Quotation”	Means a quotation of price and any other relevant matter (without the formal issue of an invitation to Tender).
“Retention”	Means a sum of money withheld by the Council from a contractor in respect of any defects or rectifications identified or needed during a specified period following practical completion of a Contract
“Rules”	Means the procurement rules set out in this document
“Section 151 Officer”	Means Officer duly appointed in accordance with Section 151 of the Local Government Act 1972.
“Service Manager”	Means an Officer appointed by the Council to manage a Council service as set out in the Council’s management Structure
“Sign Off Approval”	Means a series of quality assurance checkpoints through which a procurement project needs to pass prior to approval, publication and contract award.
“Significant Contract”	For the purposes of these Rules a Significant Contract shall mean a Contract that is defined in line with the Council’s contract management framework (currently under development).
“SMEs”	Means small and medium-sized enterprises
“Social Value”	Public authorities are required, under the Public Services (Social Value) Act 2012 to, when commissioning a public service, consider how the service they are procuring could bring added economic, environmental and social benefits.
“Standstill Period”	Means a period following the notification of an award decision in a contract tendered before the Contract is awarded to the successful Bidder(s) as set out in the Public Contract Regulations 2015 in line with Regulation 87.

“Statutory Undertaker”	Means bodies authorised by any enactment to carry on certain specified undertakings
“Supplies, Services or Works”	Means Supplies, Services or Works as defined in the Public Contracts Regulations 2015.
“TCA”	Means the EU-UK Trade and Cooperation Agreement
“Teckal”	The right to award contracts for Works, Services or Supplies from the controlling authority to the Council Owned company. See the Regulations regulation 12 for more details: http://www.legislation.gov.uk/ukxi/2015/102/regulation/12/made
“Tender”	Means a Bidder’s proposal submitted in response to an invitation to tender.
“Treasury Transactions”	Treasury Transactions as outlined within the council’s Treasury Management Strategies.
“UK”	Means the United Kingdom of Great Britain and Northern Ireland.
“Value for Money”	Means optimum combination of whole-life cost and quality (or fitness for purpose) to meet the customer’s requirement. This includes consideration of Social Value.
“VCSE”	Means a voluntary, community & social enterprise
“Waiver”	Means the circumstances set out in these Rules whereby the normal procurement process can be set aside.
“Waiver Process”	Means the process outlined by these Rules by which it is established that a Waiver shall apply
“Waiver Template”	Means the template document issued by the Council from time to time by which Officers may apply for a Waiver.

SCHEDULE 2 – SUMMARY OF GUIDANCE NOTES

GUIDANCE NOTES	LOCATION
Acquisition and Commissioning of Art (PROC35)	Not yet drafted
Anti-Fraud Policy	
Conflicts of Interest Declaration & Confidentiality Undertaking (PROC08)	
Contract Register and Document Storage (PROC31)	
eTendering System (PROC37)	Still to be drafted
Financial Values (including Key Financial Thresholds (PROC33))	
Quotation Opening Record (PROC07)	
Retention, Bonds and Guarantees (PROC36)	
Use of Waivers (PROC24)	
Using the council standard terms and conditions of contract (PROC26)	Still to be updated by AC

SUMMARY OF POLICIES

COUNCIL POLICIES	LOCATION
Corporate Procurement Strategy	
Councillor Code of Conduct	
Disciplinary Policy	
Employee Conduct Policy	
Financial Procedure Rules	
Land Transaction Procedure	
Scheme of Delegation	
Social Value Policy	
Treasury Management Strategy	
Whistle Blowing Policy	

Officer employment procedure rules

Appointment of Officers

1. The council may appoint such officers as it thinks necessary for the proper discharge of such of its (or another authority's) functions as falls to it or is agreed to be discharged by it¹.
2. Every appointment of a person to a paid office or employment by the council must be made on merit².
3. The employment, appointment, designation, or engagement of all staff will follow the law and any policies and procedures of the council.
4. There are regulations establishing various mandatory standing orders (procedure rules) giving effect to obligations or restrictions on delegation of authority to bring these principles into effect. These rules are set out below³.

Statutory Chief Officers, Chief Officers, Deputy Chief Officers, and Other Officers

5. Local government employment rules differentiate between categories of officers, including⁴:
 - Chief Executive (Head of Paid Service)
 - Statutory Chief Officers (Chief Finance Officer / Section 151 Officer & Monitoring Officer)
 - Non-Statutory Chief Officers (Deputy Chief Executives)
 - Deputy Chief Officers (Heads of Service)
 - Proper officers
6. The statutory officers in a district council are:
 - Chief Executive (Head of Paid Service)
 - Monitoring Officer
 - Chief Finance Officer
7. The statutory officers have significant additional statutory employment protection due to the nature of their roles, including the involvement of an independent third-party in any proposed disciplinary investigation⁵.
8. Deputy chief officers are people who report directly or are directly accountable to one or more of the statutory or non-statutory chief officers, i.e., the deputy chief executives in South Oxfordshire and Vale of White Horse District Councils.

¹ Local Government Act 1972, s112

² Local Government and Housing Act 1989 s7

³ Local Authorities (Standing Orders) Regulations 1993 and Local Authorities (Standing Orders) (England) Regulations 2001

⁴ Local Government and Housing Act 1989 s2

⁵ Local Authorities (Standing Orders) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015

Proper Officers

9. Proper officers are officers appointed by the council to discharge particular statutory functions but are not necessarily chief officer posts in their own right (see Part 3 (F)).

Who Makes the Decision?

10. Where, as here, executive arrangements are in place, the appointment of staff, including their dismissal and the terms and conditions upon which they are appointed, is a function exercised on behalf of Council, or by Council. This means that these decisions are either taken by Council itself, a committee, or a named officer, although there are a number of exceptions to this, as outlined below⁶.

Role of Council Members

11. The appointment or dismissal of the chief executive (Head of Paid Service) may only be made by a meeting of Council, which may either be direct or as confirmation of a recommendation from a committee or sub-committee of the Council.
12. Council has delegated this authority to the Joint Staff Committee in respect of statutory officers and deputy chief executives (see Part 3 C – Committee terms of reference), which is reflective of the wider best practice.
13. As required by legislation, delegated authority is granted to the chief executive for the appointment, dismissal, determining any capability issue and taking any disciplinary action taken in respect of all other staff positions below deputy chief executive, although in practice. Here the chief executive authorises other appropriate officers to carry out this function as it is an essential component of a line managers role and this is the model supported by Unison as part of our collective agreement.
14. Unlike the chief executive, there is no statutory requirement for Council to approve the appointment of statutory posts, but this is common practice in respect of the monitoring officer and chief finance officer posts across many authorities, including South Oxfordshire and Vale of White Horse, and is a requirement in this constitution (see Part 3 C).
15. Dismissal of the monitoring officer or chief finance officer may only be made by a meeting of Council, which may either be direct or as a confirmation of a recommendation from a committee or sub-committee of Council (see section 10 below).

Involvement of the Leader and Cabinet

16. The Leader and Cabinet are involved in decisions to appoint or dismiss statutory officers and deputy chief executives in two distinct ways:
 - (a) where a committee or a sub-committee of Council is discharging, on behalf of the authority, the function of appointment or dismissal, at least one member of the Cabinet must be a member of that committee or sub-committee.

⁶ Local Authorities (Functions and Responsibilities) (England) Regulations 2000
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- (b) before an offer of appointment or notice of dismissal is issued, Cabinet members must be informed of the prospective decision and the Leader may make representations concerning their 'material and well founded' objection to the decision maker.
17. Appointment or dismissal is a different matter from the award or removal of a delegation to undertake statutory functions. All statutory officers can, at their sole discretion, grant or revoke authorisations in respect of their statutory responsibilities at any time.

Role of Chief Executive (Head of Paid Service)

18. The chief executive undertakes three distinct roles in this process:
- (a) decision maker on posts other than statutory officers and deputy chief executives (and the responsible officer concerning the grant and supervision of exemptions from political restriction).
 - (b) principal advisor on staffing matters to the council and/or the appropriate committee or sub-committee (except where there would be a conflict of interest in respect of their own pay and conditions of service).
 - (c) at their discretion, responsible for issuing a formal 'section 4' report, informing the council of proposals concerning:
 - (i) the manner in which the discharge by the authority of its different functions is co-ordinated and delivered
 - (ii) the number and grades of staff required by the authority for the discharge of its functions
 - (iii) the organisation of the authority's staff; and
 - (iv) appointment and proper management of the authority's staff, which includes setting of their day to day priorities, their targets, their organisation, and the method of delivery of the outcomes set for the chief executive by Council.
19. Subject to paragraphs 6 and 13, the functions of appointment and dismissal of, and taking disciplinary action against, an officer of the council below deputy chief executive must be discharged, on behalf of the authority, by the chief executive, or by an officer authorised by him/her and not by members of the council.
20. The chief executive may authorise at his/her discretion deputy chief executives and heads of service to carry out the functions of appointment and dismissal of and taking disciplinary action against officers within their line management.
21. Paragraph 18 shall not apply to the appointment or dismissal of, or disciplinary action against the:
- (a) Chief Executive (Head of Paid Service)
 - (b) Deputy chief executives
 - (c) Monitoring officer
 - (d) Chief finance officer
 - (e) Consideration of grievance and disciplinary appeals relating to statutory officers and deputy chief executives in cases of dismissals that arise out of disciplinary

or capability proceedings.

Recruitment and Appointment of Officers

Declarations

22. The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are related to an existing member or officer of the council, or of the partner of such persons.
23. No candidate so related shall be appointed without the authority of the chief executive.
24. Seeking support for appointment
 - (a) Subject to paragraph (c) below, the council will disqualify any applicant who directly or indirectly seeks the support of any member for any appointment with the council.
 - (b) Subject to paragraph (c) below, no member will seek to support any person for appointment with the council.
 - (c) Nothing in this rule will prevent a member from giving a personal written reference for a candidate for submission in connection with an application for appointment, but that must not relate to their performance or activity as an officer, as that can only be provided or offered by their line manager.

Requirements for Recruitment of Statutory Officers, Deputy Chief Executives and Heads of Service

25. Where the council proposes to appoint a statutory officer, a deputy chief executive or a head of service, and it is not proposed that the appointment will be made exclusively from among their existing officers, the council will:
 - (a) Draw up a statement specifying:
 - (i) the duties of the post
 - (ii) any qualifications or qualities required
 - (b) Arrange for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it
 - (c) Arrange for a copy of the statement mentioned in paragraph 8.1(a) to be sent to any person on request.
26. Where a post has been advertised as provided in paragraph 8.1(b), the council, via the appropriate senior officer(s), shall:
 - (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.
27. Where no suitably qualified person has applied, the post may be re-advertised in accordance with paragraph 8.1(b).

28. When a statutory officer (other than the Head of Paid Service), a deputy chief executive ceases to hold that post or is likely to be absent for any length of time and has not appointed a deputy acceptable to the chief executive, the chief executive, after consultation with the Leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid having regard to the wider pay policy of the councils.
29. Similarly, the chief executive may, after consultation with the Leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the establishment and determine the rate of remuneration for that role, having regard to the wider pay policy of the councils.

Appointment or Dismissal of Statutory Officers

30. No offer of an appointment or notice of dismissal may be made to a statutory officer or a deputy chief executive until:
 - (a) Council, the Joint Staff Committee (or other responsible body or officer) has notified the monitoring officer of the name of the person to be offered the appointment or given notice of dismissal and any other particulars the committee considers relevant
 - (b) that information has been sent by the monitoring officer to the Leader and all members of the Cabinet with a date and time by which any objection to the making of the offer or issuing of the notice can be made by the Leader
 - (c) the monitoring officer has confirmed that the date and time for objection by the Leader has elapsed and either:
 - (d) in the case of a statutory officer, Council has confirmed the appointment or dismissal after consideration of any such objection and resolving that it is not material or not well-founded or
 - (e) in all other cases, no such objection has been made or the Joint Staff Committee has considered any such objection and has resolved that the objection is not material or not well-founded.

Dismissal of a Statutory Officer⁷

31. No dismissal may be taken in respect of a statutory officer unless the procedure set out below is complied with.
32. The investigation and disciplinary sub-committee will be responsible for proposals to dismiss the chief executive, monitoring officer and chief finance officer. Any dismissal of one of the statutory officers must be approved by Council, following a decision of the investigation and disciplinary sub-committee and consideration by the independent persons panel and must be based only on matters that are of direct relevance to the issue under consideration.
33. Any disciplinary action short of dismissal, which includes a decision to suspend, against the chief executive, deputy chief executives, monitoring officer or chief finance officer will be the responsibility of the investigation and disciplinary sub-committee, who will duly consider the advice and report of the relevant officer, usually the senior HR officer of the council.

⁷ The disciplinary process for all officers under this procedure will be carried out in accordance with the JNC Chief Executives handbook which can be viewed [here](#)
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34. The investigation and disciplinary sub-committee will appoint an advisory committee called the Independent Persons panel which will be “the panel” for the purposes of the Regulations⁸.
35. The sub-committee must invite two relevant independent persons⁹ to be considered for appointment to the independent persons panel, with a view to appointing a minimum of two such persons to the panel¹⁰, who have accepted an invitation in accordance with the following priority order:
 - a relevant independent person who has been appointed by the council and who is a local government elector
 - any other relevant independent person who has been appointed by the council
 - an independent person who has been appointed by another authority or authorities.
36. The independent persons panel must be appointed at least 20 working days before the relevant meeting of council and council shall not meet to consider whether to approve the proposal of the investigation and disciplinary sub-committee to dismiss the officer until 10 working days has elapsed from the appointment of the independent persons’ panel.
37. The following procedure applies if the investigation and disciplinary sub-committee proposes disciplinary action involving the dismissal of the chief executive, monitoring officer or chief financial officer.
38. The investigation and disciplinary sub-committee will provide the independent persons panel with the information and any other matters provided to members of the Cabinet and any other particulars relevant to the dismissal that the investigation and disciplinary sub-committee considers appropriate or that the Panel may reasonably require.
39. The investigation and disciplinary committee may invite the independent persons panel to attend any disciplinary or capability hearing.
40. The independent persons panel will meet to consider what, if any, advice, views, or recommendations to give to the council.
41. The council may pay remuneration, allowances or fees to an independent person appointed to the panel as it thinks appropriate having due regard to the level of fees payable to that independent person in their role as Independent person under the Localism Act 2011.
42. Before Council takes a vote at a meeting on whether or not to approve dismissal, it must take into account, in particular:
 - (i) any advice, views, or recommendations of the independent persons panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and

⁸ [Local Authorities \(Standing Orders\) \(England\) Regulations 2001/3384](#)

Schedule 3 - Provisions to be incorporated in standing orders in respect of disciplinary action

⁹ An authority is not required to appoint more than two relevant independent persons but may do so.

¹⁰ Localism Act 2011 s28

- (iii) any representations from the statutory officer.
- 43. Council will abide by the recommendations of the sub-committee unless there are exceptional reasons to justify departing from them at all times being aware of the council's duty to obtain best value.
- 44. If Council approves the recommendation of the sub-committee, then notice of dismissal can be issued. Where Council does not approve the recommendation, it shall indicate how it wishes to proceed.
- 45. A statutory officer may only be dismissed on the vote of two-thirds of **all** the members of Council, i.e. not just those present and voting and members may not be politically whipped or compelled by any Group rules.
- 46. All suspended officers shall be on full pay during the investigation of the alleged misconduct, which must be completed no later than two months after the suspension takes effect. If this is not possible, then the need for continued suspension should be considered after two months.

Appeals

- 47. Any sanction short of dismissal applied against a statutory officer may be appealed to the appeals panel which will be constituted of members of the Joint Staff Committee for that purpose.
- 48. If a decision to dismiss an officer is taken by the council, it will not be possible to provide an internal appeal process against the dismissal. Instead, the officer may appeal to an appeals panel formed from a non-conflicted neighbouring local authority under sharing arrangement in accordance with s.101 Local Government Act 1972.
- 49. Any appeal by a statutory officer or a deputy chief executive must be lodged with the chief executive or in the case of a disciplinary against the chief executive, deputy chief executive for transformation and operations within 10 working days of written confirmation to the officer of the dismissal or disciplinary action and must include a written statement of the grounds on which the appeal is made.
- 50. Appeal hearings shall be considered by the appeals sub-committee in the case of all employees (except statutory officers appealing dismissal) and shall not include members involved in the decision to take disciplinary action.

Dismissal of Deputy Chief Executives

- 51. The process above applies to the dismissal of a deputy chief executive save that the final decision shall be made by the sub-committee for all disciplinary outcomes including dismissal with an appeal to the appeals panel.
- 52. For the avoidance of doubt any action taken is without prejudice to the ability of the chief executive to revoke any authorisations granted.

Budget and policy framework procedure rules

The framework for Cabinet decisions

1. The Council will be responsible for the adoption of its budget and policy framework as set out in this section of the constitution. Once a budget or a policy framework is in place, it will be Cabinet's responsibility to implement it.

Process for developing the framework

2. The process to develop the budget and policy framework is:
 - (a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. This will be published in the Cabinet work programme.
 - (b) The Cabinet report will set out details of any consultation on the proposals.
 - (c) Once the Cabinet has finalised its proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
 - (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or, subject to paragraphs (e) and (f) substitute its own proposals in their place.
 - (e) If the Council accepts the Cabinet's recommendation without amendment, it may make a decision that has immediate effect. If it objects to any of the proposals, it must inform the leader and instruct him/her to require the Cabinet to reconsider the proposals in light of the objections. In relation to budget proposals, such reconsideration must take place within the period specified by the Council, which shall be not less than five working days. In relation to policy framework matters, such reconsideration shall take place at the next Council meeting.
 - (f) Following reconsideration by the Cabinet, the leader may submit revised proposals to the Council, together with reasons for the amendments, or inform the Council of any disagreement the Cabinet has with the Council's objections. The Council may approve the Cabinet's proposals, or take a different decision, having taken into account any amendments the Cabinet made to its original proposals, the reasons for the amendments, any disagreement the Cabinet has with the Council's objections and the reasons for that disagreement. The Council's decision at that meeting shall be final and effective immediately.
 - (g) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 9 to 11 of these rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

Decisions outside the budget or policy framework

3. Subject to the provisions of paragraph 9 and 10 (virement), Cabinet decisions may only be taken if they are in line with the budget and policy framework. If a decision is contrary to the policy framework, or contrary to or not wholly in accordance with the

budget approved by full Council, that decision may only be taken by the Council, subject to paragraphs 5 to 8 below.

4. Cabinet shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision it wants to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

Urgent decisions outside the budget or policy framework

5. Cabinet may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency or in the event of a disaster or emergency. An urgent decision may only be taken:
 - (a) if it is not practical to convene a quorate meeting of the full Council; and
 - (b) if the chair of the Scrutiny Committee agrees that the decision is a matter of urgency.
6. The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of the relevant Scrutiny Committee the consent of the vice-chair of the Scrutiny Committee or the chair of the Council, and in the absence of both, the vice-chair of Council, will be sufficient.
7. In cases of disaster or emergency, heads of service may take decisions outside of the policy framework and, with the approval of the chief finance officer, shall be authorised to approve expenditure outside of the budget in accordance with the financial procedure rules.
8. Following a decision taken as a matter of urgency, or in the case of a disaster or emergency, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as such a matter.

Virement and supplementary estimates

9. The Council will have approved the revenue cost centres and capital projects as set out in the approved revenue budget and capital programme, which will be agreed annually.
10. In implementing council policy, the Cabinet, or officers discharging Cabinet functions, shall not exceed those budgets. However, they may vire between revenue budgets or between capital projects, and agree supplementary estimates in accordance with the procedures and limits set out in the financial procedure rules. Beyond these limits, approval to any virement or supplementary estimate shall require the approval of the full Council.

In-year changes to policy framework

11. No changes to any policy or strategy which make up the policy framework may be made by the Cabinet, or officers discharging Cabinet functions, except those changes which:
 - (a) will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;
 - (b) are necessary to ensure compliance with the law, ministerial direction or government guidance; and
 - (c) would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

Call-in of decisions outside the budget or policy framework

12. Where the Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.
13. The monitoring officer's and/or chief finance officer's report shall be submitted to the Cabinet and be made available to every councillor. Regardless of whether the decision is delegated or not, Cabinet must meet to decide what action to take in respect of the monitoring officer's or chief finance officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the Scrutiny Committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.
14. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The Council may:
 - (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework; or
 - (b) amend the council's financial procedure rules or policy concerned to encompass the decision or proposal and agree to the decision with immediate effect; or
 - (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

Code of conduct

Oxfordshire Councils' Councillor Code of Conduct 2022

1.0 Introduction

The council has a duty to promote and maintain high standards of conduct by members and co-opted members of the council, and formally adopt a code of conduct, in accordance with the *Localism Act 2011*.

2.0 Purpose of the Code of Conduct

The purpose of this code of conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim of the code is to create and maintain public confidence in the role of the councillor and in local government.

3.0 Definitions

For the purposes of this code of conduct, a “councillor” means a member or co-opted member of the local authority. A “co-opted member” is defined in the *Localism Act 2011 Section 27(4)* as “a person who is not a member of the authority but who

3.1 is a member of any committee or sub-committee of the authority, or;

3.2 is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

4.0 General Principles of Councillor Conduct

Everyone in public office and all who serve the public or deliver public services, including councillors and local authority officers, should uphold the Seven Principles of Public Life, also known as the Nolan Principles (see Appendix A).

Building on these principles of selflessness, objectivity, accountability, openness, honesty and integrity and leadership, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in councillors, on all occasions a councillor shall:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect; and
- lead by example and act in a way that secures public confidence in the role of councillor.
- impartially exercise their responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person

- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently in accordance with the local authority's requirements and in the public interest.

These general principles have been incorporated into the obligations of the code of conduct as set out below.

5.0 Application of the Code of Conduct

This code of conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This code of conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a councillor
- our actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

The code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the code of conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the code of conduct. Town and parish councillors are encouraged to seek advice from their clerk, who may refer matters to the Monitoring Officer.

6.0 Standards of Councillor Conduct

This section sets out the obligations (in bold below), which are the minimum standards of conduct required of a councillor. Should a councillor's conduct fall short of these standards, a complaint may be made against them, which may result in action being taken.

Guidance is also included below each obligation to help explain the reasons for the obligations and how they should be followed.

6.1 Respect

A councillor:

6.1.1 Shall treat everyone, including other councillors and members of the public with respect.

6.1.2 Shall treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from everyone. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the relevant social media provider and/or the police. This also applies to fellow councillors, where action could then be taken under the councillor code of conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

6.2 Bullying, Harassment and Discrimination

A councillor:

6.2.1 Shall not bully any person.

6.2.2 Shall not harass any person.

6.2.3 Shall promote equalities and not discriminate against any person.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as; conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Legislation places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

6.3 Impartiality of Officers of the Council

A councillor:

6.3.1 Shall not compromise, or attempt to compromise, the impartiality of anyone

who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral, (other than political assistants where applicable). They should not be coerced or persuaded to act in a way that would undermine their neutrality. A councillor may question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, a councillor must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

6.4 Confidentiality and access to information

A councillor:

6.4.1 Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless

- i. They have received the consent of a person authorised to give it; or**
- ii. They are required by law to do so; or**
- iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release.**

6.4.2 Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer or business interests.

6.4.3 Shall not prevent anyone from getting information that they are entitled to by law.

6.4.4 When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.

6.5 Disrepute

A councillor:

6.5.1 Shall not bring their role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions.

6.6 Use of position

A councillor:

6.6.1 Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.

A councillor should not take advantage of opportunities, responsibilities and privileges to further their own or others' private interests or to disadvantage anyone unfairly.

6.7 Local authority Resources and Facilities

A councillor:

6.7.1 Shall not misuse council resources.

6.7.2 Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed.

A councillor may be provided with resources and facilities by the local authority to assist them in carrying out their duties as a councillor. Examples may include office support, stationery, equipment such as phones, computers and transport and access and use of local authority buildings and rooms.

6.8 Compliance with the Code of Conduct

A councillor:

6.8.1 Shall undertake code of conduct training as required by the local authority.

6.8.2 Shall cooperate with any code of conduct assessment, investigation, hearing and/or determination.

6.8.3 Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

6.8.4 Shall comply with any sanction imposed on them following a finding that they have breached the code of conduct.

It is extremely important for a councillor to demonstrate high standards, to have your actions open to scrutiny and not to undermine public trust in the local authority or its governance. If you do not understand, or are concerned about the local authority's processes in handling a complaint, you should raise this with the Monitoring Officer.

7.0 Registering and Declaring Interests

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if

others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

7.1 Disclosable Pecuniary Interests

A councillor must, within 28 days of taking office as a member or co-opted member, notify the council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State (see Appendix B), where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'. If it is a 'sensitive interest', you must disclose the fact that you have an interest but do not have to disclose the nature of it. (A sensitive interest is an interest which, in the opinion of the Monitoring Officer, if disclosed, could lead to the councillor, or a person connected with them, being subjected to violence or intimidation.) You are personally responsible for deciding whether or not you should disclose an interest in a meeting.

Following any disclosure of an interest not on the council's register, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, by the Monitoring Officer, you may not participate in any discussion of, or vote on, or discharge any function related to any matter in which you have a disclosable pecuniary interest. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

Where you have a disclosable pecuniary interest on a matter to be considered or being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

You must ensure that your register of interests is kept up to date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Appendix B is a criminal offence under the Localism Act 2011.

7.2 Other Registerable Interests

You must also register your other registerable interests with the Monitoring Officer within 28 days of taking office and ensure these are kept up to date by notifying any changes within 28 days.

Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Appendix C), you must disclose the interest.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

7.3 Non-Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing and does not fall under disclosable pecuniary interests at 7.1 above, or the financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a sensitive interest you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under Other Registrable Interests as set out at 7.2 above and appendix C you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have a Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

8.0 Gifts and Hospitality

A councillor:

8.1 Shall not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

8.2 Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

8.3 Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.

The presumption should always be not to accept significant gifts or hospitality but there may be times when such a refusal may be difficult if it is seen as rudeness in which case, you could accept it but must ensure it is publicly registered.

You do not need to register gifts and hospitality which are not related to your role as a councillor.

It is appropriate to accept normal expenses and hospitality associated with your duties as a councillor.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B - Disclosable Pecuniary Interests

“**Disclosable Pecuniary Interest**” means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in the table below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issues share capital of that class.

* 'Director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix C – Disclosure of Other Registrable Interests

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any Body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any Body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management

Councillors' planning code of practice

Introduction

1. This code:
 - (a) was originally prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning and has been updated to reflect changes in law and practice since that was issued;
 - (b) is based on a model code which was prepared by the Lawyers in Local Government; and
 - (c) applies to:
 - (i) all councillors at all times when involving themselves in the planning process (This includes, where applicable, when part of decision making meetings of the council in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings); and
 - (ii) both planning applications and to enforcement matters.

Relationship to the councillors' code of conduct

2. **DO** apply the rules in the councillors' code of conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by the council, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
3. **DO** then apply the rules in this councillors' planning code, which seek to explain and supplement the councillors' code of conduct and the law on decision making for the purposes of planning control. If you do not abide by this councillors' planning code, you may put:
 - the council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

If you have any questions you should seek advice from the monitoring officer or their staff preferably well before any meeting takes place.

The planning system – the committee members' role

4. The key purpose of the planning system is to manage development in the public interest. The members' role is to make planning decisions:
 - openly and transparently;
 - impartially; and
 - for justifiable planning reasons.

You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have taken into account all material considerations and have given fair consideration to relevant points raised.

5. To ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

Key points (golden rules)

6. Planning decisions involve a balance between private and public interests where opposing views are often strongly held.
7. Your overriding duty is to the whole district community, not just to the people in your ward.
8. Decisions must not only be impartial they must be seen to be impartial by any reasonable observer. You should not favour, or appear to favour, any person, company, group or locality. You should not give the appearance of pre-judging (“pre-determining”) the matter before it is considered by the committee.
9. Planning decisions must be made in accordance with the statutory development plan unless material planning considerations indicate otherwise.
10. The advice of officers involved in the determination of planning matters will be presented on the basis of their overriding obligation of professional independence.
11. You may think that material planning considerations outweigh the development plan, or take a different view of the planning balance than is contained in the officer recommendations. You are fully entitled to do so but you will need to make sure that you can clearly identify and support the planning reasons leading to this conclusion/decision. Advice should still be sought from planning officers in relation to setting out the rationale for your decision.

Disclosable pecuniary interests

12. **DO**, as soon as you become aware that you have a **disclosable pecuniary interest** in any matter to be discussed at a meeting, make a verbal disclosure of that interest.
13. **DO** leave the meeting before that matter is discussed or, if you realise after the discussion has begun, as soon as you have made your disclosure.
14. **DO NOT** participate in the discussion or vote on a matter in which you have a **disclosable pecuniary interest** unless you have been granted a dispensation.
15. **DO** notify the monitoring officer of your **disclosable pecuniary interest** in writing within 28 days of your disclosure unless it is already included on your register of interests form published on the council’s web site.
16. **DO** seek advice from the monitoring officer if you are in any doubt about what to do.

17. **DO** take into account when approaching a decision that the Principle of Integrity is defined in terms that:

“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships”.

Bias and predetermination

WHERE YOU HAVE A DISCLOSABLE PECUNIARY INTEREST

18. **DO NOT** get involved in the processing of the application.
19. **DO NOT** attend any formal or informal meeting about the application or seek to speak at meetings.
20. **DO NOT** try to represent local ward views: get another ward/local councillor to do so instead.
21. **DO NOT** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
22. **DO NOT** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor. This would include, where you have a **disclosable pecuniary interest** in a proposal, using your position to discuss that proposal with officers or councillors when other members of the public would not have the same opportunity to do so.
23. **DO** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a **disclosable pecuniary interest** to an appropriate officer (in person or in writing), the code places greater expectations as to conduct than would be imposed on a normal member of the public.

YOUR OWN PROPOSALS

24. **DO** notify the monitoring officer, in writing, of your own proposals and those where you act as agent for a third party (this notification should be made as soon as possible and no later than the submission of the application) and ensure you have completed the application form correctly (this requires councillors to disclose their position). These proposals may be reported to the committee as main items and not dealt with by officers under delegated powers. It is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at committee.

WHERE YOU HAVE NO DISCLOSABLE PECUNIARY INTEREST

25. You may take part in the decision making process but need to take account of the following points.

EXERCISING YOUR JUDGEMENT

26. **DO NOT** fetter your discretion and therefore your ability to participate impartially in planning decision making by making up your mind (“pre-determination”), or even appearing to make up your mind, on a planning matter in advance of the committee meeting and of your hearing the arguments on both sides. You may put the council at risk of legal proceedings.
27. **DO** follow any guidance issued by the monitoring officer on bias and predetermination.
28. **DO** consider whether a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased and **NOT** do you think you were biased (which would be subjective).
29. Planning decisions should only be taken with knowledge of all the relevant considerations, including responses to consultations where relevant. The officers’ reports are intended to bring together all relevant considerations, and further matters may arise at the committee meeting. It is therefore not possible to come to a firm decision in advance of the meeting. You may have a preliminary view as to how you will decide a particular matter (“pre-disposition”) but you must keep an open mind at the meeting.

WHERE YOU HAVE FETTERED YOUR DISCRETION

30. **DO NOT** speak and vote on the proposal at the meeting.
31. Although you are not required to withdraw from the meeting, you may prefer to do so to avoid any complaint that your presence influenced the decision.
32. You can still exercise your separate rights as local councillor where you have fettered your discretion. If you do exercise that right:
 - advise the monitoring officer or chair that you wish to speak in this capacity before the meeting starts; and
 - remove yourself from the committee table for the duration of that item.

THE DISTRICT COUNCIL’S OWN PROPOSALS

33. **DO** be aware that you are likely to have fettered your discretion where the council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than just a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits). The best advice in these circumstances is not to take part in the decision or vote on the proposals.

PARTICIPATION IN DISCUSSIONS OF CONSULTEE BODIES

34. Councillors may have a dual role, as councillors of organisations that are consulted on planning proposals and as members of the Planning Committee. In those circumstances:

35. You may take part in discussions of the consultee body on the proposal **IF** you make it clear to the consultee body that:
- (a) your views are expressed on the limited information before you only, **AND**
 - (b) you must reserve judgement and the independence to make up your own mind on the proposal based on your overriding duty to the whole community and not just to the constituents of that body, **AND**
 - (c) you will not commit yourself as to how you or others may vote when the proposal comes before the Planning Committee.

HOW TO DEAL WITH LOBBYING

36. **DO** remember that your overriding duty is to the whole community not just to the people in your ward. You need to make decisions impartially. Make sure that you do not favour, or appear to favour, any person, company, group or locality.
37. **DO NOT** declare the way you intend to vote.
38. **DO NOT** express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority unless you make it very clear that you will only make up your mind at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
39. **DO** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
40. Unless you have a **disclosable pecuniary interest**, you may:
- (a) listen/receive viewpoints from residents or other interested parties;
 - (b) make comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to pre-determining the issue and you make clear you are keeping an open mind;
 - (c) seek information through appropriate channels; or
 - (d) be a vehicle for the expression of opinion or speak at the meeting as a local councillor, provided that, if you are a member of the committee, you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

Dealing with particular groups

APPLICANTS/DEVELOPERS

41. **DO** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.
42. **DO NOT** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (Councillors do not normally take part in officers' discussions with applicants before a decision is taken, unless there are clear guidelines published by the council to protect and assist councillors and officers. Where you do become

involved, you should be advised by the appropriate officers and the discussions should be recorded as a written file note.)

43. **DO** ensure that you report to the development manager any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
44. **DO** make it clear that you will only be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at committee.
45. **DO** consider whether it would be prudent to make notes of what is said if no officer is present.

LOBBY GROUPS

46. **DO NOT** become a member of, lead or represent a lobby group seeking to promote or oppose planning proposals. If you do and you are a member of the committee, you will have fettered your discretion.
47. **DO** copy or pass on any lobbying correspondence you receive to the head of planning at the earliest opportunity.
48. **DO NOT** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

POLITICAL GROUPS

49. **DO NOT** decide how to vote at any sort of political group meeting, or press any other councillor to do so, in advance of the meeting at which any planning decision is to be taken. Political group meetings must never dictate how councillors should vote on a planning issue.

PRESENTATIONS

50. **DO NOT** attend private presentations or exhibitions unless they have been organised by officers or an agreement has been reached as to whether an officer is required to be present. This is particularly important if you may sit on the Planning Committee.
51. **DO** ask relevant questions for the purposes of clarifying your understanding of the proposals.
52. **DO** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the appropriate committee of the planning authority.
53. **DO** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other councillors might vote.

UNDUE OR EXCESSIVE LOBBYING

54. **DO** inform the monitoring officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or

hospitality). The monitoring officer will in turn advise the appropriate officers to follow the matter up.

GIFTS AND HOSPITALITY

55. Be careful about accepting gifts or hospitality wherever possible. If some hospitality is unavoidable, ensure that it is not excessive or inappropriate. Whilst not a **disclosable pecuniary interest**, a councillor, nevertheless, has the option of registering this so as to demonstrate openness and transparency to avoid any allegation of corruption or impropriety.

DEALINGS WITH OFFICERS

56. **DO NOT** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views on the proposal, which may be incorporated into any committee report.)
57. **DO** recognise that officers are part of a management structure and only discuss a proposal, except in any formal meeting, with a head of service or those officers who are authorised by their head of service to deal with the proposal at a councillor level.
58. **DO** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the council's code of conduct for officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' advice, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.

Site visits

59. **DO** provide planning reasons to justify the need for a formal site visit.
60. **DO NOT** request a site visit unless you feel it is strictly necessary.
61. **DO** vote for a site visit to take place only if you intend to attend.
62. **DO** try to attend site visits organised by the council where possible.
63. **DO** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
64. **DO NOT** express opinions or views to anyone.
65. **DO** ask questions or seek clarification of matters that are relevant to the site inspection.
66. **DO NOT** hear representations from the applicant or third parties with the exception of ward councillors whose address must focus only on site matters.
67. **DO NOT** visit a site on your own, even in response to an invitation, as this may give the impression of bias. There is nothing preventing you from viewing a particular site

from the public highway but remember you do not have a right to enter private land. Exceptionally, where there is no organised site visit, and with the prior approval of the development manager, the local councillor or in appropriate circumstances other councillors, may ask for an individual site visit accompanied by an officer.

Communication with the public at committee meetings

68. **DO NOT** allow members of the public (or fellow councillors if you are a town or parish councillor) to otherwise communicate with you (orally or in writing) during the committee's proceedings, as this may give the appearance of bias. This includes all forms of electronic communications.

Making decisions

69. **DO** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless material considerations indicate otherwise.
70. **DO** come to your decision only after due consideration of all of the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request it. If necessary, defer or refuse the application - whichever is appropriate.
71. **DO NOT** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
72. **DO** ensure that, if you request a proposal to go before the committee rather than be determined through officer delegation, your planning reasons are recorded and repeated in the report to the committee.
73. **DO** have recorded the reasons for any committee decision to defer a proposal.
74. **DO NOT** take part in the meeting's discussion or voting on a proposal if the application site is located in your ward (you may address the committee as ward councillor (unless you have a disclosable pecuniary interest in the matter)).

WHERE THE OFFICERS' RECOMMENDATION IS NOT ACCEPTED

75. Decisions on planning matters (unless delegated to officers) are ultimately for councillors to make. But decisions, whoever makes them, must be made in accordance with the development plan unless material considerations indicate otherwise.
76. If the officers' recommendation is not to be followed, equally robust planning reasons for the decision must be given at the meeting and minuted. Those reasons must be capable of being defended at any subsequent appeal.
77. Officer reports will include a recommendation based on an assessment of the proposal against the development plan and material considerations, including those arising from the representations made by the applicant and consultees. The reasons for the recommendation will be set out in the report. If councillors take a different view

at the meeting, they will need to provide equally argued planning reasons. If on reading the officer report, you form an initial impression that leads you to be pre-disposed to go against the recommendation, it may help to discuss tentative reasons with officers before the meeting.

78. **DO** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

PROCEDURE IF OFFICERS' ADVICE IS NOT TO BE FOLLOWED:

79. Proposer and/or seconder to set out planning reasons for the proposal.
80. Officers to be given time to comment on those reasons and their ability to withstand challenge through the appeal procedures.
81. Chair may adjourn briefly for proposer and seconder to discuss and formulate reasons with officers, reconvening for a vote and for reasons to be fully recorded. If chair concludes that there are opposing views amongst committee members he may take a vote on the proposal without adjourning for discussion with officers. In such circumstances the planning reasons for the proposal should be set out in detail before the vote is taken.

Training

82. **DO NOT** participate in decision making at meetings dealing with planning decisions if you have not attended any mandatory planning training prescribed by the council.
83. **DO** try to attend any other specialised training sessions provided. These will be designed to extend your knowledge of planning law, regulations, procedures, codes of practice and the development plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

Sanctions (including offences)

84. If you do not follow this code, you may put:
- (a) the Council at risk of proceedings on legality or of maladministration;
 - (b) yourself at risk of breaching the councillors' code of conduct.
85. It is a criminal offence (without reasonable excuse), if you are aware that you have a **disclosable pecuniary interest** in a matter being considered at a meeting:
- (a) not to disclose that interest (unless it is already registered)
 - (b) to participate in any discussion or vote on that matter.

LOCAL GOVERNMENT OMBUDSMAN

86. The Ombudsman can investigate the process by which a planning decision has been taken (though not the decision itself). If injustice caused by maladministration is

found, the report may name the councillor involved and give particulars of the breach. The report may be made publicly available.

APPEALS TO THE SECRETARY OF STATE

87. If an appeal is lodged and the council is found to have been unreasonable (for example by making a decision for inadequate planning reasons) the appellant's costs may be awarded against the council.

JUDICIAL REVIEW

88. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.

Departure procedure on planning applications

Stage 1

1. During the registration of a planning application, or as soon as possible thereafter, the head of planning will identify whether the proposals constitute a departure from the development plan that needs to be publicised by the display of a site notice and advertisement in a local newspaper. The County Council will be consulted in accordance with the agreed code of conduct.

Stage 2

2. Unless the application is determined in accordance with the powers delegated to officers, the application will be reported to the Planning Committee. If the application is recommended for approval, the report will identify that the proposal has been advertised as a departure from the development plan. If the application is recommended for refusal, the report will contain the recommended reasons for refusal, including reference to any planning policies with which the proposal is considered to conflict.

Stage 3

3. The head of planning will advise whether the application is to be referred to the Secretary of State for the Environment in accordance with legislation.
4. If the Planning Committee resolves to grant planning permission, including any appropriate conditions and/or planning obligation, subject to the Secretary of State deciding not to intervene, and if the Secretary of State subsequently does not intervene, the application will be determined in accordance with the Planning Committee's resolution.

Judicial Review

5. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.

Delivering good governance: the local code of governance

Background

1. This document is based on the “*delivering good governance in local government*” publication produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) which was published in July 2007.
2. Before this in 2001, CIPFA in conjunction with SOLACE developed the first governance code “*corporate governance in local government – a keystone for community government: framework*”. This was based on principles identified by Cadbury (1992), the Nolan Committee (1995) and the work of the former Department of the Environment, Transport and the Regions.

Aims

3. The aim of this document is to provide a best practice framework for developing and maintaining a locally accepted code of governance based on the 2007 publication *delivering good governance in local government*.
4. Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users.
5. Good governance will enable South Oxfordshire and Vale of White Horse district councils to pursue their vision effectively as well as underpinning that vision with mechanisms for control and management of risk.
6. South Oxfordshire and Vale of White Horse district councils aim to meet the highest standards of governance through this governance code.

Responsibilities

7. Councillors are collectively responsible for the governance of the council. Councillors’ responsibilities include:
 - (a) agreeing the councils’ constitution comprising the key governance documents including the executive arrangements and making major changes to reflect best practice;
 - (b) agreeing the policy framework; and
 - (c) agreeing the budget.
8. The Cabinet is responsible for:
 - (a) proposing the policy framework;
 - (b) proposing the budget; and
 - (c) implementing the policy framework.

9. The chief executive advises councillors on policy and necessary procedures to drive aims and objectives of the authority. The chief executive leads a management team.
10. The section 151 officer, the monitoring officer and heads of service are responsible for advising the Cabinet and Scrutiny Committees on legislative, financial and other policy considerations to achieve aims and objectives of the councils and are responsible for implementing councillors' decisions and for service performance.
11. The Joint Audit and Governance Committee is responsible for considering and making recommendations on governance matters and for agreeing a revised code of governance.
12. Officers will update action taken by the councils to meet the requirements of this framework and report on it to the Joint Audit and Governance Committee annually.
13. To develop this local code of governance we have reviewed our existing governance arrangements against CIPFA/SOLACE's framework document.
14. In doing so we have identified our systems, processes and documentation that provide evidence of compliance. We identify those responsible for monitoring and reviewing the systems, processes and documentation identified and those responsible for undertaking the actions required and plan accordingly.
15. We will review, develop and maintain our local code of governance on an annual basis to ensure its ongoing application and effectiveness.
16. On an annual basis we will prepare a governance statement in order to report publicly on the extent to which South Oxfordshire and Vale of White Horse district councils comply with the code of governance including how we have monitored the effectiveness of the governance arrangements in the year and on any planned changes in the coming year.

Governance

17. Governance is an interrelated system bringing together an underlying set of:
 - legislative requirements;
 - governance principles; and
 - management processes.
18. Governance is about doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
19. It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

The principles and supporting principles of good governance

20. CIPFA/SOLACE have adopted six principles of good governance from *The Good Governance Standard for Public Services (2004)* developed by the Independent Commission on Good Governance in Public Services with support from the Office for

Public Management and CIPFA. These have been adapted for local government purposes.

21. The following sets out these principles, which in turn have supporting principles each of which in turn translates into a range of specific requirements as set out in the tables at the end of this document.

Principle: focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area

- The function of governance is to ensure that authorities, other local government organisations or connected partnerships fulfil their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.
- Local government bodies need to develop and articulate a clear vision of their purpose and intended outcomes for citizens and service users that is clearly communicated, both within the organisation and to external stakeholders.

Principle: councillors and officers working together to achieve a common purpose with clearly defined functions and roles

- The governing body of an organisation has overall responsibility for directing and controlling that organisation. In local government the governing body is the full council or authority.

Principle: promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

- Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated as behaviour.
- Good governance builds on the seven principles for the conduct of people in public life that were established by the committee on Standards in Public Life, known as the Nolan Principles. In England, the Local Government Act 2000 outlined ten principles of conduct – an additional three to those identified by Nolan – for use in local government bodies.
- A hallmark of good governance is the development of shared values, which become part of the organisation's culture, underpinning policy and behaviour throughout the organisation from the governing body to all staff. These are in addition to compliance with legal requirements on, for example, equal opportunities and anti-discrimination.

Principle: taking informed and transparent decisions which are subject to effective scrutiny and managing risk

- Decision making within a good governance framework is complex and challenging. It must further the organisation's purpose and strategic direction

and be robust in the medium and longer terms. To make such decisions, councillors must be well informed.

- Councillors making decisions need the support of appropriate systems, to help to ensure that decisions are implemented and that resources are used legally and efficiently.
- Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective.

Principle: developing the capacity and capability of councillors and officers to be effective

- Effective local government relies on public confidence in councillors, whether elected or appointed and in officers. Good governance strengthens credibility and confidence in our public services.
- Authorities need people with the right skills to direct and control them effectively. Governance roles and responsibilities are challenging and demanding and councillors need the right skills for their roles. In addition, governance is strengthened by the participation of people with many different types of knowledge and experience.
- Good governance means drawing on the largest possible pool of potential councillors to recruit people with the necessary skills. Encouraging a wide range of people to stand for election or apply for appointed positions will develop a councillorship that has a greater range of experience and knowledge. It will also help to increase the diversity of councillors in terms of age, ethnic background, social class, life experiences, gender and disability. This concept should be borne in mind when councillors are appointed to the boards of other public service organisations.

Principle: engaging with local people and other stakeholders to ensure robust public accountability

- Local government is accountable in a number of ways. Elected councillors are democratically accountable to their local area and this gives a clear leadership role in building sustainable communities. All councillors must account to their communities for the decisions they have taken and the rationale behind those decisions.
- All authorities are subject to external review through the external audit of their financial statements. They are required to publish their financial statements and are encouraged to prepare an annual report. Many are subject to national standards and target. Their budgets are effectively subject to significant influence and overview by government, which has powers to intervene. Both councillors and officers are subject to codes of conduct. Additionally, where maladministration may have occurred, an aggrieved person may appeal either through their local councillor directly to the ombudsman.

22. Each of the above principles translates into supporting principles and aims for South Oxfordshire and Vale of White Horse district councils.

Anti-fraud, bribery and corruption policy

Introduction

1. This is a joint policy adopted by South Oxfordshire District Council and Vale of White Horse District Council. The policy aims to provide guidance on how to raise concerns about fraud, bribery or corruption within the councils.
2. In carrying out their functions and responsibilities, the councils wish to promote a culture of openness and fairness and expect all those who work for and with the councils to adopt the highest standards of propriety and accountability.
3. Following the publication of the Nolan Report in 1997, the Local Government Act 2000, and several well publicised cases concerning fraud and corruption within local government, the councils recognise the need for a policy to prevent wrongdoings.

Who this policy applies to

4. This policy aims to help employees (including temporary and agency staff), to understand when, how and who to contact when they have concerns about fraud, bribery or corruption. Employees must ensure they adhere to legal and contractual requirements and ensure that all procedures and practices remain above reproach.

Note: As well as using this policy and its associated response plan, any person employed or engaged by the relevant council who makes a report under this policy, should refer to the councils' whistleblowing policy for guidance.

5. This policy also aims to help councillors, co-optees on the councils' committees, partners, contractors, suppliers, voluntary organisations, and members of the public to understand how and when to contact the relevant council with their concerns.

Links to strategic objectives

6. This policy underpins the councils' strategies, initiatives and work plans.

Aims and scope of this policy

7. The councils agree that in having committees agree this policy:
 - it sets the standard at a sufficiently high level that makes it clear that fraud, bribery or corruption will not be tolerated
 - that the councils are committed to preventing and detecting fraud, bribery or corruption
 - that those perpetrating fraud, bribery or corruption will be prosecuted.
8. The councils acknowledge that the vast majority of their employees and those that work with them act with honesty and integrity at all times to safeguard the public resources they are responsible for. However, there are people who will not act in this way.

9. The councils will not accept any level of fraud, bribery or corruption. Consequently, all cases identified will be thoroughly investigated and dealt with appropriately.
10. The councils will undertake investigative activity regardless of the suspect's length of service, position/title, or relationship to the council.

Definitions

FRAUD

11. According to the Fraud Act 2006, fraud can be committed in the following three ways:

FRAUD BY FALSE REPRESENTATION: "representation" means any representation as to fact or law and may be express or implied. A person commits an offence when they dishonestly make a false representation, and intends, by making the representation to:

- make a gain for himself or another, or
- cause loss to another person or
- to expose another to a risk of loss.

A representation is false if:

- it is untrue or misleading, and
- the person making it knows that it is, or might be, untrue or misleading.

FRAUD BY FAILING TO DISCLOSE INFORMATION: an offence is committed where a person dishonestly fails to disclose to another person information, which he is under a legal duty to disclose, and intends, by failing to disclose the information to:

- make a gain for himself or another, or
- cause loss to another or to expose another to a risk of loss.

FRAUD BY ABUSE OF POSITION: an offence is committed where a person occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person, dishonestly abuses that position, and intends, by means of the abuse of that position to:

- make a gain for himself or another, or
- cause loss to another or to expose another to a risk of loss.

In addition the Act introduces new offences in relation to obtaining services dishonestly, possessing, making and supplying articles for use in frauds

The term *fraud* is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusions.

12. This policy therefore covers all financial impropriety including theft or corruption, which are described in more detail below:
 - According to the 1968 Theft Act 'a person shall be guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it'.

- Corruption is the offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions taken by the audited body, its members or employees.
- Money Laundering is the process by which criminals attempt to “recycle” the proceeds of their criminal activity in order to conceal its origins. The burden of identifying and reporting acts of money laundering rests with the councils. Any service that receives money from an external source is potentially vulnerable. The Anti-Money Laundering Policy contains more detail. The Money Laundering Reporting Officer (MLRO) is the Sect. 151 Officer.

ACTIONS CONSTITUTING FRAUD OR CORRUPTION

13. Actions constituting fraud or corruption may include, but are not limited to:
- any dishonest or fraudulent act against a council
 - forgery or alteration of any document or account belonging to a council
 - forgery or alteration of a cheque, bank draft or any other financial document
 - misappropriation of funds, securities, supplies, or other assets
 - impropriety in the handling or reporting of money or financial transactions
 - profiteering as a result of insider knowledge of council activities
 - disclosing confidential and proprietary information to outside parties
 - destruction, removal or inappropriate use of records, furniture, fixtures and equipment
 - failure to declare an interest.
14. Areas particularly susceptible to fraud, bribery or corruption are set out below with examples of fraudulent activity (the list is not exhaustive). Appendices A and B of the anti-fraud, bribery or corruption response plan contain hints and signs to look out for that indicate that fraud or corruption may exist.

Area	Example of fraudulent activity
Contracts	Collusion with others during the tendering process
Council tax	People claiming single person discount when they are not entitled to
Recruitment fraud	Fictitious work history and/or references
Abuse of position	Falsification of records to cover up fraudulent activity such as stolen cash
Travel claims	False journeys claimed, inflated mileage or two employees claiming for a journey taken together
Expense claims	Claims submitted to the council(s) and/or a third party
Cash receipts/ petty cash	Accepting cash without receipting it or reimbursement sought for receipted but inappropriate expenditure
Payroll	Hours worked over-stated to take advantage of overtime for financial gain
Ordering and payments	Goods ordered for personal use Goods ordered from a specific supplier in return for some form of benefit
Stocks and assets	Unauthorised use of stationery Using council assets for personal use such as running a private business
Timesheets	Falsifying hours worked

BRIBERY

16. The Bribery Act 2010 was introduced to update and enhance UK law on bribery including foreign bribery. Notably, it introduces a new strict liability offence for companies and partnerships of failing to prevent bribery. The introduction of this new corporate criminal offence places a burden of proof on local authorities to show they have adequate procedures in place to prevent bribery. The councils could be guilty of an offence if an 'associated person' carries out an act of bribery in connection with its business. A person will be 'associated' with the councils where that person performs services for or on behalf of the councils. The Bribery Act also provides for strict penalties for active and passive bribery by individuals as well as companies.
17. The Bribery Act creates four prime offences:
 - two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting an advantage;
 - a discrete offence of bribery of a foreign public official; and
 - a new offence of facility by a commercial organisation to prevent a bribe being paid to obtain or retain business or a business advantage (should an offence be committed, it will be a defence that the organisation has adequate procedures in place to prevent bribery).
18. Bribery can be described as the receiving of an inducement for an action which is illegal, unethical or in breach of trust. Inducements can take the form of gifts, fees, rewards or other advantages.

Identifying the risk of fraud, bribery or corruption and risk mitigation

19. In having a risk management strategy, which includes risk mitigation measures, the councils aim to detect fraud, bribery or corruption and deter potential perpetrators of such activity.
20. This policy and its associated anti-fraud, bribery and corruption response plan set out exactly what steps to take on suspecting fraud, bribery or corruption.
21. In having a continuous programme of fraud, bribery or corruption awareness and regular updates and training for new and existing staff the councils aim to mitigate the risk of fraud, bribery or corruption taking place.
22. In referring to this policy in its quotation/tender documents with suppliers and its procurement guide, the councils aim to mitigate the risk of fraud, bribery or corruption taking place.

Avenues for reporting suspicious activity

23. The councils have in place a number of ways of reporting suspicions of fraud, bribery or corruption.

24. Non-employees of either council can use the council's complaints process, or the complaints process relating to the councillors' code of conduct.
25. In relation to employees, the relevant council will deal with matters in confidence and in accordance with the terms of their joint whistleblowing policy and the Public Interest Disclosure Act 1998.

Responsibilities

26. The primary responsibility for the prevention, detection and investigation of fraud, bribery or corruption rests with senior management, who are also responsible for managing the risk of fraud, bribery or corruption. The purpose of this policy is to set out more specific responsibilities for its prevention.

REPORTING FRAUD, BRIBERY OR CORRUPTION

27. In accordance with the councils' financial procedure rules in the councils' constitutions, "Any relevant person ...shall notify the chief finance officer or internal audit manager immediately of any financial or accounting irregularity, or suspected irregularity, or of any circumstances which may suggest the possibility of such loss or irregularity, including those affecting cash, stores, property, remuneration or allowances."

RECEIVING REPORTS AND PREVENTING FRAUD, BRIBERY OR CORRUPTION

28. The following paragraphs set out more specifically the roles and responsibilities of those receiving reports of fraud, bribery or corruption and their roles and responsibilities in preventing wrongdoings arising in the first place.
29. The anti-fraud, bribery corruption response plan provides further information on who should take what action on discovering a potential fraud, bribery or corruption.

MONITORING OFFICER

30. The monitoring officer has responsibility for:
 - ensuring that this policy is current
 - initiating action if fraud, bribery or corruption may have been identified
 - the lawfulness and fairness of decision making
 - ensuring that councillors are aware of the protocols, policies and procedures, as set out at the end of this policy that apply when carrying out their duties.

SECTION 151 (CHIEF FINANCE) OFFICER

31. The section 151 (chief finance) officer has responsibility for:
 - the proper administration of the councils' financial affairs under s.151 of the Local Government Act 1972 and s.114 of the Local Government Finance Act 1988. This includes the employee nominated by him/her to act in his/her absence and any employee of his/her staff acting on his/her behalf.
 - reporting to councillors and the Audit Commission if either council, or one of its representatives makes, or is about to make a decision which is unlawful, or

involves illegal expenditure or potential financial loss (Local Government Finance Act 1988 s.114).

- investigations arising from allegations raised under the whistleblowing policy when the chief executive, internal audit manager and monitoring officer agree with the section 151 (chief finance) officer that he/she will take on the responsibility.

HUMAN RESOURCES

32. Human Resources is responsible for ensuring that new employees, during induction, are aware of their contractual obligations in relation to anti-fraud, bribery or corruption as well as this policy, the associated response plan and their links with the whistleblowing policy.

MANAGERS

33. Managers are responsible for:
- maintaining internal control systems and communicating them to their staff
 - ensuring that the councils' resources and activities are properly applied in the manner intended
 - identifying the risks to which systems and procedures are exposed
 - developing and maintaining effective controls to prevent and detect fraud, bribery and/or corruption
 - ensuring that controls are being complied with
 - implementing audit recommendations promptly
 - responding to reports of possible financial impropriety in accordance with the whistleblowing policy.

INDIVIDUAL EMPLOYEES

34. All employees should take seriously and treat with confidence any concerns raised about a potential fraud, bribery or corruption. The councils encourage reporting of suspicions and will protect those who do so (even if the suspicions are unfounded but made with good intent), as set out in the councils' whistleblowing policy.
35. The councils expect employees to follow any code of conduct relating to their personal professional qualifications and abide by the relevant councils' code of conduct for their staff.
36. Employees must operate within Section 117 of the Local Government Act 1972, to give notice in writing of pecuniary (financial) interests in contracts relating to their council or the offer of any fees or rewards other than their proper remuneration.
37. All employees must declare any offers of gifts or hospitality, which are in any way related to the performance of their council duties. The councils' guidance on gifts and hospitality provides more information.
38. Employees should not undertake work or activities outside their direct employment with either council if their council duties overlap in some way with their proposed

work or activity, e.g. by causing a conflict of interest or by making use of material to which they have access by virtue of their council employment.

39. Any employee wishing to undertake other employment should check with their manager whether they need permission from their head of service to do this and whether they should register the employment on an annual basis. If the employee needs permission the head of service should send copies of correspondence, including permission, to human resources who will record it.
40. The councils encourage all staff to make voluntary declarations for all secondary employment based on the need for open government.
41. As well as employment contract obligations, each employee is responsible for:
 - remaining aware of the policies and procedures set out at the end of this policy
 - their own conduct and contribution towards the safeguarding of council standards in accordance with the policies and procedures set out at the end of this policy
 - acting with propriety when using council resources, when handling council funds, whether they are involved with cash or payments systems, receipts or dealing with contractors or suppliers and
 - reporting details immediately to their line manager or the most appropriate employee if they suspect that fraud, bribery or corruption has been committed or they have seen any suspicious acts or events.

INTERNAL AUDIT

42. Internal audit has responsibility for:
 - the independent appraisal of control systems
 - assisting in the investigation of irregularities.

COUNCILLORS AND CO-OPTED MEMBERS OF THE COUNCILS' COMMITTEES

43. All councillors and co-optees should take seriously and treat with confidence any concerns raised about a potential fraud, bribery or corruption. The councils encourage reporting of suspicions and aim to protect those who do so (even if the suspicions are unfounded but made in good faith).
44. Councillors and co-optees must ensure that they avoid any situation where there is potential for a conflict of interest.
45. Each councillor or co-optee of the councils is responsible for:
 - observing standards, set out in the councillors code of conduct
 - familiarising themselves with the codes, protocols, policies and procedures as set out at the end of this document.

THE EXTERNAL AUDITOR

46. The external auditor has responsibility for:
 - reviewing the stewardship of public money by the councils and

- considering whether the councils have adequate arrangements in place to prevent fraud, bribery or corruption.

THE CABINET OFFICE

47. The Cabinet Office has responsibility nationally for the biennial National Fraud Initiative (NFI). Under Section 6 of the Audit Commission Act 1998, the Cabinet Office (previously the Audit Commission) requires all councils to provide employees' (including councillors') payroll data to enable data matching to take place with the aim of preventing and detecting fraudulent and erroneous payments from the public purse. The councils participate in this.

BENEFIT FRAUD TEAM

48. The councils' benefit fraud team carries out activities to prevent and detect benefit fraud.

THE ROLES OF THE COMMITTEES

49. South Oxfordshire and Vale of White Horse District Councils' Joint Audit and Governance Committee has responsibility for:

- risk management issues and making any recommendations thereon
- the overview of the councils' whistleblowing policy
- the overview of the councils' anti-fraud, bribery or corruption arrangements
- matters relating to the councillors' code of conduct that the Monitoring Officer refers to them.

THE POLICE

50. The police may:

- investigate links to offences
- give prevention advice
- advise on any pre-investigation work
- maintain a dialogue with management and/or internal audit during an investigation.

Prevention of fraud, bribery or corruption

REGULATORY FRAMEWORK

51. The councils have a wide range of mechanisms in place aimed at preventing and detecting fraud, bribery or corruption. These include the legislation set out in this document in addition to each council's financial procedure rules or regulations.

52. Managers must ensure that adequate levels of internal checks are included in working procedures, particularly financial procedures. It is important that duties are organised in such a way that no one person can carry out a complete transaction without some form of checking or intervention process being built into the system.

STAFF SELECTION/SCREENING

53. The councils' recruitment procedures ensure that the councils appoint employees on merit and prevent the appointment of unsuitable people.
54. Applicants complete an application form and must declare any criminal convictions that are not spent. Where appropriate, applicants may also be subject to a Disclosure and Barring Service (DBS) police check.
55. The councils appoint employees subject to satisfactory written references.
56. The councils conduct documentary checks on all new employees to ascertain their eligibility to employment in accordance with the Asylum & Immigration Act 1996 s.8 (as amended) effective 1 May 2004.

CONTRACTORS AND THOSE DELIVERING SERVICES FOR THE COUNCILS

57. Each council will ensure that all contracts conform to the highest standards possible. The councils will act to ensure that those organisations that work with the councils to deliver services are made aware of the councils' strong anti-fraud, bribery and corruption principles, including their whistleblowing policy.
58. Where appropriate the councils may exclude suppliers, contractors and service providers from public contracts following conviction for certain offences including participation in criminal organisations, fraud, corruption, bribery or money laundering.
59. The councils will seek an assurance that those tendering to provide supplies, goods, services and works to the councils have adequate anti-fraud, bribery or corruption recruitment procedures and controls in place; have not colluded with others during the tendering process; or canvassed or solicited any councillor or employee of either council in connection with the award or future award of contracts.
60. In awarding any contract, the councils will act in accordance with their procurement procedure rules. Within its contract terms, the councils may exercise a right to terminate a contract and recover losses if there is evidence of fraud, bribery or corruption in connection within a council contract by the contractor, its employees or anyone acting on the contractor's behalf.
61. The councils may seek the strongest available sanctions against the contractor, their employees or anyone acting on behalf of the contractor who commits fraud, bribery or corruption against the councils and will request that the organisation concerned takes appropriate action against any individual concerned.
62. Where contractors are involved with the administration of council finances, or those for which the councils have responsibility, the councils will conduct internal audit reviews and pro-active anti-fraud, bribery or corruption exercises as part of the contract management process.

COLLABORATION WITH OUTSIDE AGENCIES AND OTHER BODIES

63. Given the nature of a council's work, the nature and scope of fraud, bribery or corruption can vary and involve different bodies. Therefore, the councils may need to liaise with and undertake joint working with certain agencies, including (but not limited to):
- other local authorities
 - benefits agencies
 - the Serious Fraud Office (SCD6, formerly SO6)
 - the local police
 - the Home Office
 - the UK Border Agency
64. The councils commit to working and co-operating with other organisations to prevent organised fraud, bribery or corruption. Wherever possible, the councils will assist and exchange information with other appropriate bodies to investigate and combat fraud, bribery and corruption.

Detection and investigation

65. The range of preventative systems within the councils, particularly internal control systems, can provide indicators of fraud, bribery or corruption (and error) and can help to detect any inappropriate activity.
66. Senior managers have responsibility for preventing and detecting fraud, bribery or corruption. Often, the alertness of others enables the detection of wrongdoings and appropriate action to take place when evidence suggests that fraud, bribery or corruption may be taking place.
67. Despite the best efforts of managers and auditors, many irregularities are discovered by chance. The councils have arrangements in place to deal with such discoveries. The anti-fraud, bribery and corruption response plan sets out the councils' arrangements. Some frauds may be discovered as a result of whistleblowing.

WHISTLEBLOWING

68. The councils' whistleblowing policy encourages people to raise serious concerns. Employees reporting concerns are afforded certain rights and protection through legislation enacted under the Public Interest Disclosure Act 1998.
69. The councils will support employees who report concerns and will make every effort to protect them from reprisals. The councils will do everything possible to protect their confidentiality.

OTHER SUSPECTED FRAUD, BRIBERY CORRUPTION OR IRREGULARITY

70. As referred to in paragraph 27, a duty exists to report any suspected cases of fraud, bribery or corruption. Reporting cases in accordance with this policy and the whistleblowing policy is essential and:

- ensures the consistent treatment of information regarding fraud, bribery or corruption
- facilitates the proper investigation of suspected cases and
- protects the interests of individuals and the councils.

71. This process will apply to allegations of fraud, bribery or corruption relating to the following areas:

- by councillors or co-optees
- internal fraud and other fraud, bribery or corruption by council employees acting in a personal capacity
- by contractors or their employees and
- external fraud, bribery or corruption (the public)

72. The anti-fraud, bribery and corruption response plan gives more guidance.

73. The external auditor also has powers to independently investigate fraud, bribery or corruption.

CONFIDENTIALITY

74. The councils will treat all information received confidentially. The councils will not disclose or discuss investigation results with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of people suspected but subsequently found innocent of wrongful conduct and to protect the councils from potential civil liability. Any processing of personal data will comply with the Data Protection Act and the data protection principles.

PUBLICITY

75. The councils' communications team may use the press to report the outcome of any action taken, including prosecutions.

76. The councils will publish this policy and any review of it to make employees, councillors, co-optees, contractors, partners and the public aware of the councils' commitment to taking action on fraud, bribery or corruption when it occurs.

Courses of action

77. Mechanisms exist within the councils to act in cases of fraud, bribery or corruption. These include the following:

DISCIPLINARY ACTION

78. Gross misconduct and other fraudulent or corrupt conduct will normally lead to dismissal. The councils' disciplinary procedure provides further information.

PROSECUTION

79. The councils will seek full redress through the legal processes available to counter any internal or external fraudulent activities perpetrated against it. This redress will be achieved through criminal and/or civil courts as considered appropriate.

80. The chief executive, in consultation with the section 151 (chief finance) officer, the monitoring officer, human resources, the internal audit manager and other external agencies as appropriate, will decide whether to refer the case to the police for prosecution. Other external agencies involved may include the Department for Works and Pensions and the Crown Prosecution Service.

81. The councils will take all reasonable action to recover any money or goods.

CONSEQUENCES OF FAILURE TO COMPLY WITH THE BRIBERY ACT 2010

82. Failure to comply with the Bribery Act 2010 could result in imprisonment of up to 10 years and/or unlimited fines without taking into account the severe reputational repercussions for the councils.

83. A statutory defence to the strict liability offence of 'failing to prevent bribery' is the introduction of internal adequate procedures. For the councils this includes:

- the appointment of the councils' monitoring officer to deal with all matters relating to bribery and corruption;
- management commitment to a zero tolerance culture to bribery and corruption. The councils will not accept any level of corruption, and all cases identified will be thoroughly investigation and dealt with appropriately;
- accessible and enforceable policies and procedures;
- a regulatory framework aimed at preventing and detecting corruption, and
- relevant staff are trained on how to spot and prevent potential bribery.

84. Failure to comply with, or breach of, any sections contained within this policy could be regarded by the councils as gross misconduct. This will be dealt with in accordance with the councils' disciplinary procedures.

Awareness and training

85. Introducing and implementing a successful anti-fraud, bribery or corruption policy is dependent largely on the awareness and responsiveness of those working in and with the councils.

86. The councils will make councillors, co-optees and employees aware of this policy initially via the induction process and will remind them of this policy via council publications.

87. The councils support the concept of fraud, bribery or corruption awareness training for councillors, co-optees and employees to ensure that their responsibilities and duties in respect of anti-fraud, bribery and corruption are current and their understanding reinforced.

88. The councils also commit to training and developing staff who are involved in investigating fraud, bribery or corruption and will provide suitable training where necessary.

89. The councils will act to ensure that those organisations that work with the councils to deliver services are made aware of the councils' strong anti-fraud, bribery or corruption principles, including their whistleblowing policy.

Monitoring of this policy

90. The monitoring officer will decide when this policy needs review in light of any change of legislation or council policy if this is before the scheduled review date.
91. The Joint Audit and Governance Committee. The monitoring officer, in consultation with the chief executive, the section 151 (chief finance) officer, and the co-chairmen of the Joint Audit and Governance Committee will ensure that any corrective actions identified from investigations are brought to the attention of the relevant committee.

Conclusion

92. The councils commit to the development of an anti-fraud, bribery and corruption culture and will not tolerate fraud, bribery or corruption.
93. Fraud, bribery or corruption, where it is detected, will be dealt with promptly, investigated fairly, and where appropriate, prosecuted to the fullest extent that the law allows. In certain matters, depending on the nature of the circumstances, alternative sanctions may, on agreement, be deemed appropriate.
94. This document seeks to state the positions of South Oxfordshire District Council and Vale of White Horse District Council and each council's intent regarding all fraud, bribery or corruption matters that may affect either council.

Officer responsible for this policy

The monitoring officer has overall responsibility for the maintenance and operation of this policy and will liaise as necessary with the chief executive, the section 151 (chief finance) officer and the internal audit manager.

This policy revokes previous versions of the anti-fraud, bribery or corruption policy.

This policy was originally approved by South Oxfordshire District Council's Cabinet on 8 February 2010 and Vale's Cabinet member on 16 March 2010.

Updated November 2011 (version 2), February 2014 (version 3), May 2016 (version 4), November 2019 (version 5) October 2022 (version 6) by the head of legal and democratic under delegated powers to make minor amendments.

Policy review date: November 2025

Additional sources of information

The following are associated policies and procedures that are referred to in this policy or can be used as additional sources of information:

Joint policies	South Oxfordshire policies	Vale of White Horse policies
Anti-fraud and corruption policy and response plan		
	Budget and policy framework procedure rules	Budget and policy framework procedure rules
Code of Conduct for members and associated complaints' procedure		
	Complaints' procedure	How to comment, complain and make a suggestion
Procurement Procedure Rules		
	Members' Allowances Scheme	Members' Allowances Scheme
Dignity at Work Policy		
Disciplinary Procedure (for employees)		
Employee Conduct Policy Financial Procedure Rules		
Gifts and Hospitality Guidance for Officers		
Grievance Procedure for Employees		
	Local Code of Governance	Code of Governance
Anti-Money Laundering Policy		
Planning Code of Good Practice for Councillors		
	Protocol on councillor/officer Relations	Member/Officer Relations

Safeguarding Children and Vulnerable Adults Policy		
Scheme of Delegation		
	Service Specific Procedure Manuals	Service Specific Procedure Manuals

Anti-fraud, bribery and corruption response plan

Introduction

1. This is a joint response plan adopted by South Oxfordshire District Council and Vale of White Horse District Council.
2. This response plan forms part of the councils' anti-fraud, bribery and corruption policy. It covers the councils' response to suspected or apparent irregularities affecting resources belonging to or administered by either council or fraud, bribery or corruption perpetrated within or against either or both councils.
3. Definitions of what constitutes fraud, bribery, corruption and bribery can be found in the anti-fraud, bribery and corruption policy.

Note: As well as using this policy and its associated response plan, any person employed or engaged by the relevant council who makes a report of suspected activity, should refer to the councils' whistleblowing policy for guidance.

Who this response plan applies to

4. People involved with either council in any way should know what to do in the event of fraud, bribery or corruption, so that they can act immediately. These people include, but are not limited to, council employees (including temporary and agency staff), councillors, co-optees (those invited to join the councils' committees as independent members or because of their expertise), partners, contractors, suppliers, voluntary organisations and members of the public.
5. This response plan will help people to understand how the councils will deal with any concerns that may arise. However, it primarily provides information to employees who may be party to cases of fraud, bribery or corruption when receiving a report or becoming involved in the investigation of suspected fraud, bribery or corruption.

Links to strategic objectives

6. This response plan underpins the councils' strategies, initiatives and work plans.

Aims and scope of this response plan

7. Using this plan will enable each council to:
 - prevent further losses of funds or other assets where fraud, bribery or corruption has occurred and maximise the recovery of any loss
 - reduce adverse impacts on the councils' business
 - minimise the occurrence of fraud, bribery or corruption by taking prompt action at the first sign of a problem

- minimise any adverse publicity for the councils suffered as a result of fraud, bribery or corruption
 - identify any lessons that can be acted upon in managing fraud, bribery or corruption in the future and
 - identify the perpetrator and maximise the success of any disciplinary or legal action taken.
8. This response plan is not limited to fraud, bribery and corruption but is applicable to any suspected act of financial impropriety. This includes any act that puts the councils' resources at risk.
9. The [additional sources of information](#) section in this response plan contains a list of other documents that people should refer to when reading this plan and its associated policy.

Action required at point of discovery

10. Either council may become aware of a suspected fraud, bribery, corruption or an irregularity through a number of means, including the following:
- the councils' financial procedure rules;
 - the whistleblowing policy;
 - planned audit work;
 - operation of proper procedures
 - Anti-Money Laundering Policy

11. Appendices A and B to this response plan provide further guidance on [detection and awareness](#) (appendix A) and [action and controls for fraud prevention](#) (appendix B).
12. A person may raise a concern verbally but preferably in writing to ensure they reflect allegations accurately to those conducting any investigation that may arise. The councils' whistleblowing policy provides guidance including help on responding to allegations. Some information is set out below.
13. In a written allegation, an individual should include any background information including names and relevant dates, places and the reasons for the particular concern. However, an individual can raise a concern by telephone or in a meeting with the person they are notifying of the concern. The earlier the individual raises a concern, the easier it is to investigate the allegation and/or take preventative action.
14. An individual may choose to report the concerns anonymously. Concerns expressed anonymously are much less powerful and therefore more difficult to investigate. The monitoring officer will use their discretion in deciding whether to progress an anonymous allegation beyond the initial enquiry stage.
15. When reporting a concern, an individual must not:
 - approach or accuse any individuals directly
 - convey suspicions or facts to anyone (within or outside of the councils) other than those indicated in the councils' whistleblowing policy, unless specifically asked to do so by the monitoring officer, the section 151 (chief finance) officer if they have become responsible for the case, or investigating officer (if the case has progressed to investigation)
 - attempt to investigate the matter unless asked to do so by the monitoring officer, the section 151 (chief finance) officer if they have become responsible for the case, or the investigating officer (if the case has progressed to investigation).
16. When reporting a concern, the individual must retain all evidence, passing it to the monitoring officer, the section 151 (chief finance) officer if they have become responsible for the case, or the investigating officer (if the case has progressed to investigation).
17. As well as obtaining guidance from the councils' whistleblowing policy, [Protect](#) (protect-advice.org.uk) will give free, confidential and totally independent advice on how to proceed (by email or telephone 02031 172520).

Additional information for employees: whistleblowing

18. Any employee suspecting fraud, bribery, corruption or an irregularity should refer to the councils' whistleblowing policy and report it immediately to their line manager or the head of service. This depends however, on the seriousness and sensitivity of the issue involved and whom the individual suspects of malpractice. For example, if an employee believes management is involved in a suspected fraud or a potential conflict of interest exists, an employee can choose to inform:

- the chief executive,
- a head of service,
- the head of legal and democratic (as monitoring officer),
- the internal audit manager.

General public responsibilities

19. The Councils' expectation is that residents, service users and other members of the public will not tolerate abuse of the Council's assets or services. They are therefore encouraged to report any suspicions or knowledge they may have regarding any acts of fraud and corruption being perpetrated against the Council.

20. The public are made aware of how to report suspicious activity. The contact numbers/addresses are secure and all referrals are treated professionally and in confidence.

21. The email address to make reports to is: MonitoringOfficer@southandvale.gov.uk

The recipient's role in receiving a report of suspected fraud, bribery or corruption

22. On receiving an allegation of fraud, bribery or corruption, the employee (it is generally assumed that this would be a line manager or the head of service within the councils) should:

- treat the report seriously and confidentially
- give due consideration to all concerns
- familiarise themselves with the whistleblowing policy and make the policy available to employees making any report
- reassure the individual that they will not suffer from any reports made in good faith
- obtain or prepare a written record of the concerns from the person making the allegations. This should ideally include:
 - background details and nature of the suspicions (including relevant names, dates and locations)
 - details of the job and responsibilities of the individuals implicated
 - the reasons why the person raising the matter has concerns
 - details of action (if any) taken to date before this concern was raised
 - a description of the systems, controls and procedures operating within the area of the alleged abuse
- retain evidence in a safe place, taking care not to interfere with the evidence
- report the matter immediately to the monitoring officer.

23. Besides gathering the information set out in the preceding paragraph, the recipient of an allegation **must not** attempt to collect further evidence or carry out any investigation unless asked to do so at a later stage by the investigating officer. This may damage any future enquiry if evidence is not in a legally admissible form.

Making initial enquiries: the monitoring officer

24. In order to protect individuals and each council the monitoring officer, who has the authority to act independently, will deal with initial enquiries. The purpose of the initial enquiry is to establish whether there are reasonable grounds for the concerns raised so that, if necessary, they may instigate further investigation.
25. During the initial enquiry, the monitoring officer will:
- determine the factors that gave rise to the suspicion
 - examine factors to determine whether any irregularity has occurred (i.e. any incident or action that is not part of normal operating systems or the expected course of events) and
 - where necessary, carry out discreet enquiries with staff and/or review documents.
25. The monitoring officer will then consult the chief executive, section 151 (chief finance) officer and the internal audit manager. They will agree whether an investigation is appropriate and, if so, whether the responsibility for dealing with the report under the whistleblowing policy will pass to the section 151 (chief finance) officer and what form the investigation should take. Where appropriate they will assign an appropriate employee (investigating officer) to investigate the concern.
26. The monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, can decide to take no further action if a complaint appears to be trivial or malicious.
27. If the concern raised involves the monitoring officer, the chief executive will nominate a responsible senior employee to conduct initial enquiries with the same authority that the monitoring officer would have.

Prevention of further loss

29. Where initial enquiries provide reasonable grounds to suspect a councillor, co-optee or employee of fraud, bribery or corruption, the monitoring officer in consultation with the chief executive, section 151 (chief finance) officer, and the internal audit manager, will decide how to prevent further loss. This may require the suspension of a suspected employee. The head of corporate services will advise on the appropriate means to suspend an individual.
30. It may be necessary to plan the timing of the suspension to prevent the suspect(s) from destroying or removing evidence that may be needed to support disciplinary or criminal action.
31. The head of corporate services and the technical and facilities manager will advise on the appropriate procedures to suspend the individual(s) and how to deny access to the councils' buildings, whilst the suspect(s) remain suspended. The monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, will instruct the head of corporate services to withdraw without delay access to the councils' computer systems from within the councils and the extranet.

32. In such circumstances, the person dealing with the suspension of the suspect(s) will approach them unannounced and will inform them of their suspension. They will make arrangements to ensure that the suspect(s) remain under supervision at all times before they leave the council's premises. The suspect(s) will be allowed to collect personal property under supervision, but will not be able to remove any property belonging to the councils. The person dealing with the suspension will ask the suspect(s) for any security passes and keys to premises, offices and furniture.
33. The monitoring officer, the chief executive, section 151 (chief finance) officer and the internal audit manager will consider whether it is necessary to investigate systems other than those that gave rise to the suspicion, through which the suspect may have had opportunities to misappropriate the councils' assets.

Management, retention and security of documentation

34. The best form of evidence is original documentation. Where it is not possible to obtain originals, for whatever reason, a copy will normally suffice. The copy should be clearly endorsed as a copy and certified as a true copy of the original. The person taking the copy should certify the copy from the original source document.
35. The monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, becomes responsible for the secure retention of any documentation in relation to the concern raised from the point that someone raises a concern until any initial enquiries are complete. The monitoring officer, or the section 151 (chief finance) officer will hold documentation in one location and will restrict access to those people authorised to view or use it.
36. The monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, will ensure that all documents relevant to the enquiry contain clear referencing, indicate the author of the document or who obtained it, the purpose of the document and the date it became active within the enquiry. The monitoring officer, or the section 151 (chief finance) officer will ensure that information cannot be tampered with, that no marks are made on original documentation and a record kept of anyone handling the evidence. The councils will comply with the Data Protection Act at all times.
37. Once the monitoring officer, the chief executive, section 151 (chief finance) officer and the internal audit manager agree that a formal investigation is required, the monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, will establish an investigation file. The file should state clearly the name of the investigating officer, the names of the employees assigned to the investigation support team, and the name of the overseeing officer who will normally be the monitoring officer or the section 151 (chief finance) officer. The monitoring officer will draft an executive summary, outlining all the events that have taken place leading up to the creation of the investigation file.
38. Once the terms of reference have been established, and an investigating officer identified, the investigating officer shall be responsible for the secure retention of

any documentation in relation to the investigation as set out in the preceding paragraphs in this section.

39. The investigating officer will be responsible for maintaining a diary of events, recording all significant events, meetings, interviews, telephone calls and correspondence details.

40. Once the investigating officer completes an investigation, they will return all investigation documentation to the custodianship of the monitoring officer.

The investigation

Commissioning an investigation

41. If an investigation is required, the monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, will consult with the chief executive, and the assurance manager and nominate an appropriate employee (investigating officer) to investigate the concern.

42. Before the investigation commences, the monitoring officer or the section 151 (chief finance) officer if they have become responsible for the case, in consultation with the chief executive and the internal audit manager will:

- agree detailed terms of reference with the investigating officer setting out the objectives and scope of the investigation
- take advice from the head of corporate services to ensure that the investigation is undertaken in a manner which preserves the rights of the subject(s) under the councils' disciplinary procedures and that the correct suspension process follows where necessary and
- ensure that in accordance with the councils' translation and interpretation policy, where necessary, staff will have access to an interpreter or signer in order to support them through the process
- consider what communication needs to be made with other agencies (i.e external audit, the police).

43. The type of investigation required will be set out in the agreed terms of reference. In practice, a fact finding investigation may establish facts, which lead to a formal investigation.

The investigating officer

44. The role of the investigating officer (and their supporting team), is to seek to establish facts in an independent, objective and professional manner.

45. The investigating officer will:

- carry out an investigation in accordance with the councils' approach for compiling investigation files and collating and documenting evidence
- deal promptly with the matter
- record all evidence that has been received
- ensure that evidence is sound and adequately supported
- make secure all of the evidence that has been collected
- where appropriate, contact other agencies

- when appropriate, report to the monitoring officer, or the section 151 (chief finance officer) if they have become responsible for the case.

46. The investigating team will complete the investigation in accordance with the agreed terms of reference.

47. The investigating officer will:

- maintain familiarity with the councils' disciplinary procedures when dealing with employees, to ensure that evidence requirements are met during any fraud investigation
- establish and maintain contact with the police
- establish whether there is a need for members of the investigating team to be trained in the evidence rules for interviews under the Police and Criminal Evidence Act 1984 (PACE) and
- ensure that staff involved in fraud investigations are familiar with and follow rules on the admissibility of documentary and other evidence in criminal proceedings
- hold securely any documentary evidence during the course of the investigation.

Conducting an investigation

48. Once appointed, the investigating officer will decide whether the suspicions or allegations have any substance. They may have no substance, in which case the relevant council will take no further action.

49. If the investigating officer believes there is substance to the allegations, they will consult with the head of corporate services and the section 151 (chief finance) officer. Either of the following courses of action will follow:

- a) If there is no evidence of criminal activity, the investigation will continue in accordance with council policy and in accordance with the councils' disciplinary procedures.
- b) If there are grounds to suspect criminal activity, the investigating officer will prepare a report and will consult with the police.

Discussions with the police may result in the case progressing in one of the following ways:

- c) The police wish to conduct an investigation.

In such circumstances, the councils will assist the investigation when asked. Any interviews that the police require the councils to carry out will take place under caution in accordance with the Police and Criminal Evidence Act (1984).

If the police are satisfied that it is appropriate for the councils to conduct a disciplinary investigation alongside a criminal investigation, the councils will apply the disciplinary procedure.

- d) The police want the relevant council to continue with the investigation.

If so, the councils will do so in accordance with their policy on fraud investigations and with reference to the head of corporate services.

The investigating officer will continue to liaise with the police who may wish to take on the investigation at any time. If so, the councils will follow procedures as set out in c) above.

If the police believe that criminal prosecution is likely but they still want the council to handle the investigation, then the councils will carry out any interviews that the police require under caution, which is in accordance with the Police and Criminal Evidence Act (1984).

If the police are satisfied that it is appropriate for the council to conduct a disciplinary investigation alongside a criminal investigation, the councils will apply the disciplinary procedure.

- e) If the police determine that there is no criminal case, then the council will continue the investigation in accordance with its own disciplinary procedures.

The investigating officer will consult with the police if any new material or evidence comes to light following which, the councils will progress in accordance with the procedures set out in paragraphs c), d) or e).

Reporting following investigation

50. On completion of the investigation, the investigating officer will submit a written report to the monitoring officer, the chief executive and the section 151 (chief finance) officer containing:

- a description of the incident, including the value of any loss
- the people involved
- details of the action taken against the people involved
- the means of perpetrating the fraud
- the measures taken to prevent a recurrence, and
- any action needed to strengthen future responses to fraud, bribery or corruption, with a follow-up report on whether the actions have been taken.

51. On an annual basis, the monitoring officer will advise the South Oxfordshire and White Horse District Councils' Joint Audit and Governance Committee whether it has invoked the anti-fraud, bribery and corruption policy and its associated response plan during the year. The report will set out:

- any quantification of losses
- progress with recovery action
- progress with disciplinary action
- progress with criminal action
- estimate the resources required to conclude any outstanding matters and
- the actions taken to prevent and detect similar incidents.

51. This committee can request reports from the monitoring officer.

Action taken following investigation

53. Once the investigating officer has submitted the report, a council's lead involvement in the investigation under the anti-fraud, bribery and corruption response plan is complete. Any decision the council takes will be final.

54. In the event that the investigation identifies no evidence of fraud but evidence of misconduct, the councils will pursue the matter in accordance with the councils' disciplinary procedures.

55. Where the investigation identifies evidence of a failure of supervision contributing to the commission of the fraud, the councils may invoke the disciplinary procedure against the manager in question.

56. Should the investigation conclude that there is no evidence of fraud or misconduct, the councils will reinstate the subject (if previously suspended) and will close the case. The monitoring officer, or the section 151 (chief finance) officer if they have become responsible for the case, and the head of corporate services will decide how any reinstatement will be communicated, in consultation with the subject, and where requested his/her trade union representative.

Recovery of losses

57. The recovery of money and resources wrongfully taken from us is a key part of our integrated strategy. Loss recovery is a key driver aimed at reducing losses from fraud & corruption and reducing exposure to the risks of fraud and corruption. As such, we actively seek to recover our losses.

58. Whilst the Council has insurance cover for losses from fraud, corruption or other such acts, these are subject to excesses and specific limits. We therefore do not rely on insurance as a preferred method of loss recovery. We have a range of options available to us for recovering losses and, since the Proceeds of Crime Act 2002, these have increased. The options we consider include:

- instigating recovery of property, removing from the Housing Register, cancelling temporary accommodation and suing for loss of rent
- charges on property
- third party debt orders ('Garnishee' – where payment can be obtained from a third party who owes or holds money for the debtor, e.g. where a bank is ordered to pay the credit balance in a debtor's bank account to the creditor in satisfaction of a judgement or court order)
- attachment of earnings

- freezing injunctions
- pursuing debts via legal proceedings
- confiscation orders to secure the ‘benefit’ from a person involved in criminal activity, e.g. where a person has fraudulently obtained funding for social care which they have used to pay a mortgage on a property, the amount by which the property has increased in value may be confiscated as distinct from simply the amount of overpaid funding.
- compensation
- restitution orders
- use of the National Crime Agency (NCA) for the most serious crimes.

Wherever the Council takes proceedings, criminal or civil, in respect of fraud, corruption or other financial irregularity/ malpractice it will seek to recover all its costs in doing so.

Publicity and dealing with the media

59. Whilst the councils cannot prevent members of the public approaching the press about suspected fraud, bribery or corruption, they should be aware that such action could prejudice any investigation or any subsequent disciplinary or legal action.
60. Councillors, co-optees, employees, partners and contractors should not make any public statement regarding suspected financial impropriety. This will prevent defamatory statements or statements that may prejudice any investigation or disciplinary/legal action. On being contacted by a member of the press or public, the monitoring officer should be contacted immediately.
61. The councils may optimise the publicity opportunities available to make employees and the public aware of the councils’ commitment to taking action on acts of financial impropriety. The councils may report any action taken relating to acts of financial impropriety to the press as a deterrent to other potential offenders, subject to the usual restrictions on reporting legal proceedings.

Conclusion

62. Each council commits to the development of an anti-fraud, bribery and corruption culture and will not tolerate fraud, bribery or corruption in any capacity.
63. Each council will deal with fraud, bribery or corruption promptly. Each council will investigate cases fairly, and where appropriate, prosecute the perpetrators to the fullest extent that the law allows. In certain matters, depending on the nature of the circumstances, alternative sanctions may, on agreement, be deemed to be appropriate.
64. This document seeks to state the councils’ position and intent regarding all fraud, bribery and corruption matters that may affect the councils.

Officer responsible for this response plan

65. The monitoring officer has overall responsibility for the maintenance and operation of this response plan, and they will liaise as necessary with the chief executive, the section 151 (chief finance) officer and the internal audit manager.

This policy revokes all other anti-fraud, bribery and corruption response plans.

This policy was approved by South Oxfordshire District Council's Cabinet on

8 February 2010 and Vale of White Horse District Council's Cabinet member on 16 March 2010.

Updated: November 2011 (version 2), February 2014 (version 3), May 2016 (version 4), November 2019 (version 5) October 2022 (version 6) by the head of legal and democratic under her delegation to make minor amendments.

Policy review date: December 2025

Additional sources of information

The following are associated policies and procedures that are referred to in this policy or can be used as additional sources of information:

Joint policies: South and Vale	South Oxfordshire District Council policies	Vale of White Horse District Council policies
<ul style="list-style-type: none"> • Anti-fraud and corruption policy <p>Code of conduct for councillors and its associated complaints procedure</p>	<ul style="list-style-type: none"> • Budget and policy framework procedure rules • Complaints policy and procedure 	<ul style="list-style-type: none"> • Budget and policy framework procedure rules • How to make a comment, complaints and suggestion
<ul style="list-style-type: none"> • Procurement procedure rules • Dignity at work policy • Disciplinary procedure (for employees) • Employee conduct policy • Financial procedure rules • Gifts and hospitality: guidance for officers • Grievance procedures (for employees) • Anti-Money laundering policy • Safeguarding children and vulnerable adults policy 	<ul style="list-style-type: none"> • Councillors' allowances scheme • Local code of governance • Planning code of good practice for councillors • Protocol on councillor/ employee relations 	<ul style="list-style-type: none"> • Councillors' allowances scheme <p>Code of governance</p> <ul style="list-style-type: none"> • Member/officer relations

**Joint policies:
South and Vale**

**South Oxfordshire
District Council
policies**

- Scheme of delegation
- Service specific procedure manuals

**Vale of White Horse District
Council policies**

- Scheme of delegation
- Service specific procedure manuals

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and alternative languages.

Please contact democratic services at Council on  01235 422520

Fraud, bribery and corruption – detection and awareness

1. This appendix aims to give practical advice and information to managers who are likely to be responsible for areas where fraud, bribery and corruption may occur. It gives hints about the signs to look for to spot fraud, bribery and corruption. It also provides examples and guidance on the action to take if fraud is suspected.

Fraud/corruption areas

2. Fraud, bribery, corruption or any financial impropriety are risks wherever staff or independent contractors complete official documentation and could take advantage of the councils. The risk is enhanced where staff or contractors are in a position of trust or responsibility and are not checked or subjected to effective monitoring or validation.
3. Consequently, the following areas are particularly susceptible to fraud:
 - Procurement and contracts
 - Claims for services supplied
 - Travel claims
 - Expense claims
 - Cash receipts/petty cash
 - Payroll
 - Ordering and payments
 - Stocks and assets
4. The list is not definitive or exhaustive. The following provides more information on the above examples.

Claims for services supplied

5. This could include claiming for services not performed and/or claiming for a higher level of service than that performed.

Travel claims

6. Because of staff travelling alone, the volume of journeys and the numbers of staff claiming, it is extremely difficult for management to check and validate all the claims made. Some of the most common frauds in this area are:
 - false journeys claimed
 - inflated mileages
 - unnecessary journeys taken
 - higher reimbursement rates claimed
 - two employees claiming for a journey taken together
 - claiming first class travel but taking second class.

Expense claims

7. Expense claims that staff can make include subsistence, training expenses and removal expenses. The examples of fraud in this area could generally fall into the following categories:
 - false and inflated claims made
 - claims submitted to both councils and a third party

- excessive /inappropriate expenses claimed

Cash receipts

8. Staff can collect cash in a variety of situations. It is a high-risk area. The main problems are:

- accepting cash without a receipt or declaring it
- altering documentation to disguise the theft of cash
- 'teeming and lading', e.g. substituting cheques received, but not recorded, for cash received.

Petty cash

9. Petty cash is usually held in a limited number of authorised locations at specified levels. The following problems can arise:

- reimbursement sought for receipted, but inappropriate expenditure
- vouchers/receipts submitted but no expenditure made.

Payroll

10. The major payroll frauds are most likely to occur with respect to starters and leavers. However, other fraud areas may be:

- erroneous or 'ghost' employees introduced onto the payroll, the salary being paid to the perpetrator
- a leaver not being taken off the payroll and the salary payment being diverted to the perpetrator
- hours worked over-stated to take advantage of flexi-time or overtime arrangements.

Ordering and payments

11. This is an area that is open to corruption as well as fraud. The number of employees able to commit an offence in this area is more limited than in some of the above examples. However, suppliers can also commit fraud such as:

- goods ordered for personal use or from a specific supplier in return for some form of benefit
- goods ordered from a relative or friend's business
- accepting a lower number of items than ordered, but certifying an invoice for a higher number
- creating/certifying false invoices and payment requisitions, for which no order has been raised

Stocks and assets

12. Misuse, theft, and fraud in this area are not unknown. The most obvious and common risk area is stationery. However, employees need a variety of stocks and assets, which if not properly controlled, may be subject to losses due to fraud and theft.

13. A further problem is the use of the councils' assets for an individual's personal reasons, e.g., using a personal computer, fax or telephone for running a private business or for other private purposes.

14. The above examples do not represent a comprehensive list of potential frauds.

Fraud awareness

15. All managers should ensure that controls are in place to prevent and detect fraud and error. The types of controls available to managers set out in [appendix B](#).
16. Fraud involves the falsification of records. Therefore managers need to be aware of the possibility of fraud when reviewing or being presented with claims/forms/documentation. Issues, which may give rise to suspicion, are:
- documents that have been altered, use of Tippex, or use of different pens and different handwriting
 - claims that cannot be checked, particularly if prior authorisation was not given
 - strange trends (use comparisons and reasonableness)
 - confused, illegible text and missing details
 - delays in documentation completion or submission
 - no vouchers or receipts to support claims.
17. A sense that a certain team is not performing as expected may possibly warn of potential fraud. Often these feelings are ignored and it is only with hindsight that cause for concern is realised.
18. An important step towards eliminating fraud is making sure individuals act on such warning signs. These warning signs fall into two categories: a) warning signs of a temporary increased risk of fraud, b) fraud alerts. More information is set out below.

Warning signs of a temporary increased risk of fraud

- Autocratic line management
19. A forceful person exerting authority and influence exceeding his or her status. Controls may be over-ridden or unfavourable information suppressed, conditions essential to the concealment of many frauds.
- Low morale
20. Unhappy employees are less likely to operate controls effectively and may cut corners.
- High staff turnover
21. High staff turnover may indicate anxiety at fraudulent activity or the way the work is managed as well as a reluctance to continue working under such conditions. It also may prevent fraud being detected due to inexperience/lack of knowledge.
- Undue emphasis on reaching short-term targets
22. Where management becomes so concerned with reaching operational targets this can become the over-riding aim at the expense of risk of fraud, i.e. shortcuts leading to lapses in control.
- Remote locations

23. Fraud is more likely to happen where supervision and control is least effective. Those at remote sites based away from central management may be able to abuse their controls if not regularly monitored and visited.

Fraud alerts

24. Fraudsters sometimes test a fraud by making several small or inconsequential attempts before a single large transaction. Detection of small frauds may be a sign of large-scale fraud activity. It is therefore vital to react quickly and effectively to fraud alerts.

- Anonymous letters

25. Anonymous letters received by the councils may be malicious and unsubstantiated, but they must always be followed up.

- Lifestyle

26. Any obvious discrepancy between earnings and lifestyle could be a cause of concern. A sudden improvement in personal circumstances should be discreetly questioned. Usually there will be a good reason.

- Not taking annual leave

27. Concealing fraud is not easy. Workaholics and staff who do not take their leave entitlement may be trying to avoid the risk that staff might spot something suspicious.

- Lack of separation of duties

28. An employee solely responsible for a 'risk' area and/or possible refusal to allow another employee to be involved in their duties.

- Unusual, irrational or inconsistent behaviour

29. Anything that is surprising about the behaviour of individuals deserves further enquiry, e.g. stress, financial pressure (possibly caused by drinking/gambling/over-extension of credit).

30. Fraud alerts such as these should always be investigated promptly. Enquiries should be discreet and fair as there are probably innocent explanations. However, fraudsters are experts at giving convincing explanations. Therefore, any investigation must be thorough and extensive enough to ensure that no concern remains.

31. There may be instances where local knowledge leads to suspicions regarding the behaviour of contractors. These could, for example, emanate from complaints from members of the public, or discussions with other contractors.

Appendix B

Prevention – action and controls

1. Whilst it is impossible to create a 100 per cent fraud proof system, heads of service must ensure that the systems they operate include reasonably effective controls designed to detect and prevent fraud and error.
2. The actions and controls that managers should take/consider include:
 - documenting procedures and controls and training all staff in their use ensuring staff are aware and trained in council wide procedures and they check compliance with the procedures
 - separating duties between staff and considering staff rotation to avoid a single employee having sole responsibility for the initiation through to the completion of a transaction
 - introducing adequate ‘internal checks’.
This involves an independent employee checking the work, calculations, or documentation prepared by the initiating employee. For example, a travel claim could be checked by a manager to original work records or diaries.
 - ensuring expenses are supported by appropriate original receipts
 - ensuring the prior documented approval of expense generating courses or visits
 - crossing out the uncompleted part of a claim form, thereby making the addition of further expenses difficult after approval
 - minimising cash/stock holdings and banking cash and cheques on a daily basis
 - reviewing budget statements and other management information
 - following up variances using
 - trend analysis
 - increased monitoring of high risk areas.
3. Heads of service can always seek guidance from internal audit.

Joint whistleblowing policy

What is whistleblowing?

1. Protect - www.protect-advice.org.uk a charity that provides independent advice and information on whistleblowing) gives the following explanation:

‘When someone blows the whistle they are raising a concern about danger or illegality that affects others (e.g. customers, members of the public, or their employer). The person blowing the whistle is usually not directly, personally affected by the danger or illegality. Consequently, the whistleblower rarely has a personal interest in the outcome of any investigation into their concern – they are simply trying to alert others. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it.’

2. The Public Interest Disclosure Act 1998 (PIDA) gives a certain amount of legal protection to those making a protected disclosure provided their disclosure meets the definition of a “protected disclosure”.

Purpose of the whistleblowing policy

3. A whistleblowing policy is an essential part of a good governance framework. In carrying out their functions and responsibilities, the councils wish to promote a culture of openness, transparency and fairness and expect all those who work for and with them to adopt the highest standards of propriety and accountability.
4. However, the councils face the risk that something may go wrong and they welcome the opportunity to address those risks as early as possible. Whenever a situation arises, the first people to know of the risk can often be those who work in or for a council. Whilst they are the people best placed to raise the concern before damage is done, they often fear they have the most to lose if they speak out.
5. To this end, the councils commit to the highest possible standards of openness, honesty and accountability in their activities. They expect a high standard of conduct and integrity from those that work with and for the councils.
6. The councils will take seriously and investigate reports of improper activities. This whistleblowing policy aims to ensure that when people raise concerns in the right way, the councils will address them and protect the person raising the concern.
7. The councils aim to mitigate the risk of inappropriate behaviour by those undertaking work on behalf of the councils. To mitigate the risks of inappropriate behaviour the councils will refer to this policy in their contracts with suppliers and their procurement procedure rules and procurement guide.
8. This is a joint policy adopted by South Oxfordshire and Vale of White Horse district councils. The policy aims to provide guidance on how to raise concerns

within the councils.

Links to strategic objectives

9. This policy underpins all of the councils' strategies, initiatives and work plans.

Who this policy applies to?

10. This policy will help employees (including temporary and agency staff) and, casual workers.
11. All of the above have responsibility for drawing attention to any suspected malpractice or irregularity so that it is dealt with promptly and effectively. In terms of financial irregularities, this responsibility is set out in standing orders as set out in the paragraph below.
12. In accordance with the councils' Financial Procedure Rules, a "relevant person shall notify the chief finance officer or internal audit manager immediately of any financial or accounting irregularity, or suspected irregularity, or of any circumstances which may suggest the possibility of such loss or irregularity, including those affecting cash, stores, property, remuneration or allowances".

Note:

To make a report of fraud or corruption, also refer to the councils' anti fraud and corruption policy and the associated response plan for guidance.

What this policy covers

13. This policy aims to address serious concerns about inappropriate behaviour that is not covered by other procedures. Whistleblowing is where an employee has a concern about a danger or illegality that has a **public interest** aspect to it, usually because it threatens others. Concerns may be about the following, which are defined as "qualifying disclosures" and therefore qualify for protection under this policy:
 - any criminal offence;
 - a failure to comply with a legal obligation;
 - a miscarriage of justice;
 - the endangering of an individual's health and safety;
 - damage to the environment;
 - the deliberate concealment of information relating to any of the above matters.
14. Other concerns can and should be raised but they may not qualify for protection under this policy.

What this policy does not cover

13. This policy does not deal with matters covered by other procedures. The following offers some guidance.
 - Use the corporate complaints procedure for complaints from members of the public about the councils' services.
 - Use the councillors' code of conduct for complaints about the behaviour of councillors or co-optees.

- Report allegations of abuse against a child, young person or vulnerable adult to the councils' designated employee for safeguarding in accordance with the councils' joint safeguarding children and vulnerable adults policy.
- Use the grievance policy for grievances or a private complaint if a dispute is about a member of staff's employment position and has no public interest dimension.

14. Bring to a manager's attention any deficiency in the provision of service.
15. Contractors and those doing business with the council should seek to resolve the matter with the relevant client officer or explore resolution via contractual remedies.

Protection for whistleblowers

16. In accordance with the Public Interest Disclosure Act 1998 (often referred to as the whistleblowing act), the councils will protect as best they can an employee who discloses information (rather than merely threatening to) from personal claims, victimisation, harassment or bullying as a result of his or her disclosure and will not initiate any disciplinary action against them so long as the disclosure was:
 - made in the public interest;
 - made to the appropriate person;
 - reasonably believed to be substantially true; and
 - not made for personal gain.
17. The councils will not tolerate threats of or victimisation to whistleblowers, which include deterring, or trying to deter them from raising concerns or suppressing concerns they have raised. Any employee taking reprisal or similar action against a whistleblower because he or she has made a disclosure under this policy will be subject to disciplinary action.
18. Similarly, any councillors or co-optees taking such action will be reported to the Monitoring Officer as a code of conduct complaint under the Councillor Code of Conduct.
19. Depending upon the situation, the councils will treat matters of concern raised with as much confidentiality as possible. The councils will not reveal names or positions without permission, unless required to by law, or an enquiry results in a criminal investigation in which the whistleblower might be required as a witness. However, an employee's identity might become known when the councils start making enquiries. The councils will explain this at the time of raising a concern, so the employee can decide whether to proceed. The councils will also keep the employee informed if the situation significantly changes.
20. An employee may be accompanied by an appropriate companion in accordance with the terms of the councils' disciplinary policy when giving evidence during disciplinary hearings.
21. Any disciplinary or redundancy procedures that already affect an employee will not influence any investigation into allegations of potential malpractice if properly

made.

22. The protection outlined above will not apply and an employee may be subject to disciplinary action if they act in a malicious or improper way (for example by leaking information to the press before the council has had a chance to investigate).

Anonymous allegations

23. The councils encourage people to give their name when making an allegation. The councils will do all they can to protect the employee. Concerns raised anonymously tend to be far less effective and if, for example, the councils do not have enough information, they may not be able to investigate the matter at all.
24. Also, from a practical point of view, the councils cannot provide protection to a person whose identity they do not know. It then becomes more difficult to judge whether the individual raised the concern in the public interest or maliciously.
25. If the individual does not wish to give their name, the councils will make a judgement on whether or not to consider the matter depending on:
 - the seriousness of the issue;
 - whether the concern is credible;
 - whether it can sufficiently investigate the case based on the information provided.

Untrue allegations

26. If an individual makes an allegation which they believe is true, but it is not confirmed by investigation, the councils will not take any action against the individual.
27. However, if the individual makes a deliberately false or malicious allegation that they know is untrue, the councils will take appropriate disciplinary or legal action against them. The Public Interest Disclosure Act 1998 does not protect people making allegations of this nature.

How to raise a concern

28. An individual must not attempt to investigate any concern, but should raise their concern using one of the avenues set out in this policy.
29. The section [making contact](#) provides more information.
30. An individual should raise the concern promptly, preferably in writing, giving as much information as possible, such as relevant background information, names, dates, places and the reason for the concern. However, anyone can raise a concern by telephone or by meeting an appropriate employee. The earlier someone raises a concern, the easier it will be to take effective action.
31. Although an individual does not need to prove beyond doubt that an allegation is true, the councils expect them to demonstrate that reasonable grounds exist for voicing their concern.

32. The councils will ask an individual to declare any interest they may have in any allegations they make under this policy.
33. In matters concerning the health, safety and welfare of those on council premises an individual and the elected safety representative, who become aware of a hazard (actual or potential) or dangerous occurrence, should immediately notify the councils' health and safety officer. This should be done before contacting anybody else to ensure that the councils can take immediate action if necessary to deal with the hazard.
34. If an individual feels they can't tell their employer, they should contact a prescribed person or body as set out on the Government's website at: www.gov.uk/whistleblowing Before doing this they should seek legal advice to ensure that they will not lose protection under this policy. To gain protection an individual can only tell the prescribed person or body if:
 - they think those they report to will cover up the matter;
 - they think they would be treated unfairly if they complained;
 - they have reported the matter and it hasn't been addressed.

Employees

35. In the first instance, an employee should raise a concern with their immediate manager. If not the manager, they should raise the concern with their head of service. The document 'Guidance for employees – how to react to concerns of inappropriate behaviour' in [appendix 1](#), gives information on how to do this. If the allegation relates to the suspected abuse of a child, young person or vulnerable adult, this should be reported to the councils' designated employee for safeguarding in accordance with the councils' *joint safeguarding children and vulnerable adults policy*.
36. Guidance for managers on how to deal with a concern is contained in the document 'Guidance for managers – how to react to concerns of inappropriate behaviour' in [appendix 2](#).
37. If an employee considers it inappropriate to raise a concern with their manager or head of service they should contact one of the following:
 - the chief executive;
 - the head of legal and democratic (as the monitoring officer);
 - the internal audit manager.
38. If a concern involves one of the employees listed above, or if it is believed these employee(s) may be biased, the matter should be referred directly to the chief executive.
39. If a concern involves the chief executive, the matter should be referred to the monitoring officer.

Councillors, co-optees and members of the public

40. The section [what this policy does not cover](#) sets out ways of raising concerns, or contact can be made with one of the people listed in paragraph 39.

MAKING CONTACT

41. Individuals can contact the monitoring officer, who is responsible for the councils' whistleblowing policy, in any of the following ways:
- By writing to the head of legal and democratic (as the monitoring officer) at:
South Oxfordshire/Vale of White Horse District Council, Abbey House,
Abbey Close Abingdon OX14 3JE
Please write 'For the personal attention of the monitoring officer' on the envelope
 - By telephone: 01235 422422 (via the councils' switchboard) or direct on 01235 422520
 - By email: monitoringofficer@southandvale.gov.uk
 - A benefit cheat can be reported by:
 - o Calling the councils' confidential 24-hour benefit fraud hotline 01235 422483 . This number is staffed during council office hours and is linked to an answer phone at all other times. All information is treated in confidence.
 - o Calling the National Benefit Fraud hotline 0800 854400. This freephone number is run by the Department for Works and Pensions on behalf of local authorities. For people who are hard of hearing, there is a textphone number 0800 3280512.
 - o Emailing information to the Councils' benefit fraud team on fraud@southandvale.gov.uk
 - o The councils have further information on benefit fraud on their websites: www.southoxon.gov.uk / www.whitehorsedc.gov.uk
 - o The councils treat all information in confidence.

Withdrawing the complaint

42. An individual may make a request to withdraw any allegations made under the whistleblowing policy but should bear in mind that the councils are not obliged to stop the process. To do this, an individual will need to confirm to the monitoring officer in writing that they wish to stop the process and state their reasons for doing so.

Help for the whistleblower

43. Trade union representatives can give support and advice or act on an individual's behalf if this would help. This could be useful, particularly if the individual wishes to remain anonymous, to the extent that is possible.
44. The councils will encourage the trades unions to support any member of staff who raises a concern with them.
45. Protect (www.protect-advice.org.uk) can offer free, confidential advice to people concerned about crime, danger or wrongdoing at work. Anyone can contact them in the following ways:
- Protect, The Green House, 244-254 Cambridge Heath, Road, London E2 9DA Telephone: 020 3117 2520
 - Email: whistle@protect-advice.org.uk

The recipient's role in acting on a whistleblowing report

46. On receiving an allegation, the recipient (it is generally assumed that this would be a line manager or the head of service within the councils) should:
 - only listen to and note the concerns of the individual but must not attempt to carry out any investigation as this may damage any future enquiry if evidence is not in a legally admissible form;
 - make this policy available to the person making the report;
 - follow the guidance in [appendix 2](#) to this policy.
47. Having received the allegation, the recipient should contact the monitoring officer.

How the councils will respond

48. In order to protect individuals and the council the monitoring officer, who has the authority to act independently, will deal with initial enquiries. The purpose of the initial enquiry is to confirm or repudiate the suspicions that have arisen so that, if necessary, the councils should instigate a further investigation.
49. If the concern raised involves the monitoring officer, the chief executive will initially deal with the allegation and will nominate a responsible employee to conduct initial enquiries with the same authority that the monitoring officer would have.
50. During the initial enquiry, the monitoring officer will:
 - determine the factors that gave rise to the suspicion;
 - examine factors to determine whether any irregularity has occurred (i.e. any incident or action that is not part of normal operation of the system or the expected course of events); and
 - where necessary, carry out discreet enquiries with staff and/or review documents.
51. The monitoring officer will consult with the chief executive, the section 151 (chief finance) officer and the internal audit manager. They will agree whether an investigation is appropriate and, if so, whether the responsibility will pass to the section 151 (chief finance) officer and what form that responsibility should take. The matter could involve:
 - investigation by management, internal audit, or through the disciplinary process;
 - referral to the police;
 - referral to the external auditor;
 - an independent inquiry.
52. In dealing with any allegations, the monitoring officer, section 151 (chief finance) officer or the chief executive will ensure that those officers who would usually respond to allegations of malpractice, will not be involved in any enquiries or investigations, if they are implicated in the allegation.
53. The councils will normally refer concerns or allegations that fall within the scope of other policies and procedures for consideration under those procedures and will advise the whistleblower accordingly.

54. The monitoring officer, or section 151 (chief finance) officer (if responsibility for the case has passed to them), can decide to take no further action if a complaint appears to be trivial or malicious.
55. Within 10 working days of a concern being received, the councils will write to the whistleblower to:
 - acknowledge receipt of the concern;
 - explain how that council proposes to deal with the matter;
 - indicate whether any initial enquiries have been made;
 - state whether further investigations will take place and if not, why not.
56. The amount of contact between the people dealing with the allegation and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. The monitoring officer, or section 151 (chief finance) officer (if responsibility for the case has passed to them), will make the council's final decision upon the level of contact or involvement with the whistleblower. They may inform the whistleblower that there is no further need for their involvement.
57. Any meetings arranged will normally take place at the council's offices but the council can agree to have the meeting elsewhere.
58. The councils will take steps to reduce any difficulties that an individual may experience after raising a concern. For instance, if the individuals need to give evidence in criminal or disciplinary proceedings, the councils will provide support and advice on the procedures.
59. The councils accept that in the working environment members of staff need assurance that the councils have properly addressed the matter raised. Thus, subject to legal constraints, the councils will provide information about the outcome of any investigation.
60. The monitoring officer may report as necessary the outcome of any disclosure which been found to have demonstrated any impropriety in an anonymous format to the Joint Audit and Governance Committee.

Taking further action

61. This policy aims to provide an avenue to raise concerns within the councils.
62. If an individual decides to take the matter outside a council, they must ensure that they do not disclose information about a third party e.g. a company or a private individual, which may be confidential and subject to GDPR.
63. Before taking matters to an external body, the councils advise individuals to seek independent legal advice.
64. The following are possible contact points:
 - the local Citizens Advice Bureau;
 - relevant professional bodies or regulatory organisations;
 - the Environment Agency;
 - the police (if it is potentially a criminal matter);

- the Health and Safety Executive;
- a relevant voluntary organisation;
- a trades union;
- the Local Government Ombudsman;
- Equality and Human Rights commission;
- Protect.

65. If, having raised a concern directly with the council, an individual is dissatisfied with the outcome they can also contact any of the above organisations.

Person responsible for this policy

66. The monitoring officer has overall responsibility for the maintenance and operation of this policy, and will liaise as necessary with the chief executive, the section 151 (chief finance) officer and internal audit manager.

Appendix 1 - Guidance for employees

HOW TO REACT TO CONCERNS OF INAPPROPRIATE BEHAVIOUR

The action taken when first suspecting inappropriate behaviour may be crucial. This guidance explains what to do and what not to do on suspicion of inappropriate behaviour.

Inappropriate behaviour is described in the councils' whistleblowing policy as:

- any criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- the endangering of an individual's health and safety;
- damage to the environment;
- the deliberate concealment of information relating to any of the above matters.

Note: suspicion related to abuse of a child, young person or vulnerable adult, should be reported to the council's designated employee for safeguarding in accordance with the councils' joint safeguarding children and vulnerable adults policy.

ACTING UPON SUSPICIONS – THE DO'S AND DON'TS

If suspecting inappropriate behaviour affecting the council, there are a few simple rules to follow to help the council with subsequent enquiries:

Do

- ✓ make an immediate note of concerns and note as many relevant details as possible, ideally:
 - the background details and nature of the suspicions (including relevant names, dates and locations);
 - details of the job and responsibilities of the individuals involved;
 - action taken to date (if any) before raising the concern.
- ✓ communicate suspicions to someone with the appropriate authority and experience in accordance with the councils' whistleblowing policy;
- ✓ deal with the matter promptly if the concerns are warranted;

Any delay may result in accidents, cause a council to suffer loss or make further enquiries more difficult.

Don't

- × do nothing;
- × be afraid to raise concerns;

An individual will not suffer any recrimination from the councils as a result of voicing reasonably held concerns. The councils will treat the matter

sensitively and confidentially if it is able to, and will take reasonable steps to protect the individual.

- × approach or accuse any individuals directly;
- × try to investigate the matter;

There are special rules about gathering evidence. Any attempt to gather evidence by people who are unfamiliar with these rules may weaken or undermine any future prosecution.

- × convey suspicions to anyone other than those indicated in the councils' whistleblowing policy.

The Public Interest Disclosure Act 1998 will protect individuals from any reprisals as long as the rules set out in the Act are met.

The rules are that the individual:

- discloses the information in the public interest;
- reasonably believes it to be substantially true;
- must not seek any personal gain.

Protect (www.protect-advice.org) can offer free, confidential advice to people concerned about crime, danger or wrongdoing at work.

Appendix 2 - Guidance for managers

HOW TO REACT TO CONCERNS OF INAPPROPRIATE BEHAVIOUR

The action taken when first identifying, or becoming aware of suspected inappropriate behaviour, may be crucial in determining the success of any subsequent investigation.

Inappropriate behaviour is described in the councils' whistleblowing policy as:

- any criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- the endangering of an individual's health and safety;
- damage to the environment;
- the deliberate concealment of information relating to any of the above matters.

Note: suspicion related to abuse of a child, young person or vulnerable adult, should be reported to the council's designated employee for safeguarding in accordance with the councils' joint safeguarding children and vulnerable adults policy.

Managers should familiarise themselves with the councils' anti-fraud and corruption policy and its whistleblowing policy to equip themselves to deal with allegations if they arise.

ACTING UPON SUSPICIONS – THE DO'S AND DON'TS

The following simple rules should help to ensure that matters are properly handled:

Do

- ✓ be responsive to employees' concerns;

encourage employees to voice any reasonably held concerns or suspicions. As a manager, treat them seriously, confidentially and sensitively. Reassure the individual that they will not suffer because of concerns raised in the public interest.
- ✓ note all relevant details. Details should ideally include:
 - the background details and nature of the suspicions (including relevant names, dates and locations)
 - details of the job and responsibilities of the individuals involved
 - the reasons why the person is raising the concerns
 - action (if any) taken to date before this concern was raisedGet as much information as possible from the employee reporting the suspicion and encourage them to record this in writing. If the employee has made any notes, obtain a copy of them. In addition, note any documentary evidence that may exist to support the allegations, but do not interfere with this evidence in any way.
- ✓ contact the monitoring officer to discuss the report received;

- ✓ if in doubt, report suspicions anyway;

If deciding that no further action is necessary, record the decision and inform the monitoring officer of the original notification details and the reasons why no further action is considered necessary. In recommending that no further action is necessary, be objective when evaluating the issue. Consider the facts as they appear based on the information to hand. The monitoring officer will then help to determine if further action is necessary.

- ✓ deal with the matter promptly, particularly if the concerns are considered warranted, and bearing in mind the 10 day deadline that the councils have set to respond to the whistleblower;

Any delay may cause a council to suffer financial or reputational loss, or make enquiries more difficult.

Don't

- × ridicule or belittle any suspicions raised by employees;

The councils cannot operate an effective anti-fraud and corruption culture or whistleblowing policy if employees are reluctant to pass on their concerns to management out of fear of ridicule or recrimination.

Give all employees' concerns a fair hearing and reassure employees that they will not suffer recrimination by raising any reasonably held suspicion in the public interest.

- × approach the suspect or accuse any individuals directly;

- × communicate suspicions to anyone other than those indicated in the councils' whistleblowing policy;

- × try to investigate the matter;

Remember that investigations by employees who are unfamiliar with the requirements of evidence are highly likely to jeopardise a successful outcome. They may also alert the suspect and result in the destruction of evidence.

Remember that the primary responsibility is to report the issue and all associated facts to the appropriate employee, wherever possible.

Protocol on member and officer relations

“Members and officers are indispensable to one another and mutual respect and communication between them is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council.

Members provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by members. The roles are very different but need to work in a complementary way”¹

Purpose and Status

1. The purpose of this protocol is to guide members and officers in their relations with one another to ensure the smooth running of the council. The overriding principle is for members and officers to recognise and respect one another’s different roles and responsibilities. It seeks to maintain and enhance the integrity of local government which demands the highest standard of personal conduct.
2. Given the variety and complexity of relations, this protocol does not seek to be prescriptive or comprehensive but instead offers guidance on some of the situations which most commonly arise. The approach it suggests can be adapted to any situation.
3. The protocol reflects the Nolan Principles underlying the Codes of Conduct for members and officers which are, that they are not only followed, but are seen to be followed. The partnership between members and officers should be based upon mutual trust and respect and all should aspire to the highest standards of ethical behaviour. Compliance with this protocol is critical to meeting this aspiration.
4. This protocol, whilst not legally binding, will be relevant in judging compliance with the Codes of Conduct. A breach of the provisions of this protocol may also constitute a breach of the member and officer Codes.
5. Compliance with the protocol will ensure that all members are able to receive objective and impartial advice from politically independent officers who are not subjected to any undue influences.
6. The principles of this protocol apply to all interactions between members and officers, including the use of social media.

¹ Local Government Association - A member’s workbook on effective member/ officer relationships
<https://www.local.gov.uk/publications/councillor-workbook-councillorofficer-relations>

The Member/Officer Relationship - General Principles

7. At the heart of this protocol is the importance of mutual respect, trust and confidence between members and officers of the council. This is essential to good local government and will generate an efficient and unified working organisation.
8. Dealings between members and officers should observe reasonable standards of courtesy and show mutual appreciation of the importance of work / life balance. Neither should seek to take unfair advantage of their position or exert undue influence on the other.
9. Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only as long as their term of office lasts. Officers are responsible to the council as a whole; their job is to give advice and to carry out the council's work in accordance with the aims and objectives of the council and cabinet.
10. Whilst the duties and responsibilities of members and officers are different, both are bound by the same framework of statutory powers and duties. It is fundamental to the efficient and effective operation of the council that both understand the boundaries of their respective roles and that neither asks the other to step beyond those limits.
11. It is not the role of members to control the day-to-day management of the council and they should not seek to give instructions to officers, other than in accordance with their respective decision making duties, and the requirements of the roles of individual cabinet members and senior officers.
12. Members other than cabinet members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the council.
13. Members and officers must avoid taking in this case, action that is unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Code of Conduct, when reaching decisions, to have regard to advice given by the Chief Executive, Section 151 Officer and the Monitoring Officer when they are discharging their statutory duties.
14. Members must respect the impartiality of officers and do nothing to compromise it, e.g., by insisting that an officer changes their professional advice or that a report is rewritten in a way to cloud or temper this advice.
15. Members are however not prevented from appropriately discussing issues with officers or promoting a particular point of view. Whilst officers will consider the views / advice of members they are not, in any way, compelled to provide advice which coincides with the member's view or preferred position. Any unreasonable requests by a member to an officer to change their professional recommendation will constitute unacceptable undue pressure which is not permissible and may well be a breach of the Code and an officer would be expected to escalate this via their management chain.
16. All members and officers have certain basic responsibilities and obligations. There are, however, some members and officers who, either because of statute, tradition, or decisions of the council, have extended roles and additional responsibilities. Some

members hold positions of responsibility such as the Leader and Deputy-Leaders, the Chair and Vice Chair of Council, and Chair or Vice-Chair of some Committees. The Statutory Officers are the Chief Executive (Head of Paid Service), the Head of Finance (Section 151 Officer) and the Head of Legal and Democratic (Monitoring Officer). Their roles are defined by statute and within the Constitution.

17. As a matter of general principle, members and officers will:
 - Deal with one another without discrimination.
 - Observe normal standards of courtesy in their dealings with one another.
 - Not take unfair advantage of their position.
 - Promote a culture of mutual respect.
 - Communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings.
 - Work together to convert the councils core values and priorities into practical policies for implementation for the benefit of the districts.
 - Observe any advice relating to publicity during the pre-election period.
 - Refer any observed instances of inappropriate behaviour as necessary.
 - Respect each other's free time.
18. Members must not be personally abusive to, or derogatory of officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Officers will likewise treat members with respect at all times. However, robust and constructive challenge and exchanges between the most senior officers and members is acceptable.
19. Members should not criticise or raise matters relating to alleged conduct or capability of an officer at meetings or any other public forum (including on social media). This is a long standing tradition in public service as an officer has no means of responding to criticisms in public. Such matters should be properly raised via the Leader with the Chief Executive in private.
20. Officers should not raise matters relating to the conduct or capability of another officer or to the internal management of a department in a manner with a member which is incompatible with the overall objectives of this protocol.
21. Nothing in this protocol shall prevent an officer or member making a protected disclosure under the Whistleblowing Policy.
22. If an officer feels that they have been treated improperly or disrespectfully they should raise the matter with the relevant Deputy Chief Executive, or the Chief Executive as appropriate. In these circumstances, the Chief Executive, Deputy Chief Executive will take appropriate action, including approaching the member concerned, and raise the issue with the Leader (if applicable), Group Leader or, where appropriate, referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
23. Whilst normal, friendly working relationships between members and officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual members and officers can harm the relationship. This can also prove embarrassing to other members and officers and can damage the public perception of the integrity and objectivity of the organisation so should be avoided.

24. Relationships should never be allowed to become so close or appear to be close that the ability of an officer to deal impartially with other members or political groups is questioned. Both members and officers will need to be aware of the potential for conflicts of interest and take steps to either avoid or mitigate the position. The Monitoring Officer should be consulted in these circumstances.
25. Group leaders should promote a positive atmosphere of trust, respect and understanding between members and officers and must be prepared to deal with and resolve any reported incidents of breaches of this protocol by their group members. This is a core responsibility of a group leader. In the event of a complaint being made to them under this protocol, a group leader will seek to actively consider the complaint and achieve a satisfactory outcome. The outcome must be reported to the officer who notified them of the complaint along with their line manager.

Role of members

26. Collectively, members are the ultimate policy makers determining the core values of the council and approving the policy framework, strategic plans, and budget. Their role is complex, requiring them to act simultaneously in the following capacities:-
27. *As Council / Cabinet members* – Members will provide leadership and take responsibility for the authority’s decisions and activities. Members have responsibility for the performance, development, continuity, and overall wellbeing of the organisation as well as having an overview of governance.
28. *As Representatives* – Members are community leaders who interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance. The member represents the interests of their Ward and is an equal advocate for their constituents.
29. *As Politicians* – Members may belong to a political group represented on the council and, if so, may express political values and support the policies of the group to which they belong.
30. Officers can expect members to:-
 - Provide political leadership and direction.
 - Initiate and outline the requirements in the development of policy to be put before the Council, Cabinet or committees.
 - Work in partnership, understanding and supporting their respective roles, workloads and pressures.
 - Take corporate responsibility for policies and other decisions made by the council.
 - Prepare for formal meetings by considering all written material provided in advance of the meeting.
 - Leave day-to-day managerial and operational issues to officers.
 - Adopt a reasonable approach to awaiting officers’ timely responses to calls/ correspondence.
 - Not demand urgent responses to correspondence / calls unless the subject matter is deemed by the officer to be urgent. Any dispute as to urgency should be referred to the Deputy Chief Executive or relevant statutory officer.

- Not send emails to multiple officers regarding the same issue, instead utilising one point of contact where possible.
 - Not repeatedly sending emails to the same officer, or different officers, that make the same point or have the same intent.
 - Use their position with officers appropriately and not seek to advance their personal interests or those of others to influence decisions improperly.
 - Respect the dignity of officers and not engage in behaviour which could be reasonably regarded as bullying or harassing in nature.
 - Have regard to the seniority and experience of officers and equally having regard to the potential vulnerability of officers at junior levels.
 - Not request officers to undertake work which has not sanctioned by Cabinet, Council or a decision making committee.
31. It is of course permissible and sensible for members to seek straightforward factual information from officers, and to seek the views of appropriately qualified officers as to technical or professional matters. However, if there is anything contentious or relating to a matter requiring a complex opinion or value judgement, this should be directed to the relevant statutory officer, Deputy Chief Executive or Chief Executive, matters that are complex but predominately operational in nature should first be directed to the relevant Head of Service. Democratic Services are happy to signpost members to the correct area as necessary to ensure that queries are resolved.
32. When serving on the council's Planning Committee, General Licensing Committee or Licensing Acts Committee, members must observe any guidance or protocols adopted.
33. Whilst members should always act in the public interest, there is nothing preventing them as politicians, from expressing the values and aspirations of the political group to which they belong.
34. As a matter of courtesy, it is expected that members involved in an issue in another member's ward will speak with the relevant ward member to inform them of their involvement.

Role of Officers

35. In broad terms officers have the following main roles:
- Set and implement strategies and approaches to deliver council policy and further the council's priorities.
 - Day to day operational management of the organisation.
 - Implement decisions which are lawful and which have been properly approved.
 - Give members advice on issues and the business of the council to enable them to fulfil their roles. In doing so, officers will take into account all relevant factors and demonstrate political sensitivity.
 - Manage the services for which they have been given responsibility within the framework of responsibilities given to them under the Scheme of Delegation and their position as employees.
 - Be accountable for the efficiency and effectiveness of the services in which they work and to demonstrate proper / professional practice in discharging their responsibilities.

- Provide advice on changes in government policy for which the council is responsible.
- Provide professional advice on innovation and developments which may assist the council in delivering services.
- Provide professional advice on innovations by other councils which may be adopted by the council to improve service delivery.
- Be professional advisors to the council, its political structures and members in respect of their role.
- Initiate policy proposals in line with national government requirements or council agreed priorities as well as implementing the agreed policies of the council.
- Be accountable for the design and of the operational processes and methods through which delivery is achieved
- Ensure that the council always acts in a lawful manner and does not engage in maladministration.
- Officers may only support members in their role within the council and must not engage in actions incompatible with this protocol. In particular, there is a statutory limitation on some officers' involvement in political activities where their post is politically restricted.

36. Members can expect officers to:

- Undertake their role in line with their contractual and legal duty to be impartial.
- Exercise their professional judgement in giving advice and not be influenced by their own personal views and ensure that advice is relevant to South Oxfordshire and/or the Vale of White Horse.
- Have an appreciation of the political environment in which they work and demonstrate political sensitivity.
- Assist and advise all parts of the council equally, officers must always act to the best of their abilities in the best interests of the authority and the residents of the district.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive and to be aware of the implications for relevant members, the media or other sections of the public.
- Maintain due confidentiality.
- Behave in a professional manner and comply with the Employee Conduct Policy.
- Be helpful and respectful to members.
- Respond in a timely manner to telephone calls, emails and correspondence, etc.
- Provide update reports to members to inform them of issues which they need to be aware of

37. Officers are ultimately accountable to the Chief Executive. Line management though, can be vested in the Deputy Chief Executives, Head of Service or Service Manager and whilst officers should always seek to assist any member, they should not go beyond the limit of the authority given to them by their manager and members should not expect, request or encourage them to act in a way that would undermine their manager.

38. In their dealings with the public, officers should be courteous and act with efficiency and timeliness and in line with the councils published response times.

39. In advising members of the council, officers should be able to give honest and impartial advice without fear or favour from members. Officers must serve all members, not just those of any majority political group / ruling administration and must ensure that the individual rights of all members are respected. The support provided by officers can take many forms, ranging from a briefing an individual member on a particular issue, on occasions, a presentation to the council. Senior Officers are able to make direct reports to Council, should the need arise.
40. Subject to Paragraph 2.14 (Whistleblowing), officers should respect a member's request for confidentiality when dealing with any legitimately delicate matter and members should respect an officer's request that a matter be kept confidential. Where confidentiality is requested, any written reply to a member should not be copied to any other member without the original member's permission, or in order to comply with an unavoidable legal or professional obligation. Irrespective of this, some matters are naturally confidential due to the GDPR rights of residents, businesses or employment and data rights of individual officers.
41. An officer shall not discuss with a member, personal matters concerning him / herself or another individual employee. This does not of course preclude officers or members asking after a colleague's wellbeing. Neither does this prevent an officer as a constituent raising, on a personal basis and in their own time, a private matter with his / her Ward member without using the council email system.

Officers Attendance at Political Group Meetings

42. In order to ensure that political neutrality is not compromised, officers must not, in their capacity as council employees, attend meetings of political groups unless specifically authorised by the Chief Executive. Any request for officer support at such a meeting should be made to the relevant statutory officer, Deputy Chief Executive or the Chief Executive directly, in advance of any meeting. Officers have the right to refuse such requests and will not normally attend a meeting where some of those attending are not members of the council on the basis that the Code of Conduct does not apply to persons other than members.
43. Any support should be made available to all political groups if requested. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of council business. Officers must not be involved in advising on matters of political group business. Officers must not be present at meetings when matters of political group business are to be discussed. Where a political group shares alternative proposals for advice, e.g. the budget, the officer should treat this as confidential.
44. Where officers provide information and advice to a political group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant forum when the matter in question is considered. All groups must be advised equally, and the Leader of council must ensure that their own group or administration is not subject to information that is withheld from other members without sound reasons.

The Council as Employer

45. Officers are employed by the council as a whole. Members roles are limited to the appointment of specified senior posts in accordance with the Officer Employment Procedure Rules and should not act outside these roles.
46. If participating in the appointment of officers, members should:
- Remember that the sole criteria is merit.
 - Never canvass support for a particular candidate.
 - Not take part where the candidate is a close friend or relative.
 - Not be influenced by personal knowledge of candidates.
 - Not favour a candidate by providing them with information not available to other candidates.

Officer Relationships with Cabinet Members/Chairs/Vice-Chairs, Political Group Leaders

47. Chairs (and Vice-Chairs in their absence) must:
- Chair meetings impartially.
 - Give all members an equal right to speak.
 - Manage meetings to ensure that the business is transacted efficiently but fairly.
 - Ensure that officers are given every opportunity to give their professional advice to the meeting when required on the basis that meetings are political in nature and should be led by the politicians.
48. The Leader or a committee Chair should routinely be consulted during the process of preparing an agenda for a forthcoming meeting. Chairs must recognise that, in some situations, for example, the statutory officers are under a duty to submit a report on a particular matter and no influence should be exerted on any officer to exclude an item from an agenda.
49. Prior to meetings (unless exceptions apply), the appropriate officers may meet informally with Cabinet or the Chair and Vice-Chair of Council / committee to discuss matters on the agenda. These are informal meetings and no decisions are made, they are intended to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which officers and members may need to prepare prior to the meeting.
50. Senior officers, political group leaders and cabinet members will agree mutually convenient methods of regular contact and will arrange informal meetings when required. Such meetings should respect the roles of the relevant officer and member(s)
51. Senior officers (including the Head of Paid Service, Monitoring Officer and Section 151 Officer) have the right to present reports and give advice to Council, Cabinet or committees.
52. There will be occasions where it will be appropriate for officers to maintain confidentiality with senior members. However, to avoid any perception of impartiality officers must exercise care to ensure that individual members are not provided with information that the officer is not prepared or able to appropriately make freely available to other members.

53. Subject to the rules on access to information set out below, officers shall provide members with the information necessary to enable them to effectively undertake their role.
54. Before any formal decisions are taken members will have regard to professional advice from officers in the form of written reports or other appropriate documents.
55. Officers taking decisions under delegated powers must consider whether the relevant Cabinet member or Ward member should be consulted based on the issue and taking into account political or corporate sensitivities (see below on consultation with Ward members) and the Scheme of Delegation.
56. Officers must also be prepared to justify how decisions taken under delegated powers contribute to the delivery of council policy and priorities when reasonably required to do so.
57. Where officers have delegated authority to take certain actions in consultation with a member, it is the officer who takes the action and is responsible for it.

Political Groups and Officers

58. There is statutory recognition for political groups and it is common practice for these groups to give preliminary consideration to matters of council business in advance of them being considered by the relevant decision making body.
59. Senior officers may properly be asked to contribute to deliberations of matters concerning council business by political groups but must at all times maintain political neutrality and political groups should not try to exert influence on the officer to either change their advice or undertake their role in a particular way.
60. The assistance provided by senior officers can take many forms, for example a briefing meeting with a political group leader or other members prior to a meeting. If assistance is being given to political groups, it is an important principle that assistance is available to all political groups. In their dealings with political groups, officers must treat them in a fair and even-handed manner.
61. Certain points must be clearly understood by members and officers alike who participate in these meetings:
 - Officer assistance must not extend beyond providing information and advice in relation to matters of council business.
 - It must not be assumed that an officer is supportive of a particular policy or view considered by a political group meeting simply because he / she has attended a meeting.
 - Officers must not be involved in advising on matters of party business. Internal group debates and any decisions on position should take place in the absence of officers.
 - Political group meetings are not formal decision making bodies of the council and are not empowered to make decisions on behalf of the council.
 - Where officers provide information and advice to a political group meeting in relation to a matter of council business, this will not be a substitute for providing

all necessary information and advice to the relevant council decision making body.

- The duration of an officer's attendance will be at the discretion of the political group but an officer may leave at any time if he / she feels it is no longer appropriate to be there or at the request of the most senior officer present.

62. Whilst officers will not normally attend political group meetings attended by persons who are not members of South Oxfordshire or Vale of White Horse, if they do so, special care will need to be exercised when providing information and advice. Non-members are not bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality.
63. Officers must respect the confidentiality of any political group discussions they are part of and should not pass on information to other political groups. However, members should be aware that this does not prevent officers from disclosing information to other officers of the council as far as is necessary to perform their duties. If there are any particular cases of difficulty or uncertainty in this area, they should be raised with the relevant statutory officer, Deputy Chief Executive or Chief Executive who will discuss them with the relevant political group leader(s).
64. Officers accepting an invitation to the meeting of one political group shall not decline an invitation to advise another group about the same matter and must give substantially the same advice to each and must seek agreement of the Chief Executive, who may determine a different officer, or no officer, should attend.
65. No member will refer in public or at meetings to advice or information given by officers to a political group meeting or in any other meeting that is not on the public record.

Ward Members and Officers

66. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process where appropriate and to develop their representative role.
67. This requirement is particularly important:
 - During the initiation and formative stages of policy development, where practicable
 - In relation to significant or sensitive operational matters and
 - Whenever any form of public consultation exercise is undertaken.
 - Where there is a press release or publicity relating to an issue in the members ward.
68. Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.
69. In dealing with town or parish councils, officers should consider whether there is a need for Ward members to be copied into any correspondence for information. Likewise, officers may advise town and parish councils to ensure that Ward members

are provided with information relative to their role. This will need to be considered on a case by case basis to avoid creating an unnecessary administrative burden on officers and of course must always consider the requirements of GDPR and appropriate confidentiality.

70. Whenever a public meeting is organised to consider a local issue, all the members representing the wards affected (and adjoining wards where appropriate) should be invited to attend the meeting as a matter of course.
71. If local members intend to arrange a public meeting on a matter concerning some aspect of the council's work, he/she should inform the relevant officer(s). Special care must be exercised during a pre-election period and officers and members must comply with the legal requirements around publicity at all times.
72. Whilst support for members' ward work is legitimate, care should be taken if officers are asked to accompany members to ward surgeries. In such circumstances the surgeries must be open to the general public, and to avoid any perception of impartiality, officers should not be requested to accompany members to surgeries held in the premises of political parties.
73. Save for matters relating to electoral processes, officers must never be asked to attend ward or constituency political party meetings.
74. It is acknowledged that some council staff, e.g., those providing dedicated support to members may receive and handle messages for members on topics unrelated to the council. Whilst these will often concern diary management, great care should be taken to avoid council resources being used for private or party political purposes.
75. In seeking to deal with constituents' queries or concerns, members should assess the priority of the issue, respect the council's procedures and not seek to jump the queue. Officers have many pressures on their time and are required to prioritise their activity in line with operational needs and the requirement of ensuring procedural fairness to all residents and businesses. They may not be able to carry out the work required by members in the requested timescale and may need to seek instructions from their managers.
76. In all cases where a resident wishes to raise a complaint, it is important that they are signposted by the local member to the council's complaints process. Where a member of staff identifies that a ward member has raised an issue that they believe should be regarded as a complaint, they will seek advice from a senior officer, and if required then refer the matter directly to the Complaints Team.

Access to Information

77. Members may approach relevant officers to provide them with such information, explanation and advice about their functions and responsibilities as they may reasonably need in order to assist them in discharging their role as members of the council. This can range from a request for general information about some aspect of the council's activities to a request for specific information on behalf of a constituent.

78. As a starting point members have the same rights to any information held by the council that ordinary members of the public have under the Freedom of Information Act 2000. As regards the specific legal rights of members to inspect council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a prima facie right to inspect council documents so far as his/her access to the documents is reasonably necessary to enable the member to properly perform his/her duties as a member of the council. This principle is commonly referred to as the "need to know" principle and can only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
79. The exercise of this common law right depends on the member's ability to demonstrate that he/she has the necessary "need to know". A member has no right to engage in "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the need to know must initially be determined by the Monitoring Officer in light of current case law and practice. In the event of a dispute, the question falls to be determined by the Chief Executive in consultation with the Leader or Chair of any decision making committee in connection with whose functions the document is held.
80. In most circumstances a member's need to know will generally be presumed by the officer. This presumption can be rebutted if there are reasonable grounds to suspect that the member is seeking to access the information for purposes unrelated to his / her public duties as a member (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g., a member who is not a member of a relevant committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a member will normally be expected to justify the request in specific terms against the "need to know".
81. Access may properly be refused if the reasons for inspecting any documents are considered to be improper, indirect, ulterior, or are inconsistent with the council's interests. Examples of such circumstances are where a member:
- Has a private, professional or business interest in the information.
 - Has a disclosable pecuniary interest or other registrable or non-registrable interest in the matter to which the document relates; or
 - Has taken up, or is considering taking up, support of a person or body which is hostile to the council in Court proceedings or at Inquiries.
82. Members have a statutory right to inspect any document in the council's possession or control which contains material relating to any business which is to be transacted at a Council, Cabinet, committee or sub-committee meeting. This right does not however apply to documents relating to certain confidential items, although the council's practice is to allow all members, on request, to be supplied with any agenda papers for information.
83. Where a request will require the devotion of a significant amount of staff resources to identify and collate information considered to be of marginal benefit, the request for information may be refused.
84. Any confidential or exempt information provided to a member must only be used by the member for the purpose for which it was provided i.e., in connection with the

proper performance of the member's duties. A member must never disclose confidential or exempt information to anyone who is not themselves entitled to that information without the consent of the appropriate person. Improper disclosure of confidential information may constitute a breach of the Code of Conduct.

85. Routine correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is necessary to copy the correspondence to another member, (for instance where the Monitoring Officer considers this course of action is necessary to comply with the rules of natural justice, or where the matter is relevant to a member of Cabinet in fulfilling their Council role, or where it is to raise a matter with a Group Leader), this should be made clear to the original member. In other words, a system of 'silent' or 'bcc' copies should not be employed.
86. Official letters on behalf of the council should normally be sent in the name of the appropriate officer, rather than in the name of a member. It will, however, be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of the Leader. Letters which, for example, convene formal meetings, create legal obligations, give instructions on behalf of the council, or imply or suggest a formal Council policy position should never be sent out in the name of a member other than with the agreement of the relevant senior officer who would normally have been the signatory.
87. When writing in an individual capacity as a ward member, a member must avoid giving the impression that he/she is writing on behalf of the council.
88. In order to properly perform their duties, members are deemed to have the need to remain present during public meetings notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information.
89. A member should obtain advice from the Monitoring Officer in circumstances where he/she wishes to have access to documents or information where to do so is likely to be in breach of GDPR, the Data Protection Act 2018, or where the subject matter is one in which he/she could be viewed as having a disclosable pecuniary interest, or other personal interest as defined in the Code of Conduct.
90. It is an accepted convention that a member of one political group will not have a need to know and therefore a right to inspect a document which forms part of the internal workings of another political group.
91. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it in writing, or unless required by law to do so.
92. Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and any responses confidential.
93. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media Relations

94. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
95. Press releases by the Council or statements made by officers must be made through the Communications team and should only promote or give information on council policy or services. Any comment will be factual and consistent with council policy. The council cannot lawfully allow press releases to be used to promote a party group, although relevant members may be quoted in press releases.
96. Officers will keep relevant members informed of media interest in the council's activities, especially regarding strategic or contentious matters.
97. If a member is contacted by, or contacts, the media on an issue, he/she should:
 - contact the council's communications team for advice
 - If necessary, and always when he/she would like a press release to be issued, seek assistance from the Communications team and/or relevant senior officer(s), except in relation to a statement which is party political in nature.
 - Indicate in what capacity he/she is speaking.
 - Be sure that he/she make it clear that they are speaking in line with agreed council policy or that this is his/her personal view.
 - Be sure of what he/she wants to say or not to say.
 - Consider the likely consequences for the council of his/her statement (e.g. commitment to a particular course of action, image, and allegations/ jumping to conclusions).
 - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - Consider whether to consult other relevant members.
 - Take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist – in these circumstances, no Council resources may be used.

Access to Premises

98. Officers have the right to enter council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
99. Members have a general right of access to council land and premises as required to fulfil their duties unless they have been properly prevented from doing so as a result of a finding of a breach of the Code of Conduct. Members cannot be prevented from attending meetings they are entitled to attend such as Council or Cabinet.
100. When making visits as individual members, members should:
 - Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge, particularly if out of normal office hours.
 - Comply with health and safety, security and other workplace rules including wearing their Council ID badge.
 - Not interfere with the services or activities being provided at the time of the visit and recognise that any staff present will be required to work as normal.

- Take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council Resources

101. If any support service is provided to members, it should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct.
102. Accommodation, equipment, and other forms of support will be provided in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided to reflect changing needs and developments in available equipment and staffing.
103. Any mail sent on a member's behalf will normally be dispatched by second class post.
104. Members should not ask officers to provide resources or support which they are not permitted to give. Examples are:
- Business which is solely to do with a political party
 - Work in connection with a ward or constituency party political meeting
 - Electioneering
 - Work associated with an event attended by a member in a capacity other than as a member of the council
 - Private personal correspondence
 - Work in connection with another body or organisation where a member's involvement is other than as a member of the council or
 - Support to a member in his/her capacity as a member of another local authority (Including town and parish councils) other than as a representative of the council.

Complaints and Allegations of Breaches

105. Subject to the proviso that attempts should always be made by both officers and members to resolve complaints or concerns informally, if a member wishes to formally complain about the actions or failings of an officer, the member should lodge his or her complaint in writing to the Chief Executive, preferably after raising the matter informally with them via the Leader of the Council.
106. In the event the complaint is against the Chief Executive, it should be lodged with the Deputy Chief Executive – Transformation and Operations, the strategic lead with responsibility for HR, and copied to the Monitoring Officer. The officer to whom the complaint is made will take appropriate action to resolve it and will notify the member of the council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
107. Should an officer have cause to complain about the actions or failings of a member, the officer should draw his/her concern to the attention of their line manager who will consider the matter and, acting through the appropriate senior officer, will seek to

resolve the issue with the member concerned or, if this is not possible, the member's political group leader.

108. If the complaint is against a political group leader then it should be referred to the Chief Executive who will decide the best course of action.
109. The member to whom the complaint has been made, will deal with it and will notify the officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

Members Acting Against the Council

110. As part of their constituency work, members will naturally assist their constituents in their dealings with the council. This may include for example, making representations, giving evidence, and or assisting residents with matters such as planning, housing or licensing appeals. This section is intended to cover those rare situations where a member is acting in a professional capacity or in their status as a resident in relation to their dealings with the Council.
111. If a member is about to act, or directly support action, in a professional or private capacity against the council, he/she must notify the Monitoring Officer in writing. This applies to any action by a spouse / partner, associate, employer or by a company in which the member has an interest. This provision also applies to co-opted members for matters which are within the responsibility of the Committee on which they serve.

Councillor call for action protocol

Purpose

1. This document sets out the process for dealing with issues relating to councillor call for action as set out in the Local Government and Public Involvement in Health Act 2007 and Centre for Public Scrutiny Best Practice Guidance.

Introduction

2. The councillor call for action (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all principal councils in England.
3. The Act enables any councillor to refer any local government matter or any crime and disorder matter that affects their ward to a Scrutiny Committee. Local government issues not only cover specific council functions but also cover the council's partners and their responsibilities for delivering Local Area Agreement targets.
4. The power to refer is only available where the matter is of direct concern to the ward the councillor represents. There is no requirement for councillors in multi member wards to agree to the referral.
5. It is not anticipated that there will be extensive use of the CCfA power as it is designed as a last resort mechanism when normal processes fail. Councillors should note that CCfA is not guaranteed to solve problems but is designed to offer a mechanism for discussion and through this trying to address them.

Limitations

6. It is important to recognise that CCfA is not guaranteed to solve a problem. CCfA provides a method for discussing problems and through discussion trying to resolve them.

Issues excluded from referral as a CCfA

7. The following matters have been excluded from CCfA by statutory regulations (The Overview and Scrutiny (Reference by Councillors) (External Matters) (England) order 2008):
 - (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating to an individual or entity that is already subject to an appeal, review or complaint;
 - (d) where there is an alternative avenue to resolve an issue (complaints process); and
 - (e) any matter which is vexatious, discriminatory or unreasonable.

Examples of possible CCfA issues

8. Examples of possible issues that could be used as councillor calls for action include:

- A series of complaints about waste collection which illustrate a continuing trend of poor performance
- Anti-social behaviour issues
- Environmental issues

CCfA process

9. In accordance with the national best practice guidance the use of CCfA should be the last stop for resolving an issue. Prior to referring a matter as a CCfA a councillor must have tried to resolve the issue/problem themselves using all the mechanisms and resources available to them such as liaising with partners, county and parish councillors or raising the issue with officers.

10. There are a range of tools that councillors can use to influence change and resolve problems both formally and informally such as:

- (a) questions at Council or committee
- (b) motions on the agenda at a Council meeting
- (c) informal discussions with officers and other councillors
- (d) communication with councillors in other authorities
- (e) public meetings
- (f) formal letters written on behalf of constituents
- (g) request that a topic for review is included in the scrutiny work programme

11. A councillor referring a matter as a CCfA will need to show that they have tried to resolve the matter using some of the above techniques/resources and that sufficient time has elapsed for partner organisations to resolve the issue.

How to make a CCfA

12. If the issue/problem is not resolved the councillor can refer it to the Scrutiny Committee using the form attached to this guidance ensuring that each section is completed. The councillor should return this form to the head of legal and democratic.

Decision on whether to take the matter further

13. A democratic services officer will meet with the chair and vice-chair of the Scrutiny Committee to consider whether to take the CCfA forward.

14. This decision will be based on ensuring that all other avenues have been exhausted, that the statutory exclusions have been considered, whether the committee has considered a similar issue recently and if so whether there is any change in circumstances/new evidence, whether a similar issue is included in the committee's work programme and whether the issue is of genuine local concern.

15. The CCfA can be rejected at this stage or the councillor could be asked to take additional action before the matter is considered further. If the CCfA is rejected the councillor will be advised of these reasons in writing.
16. If the chair concludes that the item is valid the matter will be referred to the next scheduled Scrutiny Committee meeting.

Committee process

17. The committee will receive an initial report which will allow it to prioritise the issue in its work programme and determine whether the whole committee or a task group progresses the work. The report to the committee will include information covering the issue, what the councillor is requesting as the proposed outcome and previous action taken by the councillor.
18. The committee can use powers under the 2007 Act and other legislation to invite representatives from partner organisations to attend and to request information. Discussions would be based on how to achieve the outcomes that the councillor bringing the CCfA specified on the initial form. The committee would explore possible solutions and complete its consideration of the matter with a recommendation for certain action to be taken. The committee will be responsible for monitoring the implementation of the recommendations.

Councillor call for action: request form

This form should be used by any councillor at South Oxfordshire District Council or Vale of White Horse District Council who would like the Scrutiny Committee to consider a call for action in their ward.

Subject of the councillor call for action:

Would you like the opportunity to speak to the Scrutiny Committee?

Yes: No:

Have you approached the Scrutiny Committee on the same issue in the past six months?

Yes: No:

Why you think the issue should be looked at by the Scrutiny Committee:

Please give a brief synopsis of what the main areas of concern are:

What evidence do you have in support of your call for action:

Who is affected by the call for action:

Have you exhausted all avenues to resolve the issue?

Yes: No:

What action have you taken to resolve the issue:

Are there any deadlines associated with the call for action:

What outcomes would you hope for in making this call for action:

Is the call for action currently the subject of legal action by any party (to your knowledge) or is subject of a formal complaints' process?

Yes: No:

Councillor (print):

Signature:

Ward:

Date submitted:

For Office Use Only:

Received by:

Received on:

Petition scheme



Listening Learning Leading

We welcome petitions from people who live, work or study in the district. We recognise petitions as one of a number of ways people can let us know their concerns.

If you like, you can set up a petition on our website - it's quick and easy to do, and people can sign it online - you can then submit the petition directly to us when it's ready.

You can send paper petitions to:

Democratic Services
South Oxfordshire District Council
Abbey House
Abbey Close
Abingdon
OX14 3JE

Guidelines for submitting a petition

Make sure your petition includes:

- a clear and concise statement covering the subject of the petition - it should state what action you want the council to take
- the name and address and signature of everybody supporting the petition.

You should provide your contact details and an address, or those of another organiser, along with your petition. We'll use these details to contact you to explain how we will respond to the petition.

If you use our online petition system, your name will appear on the website but we won't show any of your contact details. If you don't provide the name of any of the organisers, we will contact people who have signed the petition to agree who should act as the petition organiser.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will contact you to explain the reasons and discuss how the timescale of your petition may have to change.

If your petition doesn't follow the guidelines set out above, we may decide not to do follow it up. If that happens, we will contact you to explain why.

What types of petitions are excluded?

We will not take action on any petition which we consider to be vexatious or abusive and will explain the reasons for this in our acknowledgement of the petition.

If the petition applies to a planning or licensing application, or if it is a statutory petition (for example requesting a referendum on having a mayor) other procedures apply and we

won't necessarily apply the procedures in this document. For example a petition on a planning application will be treated as a comment on that application through the standard planning application consultation process.

If we receive a petition on the same or similar topic as one we have received in the last six months, we will not treat it as a new petition. We will acknowledge receipt of the petition within 10 working days and include details of our response to the previous petition on the subject.

If we are currently considering a petition on the same or similar subject the petitions will be combined.

What will the council do when it receives a petition?

We will send you an acknowledgement within 10 working days of receiving the petition. We'll let you know what we plan to do with the petition and when you can expect to hear from us again. We may decide to verify the authenticity of the petition and checking the details of the people who have signed it. We will publish the petition on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has 500 signatures it will trigger a council debate so we will tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all petitions submitted to us on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition - all personal details will be removed. When anybody signs an e-petition, we will email them our response to the petition. We will not send anybody anything, that isn't relevant to the e-petition they have signed, unless they agree to receive other emails.

We will inform the local district councillors of all petitions we've received relating to their area.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by Cabinet or the appropriate committee
- writing to the petition organiser setting out our views about the request in the petition

We will always keep the local district councillor(s) informed.

In addition to these steps, we will consider all the specific actions we can potentially take on the issues highlighted in a petition.

Relevant steps

If your petition is about something over which we have no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. We work with a large number of local partners and where possible we'll work with them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will explain the reasons for this to you. You can find more information on the services we are responsible for at www.southoxon.gov.uk

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken, and in the case of e-petitions, each petitioner will be advised by email.

Full council debates

If your petition contains more than 500 signatures it will automatically be referred to full Council for debate. We will endeavour to consider the petition at the next meeting, although on some occasions this may not be possible so it will be considered at the following meeting.

You will be given three minutes to present the petition at the meeting and it will then be discussed by councillors.

The Council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or refer the matter to Cabinet or the relevant committee and decide whether to make recommendations to inform that decision.

We will send you written confirmation of this decision

Petition scheme



We welcome petitions from people who live, work or study in the district. We recognise petitions as one of a number of ways people can let us know their concerns.

If you like, you can set up a petition on our website - it's quick and easy to do, and people can sign it online - you can then submit the petition directly to us when it's ready.

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Guidelines for submitting a petition

Make sure your petition includes:

- a clear and concise statement covering the subject of the petition - it should state what action you want the council to take
- the name and address and signature of everybody supporting the petition.

You should provide your contact details and an address, or those of another organiser, along with your petition. We'll use these details to contact you to explain how we will respond to the petition.

If you use our online petition system, your name will appear on the website but we won't show any of your contact details. If you don't provide the name of any of the organisers, we will contact people who have signed the petition to agree who should act as the petition organiser.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will contact you to explain the reasons and discuss how the timescale of your petition may have to change.

If your petition doesn't follow the guidelines set out above, we may decide not to do follow it up. If that happens, we will contact you to explain why.

What types of petitions are excluded?

We will not take action on any petition which we consider to be vexatious or abusive and will explain the reasons for this in our acknowledgement of the petition.

If the petition applies to a planning or licensing application, or if it is a statutory petition (for example requesting a referendum on having a mayor) other procedures apply and we won't necessarily apply the procedures in this document. For example a petition on a

planning application will be treated as a comment on that application through the standard planning application consultation process.

If we receive a petition on the same or similar topic as one we have received in the last six months, we will not treat it as a new petition. We will acknowledge receipt of the petition within 10 working days and include details of our response to the previous petition on the subject.

If we are currently considering a petition on the same or similar subject the petitions will be combined.

What will the council do when it receives a petition?

We will send you an acknowledgement within 10 working days of receiving the petition. We'll let you know what we plan to do with the petition and when you can expect to hear from us again. We may decide to verify the authenticity of the petition and checking the details of the people who have signed it. We will publish the petition on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has 500 signatures it will trigger a council debate so we will tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all petitions submitted to us on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition - all personal details will be removed. When anybody signs an e-petition, we will email them our response to the petition. We will not send anybody anything, that isn't relevant to the e-petition they have signed, unless they agree to receive other emails.

We will inform the local district councillors of all petitions we've received relating to their area.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by Cabinet or the appropriate committee
- writing to the petition organiser setting out our views about the request in the petition

We will always keep the local district councillor(s) informed.

In addition to these steps, we will consider all the specific actions we can potentially take on the issues highlighted in a petition.

Relevant steps

If your petition is about something over which we have no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. We work with a large number of local partners and where possible we'll work with them to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will explain the reasons for this to you. You can find more information on the services we are responsible for at www.whitehorsedc.gov.uk

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event, we will always notify you of the action we have taken, and in the case of e-petitions, each petitioner will be advised by email.

Full council debates

If your petition contains more than 500 signatures it will automatically be referred to full Council for debate. We will endeavour to consider the petition at the next meeting, although on some occasions this may not be possible so it will be considered at the following meeting.

You will be given three minutes to present the petition at the meeting and it will then be discussed by councillors.

The Council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or refer the matter to Cabinet or the relevant committee and decide whether to make recommendations to inform that decision.

We will send you written confirmation of this decision

Councillors' allowances scheme from 1 April 2023

1. South Oxfordshire District Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, considered the report of its appointed Independent Remuneration Panel on 18 May 2017 and hereby makes the following scheme.
2. The scheme will apply from 1 April 2023.
3. In this scheme:
 - (a) 'councillor' means an elected councillor of the district council (the Council)
 - (b) 'co-opted member' means a person (other than a councillor) formally co-opted by resolution on to a committee of the Council for more than one meeting.
 - (c) 'calendar year' means a period 1 January to 31 December; 'financial year' means a period 1 April to 31 March; 'municipal year' means a period between Annual Council meetings.

Basic Allowance

4. A basic allowance of £5,892 is paid to each councillor.

Special Responsibility Allowances

5. The following special responsibility allowances are paid per annum to those councillors holding positions of:

Position of special responsibility	Allowance per annum
Chair of Council	£5,892
Vice-Chair of Council	£1,768
Leader of the Council	£23,569
Deputy Leader	£14,141
Other Cabinet members	£11,784

Position of special responsibility	Allowance per annum
Leader of the main Opposition Group (currently paid to two members)	£5,892
Chair of Scrutiny Committee	£3,535
Chair of Planning Committee	£7,070
Vice-Chair of Planning Committee	£3,535
Chair of the Joint Audit and Governance Committee	£3,535
Chair of General Licensing Committee	£1,768
Chair of the Community Governance and Electoral Issues Committee	£1,768
Chair of the Community Grants Panel	£1,768
Chair of Climate and Ecological Emergencies Advisory Committee	£3,535

6. Where a councillor is entitled to more than one special responsibility allowance, only the higher or highest special responsibility allowance shall be paid.
7. Chairs and vice-chairs of committees not listed here are not paid a special responsibility allowance.
8. If the council abolishes a committee, any relevant special responsibility allowance will cease.
9. If the remit of any committee is substantially altered, the existing special responsibility allowance shall continue to be paid until the Independent Remuneration Panel decides to recommend otherwise.
10. In the case of the Special Responsibility Allowance paid to the Leader of the main Opposition Group, should two or more of the minority/opposition groups have the same number of councillors in their group, then the Special Responsibility Allowance of 25% of the Leader's Allowance should be paid to each of the minority/opposition group leaders.

Co-opted members of committees

11. Co-opted members of the council's committees are entitled to travel, subsistence and other expenses in accordance with the scheme applicable to councillors.

Travel and subsistence allowance

12. Travel and subsistence allowances shall be paid where a councillor, a co-opted member or Independent Person has necessarily incurred costs on travel or subsistence in carrying out any approved duty specified in Schedule 1 to this scheme.
13. The amount of travel and subsistence allowances payable shall be at the maximum levels payable to council staff in line with the HM Revenue and Customs' rates.
14. Mileage claims can be made for travel between home and the meeting place(s) but normally in no other circumstances.
15. When it is impossible or impractical to use public transport or a councillor's normal private transport then, with the prior approval of the head of legal and democratic, the actual fare by taxi/private hire vehicle together with reasonable gratuity (up to 10 per cent of the fare) will be paid on submission of a receipt.
16. In cases where prior approval was not sought or given, a claim for mileage by private car can be made. In cases of urgency retrospective approval can be requested of the head of legal and democratic.
17. Where it is impossible or impractical for a councillor to use their private transport or use public transport due to a disability, then the councillor may seek approval from the head of legal and democratic to use a taxi or private hire vehicle to travel to attend meetings or events specified as an approved duty in Schedule 1 to this scheme. This approval shall be effective until the councillor's re-election when a new approval will be required. The council will pay the actual fare together with reasonable gratuity (up to 10 per cent of the fare) on submission of a receipt.
18. Claims must be made on the correct form, signed, and sent to democratic services.

Dependants' Carer's Allowance

19. A dependants' carer's allowance shall be paid where a councillor has necessarily incurred expenditure for the care of one or more children or a dependent relative while undertaking any of the approved duties specified in Schedule 1 to this scheme. This allowance shall be no more than the costs incurred up to the following hourly limits and include a reasonable time for travel and 15 minutes for hand-over:

Childcare and general care - in line with the Real Living Wage Rate as recommended by the Living Wage Foundation. No monthly maximum.

Specialist Dependent Relative Care - this should be reimbursed at the actual cost upon production of receipts. In the case of reimbursement for specialist care, medical evidence that this type of care is required must also be provided. No monthly maximum.

20. Claims are not restricted to care provided by formal carers but every claim must be supported by a receipt or invoice.
21. Any amount exceeding the hourly limit will be paid only in exceptional circumstances.
22. A councillor cannot claim for more than one carer at the same time.

Claims and payments

23. Where councillors attend a meeting at which they are representing more than one council or organisation, they must ensure they claim travel, subsistence and carer's allowances from one council or organisation only.
24. Any claim for payment of travel, subsistence and carer's allowances under this scheme shall be made in writing on the correct claim form within two months of the date of the duty to which the claim relates. Claims must be submitted through the council's MyView expenses system.
25. Mileage claims will not be paid unless supported by a VAT receipt for petrol. Other claims will not be paid unless dated receipts confirming the expenditure incurred are provided.
26. Basic allowances and special responsibility allowances will be paid monthly in instalments of one-twelfth of the annual amount payable. Payments will be made by BACS transfer on the same date as officers are paid. Travel and subsistence claims will be paid along with the basic allowances and special responsibility allowances.

Provision to forego allowances

27. Any councillor may elect to forego or transfer all or any part of their entitlement to allowances under this scheme. If a councillor does not want to be paid their basic allowance or special responsibility allowance they must inform the head of legal and democratic in writing.
28. If a councillor later wishes to start being paid a basic allowance or special responsibility allowance they must inform the head of legal and democratic in writing. They may not claim for more than three months' backdated allowances.
29. A councillor who has elected to forego all or part of his/her basic allowance and/or special responsibility allowance is still entitled to claim travel, subsistence, and carer's allowances.

Part year entitlements, repayment and when allowances start

30. Where a councillor becomes or ceases to be a councillor, or accepts or relinquishes any special responsibility for which an allowance is paid, allowances will be paid pro-rata to the number of days during the financial year in which he/she was a councillor or held the special responsibility.

31. Where a councillor has already received payment of any allowance for any period during which they are no longer a councillor or not entitled to receive the allowance that part of the allowance shall be repaid to the council.
32. The Chair and Vice-Chair of Council shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the next annual meeting of the Council.
33. The chair of a committee shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the first meeting of a committee in the municipal year where a new chair is elected to that specific role.
34. The Leader of the Council shall receive the appropriate special responsibility allowance from the day of his/her election as Leader until the day of the next post-election annual meeting or the date he/she ceases to be Leader.
35. A councillor who is nominated as a Cabinet member shall receive the appropriate special responsibility allowance from the date that the Leader states that their responsibility starts. The allowance shall cease on the date that the Leader states that their responsibility ends, or they resign the post, or cease to be a councillor, whichever is the earlier.
36. In a district council election year, all special responsibility allowances except that paid to the Chair of Council and the Leader of the Council will cease on the fourth day after the date of the election.

Pensions

37. Councillors are not eligible to join the local government pension scheme.

Publicity

38. As soon as practicable after 1 April each year the head of legal and democratic will make arrangements for the publication of the total paid to each councillor and co-opted member in each category of allowance in the preceding financial year.

Allowances for independent persons

39. The council has agreed to pay allowances to independent persons. These persons have been appointed to roles to assist the council in its work. The allowances approved by Council are:
 - £1,768 per annum be paid to the independent member of the Joint Audit and Governance Committee;
 - £583 per annum be paid to each independent person appointed by the head of legal and democratic to assist in dealing with code of conduct matters, the cost shared equally with Vale of White Horse District Council.
40. These allowances are subject to annual increases in line with the increase in allowances paid to councillors.

Review of the scheme

41. Regulation 21(e) of the Local Authorities (Members Allowances) (England) Regulations 2003 states that the adjustments to the level of allowances may be determined according to an index, subject to a maximum of four years before its application is reviewed.
42. From May 2022 until May 2025, the basic and special responsibility allowances payable under this scheme will be increased on 1 April each year at the same rate as that applied to staff salaries. After May 2025, this scheme shall be reviewed by an Independent Remuneration Panel.
43. Travel and subsistence allowances will be increased to the maximum rates payable to officers of the council in line with the HM Revenues and Customs' rates.

Schedule 1 – approved duties for the purposes of payment of travel, subsistence, and carer’s allowances

Authorisation

1. The head of legal and democratic has the authority to approve or refuse any claim.

Meetings – general provision

2. Attendance at any meeting, the holding of which is authorised by the council or a committee or sub-committee or panel, provided that it is a meeting to which members of at least two political groups have been invited.

Council and committee meetings

3. Attendance:
 - (a) at a meeting of the Council or a committee or sub-committee or panel of which the councillor is a member or acting as a substitute member;
 - (b) at a meeting of a committee or sub-committee or panel where the councillor is attending to represent the views of their ward on a report relating to that ward, or to represent the views of their political group, **but not where** the purpose is merely to observe and not to take part in the meeting;
 - (c) by ward councillors at formal visits of a committee accompanied by an officer to a site or event;

Events organised or promoted by the authority

4. Attendance at:
 - (a) training events, seminars and presentations organised by the council;
 - (b) training events, conferences, seminars and tours not organised by the council but previously approved by the head of legal and democratic.

Meetings with officers

5. Attendance at:
 - (a) a meeting of one or more councillors called in pursuance of any function of the Council;
 - (b) a meeting with an officer at the council offices or elsewhere (but not purely in relation to ward matters);
 - (c) a meeting of a councillor in receipt of a special responsibility allowance (or their deputy) with an officer in relation to the functions for which they receive that allowance, including briefing meetings;
 - (d) a meeting for the opening of tenders where such attendance is required by the Council’s Constitution;
 - (e) a meeting of councillors and officers with other principal authorities.

Meetings outside the council

6. Attendance:
- (a) at properly convened meetings of outside organisations, after appointment by the Leader or Council to those organisations and when acting as a representative of the Council;
 - (b) at a meeting of any association of authorities of which the Council is a member;
 - (c) solely in the capacity of district councillor at parish and town council meetings within the relevant councillor's ward. Where the councillor is also a parish/town or acting as a county councillor, no allowance shall be paid.

Other duties

7. Any other duty approved by the head of legal and democratic for the purpose of, or in connection with, discharging the functions of the Council or its committees.

Cases where no allowance can be claimed

8. No allowances can be claimed in the following circumstances unless an officer of the council has formally requested the councillor to attend to represent the council:
- (a) travel as a result of working on ward business, local issues, or individual casework;
 - (b) attendance at school governing bodies;
 - (c) political group meetings including meetings of more than one group;
 - (d) events of a primarily social nature, unless this is a duty undertaken by the Chair or Vice-Chair of Council in their official capacity;
9. No allowances can be claimed in the following circumstances:
- (a) for any duty where the allowance should properly have been claimed from another body;
 - (b) visits to sites before committee meetings other than those organised and attended by a council officer;
 - (c) duties of a party political nature;
 - (d) attendance at meetings within the councillor's own ward on business relating only to that ward.

Councillors' allowances scheme from 1 April 2023

1. Vale of White Horse District Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, considered the report of its appointed Independent Remuneration Panel on 17 May 2017 and hereby makes the following scheme.
2. The scheme will apply from 1 April 2023.
3. In this scheme:
 - (a) 'councillor' means an elected councillor of the district council (the Council)
 - (b) 'co-opted member' means a person (other than a councillor) formally co-opted by resolution on to a committee of the Council for more than one meeting.
 - (c) 'calendar year' means a period 1 January to 31 December; 'financial year' means a period 1 April to 31 March; 'municipal year' means a period between Annual Council meetings.

Basic Allowance

4. A basic allowance of £5,892 is paid to each councillor.

Special Responsibility Allowances

5. The following special responsibility allowances are paid per annum to those councillors holding positions of:

Position of special responsibility	Allowance per annum
Chair of Council	£5,892
Vice-Chair of Council	£1,768
Leader of the Council	£23,569
Deputy Leader	£14,141
Other Cabinet members	£11,784
Chair of Scrutiny Committee	£3,535
Chair of Planning Committee	£7,070

Position of special responsibility	Allowance per annum
Vice-Chair of Planning Committee	£3,535
Chair of the Joint Audit and Governance Committee	£3,535
Chair of General Licensing Committee	£1,768
Leader of the main Opposition Group	£5,892
Chair of Climate Emergency Advisory Committee	£3,535
Chair of Community Governance and Electoral Issues Committee	£1,768

6. Where a councillor is entitled to more than one special responsibility allowance, only the higher or highest special responsibility allowance shall be paid.
7. Chairmen and vice chairmen of committees not listed here are not paid a special responsibility allowance.
8. If the council abolishes a committee, any relevant special responsibility allowance will cease.
9. If the remit of any committee is substantially altered, the existing special responsibility allowance shall continue to be paid until the Independent Remuneration Panel decides to recommend otherwise.

Co-opted members of committees

10. Co-opted members of the council's committees are entitled to travel, subsistence and other expenses in accordance with the scheme applicable to councillors.

Travel and subsistence allowance

11. Travel and subsistence allowances shall be paid where a councillor has necessarily incurred costs on travel or subsistence in carrying out any approved duty specified in Schedule 1 to this scheme.
12. The amount of travel and subsistence allowances payable shall be at the maximum levels payable to council staff in line with the HM Revenue and Customs' rates.
13. Mileage claims can be made for travel between home and the meeting place(s) but normally in no other circumstances.
14. When it is impossible or impractical to use public transport or a councillor's normal private transport then, with the prior approval of the head of legal and democratic, the actual fare by taxi/private hire vehicle together with reasonable gratuity (up to 10 per cent of the fare) will be paid on submission of a receipt.

15. In cases where prior approval was not sought or given, a claim for mileage by private car can be made. In cases of urgency retrospective approval can be requested of the head of legal and democratic.
16. Where it is impossible or impractical for a councillor to use their private transport or use public transport due to a disability, then the councillor may seek approval from the head of legal and democratic to use a taxi or private hire vehicle to travel to attend meetings or events specified as an approved duty in Schedule 1 to this scheme. This approval shall be effective until the councillor's re-election when a new approval will be required. The council will pay the actual fare together with reasonable gratuity (up to 10 per cent of the fare) on submission of a receipt.
17. Claims must be submitted through the council's MyView expenses system.

Dependants' Carer's Allowance

18. A dependants' carer's allowance shall be paid where a councillor has necessarily incurred expenditure for the care of one or more children or a dependent relative while undertaking any of the approved duties specified in Schedule 1 to this scheme. This allowance shall be no more than the costs incurred up to the following hourly limits and include a reasonable time for travel and 15 minutes for hand-over:

Childcare and general care - in line with the Real Living Wage Rate as recommended by the Living Wage Foundation. No monthly maximum.

Specialist Dependent Relative Care - this should be reimbursed at the actual cost upon production of receipts. In the case of reimbursement for specialist care, medical evidence that this type of care is required must also be provided. No monthly maximum.

19. Claims are not restricted to care provided by formal carers but every claim must be supported by a receipt or invoice.
20. Any amount exceeding the hourly limit will be paid only in exceptional circumstances.
21. A councillor cannot claim for more than one carer at the same time.

Claims and payments

22. Where councillors attend a meeting at which they are representing more than one council or organisation, they must ensure they claim travel, subsistence and carer's allowances from one council or organisation only.
23. Any claim for payment of travel, subsistence and carer's allowances under this scheme shall be made in writing on the correct claim form within two months of the date of the duty to which the claim relates. Claims must be sent to Democratic Services (email: democratic.services@southandvale.gov.uk).
24. Mileage claims will not be paid unless supported by a VAT receipt for petrol. Other claims will not be paid unless dated receipts confirming the expenditure incurred are provided.

25. Basic allowances and special responsibility allowances will be paid monthly in instalments of one-twelfth of the annual amount payable. Payments will be made by BACS transfer on the same date as officers are paid. Travel and subsistence claims will be paid along with the basic allowances and special responsibility allowances.

Provision to forego allowances

26. Any councillor may elect to forego or transfer all or any part of their entitlement to allowances under this scheme. If a councillor does not want to be paid their basic allowance or special responsibility allowance they must inform the head of legal and democratic in writing.
27. If a councillor later wishes to start being paid a basic allowance or special responsibility allowance they must inform the head of legal and democratic in writing. They may not claim for more than three months' backdated allowances.
28. A councillor who has elected to forego all or part of his/her basic allowance and/or special responsibility allowance is still entitled to claim travel, subsistence, and carer's allowances.

Part year entitlements, repayment and when allowances start

29. Where a councillor becomes or ceases to be a councillor, or accepts or relinquishes any special responsibility for which an allowance is paid, allowances will be paid pro-rata to the number of days during the financial year in which he/she was a councillor or held the special responsibility.
30. Where a councillor has already received payment of any allowance for any period during which they are no longer a councillor or not entitled to receive the allowance that part of the allowance shall be repaid to the council.
31. The Chair and Vice-Chair of Council shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the next annual meeting of the Council.
32. The chair of a committee shall receive the appropriate special responsibility allowance from the day of his/her election to the specific role, ending on the day of the first meeting of a committee in the municipal year where a new chair is elected to that specific role.
33. The Leader of the Council shall receive the appropriate special responsibility allowance from the day of his/her election as Leader until the day of the next post-election annual meeting or the date he/she ceases to be Leader.
34. A councillor who is nominated as a Cabinet member shall receive the appropriate special responsibility allowance from the date that the Leader states that their responsibility starts. The allowance shall cease on the date that the Leader states that their responsibility ends, or they resign the post, or cease to be a councillor, whichever is the earlier.

35. In a district council election year, all special responsibility allowances except that paid to the Chair of Council and the Leader of the Council will cease on the fourth day after the date of the election.

Pensions

36. Councillors are not eligible to join the local government pension scheme.

Publicity

37. As soon as practicable after 1 April each year the head of legal and democratic will make arrangements for the publication of the total paid to each councillor and co-opted member in each category of allowance in the preceding financial year.

Allowances for independent persons

38. The council has agreed to pay allowances to independent persons. These persons have been appointed to roles to assist the council in its work. The allowances approved by Council are:
- £1,768 per annum be paid to the independent member of the Joint Audit and Governance Committee;
 - £583 per annum be paid to each independent person appointed by the head of legal and democratic to assist in dealing with code of conduct matters, the cost shared equally with South Oxfordshire District Council.
39. These allowances are subject to annual increases in line with the increase in allowances paid to councillors.

Review of the scheme

40. Regulation 21(e) of the Local Authorities (Members Allowances) (England) Regulations 2003 states that the adjustments to the level of allowances may be determined according to an index, subject to a maximum of four years before its application is reviewed.
41. From May 2022 until May 2025, the basic and special responsibility allowances payable under this scheme will be increased on 1 April each year at the same rate as that applied to staff salaries. After May 2025, this scheme shall be reviewed by an Independent Remuneration Panel.
42. Travel and subsistence allowances may be increased to the maximum rates payable to officers of the Council in line with the HM Revenues and Customs' rates.

Schedule 1 – approved duties for the purposes of payment of travel, subsistence, and carer’s allowances

Authorisation

1. The head of legal and democratic has the authority to approve or refuse any claim.

Meetings – general provision

2. Attendance at any meeting, the holding of which is authorised by the council or a committee or sub-committee or panel, provided that it is a meeting to which members of at least two political groups have been invited.

Council and committee meetings

3. Attendance:
 - (a) at a meeting of the Council or a committee or sub-committee or panel of which the councillor is a member or acting as a substitute member;
 - (b) at a meeting of a committee or sub-committee or panel where the councillor is attending to represent the views of their ward on a report relating to that ward, or to represent the views of their political group, **but not where** the purpose is merely to observe and not to take part in the meeting;
 - (c) by ward councillors at formal visits of a committee accompanied by an officer to a site or event;

Events organised or promoted by the authority

4. Attendance at:
 - (a) training events, seminars and presentations organised by the council;
 - (b) training events, conferences, seminars and tours not organised by the council but previously approved by the head of legal and democratic.

Meetings with officers

5. Attendance at:
 - (a) a meeting of one or more councillors called in pursuance of any function of the Council;
 - (b) a meeting with an officer at the council offices or elsewhere (but not purely in relation to ward matters);
 - (c) a meeting of a councillor in receipt of a special responsibility allowance (or their deputy) with an officer in relation to the functions for which they receive that allowance, including briefing meetings;
 - (d) a meeting for the opening of tenders where such attendance is required by the Council’s Constitution;
 - (e) a meeting of councillors and officers with other principal authorities.

Meetings outside the council

6. Attendance:

- (a) at properly convened meetings of outside organisations, after appointment by the Leader or Council to those organisations and when acting as a representative of the Council;
- (b) at a meeting of any association of authorities of which the Council is a member;
- (c) solely in the capacity of district councillor at parish and town council meetings within the relevant councillor's ward. Where the councillor is also a parish/town or acting as a county councillor, no allowance shall be paid.

Other duties

7. Any other duty approved by the head of legal and democratic for the purpose of, or in connection with, discharging the functions of the Council or its committees.

Cases where no allowance can be claimed

8. No allowances can be claimed in the following circumstances unless an officer of the council has formally requested the councillor to attend to represent the council:

- (a) travel as a result of working on ward business, local issues, or individual casework;
- (b) attendance at school governing bodies;
- (c) political group meetings including meetings of more than one group;
- (d) events of a primarily social nature, unless this is a duty undertaken by the Chair or Vice-Chair of Council in their official capacity;

9. No allowances can be claimed in the following circumstances:

- (a) for any duty where the allowance should properly have been claimed from another body;
- (b) visits to sites before committee meetings other than those organised and attended by a council officer;
- (c) duties of a party political nature;
- (d) attendance at meetings within the councillor's own ward on business relating only to that ward.

Councillors' parental leave policy

1. Aim of the Policy

- 1.2 This policy sets out councillors' entitlements to Parental Leave (covering maternity, paternity, shared parental and adoption leave) and relevant allowances.
- 1.3 The objective of the policy is to provide a positive environment for members with family responsibilities so that our cross-section of members are representative of our community. The policy will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors and making public office more accessible to individuals who might otherwise feel excluded from it.

2. Leave Provisions of the Policy

- 2.1 Councillors, who are the designated carer, are entitled to up to 6 months parental leave from the due date, or date of placement in respect of adoption, with the option to extend up to 52 weeks by agreement if required (see para 2.8).
- 2.2 In addition, where the birth is premature, the councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 2.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement (see para 2.6), and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 2.4 A councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council. In circumstances where no Shared Parental Leave arrangements are available the Council will consider an alternative pattern of leave.
- 2.5 Where both parents are councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 52 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 2.6 Any councillor who takes parental leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless there is agreement to an extended leave of absence prior to the expiration of that six month period in accordance with provisions in the council's constitution.
- 2.7 Any councillor intending to take parental leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
- 2.8 Any councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues

informed and updated in relation to intended dates of return and requests for extension of leave.

- 2.9 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.

3. Basic Allowance and Special Responsibility Allowances (SRAs) During Parental Leave

- 3.1 All councillors shall continue to receive their Basic Allowance in full whilst on parental leave.
- 3.2 Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of parental leave.
- 3.3 If a councillor holds a position that attracts a SRA it may be necessary to appoint a replacement. Where a replacement is appointed to cover the period of absence that person shall receive a SRA on a pro rata basis for the period of the temporary appointment.
- 3.4 The payment of SRA, whether to the primary holder or a replacement, during a period of parental leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, the Leader's decision on Cabinet appointments or until the date when the councillor taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.
- 3.5 Should a councillor appointed to replace the councillor on parental leave already hold a remunerated position, the ordinary rules relating to payment of more than one SRA shall apply.
- 3.6 Unless the councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, the Leader's decision on Cabinet appointments or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from office and elections

- 4.1 If a councillor decides not to return at the end of their parental leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the councillor's parental leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Ward Duties

- 5.1 Councillors who take parental leave will be able to nominate another councillor to deal with local issues in their Ward. It will be the responsibility of the councillor to hold discussions with their preferred nomination to arrange this. Where this hasn't been possible, the councillor taking parental leave will need to raise this with their Political Group Leader.
- 5.2 Where a councillor has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Councillors are responsible for putting an out of office message redirecting queries to a designated councillor. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.
- 5.4 Democratic Services will provide help and advice where appropriate and arrange for officers in service areas to respond to enquiries.

6. Parental Bereavement Leave (miscarriage or still birth)

- 6.1 The council's policy for employees is extended to councillors.

Policy approved by:
South Oxfordshire District Council on 9 December 2021 and
Vale of White Horse District Council on 8 December 2021

Officer Code of Conduct

Introduction

1. Residents are entitled to expect the highest standards of conduct from the council's employees. The purpose of this code is to help officers (referred to in this code as officers) support the councils aims, which are to provide quality services to all residents. Members have their own code of conduct and there is also protocol which outlines how members and officers work together. (Sections 5(1) and 5 (4)).
2. This code applies to all officers of the council including agency workers, contractors and their staff whilst working for, or on behalf of, the authority. It outlines, amongst other things, the conduct expected of officers, conflicts of interests, gifts and hospitality and political restrictions. Officers should also refer to the Employee Conduct Policy for further information.
3. The code sits alongside all other council policies and outlines standards for employees to follow in their day-to-day work, it reproduces points of principle which have applied in local government for very many years but it also deals with challenges that officers might face.
4. It is the responsibility of officers to work in accordance with this code and managers' responsibility to ensure that the code is fairly and consistently applied. A breach of this code may be regarded as a disciplinary offence and may be considered in any performance appraisal.
5. This code also explains how employees are expected to deal with conflicts of interest, confidential matters and offers of gifts or hospitality and, where necessary, examples and explanations have been given, however it is important to note that this is not an exhaustive list and if officers are unsure, they should consult their head of service or the monitoring officer.
6. Officers who become aware of any breach of this code should raise this with their line manager. Officers should also refer to the Whistle Blowing policy (see Paragraph 11 below).

Organisational Ethics

7. Local government is justifiably proud of its high standards of official conduct and is committed to them being maintained. Officers have a part to play in ensuring that these high standards continue to be met and are expected to give the highest possible standard of service to residents. This includes, where it is part of their duties, providing appropriate advice to members and fellow officers with impartiality.
8. It is recognised that an officer may also be a resident of the district. However, they need to be aware that the actions they take as a resident could potentially be seen as acting against the council and should avoid any action which may have the potential to bring the council into disrepute, harm public perception or cause reputational damage to the council.

9. The council needs to ensure its decisions and operations are open, transparent, accountable and in line with recognised ethical standards. Officers are required to be aware of and act in accordance with the Seven Standards of Public Life (Nolan Principles), which are:

Selflessness - Officers should act solely in terms of the public interest

Integrity - Officers should avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work

Objectivity - Actions and decisions should be taken impartially, fairly and on merit using the best evidence and without discrimination

Accountability - Officers are accountable to the public and submit themselves to any reasonable scrutiny necessary to ensure this

Openness - Actions and decisions should be taken in an open and transparent manner and information should not be withheld from the public unless there are clear and lawful reasons for doing so

Honesty - Officers should be truthful, any suspicion of a lack of honesty even if unfounded can damage the reputation of the council and an officer's personal credibility.

Leadership - Officers should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Personal Conduct

10. The council expects all officers to:

- promote and maintain high standards of personal conduct to sustain the good reputation of the council and its services
- perform their duties to the highest possible standards, with honesty, integrity and impartiality, and be accountable for their own actions
- treat others with respect, fairness and dignity at all times and to work to resolve differences where these exist
- ensure that policies relating to equalities, diversity and inclusion are complied with in addition to the requirements of the law.
- recognise that all members of the local community, residents and colleagues, have a right to be treated with fairness, dignity, equity and respect.
- communicate to the appropriate manager any concerns about the quality of service provided, as this will assist the council to ensure that service standards are achieved, and areas for improvement identified
- apply the principles of this code to their use of work related social media and where an officer identifies themselves as an employee of the council on their

personal social media sites

- comply with lawful written and oral instructions
- ensure that a consistent approach is taken across the council in relation to procurement of goods and services, people management activities and financial management.
- observe a standard of personal appearance which is appropriate to the nature of the work undertaken and which portrays a professional approach which the public will have confidence in.

Health and Safety

11. The council has a legal duty of care for the health, safety, and welfare of its employees. In addition, all officers must take reasonable steps to protect their own health and safety and that of other people who may be affected by their work. Some officers, particularly managers, have specific responsibilities and these are detailed in the council's policies and procedures.

Disclosure of information

12. In the course of their duties officers will come into possession of information relating to the council, its business, and its employees and they need to be mindful of the requirements of GDPR and other information security considerations.
13. Deliberate unauthorised disclosure of information will constitute a serious breach of trust between officers and the council. Any inappropriate use of information in this manner may constitute a criminal offence. If officers are unsure of what they can or can't do with information that they are processing, they should seek the advice of their manager or the Information Governance team.
14. It is generally accepted that open government is best and the council has openness and transparency as a theme in the corporate plan.
15. The law requires that certain types of information must be available to members, auditors, government departments, residents, public and the media. Under the Local Government Act 1972, the public have the right to access certain information. In most circumstances, these rights are related to committee reports and background documents.
16. However, certain information within the committee process is not public, including confidential information as defined by the Act and information exempted by virtue of Schedule 12A. Any confidential information or exempted information should only be disclosed where required to do so by law or with consent of the monitoring officer. In addition, the council is obliged by law and in accordance with its Access to Information rules (see Part 4(3)) to ensure that information is available upon request subject to limited exemptions.
17. Officers must be aware of which information within their authority is open and which is not and should only give confidential information or documents to those who have a legitimate right to them.

18. Officers should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
19. Information concerning a resident, employee or a members personal affairs should not be divulged without prior approval, except where that disclosure is required or sanctioned by law. It is important that officers take all relevant steps to comply with data protection requirements and ensure that confidential information is kept secure.
20. Employees may only talk to the press or media if they are authorised to do so as part of their duties and responsibilities, or otherwise make public statements on behalf of their service. If officers are contacted by the press or media, they must inform their line manager or a senior manager and refer the matter to the communications team who will deal with it appropriately.
21. Former officers shall not divulge any council information obtained in the course of their employment to any third party except where required by law to do so. This is taken extremely seriously as a serious breach of trust and confidence.

Political neutrality

22. Members are elected to direct the policies and activities of the council whereas officers serve the authority as a whole. They must serve all members and not just those of the controlling group. They must ensure that the individual rights of all members are respected. The Member/Officer protocol contains more detail on this topic and can be found in at section 5(4) of the Constitution.
23. Certain posts within the council are politically restricted by the Local Government and Housing Act 1989 and officers should refer to the relevant HR policy on this subject. Officers contract of employment will tell them whether they hold one of these posts and, if they do, they will be required by law to observe certain restrictions regarding your out of work activities.
24. Whether or not the post is politically restricted, officers must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
25. Officers are not eligible to stand for office as a member of either council. If their post has been assessed as being politically restricted, they are prevented from taking part in certain political activities outside their work, of which they would have received formal confirmation from Human Resources where this applies. If they have any doubt about their position, they should contact their line manager. The political activities which are restricted for these posts mainly cover the following areas:
 - (a) Standing as a candidate for election to the House of Commons, or a Local Authority (other than a parish council).
 - (b) Holding office with a political party, or a committee or sub-committee member of a party.
 - (c) Canvassing at an election.
 - (d) Speaking in public or publishing any written or artistic work which appears to be intended to affect public support for a political party.

26. If officers are in any doubt about whether any activity is political activity and covered by these rules they should seek advice from the monitoring officer.

Relationships

Working Relationships

30. Internal and external relationships with colleagues, residents and contractors should be conducted in a professional, friendly and respectful manner.

Members

31. Officers should ensure that they comply with the Protocol for Member/Officer Relations (see Part 5 (4)). They may be required to give advice to elected members as part of their job. Mutual respect between officers and members is essential to good local government, but close personal familiarity between officers and individual elected councillors, which goes beyond mere acquaintance can damage the relationship, prove embarrassing to other member and officers, and should therefore be avoided.
32. If officers have previously had or currently have a relationship in a private or domestic capacity with any elected member, they must declare that relationship in writing to their line manager.

The Local Community and Residents

33. Officers should always remember their responsibility to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.

Contractors

34. All relationships with contractors or potential contractors must be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition and no favouritism should be shown to businesses run by, for example, friends, partners, or relatives. If officers have such an interest, they must not be involved in any way in placing orders or awarding any work.
35. If officers engage or supervise contractors as part of their duties or have an official relationship with contractors or have previously had or currently have a relationship in a private or business capacity, they must declare that relationship in writing to the appropriate manager and ensure they formally declare that personal interest.
36. Officers should comply with the councils procurement rules and be clear on the separation of client and contractor roles within the council. If they are a senior officer who has both a client and contractor responsibility, they must be aware of the need for accountability and openness.
37. Officers must exercise fairness and impartiality when dealing with all residents, suppliers, other contractors and sub-contractors and must not show any favouritism.
38. If officers are privy to confidential information on tenders or costs for either internal or

external contractors, they must not disclose that information to any unauthorised party or organisation

Appointment and Other Employment Matters

39. If officers are involved in the appointment of staff, they must ensure that these appointments are made on the basis of merit. It would be unlawful for officers to make an appointment which was based on anything other than the ability of the candidate to undertake the work.
40. In order to avoid any bias, officers must not be involved in an appointment where they are related to an applicant or have a business or personal relationship outside work with them. Similarly, officers must not canvass on behalf of any applicant.
41. Officers must not line manage nor be involved in decisions related to the appointment, informal/formal discipline, grievance, capability proceedings, promotion or pay adjustments for any other officer who is a 'close associate' – this includes a family member or friend. A family member could include, but is not limited to:
 - Husband/Wife/Partner
 - Son/Daughter
 - Parent
 - Sibling
 - In-laws
 - Aunt/Uncle
 - Niece/Nephew
 - Cousin
 - Step-relation
 - Grandparents

Declaring Personal Interests and Outside Commitments

42. All officers must declare:
 - Any financial or non-financial interest which might conflict with the council or its interests
 - Involvement with an organisation receiving grant aid from the council
 - involvement with a pressure group or organisation which may seek to influence the councils policies
 - Membership of any other groups, clubs and organisation that an employee believes could be relevant to declare in particular circumstances.
43. Declarations should be made to the head of service who should ensure with Human Resources that a written record is made on the employee's personnel file.
44. Declarations must extend to acknowledging the involvement of a relative or partner of an employee in an organisation in which the council does or seeks to do business, particularly if they are directors, partners or hold senior managerial positions in those organisations.
45. Officers should be aware of any contractual restrictions on taking outside or

secondary employment and should contact HR if in any doubt prior to applying for such employment. In any case, employment should not be undertaken which conflicts with the council's interests.

46. Where employees are in any doubt about whether any personal relationships, interests, or outside commitments should be declared in particular circumstances, they should either declare the information in any case, or else seek further advice from their head of service or HR
47. Should an officer or any close relative or associate submit their own planning development proposal, the officer should take no part in its processing. Furthermore, the officer shall inform in writing both the Head of Development and the monitoring officer of all such proposals as soon as they are submitted.

Declaring Related Party Transactions

48. The council is obliged to fulfil a disclosure requirement to its external auditors in respect of related party transactions. This reporting requirement aims to provide assurance to readers of financial statements that any material transactions entered into between the organisation and those in a position of power to influence its decisions are disclosed and above board.
49. Relevant officers must declare positions of influence they hold within partnerships, companies, trusts or any entities providing services to the council. Officer must also declare any influence they hold (in a personal capacity only) within organisations receiving grant funding from the council.
50. Declarations must extend to a relative or partner of the employee if they have an interest in any such organisation.
51. Officers will be required to declare any related party transactions and complete an annual return.

Whistleblowing

52. Where an officer becomes aware of activities which that they believe to be illegal, improper, unethical or otherwise inconsistent with this code, the employee should report the matter in line with the council's confidential whistleblowing reporting procedure. (see Whistleblowing Protocol Section 5(3)).
53. Officers who make disclosures have specific protections afforded them under the Public Interest Disclosure Act 1998.

Corruption

54. It is unlawful for officers to receive any reward or fee other than the pay and benefits that they are entitled to under their contract of employment
55. It is a criminal offence for officers to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. Officers should at all times ensure compliance with the council's Anti-Fraud, Bribery and Corruption Policy.

56. If an allegation is made against an officer, the burden of proof will fall upon them to show that they have not in any way been influenced by improper motives. For this reason, it is important for the council to set clear guidance for officers. (Members are bound by their own Code in this regard)

Gifts, Hospitality, Sponsorship or Endorsements

57. The public are entitled to demand that local government officers conduct themselves to a high standard. Public confidence in their integrity would be shaken were there the least suspicion that they could in any way be influenced by improper motives.
58. This part of the code is intended to assist officers in making a decision as to whether a gift or hospitality may be accepted. Further guidance will be set out below in terms of sponsorship and / or endorsements.
59. In general, gifts and hospitality should be refused. A gift must not be accepted if it is offered by a person or organisation which has, or is seeking business with, the council or one who has an interest in a council decision.
60. In normal circumstances, only minor gifts of token value, such as promotional material (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm), the receipt of such minor articles, will not be regarded as the acceptance of a gift.
61. More substantial gifts must not be accepted under any circumstances. These may include, for example, cash, vouchers, bottles or cases of wine or hampers. In such circumstances, the gift should be returned in a courteous manner accompanied if appropriate by the following or similar statement:
- “Thank you for your kind offer of [insert details of gift]. Unfortunately, the council has a clearly defined policy on receiving gifts or hospitality and I am unable to accept it. I therefore return the gift.”
62. For the purpose of consistency, it is not appropriate to accept gifts and to donate them to a charity.
63. If in doubt, officer should consult their Head of Service before accepting any gift.
64. All gifts and hospitality over £50 – including offers which have been declined - should be properly recorded (see paragraph 13.16) and it is the responsibility of Heads of Service to do this in a register held by Human Resources for this purpose.

Hospitality

65. Contacts established at a social level can often be helpful if pursuing the council's interests. What is important is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to one person.
66. The same principles which apply to gifts apply to the offer and acceptance of

hospitality. Generally, offers of hospitality must be declined. Hospitality must not be accepted when the offer of hospitality is made by any person or organisation seeking business or requiring a decision from the council, or where purchasing decisions may be potentially compromised.

67. Exceptions to this general rule are few, but it may be in order to accept offers of hospitality if there is a genuine need to impart information or to represent the council's wider interest in the community. Officers may, for example, need to attend functions in support of local members. It may also be necessary to participate in a working lunch in order to foster a good working relationship with other organisations. These are examples, therefore, where the acceptance of modest forms of hospitality is acceptable.
68. The following criteria should be applied when deciding whether or not to accept offers of hospitality:
- (a) whether the nature of the hospitality is appropriate - tickets to a major sporting event must invariably be refused, but an invitation to district event which meets the criteria below may be appropriate.
 - (b) whether the council's interest is better served by attendance.
 - (c) whether the scale of the hospitality is appropriate to the circumstance.
 - (d) whether the hospitality is modest and can be considered as part of the normal business process to foster good relations.
 - (e) whether the hospitality is offered by a person or organisation who is not tendering or about to tender for council business.
 - (f) whether members are attending an event which meets these criteria and it is appropriate that they are accompanied by an officer.
 - (g) whether it is more appropriate to bear the expense oneself.
69. Any intention by officers to accept hospitality other than of a minor nature, must be authorised in advance by the relevant head of service. In case of doubt, officers should consult their head of service for guidance.
70. If offers of hospitality are declined, those persons or organisations making the offer should be courteously informed of the procedures and standards operating within the council with, if appropriate, the following or similar statement:
- "Thank you for your kind offer of [insert details of hospitality]. Unfortunately, the council has a clearly defined policy on receiving gifts and hospitality and I am therefore unable to accept."
71. Below are some examples of acceptable and unacceptable hospitality:
- Acceptable
- (a) working lunches, provided their purpose is to continue the work underway in the meeting
 - (b) attendance in an official capacity at functions to which invitations have been sent to other local authorities
- Unacceptable
- (a) holidays or weekends away
 - (b) the use of a company flat or suite

- (c) lunch with a developer who is applying for planning permission
- (d) tickets to a theatre, concerts or sporting events that are offered in order to influence decisions and which you would not attend in an official capacity

Recording of Gifts and Hospitality

72. Whether accepted or not, gifts and hospitality, or offers of them, must be recorded in each service's register maintained for such purposes. The council has a prescribed format for the register, which includes the following detail:
- (a) employee' name
 - (b) job title
 - (c) name of company/organisation making the offer
 - (d) relationship with council
 - (e) nature of gift/hospitality offered
 - (f) date offered
 - (g) whether declined or accepted.
73. Registers of gifts and hospitality will be reviewed at least quarterly by the relevant head of Service. The chief executive will review the register of deputy chief executives, who will in turn review the registers of heads of service. All such reviews will be evidenced by signature and date.

Legislation in relation to Gifts and Hospitality

74. An outline of the legislation applicable to the acceptance of gifts and hospitality is given below.

Bribery Act 2010

75. The Bribery Act 2010 reformed criminal law, replacing the Prevention of Corruption Acts 1889 - 1916 by providing comprehensive scheme of bribery offences.
76. The Act covers a wide range of both direct and indirect bribery offences, and includes offences committed by individuals and corporate bodies.
77. Penalties for non-compliance are serious, with a maximum penalty for the most serious cases being ten years imprisonment.
78. The Act created two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive, or acceptance of an advantage

Local Government Act 1972

79. It is a criminal offence under section 117(2) for council employees to accept any fee or reward other than their remuneration. An offender is liable on conviction to pay a fine.

Sponsorship and Endorsements

80. Where the council wishes to sponsor an event, no officer must benefit in a direct way

without there being full disclosure to an appropriate manager of any such interest. Where the council gives support in the community through whatever means, officers must ensure that there is no conflict of interest.

81. Where an outside organisation wishes to sponsor a council activity, whether by invitation, tender, negotiation, or voluntary, basic conventions concerning acceptance of gifts or hospitality apply. Officers must take particular care when dealing with contractors or potential contractors.
82. Where the council wishes to sponsor an event or service, neither an officer or any partner, spouse or relative must benefit from such sponsorship without there being full disclosure to their line manager of any such interests. Similarly, where the council, through sponsorship, grant aid, financial or other means, gives support in the community, officers must ensure that impartial advice is given and that there is no conflict of interest involved.
83. Officers must exercise caution before providing any statement endorsing the quality or operation of any product or service that may be used for publicity purposes. Such endorsement may put the council at risk of misrepresentation or legal challenge. Officers are therefore advised to seek further advice from their head of service where such circumstances arise.
84. In no circumstances should a statement ever be made in return for personal gift, or money.

Use of the Council's Materials, Equipment or Resources

85. Officers should not make personal use of any council property, facilities, materials, or resources unless properly authorised to do so. Council property and resources should be used solely in respect of the intended work purpose. No improper use should be made of any facility such as vehicles, equipment, stationery, or secretarial services which the council provides for its own business.
86. Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.
87. Officers involved in financial activities and transactions for the council, must follow the Financial rules and any accompanying guidance.

Undertaking additional work

88. Full time officers are expected to devote their whole service to the work of the council, and shall not engage in any other business, including self-employment, or take up any other appointment without the express prior consent of their Head of Service. The council reserves the right to withdraw such consent if it is deemed necessary in the needs of the business.
89. All prospective employees shall, prior to appointment, provide details of any employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job.

90. All officers must declare any other additional employment to their manager to enable the Council to ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.
91. Officers should avoid situations whereby their work and personal interests conflict or may appear to conflict. No personal business activity or outside work of any type should be undertaken by an officer during his/her normal working hours.
92. Undertaking unpaid activities outside council's employment may, on occasions, be detrimental to the council's interests. Officers should be mindful of any potential conflict of interests in such situations.

Press and Media Protocol / Officer-Member External Communications Protocol

Summary

1. How the councils handle their media relations and activities will determine how their key stakeholders (residents, businesses, external partners, and media organisations) perceive and subsequently portray the councils to others. This can therefore have a significant impact on their reputations.
2. This protocol sets out the framework for how officers and members will effectively manage media relations. It is supplementary to the Protocol on Member and Officer Relations in the councils' constitutions and requires both parties at all times to endeavour to work constructively together for the good of the councils and districts.
3. It does not cover all situations in detail as much will depend on the individual circumstances, so it is designed to be flexible while setting out a tried and tested approach.
4. The protocol applies to all members and officers who may be contacted by members of the media.

Legal framework

5. All press releases and media engagement on behalf of the councils will:
 - be in accordance with this protocol
 - be organised and managed by the Communications and Engagement Team, to ensure proactive, effective, and efficient management of the councils' public messaging and reputation
 - focus on matters of council policy, services and democratic decisions
 - not contain anything of a party-political nature
 - be in line with the relevant legislation concerning publicity issued by local authorities, with particular care around the pre-election period.

6. Section 2 of the Local Government Act 1986 states that local authorities:

"...shall not publish any material which, in whole or in part, appears to be designed to effect support for a political party. In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters:

- Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another.
- Where material is part of a campaign the effect which the campaign appears to be designed to achieve."

7. The term ‘publicity’ is defined in the Act as “any communication in whatever form, addressed to the public at large or a section of the public”. Local authorities are also required by section 4(1) of the Act to have regard to the Code of Recommended Practice on Local Authority Publicity contents when coming to any decisions on publicity.

The Publicity Code

8. The [Code of Recommended Practice on Local Authority Publicity](#) was issued in 2011 by the Ministry of Housing, Communities & Local Government.

9. Under the code there are seven principles that local authorities must follow when carrying out any publicity. It should be:

- **Lawful**
Publicity should comply with statutory provisions and any paid-for advertising should comply with the Advertising Standards Authority’s Advertising Codes.
- **Cost-effective**
Consideration must be given to the value for money the publicity will achieve. The code acknowledges that in some circumstances this may be difficult to quantify.
- **Objective**
This requires local authority publicity to be politically impartial. The code acknowledges that councils must be able to explain their decisions and justify their policies, but that this should not be in a way that could be perceived as a political statement or commentary on contentious areas of public policy.
- **Even-handed**
Publicity can address matters of political controversy but in a fair manner and should not seek to affect support for a single councillor or group. The code does, however, recognise that at times it is acceptable to associate publicity with a single member of the councils.
- **Appropriate**
Press and media relations and proactive communications should relate to material matters that impact the council or residents directly.
- **Accessible and inclusive**
Local authorities can positively influence the behaviours and views of local people in relation to health, safety, and other issues where publicity can have a positive impact on the behaviour of the public.

Publicity by local authorities may seek to influence (in accordance with the relevant law and in a way which they consider positive) the attitudes of local people or public behaviour in relation to matters of health, safety, crime prevention, race relations, equality, diversity and community issues. Local authorities should consider how any publicity they issue can contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations.

- **Issued with care during periods of heightened sensitivity**
This gives guidance as to how local authority publicity should be treated during elections and referendums, both national and local.

Principles

10. This protocol will ensure the councils manage their media relations effectively and appropriately. It clearly sets out the respective roles of all members and officers in handling media opportunities and queries.
11. The councils value the media as a key communication partner. The councils are committed to being transparent and maintaining positive working relationships with the media and respect their right to report on any given topic and will providing a professional and accurate information service.
12. Following this protocol will ensure our standards are consistent. It will ensure our messaging and information is accurate due to appropriate member and officer input. This will all build and enhance the councils' reputation. In all cases, our approach to the media will reflect the standards set out in our communications strategy.
13. The Communications and Engagement Team is responsible for managing and issuing all press releases, media responses and public statements on behalf of the councils. It will advise on the most appropriate and effective timing, based on the relevant individual circumstances.
14. The team will make every effort to inform officers and members before they are exposed to significant issues through the media. However, in an increasingly fast and pervasive communications environment, particularly given the speed and ease of dissemination on social media this will not always be possible.

Spokespeople

15. For both proactive and reactive press activities, the Communications and Engagement Team attributes quotes to a relevant individual to demonstrate the councils are committed to openness and accountability.
16. The team will usually ask the Cabinet Member relevant to the subject matter to be a spokesperson for their council. The council leader or deputy leader can also speak as a substitute for the Cabinet Member or if a subject is particularly high profile or sensitive.
17. On rare occasions, the team may need to attribute a quote to senior officers – this will only occur for specific reasons or operational issues that require technical or in-depth knowledge, or if:
 - an extremely quick response is required in changing circumstances to maintain the flow of information to the public (like an emergency incident)
 - there is a legal aspect to the comment which would benefit from attribution to a professional officer rather than a member

- it is during the pre-election period where a factual statement is required.
18. In these circumstances, the nominated officer should never give their views on council policy. They should keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the councils' approved and agreed policies.
19. Often, when none of the options above are available, the team will attribute quotes to an anonymous *spokesperson on behalf of* the relevant council.

Proactive Media Approach

20. The Communications and Engagement Team will prepare proactive press releases and statements to:
- communicate and promote Cabinet and Council decisions that would impact our communities or are of public interest
 - inform the public about changes to services in line with communications plans agreed with service teams
 - promote the work the councils as a whole are doing to deliver better outcomes for their communities, particularly in line with the Corporate Plans
 - influence and change behaviours to address issues facing the districts, country and the planet.
21. The team will do this by:
- identifying the desired objectives and outcomes when working with officers and members, and advising on the most effective and appropriate communications channels and timings
 - agreeing the key messages with the relevant subject matter expert and Cabinet Member
 - drafting the content for press releases and other communications materials, including quotes for the relevant Cabinet Member*
 - circulating draft content to subject matter experts and service manager or head of service for approval
 - circulating approved content to the relevant Cabinet Member* for comments and for approval of their draft quote.

*Where a piece of media work is specific to a particular location, the local ward member(s) should be also invited to take part regardless of their political party. Any quote or interview answers should simply reflect the benefit/impact on local residents rather than discussing the council decision or political aspects of the topic.

Reactive Media Approach

22. The Communications and Engagement Team leads on co-ordinating, drafting and preparing responses to ALL media enquiries. It's important that we respond in a timely manner as it gives the councils a greater chance of influencing the story. Failure to reply in time risks the story leading with an opposing point of view or a 'no comment' response being published.

Members being contacted by the press

23. If a member is directly contacted by, or contacts, the media on an issue, they should:

- contact the Communications and Engagement Team and relevant senior officer(s), except in relation to an enquiry that is party political in nature
- avoid speaking to the press until they've been suitably briefed by the Communications and Engagement Team and relevant senior officers before speaking on the council's behalf
- clearly indicate in which capacity they are speaking
- make it clear whether they are speaking in line with agreed council policy or giving their personal view
- consider the likely consequences for the councils of their own statement (e.g. committing to taking specific actions, image, and allegations/jumping to conclusions), particularly relating to subjects that could be an insurance or legal matter
- consider whether to consult other relevant members
- take particular care in what they say in the run-up to local or national elections to avoid allegations of electioneering, unless they have been contacted as an election candidate or political party activist – in these circumstances, the councils cannot provide support.

Officers being contacted by the press

24. If an officer is contacted by the press on an issue, they should immediately refer the enquiry to the Communications and Engagement Team and offer no comments, suggestions, opinions or information to the press contact.

Enquiries from non-traditional media outlets

25. The interactive media landscape is constantly evolving. Alongside traditional newspapers and broadcast media (radio and television), local newsletters, blogs and social media influencers have a significant impact on public opinion, which is only increasing. More and more these groups, individuals and outlets are approaching the councils for comment on important topics. The Communications and Engagement Team will use its expertise, knowledge and understanding of the local media landscape to assess the likely short term and long-term impact of responding or not responding to these types of enquiry, including accounting for the potential future need to build and maintain relationships with them should their influence grow. This will all be balanced against the resources required to provide a response. Decisions on whether to respond, and how to go about it will be made by the Communications Team Leader and/or Manager.

How we respond to different types of enquiries

26. When a question, concern or accusation has been raised about the councils and their work, the Communications and Engagement Team will draft a quote or statement that positively and concisely explains the councils' position, process or decision in relation to the issue at hand.

27. When an enquiry is about an individual or individuals, we would avoid talking about the specific case(s) as a general rule. Instead, we would provide a statement that explains in general terms the relevant process and/or challenges the council faces related to this topic. On rare occasions, when an individual has proactively approached the press, and chosen to discuss their personal matters themselves, the council may choose to provide a specific response about their case. This would be done on a case-by-case basis, and would need to be cleared by our Data Protection Officer and the relevant Head of Service.
28. When the media has misunderstood or misrepresented an issue relating to the councils or their activities, the Communications and Engagement Team will quickly and assertively explain the mistake to the media and seek a correction, clarification and/or right of reply.
29. IF the councils have made a mistake, which can happen on occasion, they will explain the context and any mitigating circumstances, will explain what went wrong and why, and what they are doing to put it right and prevent it from happening again. The councils will not take a defensive stance but instead commit to learning from our mistakes.

No comment!

30. The councils will never issue or allow a 'no comment' response to subjects that relate to or impact on council services or activities, except potentially in very rare cases where the Communications and Engagement Team has assessed that the outlet making the enquiry would not have a significant enough impact to justify the resources – see the section above about non-traditional media outlets.
31. A key exception to this is where an enquiry relates to a legal or confidential matter or an ongoing investigation or case – in these cases the council will provide a short response to explain or confirm as much as possible and why no further comment is available at this time. For example: "The council can confirm it has received the letter, but as it's currently an ongoing legal matter, will not be commenting further."

Process for media interviews

32. The Communications and Engagement Team will work to influence the news agenda by offering interviewees or providing case studies to illustrate topical issues. The Communications and Engagement Team will use the processes set out in the councils' Communications and Engagement Strategy to identify opportunities in advance but may still want/have to exploit on-the-day stories particularly when there is breaking news.
33. When this occurs, the Communications and Engagement Team will contact the relevant Cabinet Member, or council Leader/Deputy Leader to ask if they are available to be interviewed and arrange the meeting with the media.
34. A pre-interview briefing can be supplied on request. Media training will be offered to all members and senior officers to assist with this.

Publicity in election periods

35. According to the Local Government Association: “The pre-election period, previously known as ‘purdah’, describes the period of time immediately before elections or referendums when specific restrictions on communications activity are in place. The term ‘heightened sensitivity’ is also used.”
36. In the period between the notice of an election and the election itself we will halt all proactive publicity about candidates or other politicians. This applies to local and national elections.
37. During this period, we would refrain from dealing with controversial issues or reporting views, proposals or recommendations in a way that associates them with individual members or political groups. This is to make sure that no individual member or political party gains an unfair advantage by appearing in corporate publicity.
38. During the pre-election period, where a response is required, we would issue a short factual statement and if a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.