## Contents

### Chapter 1 – Introduction & Basic Principles

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1 – The Constitution</td>
<td>4</td>
</tr>
<tr>
<td>Part 2 – The Council</td>
<td>4</td>
</tr>
<tr>
<td>Part 3 – Members of the Council</td>
<td>4</td>
</tr>
<tr>
<td>Part 4 – The Chairman</td>
<td>5</td>
</tr>
<tr>
<td>Part 5 – Council Structure</td>
<td>5</td>
</tr>
<tr>
<td>Part 6 – Cabinet</td>
<td>6</td>
</tr>
<tr>
<td>Part 7 – Overview &amp; Scrutiny Committee</td>
<td>6</td>
</tr>
<tr>
<td>Part 8 – Other Committees</td>
<td>7</td>
</tr>
<tr>
<td>Part 9 – Open Government, Governance and Probit</td>
<td>7</td>
</tr>
<tr>
<td>Part 10 – Officers</td>
<td>7</td>
</tr>
<tr>
<td>Part 11 – Rights of the Public</td>
<td>7</td>
</tr>
<tr>
<td>Part 12 – Principles of Decision Making</td>
<td>8</td>
</tr>
<tr>
<td>Part 13 – Legal, Finance and Contract Matters</td>
<td>10</td>
</tr>
<tr>
<td>Part 14 – Changes to the Constitution</td>
<td>11</td>
</tr>
<tr>
<td>Part 15 – Suspension and Publication of the Constitution</td>
<td>11</td>
</tr>
</tbody>
</table>

### Chapter 2 - The Full Council

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1 – The Full Council</td>
<td>13</td>
</tr>
<tr>
<td>Part 2 – Council Procedure and Rule</td>
<td>15</td>
</tr>
</tbody>
</table>

### Chapter 3 - The Executive

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part 1 – The Cabinet</td>
<td>40</td>
</tr>
<tr>
<td>Part 2 – Terms of Reference of the Cabinet</td>
<td>41</td>
</tr>
<tr>
<td>Part 3 – Functions which the Leader has allocated</td>
<td>42</td>
</tr>
<tr>
<td>Part 4 – Cabinet Procedure Rules</td>
<td>43</td>
</tr>
<tr>
<td>Part 5 – Budget and Policy Framework Procedure Rules</td>
<td>48</td>
</tr>
</tbody>
</table>
Chapter 4 - Overview and Scrutiny

Part 1 – Overview & Scrutiny Committee 54
Part 2 – Terms of Reference of Overview & Scrutiny Committee 54
Part 3 – Scrutiny Procedure Rules 55

Chapter 5 - Committees

Part 1 – Committees and Sub-Committees of Council 66
Part 2 – Committee Procedure Rules 67
Part 3 – Development Committee 71
Part 4 – Licensing Committee 73
Part 5 – Governance Risk & Audit Committee 74
Part 6 – Joint Staff Consultative Committee 75
Part 7 – Employment Committee 77

Chapter 6 - Officers

Part 1 – Officer Structure 78
Part 2 – Functions which are Delegated to Officers 82
Part 3 – Statutory “Proper Officer” Functions 91

Chapter 7 - Ethical Governance

Part 1 – The Standards Committee and Sub-Committees 94
Part 2 – Members’ Code of Conduct 95
Part 3 – Employee Code of Conduct 102
Part 4 – Protocol for Member / Officer Relations 107
Chapter 8 - Access to Information Procedure Rules

Chapter 9 - Rules Codes and Protocols
   Part 1 – Financial Regulations
   Part 2 – Contract Procedure Rules

Chapter 10 - Officer Employment Procedure Rules

Chapter 11 - Members’ Allowances

Chapter 12 - Partnership Arrangements and Outside Bodies
   Part 1 – Partnership Arrangements
   Part 2 – Outside Bodies
CHAPTER 1

INTRODUCTION & BASIC PRINCIPLES

Part 1. The Council’s Constitution

1.1 The Constitution sets out how North Norfolk District Council operates and how (and by whom) decisions are made.

1.2 The purpose of the Constitution is to:

- Explain how the Authority operates
- Enable decisions to be made openly and efficiently
- Ensure that people making decisions are clearly identifiable and accountable
- Ensure that decision makers are held to public account
- Help guide Officers and Members to do their work effectively and lawfully
- Encourage the active participation of local people in decision making.

Part 2. The Council

2.1 The Council has 48 Councillors also known as “Members”. Every four years all of the seats on council will be up for election. Only those registered to vote, or those occupying land or premises as an owner or tenant, or those residing in the area, or those who work in the District are eligible to stand for office as a Councillor.

2.2 All Councillors meet together as the Council. Meetings of Council are normally open to the public. At these meetings, Councillors decide the main Council policies and set the budget and Council Tax each year. The Council elects the Leader at the annual meeting and the Leader appoints the members of the Cabinet. Council also appoints Councillors to committees which deal with non-Cabinet functions such as planning and licensing.

2.3 The Council is also the only body which can review and change this Constitution.

Part 3. Members of the Council

3.1 Councillors’ (or Members’’) role is

- To act as the ultimate policy makers in Council meetings

October 2016
- Represent their communities and bring their views into the Council’s decision making processes
- Help constituents with particular problems, issues or grievances
- Have regard for the wider interests of the District as well as for electors in their wards (whether those electors voted for them or not)
- To be involved in decision making on matters like planning and licensing
- Holding Cabinet (the “Executive”) to account
- To represent the Council on other bodies
- To maintain high standards of personal conduct

3.2 All Councillors receive a basic allowance. This basic allowance and any special responsibility allowances are set by Full Council following recommendations of an independent panel. The detailed arrangements are set out in the Members’ Allowances Scheme [Chapter 11].

Part 4. The Chairman and Vice Chairman

4.1 The Chairman is elected at annual Council in May. The Chairman has the following functions at Council meetings:

- To chair the meeting
- To interpret and apply the Council Procedure Rules [Chapter 2, Part 2]
- To enable all Councillors to contribute to debates and hold the Cabinet to account

4.2 The Chairman is regarded as the first citizen of the District and represents North Norfolk at civic and ceremonial functions.

4.3.1 Where the Chairman of the Council is required to rule as to the construction or application of this constitution or as to any proceedings of the Council, questions may be asked of the Chairman in this respect at any meeting of the Council, however, his/her ruling will be final.

4.4 The Council shall also appoint a Vice Chairman who shall have all the powers and duties of the Chairman when the Chairman is unable to act.

Part 5. Council Structure

5.1 In broad terms the Council is arranged into “Executive” and “Non-Executive” sections. The law states that certain functions must be carried out by Council
and others by the Executive; some functions are designated as being “local choice functions” whereby the Council itself decides who does what. The roles at North Norfolk District Council are set out in Chapter 3 Part 1 of this constitution.

5.2 Committees are required to be politically “balanced” i.e. membership must reflect the overall party political balance of the Council. This rule does not apply to Cabinet which can be made up of Members from a single party. This is designed to ensure that there is strong decision making and clear accountability.

Part 6. The Cabinet

6.1 The Cabinet constitutes the “Executive” part of the Council and is responsible for most of the decisions which affect local services. Before key decisions (see 12.2b below) are made they must be publicised 28 clear days in advance of the meeting, unless they are urgent decisions. The purpose of this is to give notice to the public and the rest of the Council of proposed decisions and to enable comments and if necessary objections to be submitted. Unless they are urgent, most decisions cannot be implemented immediately; this is to enable non-executive members to review those decisions before the Council is committed to them.

6.2 The Cabinet must always make decisions which are in line with the Council’s overall policies and budget set at meetings of the “Full Council”. If it wishes to make a decision which is outside the policy or budget framework, then this must be referred to the Full Council to decide.

Part 7. Overview & Scrutiny Committee

7.1 By law the Council is also required to appoint one or more “Overview & Scrutiny” Committees which monitor the Cabinet’s work, review the Council’s overall performance and contribute to the development of new ideas and policy. It must also scrutinise crime and disorder matters.

7.2 North Norfolk has a single Overview & Scrutiny Committee for this purpose. The Committee allows the public to have a greater say in local matters by holding investigations into matters of concern or interest. These lead to reports and recommendations which advise and inform the Cabinet and the Council on its strategy, policy, spending and services.

7.3 The Overview & Scrutiny Committee also holds the Cabinet to account. The Committee or individual members can “call-in” a decision of Cabinet which has been made but not implemented. They can ask Cabinet to reconsider the decision or ask that the matter be looked at by Council.

7.4 In addition, Cabinet can request that the Overview & Scrutiny Committee review proposed decisions and issues of policy and Officers of the Council and co-optees can make suggestions for particular topics to be scrutinised.
A Cabinet member is not allowed to be a member of an “Overview & Scrutiny Committee”. In addition, no Member can be involved in scrutinising any decision in which he or she played a direct part.

Part 8. Other Committees

8.1 The Council also has a number of other committees which deal with particular matters including Development Committee (dealing with planning), Licensing Committee (mainly alcohol and entertainment licenses), Governance Risk & Audit Committee, Appeals Committee and Standards Committee.

8.2 The detailed powers and functions of Council, Cabinet and Committees are set out in Chapters 2, 3, 4 and 5 of this Constitution.


9.1 The Council is committed to principles of openness and transparency. Council, Cabinet and Committee meetings will normally be open to the public except where personal, legally sensitive or confidential issues are on the agenda for discussion. If any Members at a meeting wish to do this then they must vote to exclude the press and the public and give reasons. The minutes of any such meeting must however be published.

9.2 Members are required to observe their code of conduct and other protocols and procedures set out in Chapter 7 of this Constitution. The Council has a Standards Committee, comprising elected members of the Council and co-opted members from outside the Council. The Committee’s role is to help maintain high standards of behaviour and to investigate complaints against Members. Where Members have any doubts about those standards of behaviour, they should consult the Monitoring Officer in the first instance. All advice given will be minuted and in writing wherever possible.

Part 10. Officers

10.1 Council staff (Officers) provide information, support and advice to Members, implement decisions and run the day to day business of the Council. Some Officers have a specific duty under the law to ensure that the Council acts lawfully and uses its resources responsibly. All Officers are subject to a disciplinary code. Another code of practice governs the relationships between Officers and Members.

10.2 The Officer structure and the powers given to particular office holders are set out in Chapter 6.

Part 11. Rights of the Public

11.1 North Norfolk District Council welcomes and encourages public participation in its work.
11.2 The public has a range of rights in relation to the Council. These include the right:

- Of local people registered on the electoral roll for the area to vote on Council elections.
- To petition the Council.
- To see agendas, reports and appropriate background papers.
- To attend meetings of the Council, Cabinet and Committees, including any joint Committees with another Council.
- To ask, with appropriate notice, a question of any public committee.
- To be notified in advance in order to have input into key decisions.
- To see minutes and other records of decisions made by Council, Cabinet and Committees.
- To inspect the Council’s accounts and give their views to the Council’s auditor.
- To ask to see documents covered by the Freedom of Information Act, 2000.
- To ask to call-in (review) a decision made by Cabinet (see Chapter 4, paragraph 8.6(e)).
- To take part in investigations or reviews of services carried out by the Overview & Scrutiny Committee.
- To complain about the Authority or Officers/Members.

11.3 It should be noted that while Members have the same rights, generally, as members of the public, they also have additional rights in relation to access to information (see Chapter 8).

Part 12. Principles of decision making

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

(a) proportionality (i.e. the action must be proportionate to the desired outcome);

(b) consideration of professional advice from Officers;

(c) respect for human rights (see below for further details);
(d) proper regard to the duties in the Equality Act 2010;

(e) a presumption in favour of openness; and

(f) clarity of aims and desired outcomes.

12.2 Types of decision

(a) Decisions reserved to Full Council. Decisions relating to certain functions listed in Chapter 2 will be made by the Full Council and not delegated.

(b) Key decisions.

(i) A key decision is a decision which is likely: to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the local authority.

(ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Chapter 3 of this Constitution.

(iii) The Council has decided that expenditure or savings of £100,000 or more shall be regarded as significant for the purposes of paragraph (i) above, save where such expenditure or saving is specifically identified in the Council’s Budget.

12.3 Decision making by the Full Council
The Council meeting will follow the Council Procedures Rules set out in Chapter 2 of this Constitution when considering any matter.

12.4 Decision making by the Cabinet
The Cabinet will follow the Cabinet Procedures Rules set out in Chapter 3 of this Constitution when considering any matter.

12.5 Decision making by the Overview & Scrutiny Committee
The Overview & Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Chapter 4 of this Constitution when considering any matter.

12.6 Decision making by other committees and working parties established by the Council
Other Council committees and working parties will follow those parts of the Council Procedures Rules set out in Chapter 3 of this Constitution as applicable.
12.7 **Decision making by Council bodies acting as tribunals**
The Council, a committee, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

**Part 13. Legal, Finance and Contract Matters**

**Financial management**

13.1 The management of the Council’s financial affairs will be conducted in accordance with the financial rules set out in Chapter 9 of this Constitution.

**Contracts**

13.2 Every contract made by the Council will comply with the Contracts Procedure Rules set out in Chapter 9 of this Constitution.

**Legal Matters**

13.3 **Legal proceedings**
The Head of Legal is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal considers that such action is necessary to protect the Council’s interests.

13.4 **Authentication of documents**
Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer, Head of Legal or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person. Any contract with a value exceeding £50,000 entered into on behalf of the local authority shall be made in writing. Such contracts must either be signed by at least two Officers of the Authority or made under the Common Seal of the Council attested by at least one Officer.

13.5 **Common Seal of the Council**
The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal should be sealed. The affixing of the Common Seal will be attested by the Head of Legal or some other person authorised by him/her.

October 2016
Part 14. Changes to the Constitution

14.1 The Council has responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Such monitoring and review shall take place at least annually and be reported to Full Council.

14.2 Subject to the exceptions set out below, changes to the Constitution will only be effective if approved by the Full Council.

14.3 Amendments to the Constitution will normally only be considered by the Council following a report and recommendation from the Standards Committee or Constitution Working Party and having received the advice of the Monitoring Officer.

14.4 The member body recommending changes to the Constitution, whether it is the Constitution Working Party or the Standards Committee, will have regard to advice from the Monitoring Officer on any proposals relating to the Constitution. The Monitoring Officer may submit a report direct to the Council in any case where his/her advice is not accepted by the member body.

14.5 The Monitoring Officer may make changes to the Constitution to give effect to any decisions of the Council and changes in the law and to make minor amendments such as to correct errors and to ensure that the Constitution is maintained up-to-date. Any such changes will be communicated to all Members of the Council.

Part 15. Suspension and Publication of the Constitution

15.1 Suspension of the Constitution
   (a) Limit to suspension. The Basic Principles of this Constitution contained in this Chapter may not be suspended. The Rules specified below may be suspended by the full Council, a Committee or Working Party to the extent permitted within those Rules and the law.

   (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least two thirds of the whole number of councillors (32) are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Chapter.

   (c) Rules capable of suspension. The Council Procedure Rules may be suspended in accordance with Rule 22 of Chapter 2.

15.2 Interpretation
   The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Part 1.
15.3 **Publication**

(a) The Monitoring Officer will give a printed (or, if they prefer, an electronic) copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Monitoring Officer will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

---

1 A person can vote in local government elections if they have registered to vote in time for the election and are:

- 18 years of age or over on polling day
- a British citizen living in the UK
- a qualifying Commonwealth citizen living in the UK
- a citizen of the Irish Republic living in the UK
- a European Union citizen living in the UK
- registered to vote as a Crown Servant
- registered to vote as a service voter

Qualifying Commonwealth citizens are those who have leave to enter or remain in the UK or do not require such leave.

A person cannot vote in local government elections if they are a British citizen living abroad and are registered as an overseas elector.
CHAPTER 2

FULL COUNCIL

Part 1. The Full Council

1. Composition

1.1 The Council comprises 48 Councillors who are elected together every four years.

2. Powers Reserved to Full Council

2.1 The Council has the following functions:

   a) Adopting and changing the Constitution, including the terms of reference of committees of Council, deciding on their composition, making appointments to them and appointing chairmen and vice-chairmen
   b) Adopting or approving the Policy Framework
   c) Adopting or approving the Budget, including the Capital Programme, determining borrowing limits and setting the Council Tax.
   d) Electing or removing the Leader of the Council
   e) Appointing representatives to outside bodies (except where this is an Executive function)
   f) Adopting or approving a scheme for Members' allowances following a report of an independent panel
   g) Changing the name of any electoral area in the District
   h) Making, amending, revoking or adopting byelaws or promoting or opposing the making of local legislation or personal bills
   i) Approving any application to the Secretary of State in respect of a housing land transfer
   j) The setting of rent levels for Council housing
   k) Considering and approving the final accounts and financial statement of the Council
   l) Appointing or dismissing the Head of Paid Service
   m) Appointing or dismissing other Chief Officers (as defined in the Council’s Scheme of Delegation), although this function may be exercised, if the Council so resolves, by an Employment Committee consisting of at least the minimum number of Members of the Council necessary to comply with the political balance requirements of the Local Government and Housing Act 1989 (unless the Council resolves otherwise without dissent).
n) The adoption of any corporate policy or strategy except as otherwise specifically provided in the Terms of Reference of Committees or the Council’s Scheme of Delegation.

o) The taking of any decision or expressing a view leading to the alteration of any Local Government boundary affecting the District, any Electoral Ward or area or the number of Members of the Council

p) Consideration of responses to reports by the Local Government Ombudsman on the advice of the Overview & Scrutiny Committee

q) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Chapter 8 of this Constitution, making decisions about the discharge of an Executive Function where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget

r) All other functions which the Council lawfully decides should be undertaken by itself rather than the Executive / Cabinet and which are set out in this chapter of the Constitution

s) All other matters which, by law, are reserved to Council

3. Council meetings

3.1 Council meetings will be conducted in accordance with the Council Procedure Rules in Part 2 of this section of this Constitution. Council meetings will be chaired by the Chairman (or Vice-Chairman where appropriate).

4. Responsibility and delegation of functions

4.1 The Council may arrange for the discharge of any of its functions by a Committee of the Council, a Sub-Committee of the Council or by an Officer, subject to certain functions such as setting the Budget and Council Tax, decisions that depart from the Budget and Policy Framework or appointing the Chief Executive and other decisions which are reserved by statute exclusively to Full Council. Similarly, a Committee may delegate any of its functions to a Sub-Committee or an Officer, and a Sub-Committee may delegate any of its functions to an Officer.

5. The Policy Framework

5.1 “The Policy Framework” means the plans and strategies which have been approved by the Council to comprise the Policy Framework, and includes the following plans and strategies:

(a) Asset Management Plan
(b) Performance Plan
(c) Capital Strategy
(d) North Norfolk Local Development Framework
(e) Financial Strategy
(f) Growth Strategy
(g) Strategic Housing Policy
(h) Economic Development Plan
(i) Licensing Authority Policy Statements

6. The Budget

6.1 “The Budget” means the Authority’s Budget as approved by a resolution of the Council and includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council’s borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Note: For the avoidance of doubt, it is confirmed that just as the Council retains ultimate responsibility for the actions of all its Committees, it also retains the ability to exercise any of its powers whether or not such power is also delegated to a Committee or Officer save where legislation provides that the Cabinet or some other body shall have sole responsibility. However, the Council will not exercise a power delegated by these Terms of Reference without first certifying that such an exceptional step is required in the best interests of the Council. The Council’s ability to exercise its powers will not override or supersede any decision or action already taken by resolution of any Committee or Officer acting under properly delegated authority.

Part 2. Council Procedure and Rules

1. Types of Council Meeting

1.1 There are three types of council meeting:
   (a) The Annual meeting
   (b) Ordinary meetings
   (c) Extraordinary meetings

1.2 These meetings will be conducted in accordance with the procedure rules set out in this part of the Constitution.

2. Annual Meeting of the Council
   Time and Place

2.1 In a year when there is an ordinary election of Councillors, the Annual Meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May.

2.2 Subject to Rule 2.1 above, the Annual Meeting shall be held at such date, time and place as the Council may resolve or, in default of such resolution, as may be determined by the Democratic Services Team Leader and notified in writing to all Members.

October 2016
2.3 The Annual Meeting of the Council shall take place at 6.00 pm in the Council Offices at Holt Road, Cromer unless otherwise determined by Council.

Business

2.4 The annual meeting will:

(a) Elect a person to preside if the Chairman and Vice Chairman are not present
(b) Receive any apologies for absence from members
(c) Approve correct minutes
(d) Elect a Chairman for the ensuing municipal year
(e) Consider urgent business
(f) Elect a Vice Chairman for the ensuing municipal year
(g) Receive any declarations of interest from Members and Officers
(h) Elect a Leader of the Council [see Note below]
(i) Receive any announcements from the Chairman or the Leader
(j) Establish the following and their size and terms of reference:
   (i) At least one Overview and Scrutiny Committee for the purposes of section 21 of the Local Government Act 2000
   (ii) A Standards Committee for the purpose of the Localism Act 2011
   (iii) A Committee for the purposes of the Licensing Act 2003
   (iv) Development Committee(s)
   (v) Governance Risk & Audit Committee
   (vi) Such other Committees as may be necessary for the proper discharge of the functions of the Council
(k) Note the allocation of seats on Committees and Sub-Committees to members of political groups and those seats to be filled by Members who are not in any political group, and appoint Members to those allocated Committee seats in accordance with the nominations of the political group Leaders, and appoint Members to the remaining Committee seats from among those Members who are not in any political group
(l) Appoint any co-opted members to the Standards and to any Overview & Scrutiny Committees, and to other Committees as appropriate
(m) Determine to which Committees substitute members may be appointed and appoint substitute members in accordance with the nominations of political group leaders
(n) Appoint such Chairmen and Vice-Chairmen of Committees as it falls to Council to appoint
(o) Receive nominations for, and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Cabinet
(p) Agree the date, time and place of ordinary meetings of Council for the coming municipal year
(q) Consider any business set out in the notice convening the meeting

**Note:** From May 2011, Rule 2.4 (h) above will apply only at the annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

### Order of Business

2.5 The order of business at the Annual Meeting may be varied, except in respect of Rules 2.4 (a) to (g) above.

### Ordinary Meetings

#### Time and Place

3.1 Ordinary meetings of the Council will take place at 6pm in the Council Offices at Holt Road, Cromer unless otherwise determined by Council.

3.2 There will normally be seven ordinary meetings of Council in each municipal year. However, the Democratic Services Team Leader may cancel or postpone an ordinary meeting prior to the issue of public notice of the meeting where, after consultation with the Chairman or Vice Chairman, he/she considers that there is insufficient business to transact or where an event occurs which he/she considers would make it inappropriate to hold the meeting on the intended date.

### Business

3.3 Business at ordinary meetings will be to:

(a) Appoint a person to preside if neither the Chairman nor Vice Chairman is present or able to act
(b) Receive any apologies for absence from Members
(c) Approve as a correct record the minutes of the last meeting
(d) Consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Chairman considers should be considered at the meeting as a matter of urgency
(e) Receive any declarations of interest from Members
(f) Receive any announcements from or on behalf of the Chairman or the Leader
(g) Deal with any business deferred from the last Council meeting
(h) Answer questions from members of the public
(i) Receive petitions from Members and from members of the public in accordance with the authority’s Petition Scheme

October 2016
(j) Receive updates, briefings, reports and recommendations from the Cabinet or from members of the Cabinet

(k) Receive any reports from the Overview & Scrutiny Committee, the Standards Committee or other Committees of the Council

(l) Receive reports from Officers

(m) Answer questions received from Members in the order in which they were received

(n) Consider motions from Members in the order in which they were received

(o) Receive reports from Members and Officers attending as the Authority’s representatives on outside bodies about the business of joint arrangements, boards and partnership bodies and external organisations

(p) Receive for information the minutes of Committees

(q) Hold an Adjournment Debate if appropriate

(r) Other business, if any, specified in the summons.

Order of Business

3.4 The order of business set out on the agenda will be set by the Democratic Services Team Leader as Proper Officer, subject to paragraphs 3.6 and 3.7 below.

3.5 Where the Proper Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.

3.6 The Chairman at his/her discretion, or the Council as a whole by a resolution passed on a motion (which need not be in writing) may vary the above order of business at an ordinary meeting of the Council, except in respect of Rules 3.4 (a) to (e).

Opposition Business

3.7 Each opposition or minority Group will have the opportunity at up to three ordinary meetings of Council in each civic year to propose a single item of business on the following procedural basis:

(a) Opposition Group Leaders may submit a notice of opposition business in writing to the Democratic Services Team Leader for the next ordinary Council meeting at least seven clear days before the date of the meeting to which it is addressed.

(b) The written notice must identify the nature of the item to be discussed and the nominated representative of the political group who will present the business to Council, to which the Leader or appropriate Portfolio Holder will respond.
(c) The written notice must relate to a matter which affects the Council or the District and must relate to a matter in respect of which the authority has a relevant function or legitimate local interest.

(d) The Council may vote on the substance of the debate particularly where recommendations have been made for future actions. The time allotted for opposition business will be no more than 30 minutes.

4. Extraordinary Meetings

Calling extraordinary meetings

4.1 Those listed below may require the Proper Officer (who for this purpose shall be the Corporate Directors) to call extraordinary Council meetings in addition to ordinary meetings:

(a) The Council by resolution
(b) The Chairman
(c) A Statutory Officer of the Authority
(d) Any five Members may together call the meeting and the Democratic Services Team Leader shall make arrangements accordingly provided they have signed a requisition specifying the business to be considered at the meeting and presented the requisition to the Chairman and he/she has refused to call a meeting or has failed within seven days of the presentation of the requisition to call a meeting.

4.2 Upon receipt of such requirement, the Democratic Services Team Leader shall arrange a meeting of Council to be held within 20 working days of receipt by her/him of the request.

Time and Place

4.3 All Extraordinary Meetings of the Council shall take place at 6.00 pm in the Council Offices at Holt Road Cromer unless otherwise determined by Council.

Business

4.4 Business at Extraordinary Meetings of the Council shall be restricted to the following:

(a) To appoint a Member to preside at the meeting if neither the Chairman nor the Vice Chairman is present and able to preside
(b) To receive apologies for absence from Members
(c) To receive any declarations of interest from Members and Officers
(d) To consider any business set out in the notice convening the meeting
(e) To consider any matter which, by reason of special circumstances to be specified in the minutes of the meeting, the Chairman considers should be considered at the meeting as a matter of urgency.

**Order of Business**

4.5 Where the Proper Officer considers that the report or consideration of any item or items of business is likely to disclose confidential or exempt information, he/she may group any such items together on the agenda for convenience.

4.6 The Chairman may vary the above order of business at an ordinary meeting of the Council, except in respect of Rule 4.4 (a) to (c).

5. **Notice, Summons and Cancellation of Meetings**

5.1 The Democratic Services Team Leader will give notice to the public of the date, time and place of any meeting in accordance with the Access to Information Rules.

5.2 At least five clear days before a meeting, the Democratic Services Team Leader will send a summons signed by him or her electronically to every Member of the Council or by an alternative appropriate method, as requested by the member (as outlined by the Local Government (Electronic Communications) (England) Order 2015. 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.

5.3 The Democratic Services Team Leader may cancel any meeting of Council by prior written notification to every Member and public notice where he/she is of the opinion, after consultation with the Chairman and Vice Chairman, and with all leaders of declared political groups and the spokesman or woman of the non-grouped Members or each such Member if they have no spokesman that it would be inappropriate to proceed with the meeting for any reason.

6. **The Person Presiding**

6.1 In this procedure, reference to the Chairman shall include reference to the person presiding at the meeting or part of the meeting where the Chairman and/or the Vice Chairman, is absent or unable to act, and the person presiding shall have all the powers of the Chairman for the purpose of the conduct of the meeting or item of business.

6.2 This Rule applies when neither the Chairman nor the Vice Chairman are present or able to act in respect of any meeting or particular item of business, and it is necessary to elect a person to preside in their absence.

6.3 The Corporate Directors or in his/her absence an Officer on behalf of the Corporate Directors shall exercise the powers of the Chairman in respect of the election of a Member to preside (but shall not have a first or casting vote)
and shall invite nominations from Members and conduct an election for a person to preside at the meeting or in respect of the particular item, as necessary.

6.4 Where there is an equality of votes on such election, the Corporate Director or his/her representative may adjourn the meeting for up to 15 minutes. If after such adjournment there is still an equality of votes the matter shall be determined by the drawing of lots.

7. **Record of Attendance**

7.1 All Members present during the whole or any part of a meeting must sign their names on the attendance sheet or book provided before the conclusion of the meeting.

8. **Quorum**

8.1 The quorum of a meeting will be one third of the number of members of the Council (i.e. 16 Members, where there are no vacancies amongst the Members).

8.2 If, once a meeting has started, the Chairman is aware that a quorum may not be present; he/she shall count the number of Members present and, if a quorum is not present, declare there is not a quorum present. The Chairman shall then adjourn the meeting for not more than 15 minutes to attempt secure the attendance of a quorum or adjourn the meeting to a date, time and place determined by the Democratic Services Team Leader.

9. **Duration of Meetings**

**Termination of Meetings**

9.1 If the business of the meeting has not been concluded by three and a half hours after its start, the Chairman must interrupt the meeting. The Member speaking must immediately sit down and the Chairman will then immediately and without debate take a vote on the item under discussion (including any amendment) and shall then dispose of the remaining business in accordance with Rule 9.2 below.

**Disposal of remaining business**

9.2 Subject to Rule 9.3 below, if there are other motions or recommendations on the agenda that have not been dealt with, they are deemed formally moved and seconded and shall be put to the vote without debate.

9.3 Where a notice of motion submitted under Rule 13 falls to be dealt with under Rule 9.2, the Member giving the notice may either:
(a) speak to the motion for not more than three minutes before the motion is put to the vote without debate; or
(b) require that the motion is deferred to the next available meeting and dealt with as business deferred from the previous meeting.

9.4 During the process set out in Rule 9.2, the only motions which may be moved are:

(a) that a matter be delegated or referred to an appropriate body or individual for decision or report;
(b) that a matter be deferred to the next Meeting;
(c) to move a motion that may be moved during debate, under Rule 16.3.

9.5 Voting shall be in accordance with these Rules including those relating to recorded votes.

Close of the meeting

9.6 When all motions and recommendations have been dealt with, the Chairman will declare the meeting closed.

10. Interests of Members

10.1 Members must declare any interest which they have in any matter which is included in the agenda for the meeting, in accordance with the Members’ Code of Conduct and at the item of business on the agenda relating to the declaration of Members’ interests.

10.2 When declaring interests, Members must also disclose the nature of that interest.

10.3 In addition, if during the consideration of any matter, a Member realises that he/she has an interest which he/she has not declared in the matter under consideration, he/she shall declare that interest immediately. Where a Member arrives after the start of the meeting, the Member must make such declarations of interest as soon as possible after arrival and the Chairman shall permit them to do so at the earliest opportunity.

Withdrawal from the meeting for Disclosable Pecuniary Interests

10.4 Where a Member has a disclosable pecuniary interest in any matter, he/she must withdraw from the meeting, including withdrawal from the public gallery, for the duration of the consideration of the matter.

10.5 Where Members have any doubts about whether they have a disclosable pecuniary interest, they should consult the Monitoring Officer in the first
instance. All advice given should be in writing wherever possible and fully minuted.

11. Minutes

Signing the minutes

11.1 The Chairman will, at the next suitable meeting, move that the minutes of the previous meeting be signed as a correct record. The only issue in respect of the minutes that can be discussed is their accuracy. If approved by the meeting, the Chairman will then sign the minutes.

There is no requirement to sign minutes of the previous meeting at an extraordinary meeting

11.2 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following ordinary meeting (being a meeting called otherwise than under paragraph 3 of schedule 12 of the Local Government Act 1972) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Form of Minutes

11.3 The minutes of the Council meeting will not be in the form of a transcript. The minutes shall record all motions and amendments in the exact form in which the Chairman put them to the meeting. Reasons for making decisions will also be recorded.

12. Questions by members

12.1 Members of the Council may ask questions of the Leader of the Council, a Member of the Cabinet or the Chairman of a Committee at Ordinary Meetings of the Council on any matter of Council business or on issues which affect the Council's Area.

12.2 At a meeting no Member may ask more than one question unless the time taken by members' questions does not exceed 30 minutes in total in which case second questions will be taken in the order that they are received. If there are any questions which cannot be dealt with during this time period a written answer will be provided to the questioner within ten working days from the meeting.

October 2016
12.3 The question having been submitted in writing, it shall be taken to have been asked and will only be read aloud at the meeting if the Chairman agrees.

12.4 A Member may only ask a question under Rule 12.1 above if either:

i) It has been received in writing or email by the Monitoring Officer at least 7 working days before the Council meeting; or

ii) The question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Monitoring Officer in writing by 12 noon on the day of the meeting.

(iii) The Chairman rules that the question could not reasonably have been prepared in accordance with (i) and (ii) above and is suitable to be put at the meeting rather than outside the meeting.

12.5 The Monitoring Officer may reject a question if it:

i) Is not about a matter -
   a) for which the Authority has a responsibility or
   b) which particularly affects the Council.

ii) Is defamatory, frivolous or offensive;

iii) Requires the disclosure of confidential or exempt information

12.6 Written replies will be given to questions by the relevant Member of the Cabinet or Committee Chairman, or their nominee, but shall not be the subject of any further debate. When a reply cannot conveniently be given at the Council meeting, a written answer will be circulated to the questioner within ten working days of the meeting.

12.7 The person who is asked the question may decline to answer but that fact shall be recorded in the Minutes of the meeting.

12.8 A member who has put a question may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject the supplementary question on any of the grounds in Rule 12.5 above.

12.9 Unless the Chairman of the Council decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-committee. Once seconded, such a motion will be voted on without discussion.

October 2016
12. Petitions

12.1 The Council has adopted a scheme whereby the public can petition the Council in respect of issues which are of concern.

12.2 All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what the Council plans to do with the petition. The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition.

12.3 Petitions can be submitted to a meeting of the Full Council or addressed to Council online.

12.4 The Council’s rules for submitting petitions are set out in its Petitions Scheme.

13. Notices of Motion

13.1 Except for motions which can be moved without notice under Rule 14 below, any Member may submit a notice of motion in writing to the Democratic Services Team Leader for the next ordinary Council meeting, or extraordinary meeting where the meeting is or is to be convened to consider the subject matter of the notice of motion, at least seven clear working days before the date of the meeting to which it is addressed. A notice of motion must be in writing and signed by the proposer or proposers and may be accompanied by a statement of not more than 200 words setting out the reason for the proposed motion.

13.2 A notice of motion must relate to a matter which affects the Council or the District and must relate to a matter in respect of which the Authority has a relevant function or legitimate local interest.

13.3 A notice of motion may be in more than one part and contain more than one recommendation, but must all relate to the same subject matter.

13.4 The Corporate Director may reject a notice of motion if, in his/her opinion:
   (a) it does not comply with the requirements of this Rule
   (b) the notice of motion is defamatory of an individual, offensive, or otherwise infringes the proper conduct of local government
   (c) the recommendation in the notice of motion would be unlawful
   (d) the notice of motion is substantially the same as a question which has been previously received and answered within the past six months, and there has been no significant and relevant change of circumstances since the previous question was answered
13.5 Where the Corporate Director rejects a notice of motion, he/she shall inform the Member submitting the notice of motion as soon as practicable and shall not include the rejected notice of motion in the public record or agenda.

13.6 The Democratic Services Team Leader shall record all such notices of motion (not including a rejected notice) in the order in which they are received and such record shall be open to public inspection on request.

13.7 The Proper Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received, save that:

(a) where two or more notices of motion are received from a particular Member for the same meeting, that Member’s second notice of motion shall be included after all other Members’ first notices of motion, that Member’s third notice of motion shall be included after all other Members’ second notices of motion, and so on.

(b) where he/she considers that the notice of motion, statement or consideration of the notice of motion is likely to result in the disclosure of confidential or exempt information, in which case he/she may group such notices of motion together with other items of business which are, in his/her opinion, likely to involve the exclusion of press and public during their consideration.

13.8 The Council shall not debate any motion which would give rise to a significant change to the income of the Council, to its expenditure or to contract terms, unless it has received a report from the Chief Financial Officer or the Monitoring Officer, as appropriate, setting out the legal or financial effect of the motion.

13.9 Where a Member submits a notice of motion which would require an accompanying report under Rule 13.8, he/she shall at the same time provide the Chief Financial Officer and/or the Monitoring Officer with sufficient supporting information to enable them to prepare such accompanying report.

13.10 Where a motion which would require an accompanying report under Rule 13.8 falls to be moved without such accompanying report being made available to all members of Council, the motion shall stand adjourned without debate to the next available meeting of Council.

13.11 The time limit for moving and debating all motions upon notice shall be 30 minutes.

**Automatic reference to the Cabinet or a Committee**

13.12 If the subject matter of a motion is within the remit of the Cabinet or a committee, upon being moved and formally seconded, it shall stand referred without discussion to the Cabinet or relevant committee(s) as the Council may determine, for consideration and report to the Council as soon as practical.

October 2016
13.13 The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter, subject to proper information regarding the matters referred to above.

13.14 If the motion has been moved only formally the mover shall be entitled to speak in introducing it when it is considered by the Council either at the same meeting (if agreed as above) or at the next meeting when the report of the Cabinet or a committee is also submitted.

**Motions Affecting Persons Employed by the Council**

13.15 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of section 100 (A) (2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council or Committee as the case may be, has decided whether or not the power to exclude the public under section 100 (A) (2) of the Local Government Act 1972 shall be exercised.

**Motion to rescind a previous decision**

13.16 A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of Council within the past six months, may not be moved except upon a recommendation from the Leader or Cabinet for a variation of the approved budget or policy framework, or where the Monitoring Officer confirms that it is appropriate for the Council to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.

**Motion similar to one previously rejected**

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

14. **Motions without Notice**

14.1 The following motions may be moved without notice:

(a) To appoint a person to preside at the meeting or part 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

October 2016
(e) To elect a Leader

(f) To appoint a committee or Member arising from an item on the summons for the meeting

(g) To receive reports or adoption of recommendations of the Cabinet and other committees or Officers and to pass any resolutions following from them

(h) To withdraw a motion

(i) To amend a motion

(j) To proceed to the next business

(k) That the question be now put

(l) To adjourn a debate

(m) To adjourn a meeting

(n) To suspend a particular Council procedure rule for a period not exceeding the duration of that meeting

(o) To exclude the public and press in accordance with the Access to Information Rules

(p) To not hear further from a Member named under Rule 20.4 or to exclude them from the meeting under Rule 20.5

(q) To move an urgent motion where the Chairman has given consent under Rule 14.2

(r) To give consent where that consent is required by these Rules.

(s) To require that a report be made to a future meeting where the person responsible has declined or failed to arrange for a report

Note: From May 2011, Rule 14.1 (e) above will apply only at the annual meeting following an election, or following the removal or death or incapacity or resignation of the Leader.

14.2 The Chairman shall, notwithstanding this Rule, have the absolute discretion in exceptional circumstances to accept urgent written notices of motion that cannot reasonably await the next meeting of the Council save for motions of no confidence.

15. Motions of No Confidence

15.1 Motions of no confidence in any office holder shall require to be carried by a majority of the Members of the whole Council (i.e. 25 Members) in order to be approved.

15.2 Motions proposing that a vote of no confidence be taken in respect of any office holder may not be treated as an urgent matter by the Chairman under Rule 3.4(d).

16. Reports and Recommendations

October 2016
16.1 The following persons may make a report and recommendations to the Council:
   (a) The Chairman
   (b) The Leader
   (c) Portfolio Holder
   (d) The Chairman of any standing committee
   (f) The Heads of Paid Service
   (g) The Monitoring Officer
   (h) The Chief Financial Officer
   (i) Any other Officer, reporting in accordance with statutory responsibilities
   (j) A Member or Officer reporting as the Council’s representative on any statutory body, partnership, company or authority.

16.2 Except in cases of urgency, such person shall report by delivering the report and recommendation to the Proper Officer at least 10 clear Working Days before the meeting.

16.3 Any person having such right to report (or any other person nominated by them) shall have the right to address Full Council for three minutes on the matter of any report and shall answer any questions from Members thereon. The time limit for addressing Full Council may be extended at the Chairman’s absolute discretion.

16.4 Cabinet Members shall be responsible for presenting their own reports to Council. Officers will not normally be required to speak at Council meetings except to address a report of which they are the author under 16.3 or otherwise to advise the meeting at the request of the Chairman.

17. **Rules of Debate**

17.1 All motions, including amendments, must be proposed and seconded by Members, or deemed to be so under these Rules, before they may be debated and voted upon.

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

17.3 A Member seconding a motion shall indicate his/her intention to second the motion immediately following the proposal of the motion, and may then elect to speak immediately following the proposer, or to reserve his/her speech until later in the debate.

17.4 The Chairman in his/her absolute discretion shall decide which Member is to speak. Only one Member may speak at any one time, unless a Member
wishes to interrupt to make a point of order or in personal explanation, subject to the permission of the Chairman.

17.5 Reports and recommendations from Cabinet, committees, sub-committees and Officers shall be deemed to have been proposed and seconded, and the proposer’s speech may be taken (for Cabinet) by the Leader or another Cabinet Member deputed by the Leader or (for Committees and Sub-Committees) by the Chairman, or in his/her absence the Vice-Chairman, or in both their absence by a Member of the Committee or Sub-Committee chosen by the Chairman.

17.6 If the subject matter of the motion is within the remit of the Cabinet or a committee, upon being moved and formally seconded, it shall stand referred without discussion to the Cabinet or relevant committee, as the Council may determine, for consideration and report to the Council as soon as practical.

17.7 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

17.8 No speech may exceed five minutes without the consent of the Chairman except that at the Meeting of Council at which the Authority’s Budget is proposed, the Leader (or Member of Cabinet deputed by the Leader) shall be allowed 20 minutes to set out his/her priorities or to propose the Budget, and a further 10 minutes to respond. The Leader of the Opposition shall be allowed 20 minutes to reply to a Leader’s opening speech and a further ten minutes to the response.

17.9 In the event of the absence of the Leader or the Leader of the Opposition, the Chairman shall invite the Deputy Leader or another Cabinet Member (for the Leader) or another Member of the same political group (for the Leader of the Opposition) to exercise the rights of speech of the Leader or the Leader of the opposition.

When a Member may speak again

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

(a) To second formally a motion or amendment, having reserved the right to speak later

(b) To speak once on an amendment moved by another Member

(c) To move a further amendment if the motion has been amended since he/she last spoke

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

(e) In exercise of a right of reply

(f) On a point of order
(g) By way of personal explanation.

Amendments to motions

17.11 An amendment to a motion must be relevant to the motion and may be in either or both of the following forms:
   (a) To refer the matter to an appropriate body or individual for consideration or reconsideration; or
   (b) To leave out words and/or add and/or insert words as long as the effect of so doing is not to negate the motion.

17.12 Any amendment must be in writing and submitted to the Proper Officer by no later than noon on the day of the meeting, except:
   (a) with the consent of the Chairman, including amendments proposed during the meeting,
   (b) amendments to motions which have been moved without notice, or
   (c) amendments to recommendations arising from Officers’ reports.

17.13 Amendments shall be taken in the order in which they have been moved (unless the Chairman determines otherwise for the efficient running of business). 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.

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

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

17.16 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

Alteration of motion

17.17 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

17.18 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. If the seconder is not present, another Member may second the altered motion on his/her behalf. The meeting’s consent will be signified without discussion.
17.19 Only alterations which could be made as an amendment may be made.

**Withdrawal of motion**

17.20 A motion may be withdrawn by the person giving notice provided that such notice is in writing and is submitted to the Proper Officer before the agenda is published.

17.21 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. If the seconder is not present, another Member may consent to the withdrawal on his/her behalf. The meeting’s consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

**Right of reply and order of debate**

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

17.23 If an amendment is moved the debate shall proceed in the following manner:

(a) The mover of the motion shall speak

(b) The seconder of the motion shall speak unless he or she has reserved their right to speak later

(c) The mover of the amendment shall speak

(d) The seconder of the amendment shall speak unless he or she has reserved their right to speak later

(e) There shall follow such other number of speakers as the Chairman considers appropriate

(f) If the seconders of the substantive motion and the amendment reserved their speeches, they shall then speak

(g) The mover of the amendment shall have a right of reply

(h) The mover of the substantive motion shall have the final right of reply

(i) A vote shall be taken on the amendment

(j) A vote shall be taken on the motion.

**Motions which may be moved during debate**

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

(a) to withdraw that motion

(b) to amend that motion

(c) to proceed to the next business

(d) that the question be now put
(e) to adjourn a debate
(f) to adjourn a meeting
(g) to exclude the public and press in accordance with the Access to Information Rules
(h) not to hear further a Member named (Rule 20.4), or to exclude them from the meeting (Rule 20.5)

Closure motions

17.25 A Member may move, without comment, any one of the following motions at the end of a speech of another Member:
(a) to proceed to the next business
(b) that the question be now put
(c) to adjourn a debate
(d) to adjourn a meeting

17.26 If a motion to proceed to next business is seconded and the Chairman considers that 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. If the procedural motion is carried the meeting will proceed to the next item of business without any further debate.

17.27 If a motion that the question be now put is seconded and the Chairman considers that the item has been sufficiently discussed, he/she will put the procedural motion to the vote.

17.28 If the procedural motion is passed the Chairman will give the mover of the original motion a right of reply before putting his/her motion to the vote.

17.29 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman considers that 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

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

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

18. Voting

**Majority**

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

18.2 Votes on a motion of no confidence in any elected office holder must be passed by a majority of the Members of the whole Council.

**Motions in several parts**

18.3 Where a motion is in several parts, the vote shall be taken on the whole motion, unless the Chairman at his/her discretion determines that each part shall be taken separately, or the meeting so resolves in the interests of clarity.

**Chairman’s casting vote**

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

**Show of hands**

18.5 Where no dissent is apparent, the Chairman may take a vote on a show of hands.

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

18.6 This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be waived. Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**Recorded vote**

18.7 Notwithstanding Rule 18.5, if any Member present at the meeting so demands, the names for and against the motion or amendment or abstaining
from voting will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

(a) The Chairman shall put the motion and the Democratic Services Team Leader or Monitoring Officer shall call out the names of Members and record their votes or abstentions

(b) The Chairman shall declare the result of the vote and the vote of each Member shall be recorded in the minutes.

18.8 Recorded vote at budget decision meeting

Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

Voting on appointments

18.9 If there are more people nominated for any position(s) than there are position(s) to be filled and there is not a clear majority of votes in favour of the required number of people, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Where there is an equality of votes for a person to continue in the appointment process, a vote shall be taken between those candidates having an equality of votes to determine which candidate shall continue in the appointment process.

19. Exclusion of the Public

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Chapter 8 or Rule 21.1 below.

20. Members’ Conduct

Order of Speeches

20.1 Subject to the rules of debate, the Chairman shall have absolute discretion as to the order in which he/she calls members to speak.

Chairman standing

20.2.1 When the Chairman stands to speak during the course of the meeting, all Members shall cease speaking and sit down.

20.3 Telephones and electronic equipment
Each Member and all persons present shall ensure that his/her mobile telephone and other electronic equipment is switched to, and kept on, silent mode throughout the meeting.

Without derogating from any right of an individual to report on the meeting the person presiding at the meeting may direct at any time, that any suitable or appropriate steps be taken to ensure that any equipment used for this purpose does not interfere with the proper conduct of the meeting.

Member not to be heard further

20.4 If a Member disregards the ruling of the Chairman by behaving improperly or offensively or obstructs the conduct of the meeting, the Chairman may warn the Member as to his/her conduct. If the Member persists in behaving improperly or offensively or deliberately disrupts the conduct of the meeting despite such warning, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

Member to leave the meeting

20.5 If the Member continues to behave improperly after a motion not to be heard further is carried, the Chairman may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

General disturbance

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

21. Disturbance by Members of the Public

Removal of member of the public

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

Clearance of part of meeting room

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

22. Suspension and Amendment of Council Procedure Rules
22.1 All of these Council Rules of Procedure except Rules 11.2 and 18.7 (which are mandatory) and statutory requirements as to the order of business may be suspended by motion on notice or without notice if at least two thirds of the Members of the Council are present. Suspension can only be for the duration of the meeting.

Amendment

22.2 Any motion to add to, vary or revoke these Council Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of Council or to an appropriate Committee for consideration and report back to Council at the next ordinary meeting of the Council.

23. Appointment of Members to Committees

Allocation of seats to Political Groups

23.1 Whenever the Authority is required to undertake a review of the allocation of seats to political groups, the Corporate Director shall conduct such review and report to Council setting out the number of seats on each Committee which are allocated to each political group and the number of seats which remain unallocated, in accordance with the requirements of the Local Government and Housing Act 1989, and regulations made thereunder and shall send a copy of such report to the Leader of each political group and to any Members who are not members of any political group.

23.2 Following receipt of a copy of such report, each Leader of a political group shall make nomination to Council of Members for appointment to those seats on each Committee or Joint Committee which are allocated to his/her political group. Such nomination may be made in writing to the Democratic Services Team Leader in advance of the meeting.

23.3 The Leader of any political group may notify the Democratic Services Team Leader in writing at least ten clear working days before any meeting of Council stating his/her intention to move that a named Councillor be removed from a seat on a particular Committee which has been allocated to his/her political group and to move the appointment of another Member to that seat, and the Democratic Services Team Leader shall then include an appropriate item of business in the Council agenda for the next appropriate meeting of Council.

Appointment of Members to Committees

23.4 At the meeting of Council where an item of business relating to the appointment of Committees is included on the agenda, the Council shall appoint members to each Committee in accordance with the nominations made by each group Leader.
The Council will then appoint members to those seats on Committees which have not been allocated to any political group from amongst those Members who are not members of any political group.

**Appointment of Co-opted Members of Committees**

Where Council determines that a Committee shall include one or more co-opted committee members, it shall also specify whether such members shall be voting or non-voting members, the dates and term of office of any such appointment and the procedure for selection of such co-opted members, which may include advertisement and competition or invitation for nomination from specified bodies.

Co-opted committee membership of any Committee shall not be subject to the rules on political proportionality.

**Substitute Appointments on Committees**

In like manner as for the appointment of full members of Committees, where the Leader of a political group may nominate a number of members determined by the Corporate Director for appointment by Council as full members of the Committee, the Leader of a political group may also nominate an equal number of members for appointment as substitute members of the Committee, and Council shall appoint such substitute members in accordance with the nominations made by the Leader of the political group. No member shall be appointed as a full member and a substitute member of the same Committee.

In like manner as for full members of Committees, the Leader of a political group may move that a Member of that political group cease to be appointed as a substitute Member of a specified Committee and move that another Member be appointed as a substitute Member of that Committee, and Council shall make such removal and appointment in accordance with the nominations of the Leader of the group.

In the case of the Development Committee, any Member who has had the required training in planning matters may be appointed as a substitute member and the number of substitute members is not limited.

**Substitution**

A substitute member may attend a particular meeting of the Committee to which he/she has been appointed as a substitute member, in substitution for a full member of that Committee from the same political group and with the full powers of a full member where:

(a) the full member for whom the substitute member will substitute will be absent throughout the whole of the particular meeting; and
(b) the substitute member has notified the Democratic Services Team Leader before the start of the meeting that he/she will be acting as substitute for that meeting, and of the name of the full member for whom he/she will substitute.

23.12 In the case of the Development Committee, a substitute member may attend a particular meeting of that Committee in accordance with Rule 23.9 except the substitute member need not be from the same political group.

23.13 When acting as a substitute, such a member is free to make their own independent decisions and is under no obligation to vote in accordance with the intentions or wishes of the member for whom he/she will substitute.

**Powers and duties**

23.14 A substitute member shall have none of the rights of a member of a Committee unless he/she has been substituted in accordance with Rule 23.8 above.

23.15 Once substituted in accordance with Rule 23.8 above, the substitute member shall have all the powers of a full member at the meeting.

24. **Appointments to Outside Bodies**

The following criteria will be applied when selecting members for appointments to Outside Bodies:

- Is the appointment relevant to any Council responsibilities (Portfolio, Chairmanship, for example)?
- Does the appointee bring skills and experience to the appointment?
- Does the appointee have the time and resources to devote to the role?
- Does the appointee have a low likelihood of conflicts of interest?
- Has there been any expression of preference / approval from the outside body?
- What is the term of appointment – long or short term and is the appointee able to commit to this length of term?

25. **Interpretation of Rules**

25.1 The ruling of the Chairman as to the construction or application of any of these Rules shall not further be challenged at any meeting of the Council.
CHAPTER 3

THE EXECUTIVE

Part 1. The Cabinet

1. **Appointed by:** The Leader

2. **Membership:** The Cabinet will comprise between two and ten members, including the Leader and Deputy Leader.

   The Leader will allocate to the members of the Cabinet (together with the Leader) responsibilities in respect of particular functions of the Council.

3. **The Leader:** The Leader will be a Councillor elected to the position of Leader by the Council.

   The Leader will hold office until:
   a) he/she resigns from the office; or
   b) he/she is no longer a Councillor; or
   c) the Annual Meeting of the Council following an election or
   d) the Council resolves to remove the Leader from office at an earlier date.

4. **Other Cabinet Members:** Other Cabinet Members shall hold office until:
   a) they resign from office; or
   b) they are no longer Councillors; or
   c) they are removed from office, either individually or collectively, by the Leader.
   d) the next Annual meeting of the Council;

5. **Proceedings of the Cabinet**

   Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out below.

6. **Responsibility for functions**

   The Leader will maintain a list setting out which individual members of the Cabinet, Committees of the Cabinet, Officers or joint arrangements are responsible for the exercise of particular Cabinet functions.
7. **Quorum:** The quorum for a meeting of the Cabinet shall be three, including either the Leader or Deputy Leader. If the Cabinet appoints a Cabinet committee, it shall at the same time determine the quorum of that committee.

8. **Frequency of Meetings:** The Cabinet will meet on a monthly basis (excluding the month of August). Additional meetings may be arranged as necessary.

**Part 2. Terms of Reference of the Cabinet**

1.1 To provide leadership and direction for the Council.

2.1 To keep the Council’s policies and objectives under review and initiating, taking into account the views of the Overview & Scrutiny Committee and the advice of the Corporate Directors and of Chief Officers, new policy proposals in relation to any of the Council’s responsibilities and functions.

3.1 To consider and recommend to the Council the amount of Council Tax to be levied and Council Rents to be charged based on a budget which has been approved by the Committee and recommended for adoption by the Council and to set the Council Tax base.

4.1 To recommend a capital programme to the Council.

5.1 To consider and decide upon any request for a supplementary estimate from any Committee or Chief Officer and on the advice of the Chief Financial Officer to specify how any such request which is approved should be funded.

6.1 To deal with any matter not reserved to Full Council or another Committee of the Council provided that the matter is not one with which a Council’s Cabinet is by law precluded from dealing.

7.1 To report, where appropriate, on any matter relating to the Council’s responsibilities or area.

8.1 To consider any review or alteration of Parliamentary or Local Government boundaries and areas or the representational naming of such areas within the District, provided there shall be reserved to the Council any final decision or expressions of views leading to the alteration of:
   a) any Local Government boundary affecting the District;
   b) any Electoral Division or area;
   c) the number of Members of the Council.

9.1 To submit to Council recommendations on the structure, constitution, membership and functions of all Committees of the Council.

10.1 To report to the Council on matters arising under Sections 85 and 86 of the Local Government Act 1972 (failure to attend meetings and vacation of office).
11.1 To advise the Council on all matters relating to Standing Orders and Finance and Contracts' Codes of Practice.

12.1 To exercise any powers of the Council under Section 138 of the Local Government Act 1972 (emergencies, disasters).

13.1 To authorise the institution or defence of proceedings in any Court or tribunal subject to the provisions relating to emergencies contained in the Council's Scheme of Delegation.

14.1 To prepare, monitor and review the North Norfolk Local Development Framework taking into account all views received and the views of the Development Committee. The adoption of the Local Development Framework or modifications to it shall be reserved to Full Council.

Part 3. Functions which the Leader has allocated to the Cabinet, Cabinet Committees or Individual Cabinet Members

1.1 By section 15(4) of the Local Government Act 2000, the Leader may discharge any executive functions in person (where they have not otherwise been allocated under the authority's executive arrangements), or may make arrangements for the discharge of any of those functions by the Cabinet, by a Committee of the Cabinet, by another Cabinet Member or by an Officer. This Part of the Constitution sets out the arrangements which the Leader has made for the discharge of executive functions by the Cabinet and by individual Cabinet Members.

2. The Cabinet

2.1 The following functions shall be discharged by the Cabinet:

(a) All “Key Decisions”
(b) All executive functions which have not been delegated to a Cabinet Committee, a Cabinet Member, an Officer, an Area Committee, a Joint Committee or another local authority
(c) Any executive function which has been delegated to a Cabinet Committee, a Cabinet Member, or an Officer, where the person or body to whom the decision is delegated refers the matter back to the Cabinet for determination
(d) To approve all virements between Cost Centres and/or Budget Heads or within the Capital programme where the sum to be vired exceeds £50,000
(e) “Local Choice Functions” - These are functions where the Council has discretion as to whether the function should be discharged by the Council or by the Cabinet and has determined that they shall be discharged by the Cabinet. The functions concerned are as follows:

   (i) 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)
(ii) Any function relating to contaminated land
(iii) The discharge of any function relating to the control of pollution or the management of air quality
(iv) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area
(v) The inspection of the Authority's area to detect any statutory nuisance
(vi) The investigation of any complaint as to the existence of a statutory nuisance
(vii) The service of an abatement notice in respect of a statutory nuisance
(viii) The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 insofar as it relates to the Cabinet’s other functions

3. Individual Cabinet Members

3.1 Under section 15(4) of the Local Government Act 2000, the Leader has allocated a “Portfolio” to each Cabinet Member and delegated to each “Portfolio Holder” responsibility for the discharge of the functions specified below. The powers delegated to individual Cabinet Members specifically exclude “Key Decisions” and “Local Choice Functions” which have been allocated to the Cabinet.

Part 4. Cabinet Procedure Rules

1. How the Cabinet operates

Who may make executive decisions

1.1 The discharge of executive functions is the collective responsibility of the Cabinet (including the Leader) as a whole. The Cabinet may arrange for such functions to be delegated to and carried out by:

i) a committee of the Cabinet;
ii) an individual member of the Cabinet;
iii) an Officer;
iv) an area committee;
v) jointly with another authority ("joint arrangements"); or
vi) other arrangements specifically authorised by statute

Sub-delegation of executive functions
1.2 Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may in conjunction with the Leader or Deputy Leader of the Council delegate further to an area committee, joint arrangements or an Officer.

1.3 Even where executive functions have been delegated by the Cabinet, a committee of the Cabinet or an individual member of the Cabinet, that fact does not prevent them from discharging those delegated functions.

The Council’s scheme of delegation and executive functions

1.4 The Council’s scheme of delegation is subject to adoption by Council and may only be amended by the Council. Any change to such delegations which are approved by the Cabinet will therefore be reported to the next Council meeting.

Conflicts of Interest

1.5 Where the Leader has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members in Chapter 7, Part 2 of this constitution.

1.6 If any member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council’s Code of Conduct for Members in Chapter 7, Part 2 of this Constitution.

1.7 If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council’s Code of Conduct for Members in Chapter 7, Part 2 of this constitution.

Public or private meetings of the Cabinet

1.8 Cabinet meetings will normally be held in public. The Access to Information Rules in Chapter 8 of this Constitution set out the relevant requirements and specify when meetings of the Cabinet may be held in private.

Principles of executive decision making

1.9 The Cabinet will have regard to the principles of decision making set out in the Introduction to the Council’s Constitution.

Decisions taken by the Cabinet

1.10 Executive decisions which are to be taken by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Chapter 8 of the Constitution.
1.11 Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

1.12 The Access to Information Procedure Rules also govern the procedure for decision making by individual members of the Cabinet.

2. How Cabinet meetings are conducted

Who presides

2.1 The Leader or in his/her absence, the Deputy Leader will preside at any meeting of the Cabinet at which one of them is present. In their absence, a person appointed to do so by those present shall preside.

Who may attend

2.2 These details, including rights of the public, are set out in the Access to Information Rules in Chapter 8 of this Constitution and in those Council Procedure Rules which are applied to the Cabinet by Chapter 1, Part 11.

What business

2.3. At each meeting of the Cabinet, the following business will be conducted:-

(i) Approval of the minutes of a previous meeting;
(ii) Declarations of Interest, if any;
(iii) Consideration of items to be discussed in private (at public meetings only);
(iv) To receive any petitions and hear any deputations from members of the public (public meetings only);
(v) Public question time (public meetings only);
(vi) Up to half an hour for oral questions by Councillors, which in special circumstances may be extended at the Chairman’s absolute discretion;
(vii) Matters referred to the Cabinet (whether by the Overview & Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
(viii) Consideration of reports from the Overview & Scrutiny Committee, which may be presented by the Chairman of Overview & Scrutiny Committee, and determination of any appropriate course of action on the issues so raised for report back to that committee.
(ix) Matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules.
2.4 For the avoidance of doubt, and in the interests of the efficient conduct of business, any Member may ask questions on each item on the agenda and not just in accordance with point 2.3(vi) above.

Voting

2.5 Voting at Cabinet meetings will be by show of hands. The Chairman will have a second or casting vote.

Consultation

2.6 All reports to the Cabinet from any member of the Cabinet 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 Overview & Scrutiny Committee or relevant panels, 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.

Who can put items on the Cabinet agenda

2.7 The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader’s requests in this respect.

2.8 Any member of the Cabinet may, with the Leader’s consent, require the Proper Officer to make sure that an item is placed on the agenda of the next appropriate meeting of the Cabinet for consideration.

2.9 The Heads of Paid Service, Monitoring Officer or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties.

Reports to Council

2.10 The Leader may determine which items of business at any meeting shall be the subject of a report to full Council.

3. Cabinet Briefing

3.1 The members of the Cabinet may also, if they wish, meet informally with officers for briefing, advice and discussion of any matters relating to their
functions. Such briefings may follow an agreed agenda but will not constitute meetings of the Cabinet. No decisions can be taken at such meetings. The Access to Information Procedure Rules will not apply to such meetings, except as specified in Rule 19 to 21 of those Rules.

4. **Key Decisions**

4.1 Key Decisions shall only be taken if either at least 28 clear days public notice has been given or under the General Exception five clear days notice is given and the Chairman of the Overview and Scrutiny Committee has been notified, or in Cases of Special Urgency where the decision is urgent and cannot be deferred where the Chairman of Overview and Scrutiny Committee has agreed. In either case appropriate public notice will explain why the decision is being taken without the full notice period being given.

4.2 Key decisions are defined as a decision which is likely:

(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effect on communities living or working in an area comprising two or more wards in the area of the Council.

4.3 The Council has decided that expenditure or savings of £100,000 or more shall be regarded as significant for the above purposes, save where such expenditure or saving is specifically identified in the Council’s Budget.

5. **Recording of Decisions**

5.1 All decisions which include Key Decisions are to be made by a simple majority of those members of the Cabinet present and voting at the meeting.

5.2 Following a meeting of the Cabinet at which a report (whether oral or in writing) has been received and at which an executive decision has been made, the Proper Officer shall ensure that a written statement is kept which must include the following:

(a) record of the decision;

(b) record of reasons for the decision;

(c) details of alternative options considered;

(d) record of any conflict of interest declared; and

(e) any dispensation granted by the Standards Committee, where appropriate.

6. **Urgent Decisions and Call-in**

6.1 Where an urgent decision has been taken by the Cabinet or a Cabinet Member with delegated authority this will be recorded and this decision will not be subject to Call-In (see the Overview & Scrutiny Rules in Chapter 4).
7. Matters of Urgency

7.1 Where the Proper Officer considers that a matter of urgency has arisen in connection with the work of the Cabinet and requires a decision before the next regular meeting of the Cabinet, the Proper Officer after consultation with the Cabinet Member who has responsibility for the portfolio in respect of which the matter is associated or in whose absence the Leader of the Council or in whose absence the Deputy Leader of the Council, shall have power to act and shall report the action to the next meeting of the Cabinet; provided that no action shall be taken under this provision except in matters which have been delegated by the Council to the Cabinet or to a Committee.

7.2 A decision made by the Cabinet pursuant to Cabinet Procedure Rule 7.1 shall not be subject to the Call-In Procedure and may be implemented with immediate effect. A report of the action taken shall be submitted to the next meeting of the Cabinet.

8. Application of Council Procedure Rules

8.1 The Council Procedure Rules shall apply to all meetings of the Cabinet except as varied by these Cabinet Procedure Rules.

Part 5. Budget and Policy Framework Procedure Rules

1. The Framework for Executive Decisions

1.1 The Council will be responsible for the adoption of the Budget and of the Policy Framework. Once the framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Policy Framework

2.1 The Council shall from time to time review those plans and strategies that comprise the Policy Framework, and may determine that:
   (a) it is minded to remove a plan or strategy from the Policy Framework
   (b) an existing plan or strategy that forms part of the policy framework shall be reviewed
   (c) an additional plan or strategy shall be included in the Policy Framework.

2.2 In the case of Rule 2.1 (a) above, unless such resolution arises from a recommendation from the Cabinet, the Council shall consult the Cabinet before taking a decision whether to remove the plan or strategy from the Policy framework.

2.3 In the case of Rule 2.1(b) and (c) above, the Council shall instruct the Cabinet to prepare and recommend a draft policy or strategy, or a draft amended policy or strategy, setting out the issues to be covered by the new policy or
strategy, or the broad manner in which the Council wishes to amend the plan or strategy, and any matters which the Council would wish the Cabinet to take into account in preparing a draft, or draft amended, policy or strategy, including any urgency, and stating whether the draft plan or strategy, or draft amended plan or strategy shall be referred on receipt to the Overview & Scrutiny Committee.

2.4 Upon receipt of such instruction, the Cabinet shall prepare a draft plan or strategy, or draft amended plan or strategy in response to such instruction and shall submit it to Council.

2.5 In preparing such draft plan or strategy, or draft amended plan or strategy, the Cabinet may undertake such consultation with partner organisations and with the public as it considers to be appropriate.

2.6 Where the Council has resolved that the draft plan or strategy, or draft amended plan or strategy, shall be referred to the Overview & Scrutiny Committee, the Corporate Directors shall report the draft plan or strategy, or draft amended plan or strategy to that Committee, and that Committee shall then consider the same and prepare a recommendation to Council subject to Rule 2.7 below. In such consideration, the Committee may undertake such consultation as it considers appropriate, having regard to any consultation previously undertaken by the Cabinet.

2.7 Where such recommendation to Council is that the draft plan or strategy, or draft amended plan or strategy, should be adopted as proposed by the Cabinet, that recommendation shall proceed directly to Council. Where such recommendation is that the draft plan or strategy, or draft amended plan or strategy should be adopted subject to any amendment, that recommendation shall be reported by the Corporate Directors to the Cabinet and shall be deemed to be a resolution that Council proposes to adopt the draft plan or strategy, or draft amended plan or strategy, subject to an amendment.

2.8 Where Council receives a recommendation from the Overview & Scrutiny Committee as set out in Rule 2.7 above, the Corporate Directors shall report to Council the Cabinet’s original proposal and the Overview & Scrutiny Committee’s comments.

2.9 Council shall then consider the draft plan or strategy, or draft amended plan or strategy, together with any recommendation and response. The Council may take one of the following steps:

(a) If Council wishes to adopt the draft plan or strategy, or draft amended plan or strategy as originally recommended by Cabinet, without amendment, it may do so forthwith;

(b) If Council wishes to adopt the draft plan or strategy, or draft amended plan or strategy, subject to any of the amendments recommended by the Overview & Scrutiny Committee, it may do so forthwith after consideration of the Cabinet’s response thereto;

October 2016
(c) If Council wishes to adopt the draft plan or strategy, or draft amended plan or strategy, subject to any amendment which was not recommended by the Overview and Scrutiny Committee, it shall resolve accordingly “in principle”, and the Corporate Directors shall forthwith notify all members of the Cabinet of that resolution together with the legal and financial implications of the resolution. The Leader may submit to the Corporate Directors the Cabinet’s response to the proposed amendment and the following options take effect:

(i) If such response is received within 5 clear Working Days of such notification, or such longer period as Council may resolve, the Corporate Directors shall report the response to the next convenient meeting of Council for debate and the “in principle” resolution shall not take effect until after that meeting, if agreed.

(ii) Where no such response is received within the set period, the “in principle” resolution shall take full effect at the expiry of that set period, unless there are significant legal and financial implications, in which case the Corporate Directors shall make a report including those implications to the Council for its next convenient meeting.

2.10 Where a particular plan or strategy is required by statute to be subject to consultation, examination in public, or submitted to the Secretary of State for approval, this procedure shall apply in respect of the approval of the plan or strategy at each such stage.

3. **Process for Setting the Budget**

3.1 For each municipal year, the Cabinet shall propose a draft Budget for the Authority and shall submit it to the Corporate Directors for report to Council for approval.

3.2 In proposing such draft Budget, the Cabinet may undertake such consultation with partner organisations and with the public as it considers to be appropriate or required by law.

3.3 The Cabinet shall refer the draft Budget to the Overview & Scrutiny Committee, in which case the Corporate Directors shall report the draft Budget to that Committee and that Committee shall then consider the same and prepare a recommendation to Cabinet. In such consideration, the Overview & Scrutiny Committee may undertake such consultation as it considers appropriate, having regard to any consultation previously undertaken by the Cabinet.

3.4 If Council wishes to adopt the draft Budget as recommended by Cabinet, without amendment, it may do so forthwith.

3.5 In reaching a decision, the Council may adopt the Cabinet's proposals, but if the Council has any objections to the Cabinet’s proposals, then before it amends, approves or adopts any budget, it must inform the Leader of those objections and require the Cabinet to reconsider. The Cabinet may, within
such reasonable period as the Proper Officer may determine (but which shall be not less than 5 working days) submit revised proposals or inform the Council of the Cabinet’s disagreement with the Council’s objections and the reasons for this. Once that period has expired, the Council in amending, approving or adopting any budget, must take into account any revised proposals and the views of the Cabinet.

3.6 Immediately after any vote is taken at a budget decision meeting of the authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting, as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014

3.7 In the case of budget proposals submitted to the Council after February in the preceding financial year, or any budget proposals submitted following designation or nomination by the Secretary of State, the Council may amend, approve or adopt the Cabinet’s proposals without requiring the Cabinet to reconsider them.

3.8 In approving the budget and policy framework, the Council will also specify the extent of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraph 7 of these Rules (in-year adjustments). The extent of virement within the approved budget is set out in the financial regulations in Chapter 9 of this Constitution. Any other changes to the policy and budgetary framework are reserved to the Council.

4. Decisions outside the Budget or Policy Framework

4.1 Subject to Rule 5 below, the Cabinet, Committees of the Cabinet, individual Cabinet Members or any Officers, or Joint Committees discharging Executive functions may only take Executive decisions to the extent that they are not contrary to the Policy Framework or the Budget. If any of these bodies or persons wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision shall be a “Departure Decision” and may only be taken by the Council. Note that such Departure Decisions must be taken by Council and cannot be delegated to any other person or body.

4.2 If the Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet or any Officer, any Area Committee or Joint Committee wants to make an executive decision and apprehends that it may be contrary to the Policy Framework or contrary to, or not wholly in accordance with the Budget (and thus to constitute a “Departure Decision”), they shall take advice from the Proper Officers as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of any of those Officers is that the decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, then the decision-taker may take an “in principle” decision but must refer the matter as a recommendation or as an “in principle” decision to
5. **Urgent Decisions outside the Budget or Policy Framework**

5.1 Notwithstanding Rule 4 above, the Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet, an Officer, an Area Committee or a Joint Committee, who or which is exercising Executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by Full Council, if the decision is a matter of urgency. A decision will be urgent if any delay involved in convening a quorate meeting of the Full Council to take the decision, within the Access to Information Rules, would or would be likely to seriously prejudice the Council’s or the public interests.

5.2 The Chairman of the Overview & Scrutiny Committee has to agree in writing that the decision must be taken as a matter of urgency before it may be taken. In the absence or inability of the Chairman to act, the consent of the Chairman of the Council, or in his or her absence or inability to act, the Vice-Chairman of the Council, shall suffice. The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.

5.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

6. **Financial Regulations and Budget Management**

6.1 The Council’s Financial Regulations are included in Chapter 9 of this Constitution. The Council has approved a budget management scheme that is included in that Chapter. The budget management scheme lists the rules for managing the capital and revenue budget. This includes limits on virement between capital projects and cash limits.

6.2 Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, or Officers discharging executive functions to implement Council policy will not exceed those budgets allocated to each cash limit. However, such bodies or individuals will be entitled to vire across cash limits and capital projects as set out in the budget management scheme. Exceeding those limits will require the approval of the Full Council.

7. **In-Year Changes to Policy Framework**

7.1 The responsibility for agreeing the budget and policy framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers discharging executive functions must be in line with it. No changes to any policy and strategy that make up the
policy framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint; or

(b) which are necessary to ensure compliance with the law, ministerial direction or government guidance; or

(c) in relation to the policy framework in respect of a policy, when the framework would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

8. **Homelessness Appeals**

8.1 To ensure that the process is fully transparent and that any reviews are undertaken by someone who has had no previous role in the process, homelessness reviews will be undertaken by officers in the Council's Legal Service, Eastlaw.
CHAPTER 4

OVERVIEW AND SCRUTINY

Part 1. Overview & Scrutiny Committee

1. **Appointed by:** Full Council under section 21 of the Local Government Act 2000.

2. **Membership:** Twelve members none of whom may be Cabinet Members or the Chairman of the Governance Risk & Audit Committee.

3. **Co-opted Members:** The Overview & Scrutiny Committee may, by resolution co-opt members of the public onto the Committee, sub-committees or Task and Finish Groups as it sees fit. Co-opted members may not vote.

4. **Political Proportionality:** The Committee will be appointed on a politically proportionate basis and it is the practice of the Council that the Chairman should be appointed from a political group that is not the majority group or, if there is no overall control by any political group, a group that does not have most members of the Cabinet.

5. **Quorum:** The quorum will be four Members

6. **Frequency of Meetings:** The Committee will meet at least ten times each civic year. In addition, an extraordinary meeting of the Overview & Scrutiny Committee may be called by either:
   (a) The Chairman of the Committee, or in the Chairman's absence the Vice-Chairman
   (b) A quorum of the members of the committee; or
   (c) The Proper Officer if he/she considers it necessary or appropriate.

Part 2. Terms of Reference of Overview & Scrutiny Committee:

1. To scrutinise and review decisions or other actions taken with respect to Cabinet functions. This includes call-in of Cabinet decisions.

2. To scrutinise and review decisions or other actions taken with respect to non-executive functions.

3. To make reports or recommendations to the Full Council or to the Cabinet about one or more particular issue(s), service(s) or matter(s), which affects North Norfolk and its residents. Reports or recommendations may be carried out on whatever issue, service or matter the Scrutiny Committee thinks fit and may be carried out on any subject if the Full Council or the Cabinet requests it to do so.

October 2016
4. To carry out best value reviews.

5. To act as the Council’s Crime and Disorder Committee.

6. To produce an annual report to Council on the work of the Committee over the year.

7. To ensure effective scrutiny of the treasury management strategy and policies.

Definitions

(a) Scrutiny includes:
   • examining the effects any policy has had, how effectively the policy has achieved its aims, and how effectively it has been implemented;
   • the development of policy and pre-scrutiny of policy proposals;
   • a wider role in examining matters of concern to local communities e.g. health-related issues;
   • monitoring the performance of services provided by or to the Council;
   • scrutinising Cabinet decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy, to measure their effect; and
   • reviewing the performance of the Cabinet, its Members and the Council’s senior officers

(b) Call-in means the right to call-in, for reconsideration or review, decisions made by the Cabinet (or a Committee of Cabinet or by a Member of Cabinet, or by an Officer, within five days of the publication of such a decision. The decision is suspended until the call-in procedure has been completed (See paragraph 8 below).

(c) Task and Finish Groups are informal bodies and can be made up of co-opted Members of the public and Councillors. They examine in detail a particular issue or the way a specific service is delivered. The groups are time limited to keep them focused and reduce the burden on members and at the end of their lifespan will report their findings to the Overview & Scrutiny Committee.

Part 3. Scrutiny Procedure Rules

1. Work Programme

1.1 The Overview & Scrutiny Committee shall be responsible for setting its own work programme, taking into account the wishes and preferences of the members of that committee, including members who are not members of the largest political group on the Council or of any political group.

1.2 The Overview & Scrutiny Committee may receive requests from the Cabinet and suggestions from Officers of the Council and co-optees for particular topics to be scrutinised.

1.3 The work programme shall be reported to Council annually.

October 2016
2. **Agenda Items**

2.1 Any non-executive Member of the Council may, with a minimum of seven clear working days notice, request the Democratic Services Team Leader to include an item on the agenda of the Overview & Scrutiny Committee. Upon receipt of such a request the Democratic Services Team Leader shall, provided that the matter is within the committee’s terms of reference, ensure that the item is included on the next available agenda for consideration by the Committee, and advise the Chairman accordingly.

2.2 There will be a standing item on the agenda of all ordinary meetings of the Overview & Scrutiny Committees to allow such requests to be considered.

2.3 Any Member who submits a request will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the request and to have the item discussed. The committee will decide:

(a) if the matter is a simple one, to resolve it forthwith

(b) to request Officers to prepare a report for the next convenient meeting

(c) to set up a task and finish group to investigate and report back to the committee

(d) to make recommendations to the Cabinet or Council, as appropriate

(e) to decide to take no further action upon the request, for stated reasons.

2.4 The Overview & Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and, if they consider it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Overview & Scrutiny Committee shall report their findings and any recommendations back to the Cabinet or Council, as appropriate. The Council and/or the Cabinet shall consider and respond to a report of the Overview & Scrutiny Committee within two months of receiving it unless otherwise agreed by the Chairman of the Overview & Scrutiny Committee.

3. **Procedure at Scrutiny Committee Meetings**

3.1 The Overview Scrutiny Committee shall consider the following business:

(a) Minutes of the last meeting;

(b) Receipt of urgent business;

(c) Declarations of interest;

(d) The receipt of petitions from members of the public;

(e) Public questions, statements or deputations

(f) Consideration of any matter referred to the Committee by a Member under Rule 2.1 above;

(g) Responses of the Council or the Cabinet to the committee’s reports or recommendations;
(h) Any Councillor Call for Action in accordance with procedure set out in Rule 9 below;
(i) Any other business specified in the agenda for the meeting, and
(j) The Cabinet Work Programme

3.2 The provisions of the Committee Procedure Rules set out in Chapter 5 will be applied to meetings of the Overview & Scrutiny Committees to the extent they are considered appropriate. The Rules will not apply to Task and Finish Groups.

3.3 Where the Overview & Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at committee meetings, which are to be conducted in accordance with the following principles:
(a) that the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak
(b) that those assisting the committee by giving evidence be treated with respect and courtesy
(c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

3.4 Within those principles the Council expects the Overview & Scrutiny Committee to be effective, thorough and incisive and to consider all relevant evidence in their work. It also expects the Committees to strive for continuous improvement in the overview and scrutiny function and to develop further opportunities for public engagement.

3.5 Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public subject to the Access to Information Rules and provisions relating to confidential and exempt reports or information, and any prohibition, limitation or restriction on disclosure arising from statute, any rule of law, or order of a court.

3.6 The Protocol for Member/Officer Relations contained in Chapter 7, Part 4 of the Constitution shall apply to the attendance of Officers giving evidence to the Overview & Scrutiny Committee or Task and Finish Groups.

4. Reports from Overview & Scrutiny Committee

4.1 The Overview & Scrutiny Committee may prepare a formal report, with recommendations, and submit it to the Monitoring Officer with a notice requiring it to be considered by the Cabinet or the Council as appropriate, depending on which body is responsible for the function concerned and whether the proposals are consistent with the Council’s budget and policy framework. Where a report is to be made to the Council, the Monitoring Officer
shall refer a copy to the Leader with notice that the matter is to be referred to the Council.

4.2 If the Overview & Scrutiny Committee cannot agree on one single final report to the Cabinet or Council as appropriate, then one or more minority reports may be prepared and submitted for consideration by the Cabinet or Council at the same time as the majority report. Officers shall support the preparation of any such minority reports.

4.3 The Cabinet or Council as appropriate, in compliance with its legal duty to comply with any notice given by the Overview & Scrutiny Committee under Rule 4.1 above, shall:

(a) consider the report and recommendations of the Overview & Scrutiny Committee at its next available meeting; and

(b) respond to any such report within two months of its receipt indicating what action, if any, the Council or the Cabinet proposes to take, and if it decides to take no action, the reasons for that decision.

4.4 The agenda for Cabinet meetings shall include a standard item entitled “Overview & Scrutiny Committee Matters” to facilitate the Cabinet’s early consideration of scrutiny reports and recommendations, which shall be included at this point on the agenda unless they have been reported as part of a substantive item elsewhere on the agenda.

4.5 Reports and recommendations of the Overview & Scrutiny Committee will normally be presented at Cabinet and Council meetings by the Overview & Scrutiny Committee Chairman or Vice-Chairman, by the Chairman of a Task and Finish Group or by another non-executive Member nominated by the Committee. The Member concerned will be invited to participate in discussion of the report.

5. Rights of Scrutiny Committee Members to Documents

5.1 The Scrutiny Committee will have access to the Cabinet Work Programme of key decisions of the Cabinet and timetable for decisions and intentions for consultation.

5.2 In addition to their rights as Councillors, members of the Overview & Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out in Chapter 8 of the Constitution.

5.3 In particular, at its meeting, the Overview & Scrutiny Committee will receive:

(a) copies of all documentation submitted to the Executive on which the decision was based;

(b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
5.4 Nothing in this paragraph shall prevent more detailed liaison between the Cabinet and the Overview & Scrutiny Committee as appropriate depending on the particular matter under consideration.

6. **Members and Officers giving Account**

6.1 The Overview & Scrutiny Committee (or a sub-committee or Task and Finish Group) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or other matter. As well as reviewing documentation, the Committee may, in fulfilling the scrutiny role, require any Member of the Cabinet, the Corporate Directors and/or any Director and/or any appropriate Officer to attend before it to explain, in relation to matters within their remit:

(a) any particular decision or series of decisions
(b) the extent to which the actions taken implement Council policy
(c) the performance of their areas of responsibility

6.2 The Overview & Scrutiny Committee may also require any Council Member who has been granted local ward Member powers (for instance a delegated budget) under section 236 of the Local Government and Public Involvement in Health Act 2007 to attend before it to answer questions on any function which the Member has power to exercise.

6.3 It is the duty of those persons described in Rules 6.1 and 6.2 above to attend if so required.

6.4 Where any Cabinet Member, Ward Member or Officer is required to attend an Overview & Scrutiny Committee or a task group meeting under this provision, Democratic Services staff will inform that Member or Officer in writing, giving at least five clear working days notice of a meeting of the Overview and Scrutiny Committee meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee.

6.5 Where the account to be given to the committee will require the production of a report, then the Member or Officer concerned will be given at least 14 clear working days notice to allow for preparation of that documentation.

6.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then a substitute may be asked to attend or the Overview & Scrutiny Committee may, in consultation with the Member or Officer, arrange an alternative date for attendance, which shall be no later than the next scheduled meeting.

October 2016
7. **Attendance by others**

7.1 An Overview & Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear for example from residents, representatives of public bodies, stakeholders, Members and Officers in other parts of the public sector, or experts, and may invite such people to attend.

7.2 Public participation in meetings of the Overview & Scrutiny Committee shall be governed by the provisions set out later in this section.

7.3 Any Member of the Council shall be entitled to attend meetings of the Overview & Scrutiny Committee and to speak once on any agenda item, with further speaking being at the discretion of the Chairman.

7.4 Rule 7.3 above is subject to the rules on disclosable pecuniary interests in the Members’ Code of Conduct set out in Chapter 7, Part 2 of the Constitution; and in particular paragraph 11 of that Code, which permits a Member with a disclosable pecuniary interest to which that paragraph applies to attend an Overview & Scrutiny Committee meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business under discussion; the Member must then withdraw from the meeting. This right to attend would not apply to an Overview & Scrutiny Committee meeting held in private, where the public do not have the same speaking rights.

7.5 Rule 7.4 above does not prevent the Overview & Scrutiny Committee from requiring Cabinet members or inviting other persons (including Council Members and representatives from other public bodies) to attend before it to answer questions.

8. **Call-in**

8.1 Call-in is the exercise of the Overview & Scrutiny Committee’s statutory power in section 21(3) of the Local Government Act 2000 to review a Cabinet decision that has been made but not yet implemented. Where a decision is called in and the Overview & Scrutiny Committee decides to refer it back to the Cabinet for reconsideration, it cannot be implemented until the call-in procedure is complete.

8.2 Any decision of the Cabinet or a committee of the Cabinet, or a Key Decision made by an Officer under authority delegated by the Cabinet, is subject to call-in. A decision may be called in only once. A Cabinet recommendation to Full Council may not be called in.

8.3 Call-in of decisions which may be contrary to the budget and policy framework shall be governed by the provisions of the Budget and Policy Framework Procedure Rules in Part 3 of the Constitution.
The Call-In Procedure

8.4 Once made, a Cabinet decision shall be published, in the form of a decisions notice, within two working days at the Council’s main offices and on its public website. The decisions notice will be sent to all Members of the Council within the same timescale.

8.5 The decisions notice will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decisions list.

8.6 Requests for call-in may be made by either:
   (a) An individual Member where a decision has particular significance for that Member’s ward
   (b) The Chairman of the Overview & Scrutiny Committee
   (c) Any two members of the Overview & Scrutiny Committee
   (d) Any three non-executive Members of the Council
   (e) Ten members of the public living, working or studying within North Norfolk District Council area

8.7 A call-in request must be in the form of a written notice submitted to the Democratic Services Team Leader and received before the published deadline. Either one notice containing all required signatures or separate e-mails from the persons making the call-in request will be acceptable.

8.8 The notice must set out:
   (a) the resolution or resolutions that the Member(s) or members of the public wish to call in
   (b) the reasons why they wish the Overview & Scrutiny Committee to consider referring it back to the Cabinet; and
   (c) the alternative course of action or recommendations that they wish to propose.

8.9 The call-in request will be deemed valid unless either:
   (a) the procedures set out above have not been properly followed
   (b) a similar decision has been called in to the committee previously within 6 months
   (c) the decision has been recorded as urgent in accordance with Rules 8.13 to 8.15 below
   (d) the Corporate Directors after consultation with the Chairman of the Overview & Scrutiny Committee considers the call-in to be frivolous, vexatious
or not a proper use of the call-in provisions taking into account, in particular, the following factors:

(i) whether the matter has been considered as part of pre-decision scrutiny by the Overview & Scrutiny Committee, sub-committee, task group or panel.

(ii) whether there has been any substantive change in the nature of the decisions being made since any pre-decision scrutiny of the proposals.

(iii) whether the recommendations or alternative course of action or recommendations in the call-in request have been previously considered and rejected in whole or part as part of pre-decision scrutiny;

(iv) any other relevant factor

(e) the Corporate Directors in consultation with the Monitoring Officer considers that the call-in would result in the Council failing to discharge its legal duties

8.10 Before deciding on its validity, the Corporate Directors may seek clarification of the call-in request from the Member(s) or members of the public concerned.

8.11 Upon deciding on its validity, the Corporate Directors shall forthwith notify the Member(s) concerned, the Leader and Portfolio Holder, the Chairman and Vice-Chairman of the Overview & Scrutiny Committee, the relevant director/service manager.

**Decisions not subject to Call-In**

8.12 The following categories of decision are not subject to call-in:

(a) recommendations by the Cabinet on the budget and policy framework, which will be determined by the Council

(b) decisions for urgent implementation under the Access to Information Procedure Rules

(c) urgent decisions outside the budget or policy framework as set out in Chapter 3, Part 5, Budget and Policy Framework Procedure Rules

(d) decisions to award a contract following a lawful procurement process

**Call-In and Urgency**

8.13 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:

(a) call-in would prevent the Council reaching a decision that is required by law or statute or otherwise within a specified timescale

(b) delay likely to be caused by the call-in process would seriously prejudice the Council’s or the public’s interests and the reasons for urgency are reported to the decision making body or person before the decision is taken
8.14 In the case of (b) above the relevant report and minute shall state whether the decision is an urgent one, and therefore not subject to call-in. The consent of the Chairman of the Overview & Scrutiny Committee is required to allow the decision to be treated as a matter of urgency before it may be so treated. In the absence of the Chairman, the Vice-Chairman of the Overview & Scrutiny Committee's consent is required.

8.15 Where the Cabinet has recorded a decision as urgent, the Overview & Scrutiny Committee may retrospectively review actions arising from that decision but cannot delay its implementation.

Consideration by the Overview & Scrutiny Committee

8.16 The Democratic Services Team Leader will ensure that any valid call-in is reported to the next available meeting of the Overview & Scrutiny Committee, or will convene an extraordinary meeting in accordance with Paragraph 6 of the Introduction above.

8.17 The Member(s) submitting the request for call-in will be expected to attend the meeting of the Overview & Scrutiny Committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.

8.18 Having considered the call-in and the reasons given, the Overview & Scrutiny Committee may:

(a) refer it back to the decision making person or body for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any alternative recommendations;

(b) if it considers that the decision is outside the Council’s budget and policy framework, refer the matter to Full Council after seeking the advice of the Proper Officer(s);

(c) decide to take no further action, in which case the original Cabinet decision will be effective immediately.

Decisions Referred Back to the Decision-Maker

8.19 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Overview & Scrutiny Committee, and make a final decision, amending the decision or not, and give reasons for the decision.

8.20 If a decision relates to an executive function, only the Cabinet can ultimately decide the matter, provided that it is in accordance with the Council’s budget and policy framework.
9. **Councillor Call for Action**

9.1 Any Member of the Council may, with seven clear working days notice before the meeting, request the Democratic Services Team Leader to include a Councillor Call for Action on the agenda of the Overview & Scrutiny Committee. Upon receipt of such a Call for Action the Monitoring Officer shall ensure that the item is included on the next available agenda for consideration by the relevant committee, and advise the Chairman accordingly.

9.2 A Councillor Call for Action must be in the form of a written application submitted to the Monitoring Officer and received within the timescale outlined in Rule 9.1 above.

9.3 Any Member who submits a Call for Action will have the right to attend the meeting at which the item is to be considered, to explain the reasons for the Call for Action and to have the item discussed. The committee will decide either:

(a) if the matter is a simple one, to resolve it forthwith
(b) to request the Officers to prepare a report for the next meeting
(c) to request the Member submitting the Call for Action to provide further evidence or information to a future meeting
(d) to set up a task and finish group to investigate and report back to the committee
(e) to make recommendations to the Cabinet or Council, as appropriate
(f) to decide to take no further action upon the request, for stated reasons.

9.4 The Councillor Call for Action will be deemed valid unless:

(a) It does not relate to a local government matter (i.e. it does not relate to the functions of the Council nor its partners); or
(b) It does not relate to a local crime and disorder matter (including anti-social behaviour, behaviour adversely affecting the local environment and misuse of drugs, alcohol or other substances); or
(c) It does not affect all or part of the ward for which the referring Member is elected, or any person who lives or works in that ward; or
(d) It is a matter that has been excluded by Order of the Secretary of State (e.g. planning or licensing appeals and other quasi-judicial matters); or
(e) The Monitoring Officer, in consultation with the Chairman of the Overview & Scrutiny Committee, considers the Call for Action to be frivolous, vexatious or clearly outside the Councillor Call for Action provisions; in which case the Monitoring Officer may reject the Call for Action request.

9.5 Before deciding on its validity, the Monitoring Officer may seek clarification of the Call for Action from the Member concerned. In the absence of the
Monitoring Officer, the Deputy Monitoring Officer(s) shall exercise the Monitoring Officer’s functions in this respect.

9.6 Upon deciding on its validity, the Monitoring Officer shall forthwith notify the Member concerned, the Leader and Portfolio Holder, the Chairman and Vice-Chairman of the Overview & Scrutiny Committee, the Corporate Directors, and the relevant director or service manager.

10. Public Participation in Scrutiny

10.1 Residents of North Norfolk District and those working, studying or with a business interest in the area are able to participate in the scrutiny process by:

(a) attending meetings
(b) presenting a petition in accordance with the Council’s petitions scheme
(c) asking a question
(d) making a statement or forming a deputation to the Overview & Scrutiny Committee
(e) being involved in a scrutiny investigation; or
(f) giving evidence to the Overview & Scrutiny Committee or a Task and Finish Group

10.2 Rules set out for Petitions and Questions in the Council Procedure and Rules (Chapter 2, Part 2, Rule 12) will apply to those presenting a petition or a question to Overview & Scrutiny Committee.

10.3 When there is a scrutiny investigation that would benefit from public participation the Officer supporting such investigation will ensure such participation is facilitated.

10.4 Members of the public interested in participating in a particular scrutiny investigation can do so by contacting Democratic Services or the relevant Chairman directly.
CHAPTER 5
COMMITTEES

Part 1. Committees and Sub-Committees of Council

1.1 The Council may appoint such Committees as it determines for the effective discharge of its functions. It has determined to appoint the following Committees, each comprising the following number of Councillors:

<table>
<thead>
<tr>
<th>Name of Committee</th>
<th>Number of Members</th>
<th>Quorum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Committee</td>
<td>Fourteen Councillors</td>
<td>Seven members</td>
</tr>
<tr>
<td>Licensing Committee</td>
<td>Fifteen Councillors</td>
<td>Five members</td>
</tr>
<tr>
<td>Governance Risk &amp; Audit Committee</td>
<td>Six Councillors</td>
<td>Three members</td>
</tr>
<tr>
<td>Joint Staff Consultative Committee</td>
<td>Five Councillors</td>
<td>Three members</td>
</tr>
<tr>
<td>Employment Committee</td>
<td>Three Councillors</td>
<td>Three members</td>
</tr>
</tbody>
</table>

1.2 Details in relation to Full Council, Cabinet, Overview & Scrutiny Committee and the Standards Committee can be found in Chapters 2, 3, 4 and 7 respectively.

1.3 For the avoidance of doubt, it should be noted that on matters and decisions relating to Development Control and Licensing, the respective committees have sole responsibility that cannot be discharged by Full Council or any other committee.

2. Functions

2.1 The terms of reference of each of the above Committees are set out in Parts 3, 4 and 5 of this Chapter. Each Committee has delegated authority to discharge those functions within the budget and policy framework of the Authority.

3. Sub-Committees

3.1 Each Committee may appoint such Sub-Committees as it considers necessary for the effective discharge of its functions and may arrange for the discharge of any of its functions by such Sub-Committee.

4. Appointment

4.1 The Council shall appoint the members of each Committee at the Annual Meeting of Council, or at the next convenient meeting thereafter, or as and when a vacancy has arisen. Each Committee shall appoint the members of
each of its Sub-Committees at the first meeting of the Committee after the Annual Meeting of Council, or as and when a vacancy has arisen.

4.2 Each member of a Committee or Sub-Committee shall remain in office until:
   (a) he/she resigns as a member of the Committee or Sub-Committee
   (b) he/she ceases to be a Councillor or whilst suspended; or
   (c) the Council appoints another person to act in place of the Councillor.

4.3 All appointments of Councillors to Committees or Sub-Committees, other than to the Standards Committee, Standards Sub-Committees and Licensing Sub-Committee, shall be made in accordance with the requirements of proportionality

5. Proceedings

5.1 Proceedings of these Committees and Sub-Committees shall take place in accordance with the Committee Procedure Rules in Part 2 of this chapter.

6. Working Parties

6.1 The Council may at any time appoint Working Parties for such purposes as it shall specify. Standing Committees of the Council may appoint Working Parties as specified in their Terms of Reference and additional Working Parties with the agreement of the Cabinet.

6.2 Working parties shall in law be Committees of the Council. The terms of reference of Working Parties shall be specified by the body appointing them as shall their duration or the event on which they shall cease to meet. The continuation of Working Parties shall be reviewed at least annually by the body appointing them and, in the case of those appointed by Committees, the agreement of the Cabinet shall be required for their continuation for more than a year.

Part 2. Committee Procedure Rules

1. Time and Place of Meeting

1.1 The time and place of any meeting will be determined by the Democratic Services Team Leader and notified in the summons.

2. Notice of Summons to Meeting

2.1 The Democratic Services Team Leader will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. The Notice 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.

October 2016
2.2 With the exception of the Joint Staff Consultative Committee, Appeals Committee and Employment Committee, members of the public have the right to attend meetings, speak and ask questions.

3. **Chairman of Meeting**

3.1 The person presiding at the meeting may exercise any power or duty of the Chairman.

4. **Quorum**

4.1 The quorum of a meeting will be one third of the whole number of members, unless a quorum is specified within the terms of reference of that committee and provided that in no case shall the quorum of a committee be less than three members. During the meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn for 15 minutes. If after that time the Chairman counts the number of members present and declares that there is still no quorum the meeting will adjourn. The remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting.

5. **Voting**

**Majority**

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

**Chairman’s casting vote**

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

**Show of hands**

5.3 Unless a ballot or recorded vote is demanded under Rules 5.4 or 5.5 below, the Chairman will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

**Ballots**

5.4 The votes will take place by ballot if a majority of the members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.
Recorded vote

5.5 If any Member present at the Committee so demands, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Right to require individual vote to be recorded

5.7 Where any member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Voting on appointments

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

6. Minutes

Signing the minutes

6.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as an accurate record. The only part of the minutes that can be discussed is their accuracy.

Form of minutes

6.2 Minutes will contain all motions and amendments in the exact form and order as put to the meeting.

7. Exclusion of Public

7.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or the Council Procedure and Rules.

8. Member's Conduct

Member not to be heard further

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

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

**Telephones and electronic equipment**

8.3 Each Member and all persons present shall ensure that his/her mobile telephone and other electronic equipment is switched to, and kept on, silent mode throughout the meeting. Without derogating from any right of an individual to report on the meeting the person presiding at the meeting may direct at any time that any suitable or appropriate steps be taken to ensure that any equipment used for this purpose does not interfere with the proper conduct of the meeting.

9. **Disturbance**

**General disturbance**

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

**Removal of member of the public**

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

**Clearance of part of a meeting room**

9.3 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared, and may adjourn the meeting for a suitable period.

10. **Motion affecting persons employed by the Council**

10.1 If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of section 100 (A) (2) or (4) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Committee has decided whether or not the power to exclude the public under section 100 (A) (2) or (4) of the Local Government Act 1972 shall be exercised.
11. **Rules of Debate**

11.1 The rules of debate that apply to Council meetings set out in Chapter 2, Part 2, may be applied to meetings of committees to the extent that the Chairman considers appropriate.

12. **Participation of Appointed Members**

12.1 A Committee may make it a requirement of any Member participating as a Member of the Committee or of a Sub-Committee that the Member has undertaken appropriate training in the roles and responsibilities of members in discharging the functions of the Committee or Sub-Committee, and may arrange for the provision of such training to all, or all new, members of the Committee or Sub-Committee.

13. **Attendance of other members of the Council**

13.1 A Member who is not a Member of the particular Committee or Sub-Committee may attend all meetings of any Committee or Sub-Committee, save that he/she shall withdraw from any part of a meeting from which the Committee or Sub-Committee excludes press and public unless specifically invited to remain by the Chairman because of the special contribution which he/she can bring to the issue under consideration.

**Part 3. Development Committee**

The Council has determined that the Development Committee shall be constituted and shall have delegated authority for the discharge of the Council’s functions as set out below.

<table>
<thead>
<tr>
<th>DEVELOPMENT COMMITTEE</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appointed by:</strong></td>
<td>Number of Elected Members:</td>
</tr>
<tr>
<td>The Council under section 102 of the Local Government Act 1972</td>
<td>Fourteen</td>
</tr>
<tr>
<td><strong>Chairman and Vice-Chairman appointed by:</strong></td>
<td>Political proportionality:</td>
</tr>
<tr>
<td>The Council</td>
<td>The elected Members shall be appointed according to Political Proportionality.</td>
</tr>
<tr>
<td><strong>Quorum:</strong></td>
<td>Co-opted members:</td>
</tr>
<tr>
<td>Seven</td>
<td>None</td>
</tr>
<tr>
<td><strong>Frequency of Meetings:</strong></td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td></td>
</tr>
</tbody>
</table>

October 2016
### Terms of Reference:

1. To undertake all statutory functions of the Council, acting as Local Planning Authority, including the determination of all planning and listed building applications and related matters, enforcement matters, tree and hedgerow matters, and conservation area matters, subject to the provisions outlined below.

2. To establish a judging panel as required to promote, consider, evaluate and judge submissions under the Graham Allen Awards Scheme and make awards accordingly. The Panel shall comprise of at least 8 members of Development Committee (who need not be politically balanced) and a representative of the Allen family.

3. When a determination under paragraph 1 or 2 would, in the view of the Head of Planning:
   - a) have major implications for planning policy or
   - b) be a significant departure from the Development Plan without sound reasons for doing so
   - c) would fail to observe the proper principles of planning decisions

   The resolution is made that the Committee is ‘minded to’ and the application is deferred until a subsequent meeting of the Development Committee when a ‘risk assessment’ report will be presented outlining the implication of such action.

4. When the Development Committee Chairman wishes to speak on a planning matter relating to his/her Ward, he/she will be permitted to vacate the Chair and speak from the floor as a Local Member, returning to the Chair once the matter has been determined.

5. The Development Committee will determine controversial applications for Coastal protection consent in circumstances where the Council as Local Planning Authority is acting as the lead authority under the Coastal Concordat and the Head of Service declines to use their delegated authority.

6. To make recommendations to working parties, the Cabinet or Council on matters of planning policy or practice.

7. For the avoidance of doubt the quorum of meetings under paragraph 5 will be one half of the total number of Members of the Development Committee.

*Note*: The applications referred to in these Terms of Reference are those detailed in Part III of the Town and Country Planning Act 1990; in the Planning (Listed Buildings and Conservation Areas) Act 1990; in the Planning (Hazardous Substances) Act 1990 and in any enactment modifying, amending or replacing any of these enactments and in any Regulation(s) or Order(s) made thereunder.
Part 4 – Licensing Committee
The Council has determined that the Licensing Committee shall be constituted and shall have delegated authority for the discharge of the Council’s functions as set out below.

<table>
<thead>
<tr>
<th>LICENSING COMMITTEE</th>
<th>Number of Elected Members: Fifteen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed by:</td>
<td></td>
</tr>
<tr>
<td>The Council under section 6 of the Licensing Act 2003</td>
<td></td>
</tr>
<tr>
<td>Chairman and Vice-Chairman appointed by:</td>
<td></td>
</tr>
<tr>
<td>The Council</td>
<td></td>
</tr>
<tr>
<td>Political Proportionality:</td>
<td></td>
</tr>
<tr>
<td>The elected Members shall be appointed by the Council in accordance with Political Proportionality</td>
<td></td>
</tr>
<tr>
<td>Quorum:</td>
<td>Co-opted members to be appointed by Council: None</td>
</tr>
<tr>
<td>Five</td>
<td></td>
</tr>
<tr>
<td>Frequency of Meetings:</td>
<td></td>
</tr>
<tr>
<td>Every two months</td>
<td></td>
</tr>
<tr>
<td>Terms of Reference</td>
<td></td>
</tr>
<tr>
<td>To undertake all the licensing functions of the Council.</td>
<td></td>
</tr>
</tbody>
</table>

The Licensing Committee has established a Licensing Sub-Committee, as follows:

<table>
<thead>
<tr>
<th>LICENSING SUB-COMMITTEE</th>
<th>Number of Elected Members: Three members of the Licensing Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed by:</td>
<td></td>
</tr>
<tr>
<td>The Licensing Committee under section 10 of the Licensing Act 2003</td>
<td></td>
</tr>
<tr>
<td>Chairman and Vice-Chairman appointed by:</td>
<td></td>
</tr>
<tr>
<td>The Licensing &amp; Appeals Committee on a rotational basis, except when the appointed Chairman is unable to attend, in which case the sub committee will appoint a Chairman at the meeting</td>
<td></td>
</tr>
<tr>
<td>Political Proportionality:</td>
<td></td>
</tr>
<tr>
<td>The elected Members shall be appointed by the Council. This will not be in accordance with Political Proportionality</td>
<td></td>
</tr>
<tr>
<td>Quorum:</td>
<td>Co-opted members to be appointed by Council: None</td>
</tr>
<tr>
<td>Three</td>
<td></td>
</tr>
<tr>
<td>Frequency of Meetings:</td>
<td></td>
</tr>
<tr>
<td>Monthly</td>
<td></td>
</tr>
<tr>
<td>Terms of Reference</td>
<td></td>
</tr>
<tr>
<td>To discharge such functions of the Licensing Committee as may be delegated to the Sub-Committee from time to time.</td>
<td></td>
</tr>
</tbody>
</table>
The Licensing Committee has delegated the following function(s) to the Head of Environmental Health:

(a) Undertaking all functions of the Authority under section 10 of the Licensing Act 2003 and section 154 of the Gambling Act 2005, except where:

(i) There is a requirement in the Licensing Act 2003, or regulations made thereunder, or a provision in guidance issued by the Secretary of State under section 182 of the Act that a particular function may only be carried out by the Council, Licensing and Licensing Sub-Committee; or

(ii) There is a provision elsewhere in this Constitution which requires that a particular function is reserved for the Council or the appropriate committee.

(b) The power to grant or refuse applications for minor variations to Premises Licenses under Legislative Reform (Minor Variations to Premises Licences and Club Premises Certificates) Order 2009.

Part 5. Governance Risk & Audit Committee

The Council has determined that the Governance Risk & Audit Committee shall be constituted and shall have delegated authority for the discharge of the Council’s responsibilities as set out below.

<table>
<thead>
<tr>
<th>GOVERNANCE, RISK &amp; AUDIT COMMITTEE</th>
<th>Number of Elected Members:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appointed by: The Council under section 102 of the Local Government Act 1972</td>
<td>Six</td>
</tr>
<tr>
<td>Chairman and Vice-Chairman appointed by: The Council</td>
<td>Political Proportionality: The elected members shall be appointed in accordance with Political Proportionality</td>
</tr>
<tr>
<td>Quorum: Three</td>
<td>Co-opted members to be appointed by Governance Risk &amp; Audit Committee: None</td>
</tr>
<tr>
<td>Frequency of Meetings: Quarterly</td>
<td></td>
</tr>
</tbody>
</table>

October 2016
Terms of Reference:

1. Providing independent assurance that the Authority's financial and risk management (including the Corporate Risk Register) is adequate and effective and that there is a sound system of internal control that facilitates the effective exercise of its functions, including:

1.1. keeping under review the Authority's own audit standards and whether they are relevant and represent best practice;

1.2. considering or reviewing the following and the action taken on them and advising the Council and/or the Cabinet, as appropriate:
   a) internal and external audit plans and progress against plans

1.3. (b) summaries of external and internal audit reports and progress against recommendations made in audit reports

1.4. (c) the annual report of the internal auditor and the Annual Governance Statement

1.5. (d) reviewing the annual statement of accounts and whether appropriate accounting policies have been followed

1.6. (e) reports from inspection agencies, including the external auditor’s Annual Management letter and report to those charged with governance issues

1.7. (f) keeping under review the Authority’s control environment and anti fraud and anticorruption arrangements, including compliance with the Financial and Contracts Procedure Rules

1.8. (g) keeping under review the relationships between external and internal audit and other inspection agencies.

2. Reviewing the performance of the Council’s appointed Internal Audit provider.

Note that the Chairman of the Governance Risk & Audit Committee is not permitted to be a member of the Overview & Scrutiny Committee.

Part 6. Joint Staff Consultative Committee

Although described as a Committee, the Joint Staff Consultative Committee is not a Committee of the Council under the Local Government Act 1972 and is not covered by the matters common to all committees nor subject to the rules of debate or other rules relating to committees. This is not a public committee.

October 2016
## JOINT STAFF CONSULTATIVE COMMITTEE

<table>
<thead>
<tr>
<th>Appointed by:</th>
<th>Number of Elected Members:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council</td>
<td>Five</td>
</tr>
</tbody>
</table>

**Chairman and Vice-Chairman appointed by:**
The Chairmanship of the Committee shall alternate annually between a member of staff appointed by the staff and a Member of the Council. When the staff hold the Chairmanship, the Vice-Chairman shall be a Member of the Council and vice-versa.

**Political Proportionality:**
The members shall be drawn from a rota of Councillors willing to serve. It will not necessarily be politically balanced, as it will act on a quasi-judicial basis.

<table>
<thead>
<tr>
<th>Quorum:</th>
<th>Co-opted members to be appointed by Joint Staff Consultative Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three</td>
<td>None</td>
</tr>
</tbody>
</table>

**Frequency of Meetings:**
Every two months

**Terms of Reference:**

1.0 To establish regular methods of negotiations between the Council and its staff, to encourage positive working relationships and to resolve differences and to adjust them should they arise - always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Joint Committee.
2.0 To consider any relevant matter referred to it by the Council or any of its Committees or by any Trade Union or other staff organisation.
3.0 To make recommendations to the Cabinet as to the application of the terms and conditions of service and the education and training of staff employed by the Council.
4.0 To discharge such other functions specifically assigned to the Joint Committee by Council.
5.0 To undertake consultation to enable the Council to make and maintain arrangements so that the Council and its employees can co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees.
6.0 To keep under review the effectiveness of health and safety measures.
Part 7. Employment Committee

The Council has determined that the Employment Committee shall be constituted and shall have delegated authority for the discharge of the Council’s responsibilities as set out below. **This is not a public committee.**

### EMPLOYMENT COMMITTEE

<table>
<thead>
<tr>
<th>Appointed by:</th>
<th>Number of Elected Members:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council</td>
<td>Minimum of Three</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chairman and Vice-Chairman appointed by:</th>
<th>Political Proportionality:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Committee at each meeting</td>
<td>The members shall be drawn from a rota of Councillors willing to serve. It will not necessarily be politically balanced.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quorum:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Co-opted members to be appointed by Employment Committee:</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Frequency of Meetings:</th>
</tr>
</thead>
<tbody>
<tr>
<td>On an arising basis</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Terms of Reference:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Employment Committee shall deal with matters concerning the appointment, discipline and grievances of Chief Officers</td>
</tr>
</tbody>
</table>
CHAPTER 6

OFFICERS

Part 1. Officer Structure

1. Management structure

   General

   1.1 The Full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

   Chief Officers.

   1.2 The Full Council will engage persons for the following posts, who will be designated chief officers:

<table>
<thead>
<tr>
<th>Post</th>
<th>Functions and areas of Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Directors/ Head of Paid Service</td>
<td>Overall corporate management and operational responsibility (including overall management responsibility for all officers)</td>
</tr>
<tr>
<td></td>
<td>Together with the Monitoring Officer and Chief Financial Officer, provision of professional advice to all parties in the decision making process and responsibility for a system of record keeping for all the Council's decisions.</td>
</tr>
<tr>
<td></td>
<td>Representing the Council on partnership and external bodies (as required by statute or the Council)</td>
</tr>
<tr>
<td></td>
<td>With particular responsibility for Performance Management and Localism</td>
</tr>
</tbody>
</table>
Accountancy & Exchequer  
Arts  
Audit & Risk  
Building Control  
Business Transformation  
Coast & Community Partnerships  
Conservation, design and landscape  
Countryside  
Customer Services  
Democratic Services  
Development Management  
Economic Development  
Electoral Services  
Emergency Planning  
Environmental Health  
Environmental Protection  
Environmental Services (waste & cleansing)  
Enforcement  
Housing, Health & Wellbeing  
Housing Options  
Housing Strategy  
Information Technology  
Legal services  
Leisure  
Media & Communications  
Planning Policy, Sustainability & Major Developments  
Property Information (Land charges, street naming & numbering)  
Property services  
Organisational Development  
Reprographics  
Tourist information

**Head of Paid Service, Monitoring Officer and Chief Financial Officer**

1.3 The Council will designate the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Directors</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Head of Legal</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Head of Finance</td>
<td>Chief Financial Officer</td>
</tr>
</tbody>
</table>

Such posts will have the functions described in sections 2 to 4 below.
Structure.

1.4 The Heads of Paid Service will determine and publicise a description of the overall service management, which is appended to the Constitution, and subject to review on at least an annual basis.

2. Functions of the Heads of Paid Service

Discharge of functions by the Council

2.1 The Heads of Paid Service will report to Full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

Restrictions on functions

2.2 The Heads of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

3. Functions of the Monitoring Officer

Maintaining the Constitution.

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

Ensuring lawfulness and fairness of decision making

3.2 After consulting with the Corporate Directors and Chief Financial 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 and appropriate advice taken.

Supporting the Standards Committee

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

Working with the Independent Person

3.4 The Monitoring Officer will work with the Council’s appointed Independent Person to promote and maintain high standards of conduct and ethical behaviour.

Receiving reports

3.5 The Monitoring Officer will receive and act on decisions of the Standards Committee.
Conducting investigations

3.6 The Monitoring Officer will conduct investigations or arrange for investigations to be conducted into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.

Proper Officer for access to information

3.7 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 Cabinet decisions are within the budget and policy framework.

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

Providing advice

3.9 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.

Restrictions on posts

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

3.11 The Monitoring Officer will discharge his/her functions in accordance with the Council’s protocol.

4. Functions of the Chief Financial Officer

Ensuring lawfulness and financial prudence of decision making

4.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council’s external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Administration of financial affairs.

4.2 The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

Contributing to corporate management

4.3 The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

October 2016
Providing advice
4.4 The Chief Financial 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
4.5 The Chief Financial Officer will provide financial information to Members, the media, members of the public and the community.

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

5.2 Internal Auditors as recognised representatives of the Section 151 Officer, are authorised to:
   • Enter at all reasonable times any Council premises or land, except where such entry is contrary to any conditions of contract
   • Have access to all records, documents and correspondence relating to any financial and other transactions of the Council
   • Require and receive such explanations as are necessary concerning any matter under examination; and
   • Require any employee of the Council to produce cash, stores or any other property under their control

6 Conduct
6.1 Officers will comply with the Employee Code of Conduct and the Protocol on Officer/Member Relations set out in Chapter 7, Part 4 of this Constitution.

7 Employment
7.1 The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out in Chapter 10 of this Constitution.

Part 2. Functions which are Delegated to Officers
1. Introduction
1.1 This section sets out the circumstances in which decisions may be taken by Council Officers.

1.2 In this Scheme of Delegation, any mention of any Act of Parliament shall be deemed to extend to any Act amending modifying or replacing it and to any Regulation or Order made under it.
1.3 References to "Chief Officer" shall include the following:

(a) Chief Executive (and Head of Paid Service)
(b) Corporate Directors
(c) Chief Financial Officer
(d) Monitoring Officer
(e) An Officer for the time being designated as a Chief Officer by the Chief Executive.

1.4 References to “Head of Service” shall refer to those Officers identified as such in the service management structure chart.

1.5 The Council may alter this scheme at any time.

2. Types of Delegation

2.1 Delegation to Officers of the Council shall be either:

(a) **Full Delegation** - where the named Officer(s) shall have unrestricted authority to exercise the delegated power without notification or consultation in matters falling within established policies and within existing budgets.

(b) **Conditional Delegation** - where the Officer proposing to exercise or exercising the delegated power shall be required to take one or more of the following steps in the order specified:

(i) notify all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) within such period after the exercise of the power as may be specified

(ii) notify all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) before exercise of the power, giving such period of notice as shall be specified

(iii) consult with such Member or Members as may be specified prior to exercise of the delegated power and

(c) **Default Delegation** – A power shall normally be reserved to a Committee or to the Council, however, it may be exercised by a specified Officer if after notification of all or specified Members (in accordance with the arrangements for notification approved by the Council from time to time) no request to refer the matter to the appropriate Committee or the Council has been received.

3. Scope of Delegation

October 2016
3.1 No power delegated under this scheme shall, unless specifically provided in this scheme, be exercised otherwise than in accordance with any policy or direction of the Council. Nor shall any such power be exercised (unless specifically provided in this scheme or by the rules of virement contained in the Finance Standing Orders) so as to incur expenditure not provided for the purpose in the approved budget.

3.2 Where a matter involves considerations within the professional or technical competence of another Officer(s) or his or her staff, the delegated power shall be subject to consultation and agreement with the other Officer(s). In the event of disagreement, the Corporate Directors shall have authority to exercise the delegated power after considering all views.

3.3 An Officer need not exercise a delegated power in any particular matter and shall not do so if in his or her opinion the matter involves questions of policy as yet undecided by the Council. In that event, he or she may seek the view of the Cabinet before deciding whether or not to exercise the power or may refer the matter to Full Council for decision.

3.4 Any power conferred on an Officer under this scheme (including any power to act as the Proper Officer) may be exercised by a person or persons appointed by him/her to act as his/her deputy or deputies either:

(a) in his/her absence;
(b) when he/she is not available to exercise it at the relevant time or
(c) in accordance with any general directions of the Officer.

Provided that the fact of the appointment of a deputy or deputies (either for specific powers or generally) has been recorded in the register maintained by the Monitoring Officer together with the terms of any general directions where applicable.

4. **Full Delegation to Officers**

4.1 All Chief Officers and Heads of Service shall have full delegated power:

(a) to undertake the day-to-day management and control of the staff reporting to them and the premises and services for which they are responsible.
(b) to act in accordance with the Council’s Finance and Contracts’ Standing Orders and any risk assessments arising from their own or Corporate activity.
(c) to approve the acquisition or disposal or extension of any interest in property by the Council where the sale or purchase price or an annual rent does not exceed £50,000 provided the procedures outlined in the Acquisition and Disposal Policy have been followed.
(d) to deal with grievances and to take disciplinary action in accordance with the Council’s Disciplinary Procedure in respect of staff reporting to them.
(e) to deal with complaints from the general public under the Council’s Complaints Scheme.

(f) to undertake risk management in accordance with the Council’s risk management framework.

(g) to be the Proper Officer for the purposes of Section 234 of the Local Government Act 1972, to sign any notice or document which falls to be given, made or issued in the course of the exercise of any power given to him or her by this Scheme of Delegation or by the Council or a Committee.

(h) hearing disciplinary and redundancy appeals.

5. Full Delegation to Chief Executive and Chief Officers

5.1 There shall be delegated to the Corporate Directors, or in his or her absence any other Chief Officer, the exercise of any power or function of the Council in routine matters falling within established policies and within existing budgets where waiting until a meeting of the Council, a Committee or Working Party would disadvantage the Council or a local government elector or other inhabitant of or visitor to the District. Such delegated power shall only be used after consultation with the Leader of the Council or other appropriate Portfolio Member and if the matter relates to a particular part of the District with the appropriate local Member or Members. Any exercise of such delegated power shall be reported to the next available meeting of the Council, Committee or Working Party as appropriate. For the purposes of this paragraph “routine matters” shall not be taken to include any matter reserved by law to the Full Council.

5.2 There shall be delegated to the Corporate Directors, or in his or her absence any other Chief Officer the exercise of any power or function of the Council, which in law is capable of delegation, in an emergency threatening life, limb or substantial damage to property within the District. The Chief Executive or Chief Officer shall consult with the Leader of the Council or their Deputy (unless they cannot be contacted after all reasonable efforts have been made). The exercise of such delegated power shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Cabinet or the Council, whichever shall be first and to the appropriate Local Member.

5.3 Chief Officers shall have full delegated power to undertake any of the functions in relation to the matters within the statutory framework which provides that power.

5.4 Heads of Service shall have full delegated power to undertake the functions relevant to their office.

5.5 An Officer need not exercise any such power if he or she considers that it is not in the best interests of the Council and may instead refer the matter to the Cabinet, appropriate Committee or to Council for decision.
6. **Conditional and Default Delegation**

6.1 Chief Officers and the Officers specified below shall have delegated power in respect of the matters listed below subject to the conditions specified. However these delegated powers shall not, unless specifically stated, be taken to include any power reserved to the Council or given to a Committee by the Council’s Terms of Reference.

**Note:** References to the “appropriate Cabinet Member” mean the Cabinet Member with responsibility for the function. In the event of the “appropriate Cabinet Member” having a disclosable pecuniary interest in the matter, consultation shall be with the Leader or Deputy Leader.

6.2 **Determination of Planning and Listed Building Applications**

<table>
<thead>
<tr>
<th>Reserved to:</th>
<th>Development Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Default Delegation to:</td>
<td>Head of Planning</td>
</tr>
</tbody>
</table>

To undertake all statutory functions of the Council acting as Local Planning Authority including to determine all planning and listed building applications and related matters, tree and hedgerow matters and the service of any notices in relation to any of the functions delegated.

**Conditions:**

(a) All Members to be notified weekly of all applications received in the last seven days

(b) No request for the application to be considered by Committee has been received from a Member within 14 days of notification and

(c) No written representations with which the local District Councillor (or either one of them in two-Member wards) agrees, have been received from a Town or Parish Council which conflict with the intended determination and

(d) No other written representations have been received which conflict with the intended determination and which, in the view of the Head of Planning, contain unresolved objections or comments which are material considerations in planning terms.

(e) Where the proposed decision to be taken is against the advice of a technical consultee then the Head of Planning should ensure that there are sound planning reasons for the decision and that these are properly recorded. The Local Member(s), Planning Portfolio Holder and the Development Committee Chairman should be consulted.

(f) In relation to any delegated powers, the condition of consulting a Member does not need to be observed where that member is unable to respond due to a conflict. In such circumstances the Head of Planning may consult with the Chairman of the Development Committee.
Notes:

(1) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they do not object, then a delegated refusal may still be issued;

(2) When the intended course of delegated action is to refuse an application in accordance with policy and representations are received from third parties, to the effect that they object on other grounds which, in the view of the Head of Planning, are incapable of substantiation on appeal, then a delegated refusal on the originally recommended basis may still be issued.

(3) The requirement to refer to Committee shall not apply where the intended course of delegated action is to approve an application in accordance with this scheme of delegation, and where objections have been received with which the local District Councillor(s) disagree(s) OR where the intended course of action is to refuse an application in accordance with this scheme of delegation where a letter or letters of support have been received with which the local District Councillor(s) disagree.

(4) Applications submitted by or on behalf of the District Council and applications for wind turbines, and ground mounted solar panels and anaerobic digesters will be determined by the Development Committee.

(5) The Development Committee will determine controversial applications for Coastal Protection Consent in circumstances where the Council as Local Planning Authority is acting as the lead authority under the Coastal Concordat and the Head of Service declines to use their delegated authority.

6.3 To give notice in respect of all prior approval applications made under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and any subsequent amendments and to grant or refuse prior approval on behalf of the Local Planning Authority in cases where the developer has been given notice that such prior approval is required.

Conditional Delegation to: Head of Planning

Conditions:

(a) Where any representation is received from a Town or Parish Council within seven days of the date of consultation which conflicts with the intended course of action, the Head of Planning should consult with the Chairman of the Development Committee and the local Member(s).

(b) Any additional or amended plans submitted under these procedures should be sent to the relevant Town or Parish Council for information purposes.

6.5 The acceptance of the lowest tender for the supply of goods or services where the contract price is £50,000 or less

Conditional Delegation to: All Heads of Service
Conditions: (a) Subject to subsequent notification of all Members

6.6 The acceptance of the lowest tender for the supply of goods or services where the contract price is more than £50,000 but less than £250,000

Conditional Delegation to: CEO and Directors

Conditions: (a) Subject to consultation with the appropriate Cabinet Member and 14 days prior notification of all Members

6.7 The acceptance of any tender for:
(1) £250,000 or more
(2) any price which is not the lowest tender
(3) where it is proposed not to follow the Contracts’ Procedure Rules

Reserved to: The Cabinet

Default Delegation to: CEO and Directors

Conditions: (a) At least 14 days prior notification to all Members (b) No request by a Member within 14 days of notification for the matter to be decided by the Cabinet (c) Consultation with the appropriate Cabinet Member (d) Subsequent notification of the acceptance of the tender to all Members

6.8 The commencement of or the entry of a defence to civil or criminal proceedings other than in the High Court

Conditional Delegation to: Head of Legal

Conditions: (a) Subject to consultation with the appropriate Cabinet Member and with the Local Member(s) for the Ward(s) where the other party resides and/or where the subject matter of the action arose

6.9 The commencement of or the entry of a defence to proceedings in the High Court

Conditional Delegation to: Head of Legal

Conditions: (a) Subject to the Chief Financial Officer being satisfied that the proceedings are necessary to protect the Council’s interests and that...
there is insufficient time to wait for or call a meeting of the Council or a Committee and to

(b) Consultation with, if time permits, the Leader of the Council and at least one other Cabinet Member and if applicable with the Local Member(s) for the Ward(s) where the other party resides and/or where the subject matter of the action arose and to

6.10 The cancellation of any scheduled meeting of the Council, a Committee or Working Party and the calling of an additional meeting of the Council, a Committee or Working Party (other than an Extraordinary meeting)

Conditional Delegation to: Democratic Services Team Leader.

Conditions:

(a) Subject to consultation with all Leaders of declared political groups and the spokesman or woman of the non-grouped Members or each such Member if they have no spokesman or woman, and to

(b) Prior notification of all Members

6.11 The awarding or declining of grants above £500 and up to a value of £10,000

Conditional Delegation to: All Chief Officers

Conditions:

(a) Prior notification of all Members

(b) Consultation with the appropriate Cabinet Member and Leader and if the grant relates to a specific location or person with the appropriate Local Member(s).

6.12 Responding to requests for support or for expression of the Council's view

Reserved to: The Cabinet

Default Delegation to: All Chief Officers

Conditions:

(a) At least 7 days prior notification of all Members

(b) No request by a Member within 7 days of notification for the matter to be decided by the Cabinet.

(c) Consultation with the appropriate Cabinet Member

October 2016
### Part 3. Statutory “Proper Officer” Functions which are allocated to Officers

<table>
<thead>
<tr>
<th>STATUTE</th>
<th>ROLE/FUNCTION/ RESPONSIBILITY</th>
<th>PROPER OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sections 8 and 35 of the Representation of the People Act 1983 and all the powers exercisable by an RO and ARO under the relevant legislation</td>
<td>Registration Officer/ returning officer</td>
<td>Corporate Director (Steve Blatch)</td>
</tr>
<tr>
<td>LGA 1972 Sections 83(1) – (4)</td>
<td>Witness and receipt of declarations of acceptance of office</td>
<td>Democratic Services Team Leader</td>
</tr>
<tr>
<td>LGA 1972 Section 84</td>
<td>Receipt of declaration of resignation of office</td>
<td>Corporate Directors</td>
</tr>
<tr>
<td>LGA 1972 Section 88(2)</td>
<td>Convening Council meeting to fill casual vacancy in the office of Chairman</td>
<td>Democratic Services Team Leader</td>
</tr>
<tr>
<td>LGA 1972 Section 89(1)(b)</td>
<td>Receipt of notice of casual vacancy</td>
<td>Democratic Services Team Leader</td>
</tr>
<tr>
<td>LGA 1972 Sections 100B(2), 100B(7), 100C(2) &amp; 100F(2)</td>
<td>Distribution of written summaries of proceedings and release of documents to Councillors</td>
<td>Democratic Services Team Leader</td>
</tr>
<tr>
<td>LGA 1972 Sections 100D(2) &amp; (5)</td>
<td>Make available for inspection list of background papers</td>
<td>Democratic Services Team Leader</td>
</tr>
<tr>
<td>LGA 1972 Section 112</td>
<td>Duties to be carried out by a proper officer</td>
<td>Corporate Directors</td>
</tr>
<tr>
<td>LGA 1972 Section 115(2)</td>
<td>Receipt of money due from officers</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>LGA 1972 Section 146(1)(a)</td>
<td>Declarations and certificates with regard to securities</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>LGA 1972 Section 151</td>
<td>Administration of financial affairs “Chief Financial Officer”</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>(and Land Charges Act 1975 Section 19)</td>
<td>Proper Officer for Land Charges</td>
<td>Corporate Director</td>
</tr>
<tr>
<td>LGA 1972 Section 225(1)</td>
<td>Deposit of Documents</td>
<td>Head of Legal</td>
</tr>
<tr>
<td>STATUTE</td>
<td>ROLE/FUNCTION/RESPONSIBILITY</td>
<td>PROPER OFFICER</td>
</tr>
<tr>
<td>---------</td>
<td>------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>LGA 1972 Section 229(5)</td>
<td>Certification of photographic copies of documents</td>
<td>Head of Legal</td>
</tr>
</tbody>
</table>
| LGA 1972 Section 234(1) & (2) | Authentication of Documents:  
- Financial, Rating, Superannuation  
- Dangerous Structure Notices  
- Certification of Local Plans  
- Letting of Garages  
- Notifiable Diseases and Food Poisoning  
- Other Public Health Acts | Head of Legal  
Chief Financial Officer |
<p>| LGA 1972 Section 238 | Certification of Byelaws | Head of Legal |
| LGA 1972 Schedule 22 17 | Certification under Section 166 of Housing Act 1957 | Corporate Director |
| LGA 1972 Schedule 12 4(2)(b) | Signature of Summons to Council meeting | Democratic Services Team Leader |
| LGA 1972 Schedule 12 4(3) | Receipt of notices regarding address to which summons to meetings is to be sent | Democratic Services Team Leader |
| LGA 1972 Schedule 14 25(7) | Certification of resolutions | Head of Legal |
| Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – all parts | All functions | Head of Planning |</p>
<table>
<thead>
<tr>
<th>STATUTE</th>
<th>ROLE/FUNCTION/RESPONSIBILITY</th>
<th>PROPER OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Public Health and Environmental Protection legislation</td>
<td>To designate Environmental Health Officers, Environmental Health Team leaders and Environmental Health Managers as inspectors and enable them to exercise such powers under the legislation</td>
<td>Head of Environmental Health</td>
</tr>
<tr>
<td>All Health &amp; Safety at Work Legislation</td>
<td></td>
<td>Corporate Director</td>
</tr>
<tr>
<td></td>
<td></td>
<td>And/or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Head of Environmental Health</td>
</tr>
<tr>
<td>Town &amp; Country Planning Act 1990 (as amended) – all Parts</td>
<td>All functions</td>
<td>Head of Planning</td>
</tr>
<tr>
<td>Town and Country Planning (Control of Advertisement) Regulations 1992 (as amended)</td>
<td>All functions</td>
<td>Head of Planning</td>
</tr>
<tr>
<td>Planning (Hazardous Substances) Regulations 1992 as amended</td>
<td>All functions</td>
<td>Head of Planning</td>
</tr>
<tr>
<td>Local Government &amp; Housing Act 1989</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 4</td>
<td>Head of Paid Service</td>
<td>Corporate Directors</td>
</tr>
<tr>
<td>Section 5</td>
<td>Monitoring Officer</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Local Government Act 2000</td>
<td>Establish and maintain a register of Members’ interests</td>
<td>Monitoring Officer</td>
</tr>
<tr>
<td>Section 81</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Localism Act 2011</td>
<td>Receipt of notification of Members’ financial and other interests and gifts and hospitality</td>
<td>Monitoring Officer</td>
</tr>
</tbody>
</table>
CHAPTER 7

ETHICAL GOVERNANCE

Part 1. The Standards Committee

1. The Standards Committee

**Appointed by:** the Council under section 28 of the Localism Act 2011.

**Number of Members:** the Committee shall comprise seven elected District Council Members, and independent members as co-opted from time to time.

**Political proportionality:** the seven elected District Council Members will be appointed on a politically proportionate basis.

**Quorum:** The quorum of the Committee will be four District Council Members.

**Terms of Reference of the Standards Committee**

1.1 Promoting and maintaining high standards of conduct by all North Norfolk District, Councillors

1.2 Assisting all District, Town and Parish Councillors within North Norfolk to observe the Members’ Code of Conduct

1.3 Advising the Council on the adoption or revision of the Members’ Code of Conduct

1.4 Monitoring the effectiveness of the Members’ Code of Conduct

1.5 Advising, training or arranging to train Councillors on matters relating to the Members’ Code of Conduct

1.6 Granting dispensations to Councillors under section 33 of the Localism Act 2011 and exemptions for politically restricted posts

1.7 Assessing any allegations of misconduct by North Norfolk District Council Members, co-opted Members or Members of the Parish and Town Councils in the District

1.8 The oversight of the Council’s whistle blowing policy

1.9 The oversight of the Constitution

Legal advice will be available to Members of the Standards Committee before making decisions.
Members’ Code of Conduct

Introduction to the Code

This Code of Conduct is a key part of the Authority's discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.

The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.

The Council will establish a Standards Committee to hear breaches of the Code and decide on sanctions against members found to be in default. Working closely with the Council's Monitoring Officer and Independent Person the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute, the Code is the Authority's public statement on the promotion and maintenance of high standards of conduct in public life.

Every member and co-opted member of North Norfolk District Council must sign an undertaking to observe the Code in the terms set out below.

The Code

As a member or co-opted member of North Norfolk District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

October 2016
OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of North Norfolk District Council my conduct will in particular address the statutory principles of the Code by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents’ casework, the interests of North Norfolk nor the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind
those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority’s policies, protocols and procedures, including on the use of the Authority’s resources.

- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Always treating people with respect, including the organisations and public I engage with and those I work alongside.

- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

I agree to abide by the rules relating to the registration and disclosure of interests set out in Chapter 7, Part 2, Section 2 of the North Norfolk District Council Constitution.

Section 3
Registration of Members’ Interests

13. Registration of Member’s Interests

(1) Subject to paragraph 14, you must, within 28 days of –
   (a) this Code being adopted by or applied to your authority; or
   (b) your election or appointment to office (where that is later),
   register in your authority’s register of members’ interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority’s monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority’s monitoring officer.

14. Sensitive Information

(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority’s monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority’s monitoring officer asking that the information be included in your authority’s register of members’ interests.

(3) In this Code, “sensitive information” means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

ARRANGEMENTS FOR DEALING WITH STANDARDS’ ALLEGATIONS

1. The following arrangements constitute North Norfolk District Council’s adopted procedure for dealing with complaints that a member has failed to comply with the council’s Code of Conduct.

2. The Council will appoint a Standards Committee comprised of members of the Authority and co-opted members of Town and Parish Councils. Its terms of reference are:
   - To promote and maintain high standards of conduct by the members and co-opted members of the Authority.
   - To deal with any ancillary matters relating to Standards and Conduct including replying to consultations, training etc.
   - To assist when called upon to do so in deciding whether a Standards complaint should be referred for investigation.
   - To hear and determine standards complaints made against the Authority’s members and co-opted members, as well as those members of Town and Parish Councils in North Norfolk.
   - To impose such sanctions as they think fit in relation to matters found to be breaches of the Code.
   - To hear and determine applications for dispensations under section 33 of the Act.
   - To consider and determine applications made to the Committee for exemption from political restriction, in respect of any post within the District Council by the holder of that post.

3. A complaint must be made in the first instance to the Council’s Monitoring Officer at Council Offices, Holt road, Cromer, Norfolk, NR27 9EN.

4. A complaint must be made on the Council’s model complaint form (to be drawn up by the Monitoring Officer) or, if submitted in any other way, must contain all the information required by that form.

October 2016
5. The Monitoring Officer will consider the complaint against the Council’s adopted criteria set out in the Annex A to Appendix 2 for deciding whether a complaint should be referred for formal investigation or some other action. The Monitoring Officer may consult the Council’s “Independent Person” before making a decision. Any functions of the Monitoring Officer in this procedure may be delegated to the Deputy Monitoring Officer and the Monitoring Officer, the Deputy Monitoring Officer and the Independent Person may consult or seek the input of an Independent Person from another authority as appropriate.

6. If the Monitoring Officer decides not to refer the complaint for investigation or for some other action then the matter is closed. There is no provision for appeal or review of that decision by the council or any other person. The Monitoring Officer will give a summary of the reasons for his / her decision.

7. If the Monitoring Officer decides that the complaint requires investigation the Monitoring Officer will appoint a person to investigate and to report back to him/ her. The Monitoring Officer will then consider the conclusion of the investigator’s report.

8. If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that that is a reasonable conclusion then the Monitoring Officer will write to the complainant and the member concerned to inform them that there will be no further action. Again, there is no provision for appeal or review of that decision by the Council or any other person.

9. If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to: -

   • resolve the matter without the need for a hearing or
   • to convene a meeting of the Council’s Standards Committee or a subcommittee of the Standards Committee to hear the matter.

10. If the hearing concludes that there has been no breach of the Code then the matter is resolved. There is no provision for appeal or review of that decision by the council or any other person.

11. If the hearing concludes that there has been a breach of the Code the committee will consider whether and what sanction it might be appropriate to impose on the member found to be in default. These are as follows: -

   a) Censure or reprimand.
   b) Report to Full Council.
c) Recommendation to the Council to remove the member from membership of Committees or Sub-Committees.

d) Recommendation to the Council to remove the member from any position (including Leader) of the Executive.

e) Require the member to undergo training in Ethics and Standards.

f) Removal of the member from external nominations or appointments.

g) Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.

h) Where the matter relates to a member, or members, of a Town or Parish Council, a report with recommendations shall be made to the relevant Town or Parish Council(s) for consideration and action as appropriate.

ANNEX A

Criteria for the receipt and assessment of complaints

1. Complaints about alleged breaches of the Code of Conduct will be received and considered by the Monitoring Officer.

2. In the event that there is a conflict of interest or other circumstances where it would not be appropriate for the Monitoring Officer to consider the complaint, for example where the Monitoring Officer has advised the Member who is the subject of the complaint about the matter complained of, then the Independent Person will receive and consider the complaint.

3. In relation to any complaint the Monitoring Officer (or the Independent Person) should be satisfied that

   (i) it is a complaint in relation to the conduct of one or more named Members of North Norfolk District Council

   (ii) the relevant Member was in office at the time of the alleged conduct

   (iii) that, if proved, the Member, acting in his or her capacity as a Councillor, would have failed to behave consistently with one or more of the 7 principles set out in the Code.

4. The Monitoring Officer (or the Independent Person) may take the following into account in deciding whether to investigate the complaint: [see paragraph 5 below]

October 2016
- is the matter serious enough to warrant the time and expense of further investigation?

- does the complaint appear to be politically motivated?

- does the complaint appear to be malicious or vexatious?

- is it about something that happened so long ago that there would be little benefit in taking action now?

- is the outcome including the availability of any likely sanction sought by the complainant one that the Authority is empowered to deliver?

- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct?

- had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?

- did the conduct arise from lack of experience or training?

- had the Member apologised for the conduct or was he or she willing to apologise?

- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process?

5. The Monitoring Officer may consult the Independent Person on any or all of the above and will take the view of the Independent Person into account in reaching a decision whether to investigate. If a conflict of interest arises the Monitoring Officer or the Independent Person may consult an independent third party.

6. The Monitoring Officer (or the Independent Person) may determine for any one or more of the above reasons (or in consultation with the Independent Person for another reason) that an investigation is not required. The Monitoring Officer (or the Independent Person) may instead request that some other action, such as the Member making an apology, be taken. Should the Member refuse to take such action the Monitoring Officer may still proceed to an investigation if he or she, in consultation with the Independent Person, thinks it is appropriate.
Part 3. Employee Code of Conduct

The Public is entitled to expect the highest standards of conduct from all employees who work for local government. The former Local Government Management Board (LGMB), which represented the interests of local authorities throughout the country, drew up a Code of Conduct for all local government employees in England and Wales. The Code lays down guidelines which aim to maintain and improve standards and protect employees from misunderstandings or criticism.

In producing the Code, the LGMB consulted most national bodies relating to local government, the Trades Union Congress and Unison.

The original version of the Code Of Conduct may be viewed in the Organisational Development Services Section. Employees uncertain of their responsibilities should seek advice from their Chief Officer or from Organisational Development Services.

THE CODE

Standards

1 Local government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate and impartial advice to councillors and fellow employees.

2 They will be expected, without fear of recrimination, to bring to the attention of the Council's Monitoring Officer any unlawfulness or maladministration in the provision of the service. Any other deficiency in the provision of the service should be brought to the attention of the relevant Chief Officer.

Disclosure of Information

3 Open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may decide to open other types of information. The Council will make appropriate employees aware of which information is open and which is not, to enable employees to act accordingly.

4 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass information on to others who might use it in such a way. Any information received by an employee from a councillor which is personal to that councillor and which does not belong to the Council must not be divulged by the employee without prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

Political Neutrality

5 Employees serve the Council as a whole. It follows that they must serve all councillors and not just those of any controlling group. Employees must ensure that the individual rights of councillors are respected.

6 It may be that employees will also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
The Council recognises that some employees are required to act within their professional body’s code of conduct. Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. This shall not prevent employees expressing a professional view in accordance with their duties.

The Local Government and Housing Act 1989 contains provisions to restrict the political activity of senior employees. Local authority employees holding politically restricted posts are disqualified from membership of any local authority other than a parish or community council, from being an MP or MEP, and are subject to prescribed restrictions on their political activity.

The Local Government Officers (Political Restriction) Regulations 1990 and the Local Government (Politically Restricted Posts) (No 2) Regulations 1990 covers the posts which are politically restricted.

**Relationships**

**Councillors** - Employees are responsible to the Council through its senior managers. All officers are employed to carry out the Council's work, some are required to give advice to councillors and senior managers. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors. Such familiarity should, therefore, be avoided.

**The Local Community and Service Users** - Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community, as defined by the policies of the Council.

**Contractors** - All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the appropriate Chief Officer. Orders and contracts must be awarded on merit, by fair competition against other tenders, and, during the tendering process, no special favours should be shown to businesses run by friends, partners, or relatives. No part of the local community should be discriminated against.

Employees who engage or supervise contractors and have previously had, or currently have, a relationship in a private or domestic capacity with a contractor must declare that relationship to the appropriate Chief Officer.

**Appointments and other Employment Matters**

Employees involved in appointments must ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.
Similarly, employees must not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative, partner, or friend.

**Outside Commitments**

Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Council's interests.

Any employee of local grade 5 or below does not require prior permission to undertake other work, but must, within 4 weeks of taking up other work, disclose its nature and extent, in writing, to their Chief Officer. If graded local grade 6 or above you must obtain written permission from your Chief Officer prior to undertaking any private work or other employment.

Employees should make themselves aware of the ownership of intellectual property, or copyright, including inventions, creative writings and drawings. In general, if created by the employee during the course of employment, these belong to the Council.

**Personal Interests**

Employees must declare to their Chief Officers any non-financial interests that they consider bring about conflict with the Council's interests. Examples may include: involvement with an organisation receiving grant aid from the Council; membership of a National Health Service Trust Board; involvement with an organisation or pressure group which may seek to influence the Council's policies.

Employees must declare to their Chief Officer any financial interests which could conflict with the Council's interests. Where such financial interests relate to contracts with the Council, employees must also be aware of, and adhere to, the Council's Contract Procedure Rule 22.

Employees and future employees must declare to their Chief Officer and to the Head of Personnel Services their membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

The definition of what constitutes a secret society may be "any lodge, chapter, society, trust or regular gathering or meeting" which:

- is not open to members of the public who are not members;
- includes in the grant of membership an obligation on the part of the member, a requirement to make a commitment (whether by oath or otherwise) of allegiance; and
- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the society.

However, any generally recognised religion shall not constitute a "secret society" if any of the above conditions form a part of its activity.
Equality Issues

23 This Council has a policy to recruit the most suitable candidate for the job. Selection for recruitment, promotion and training will be made only on merit. The Council will not discriminate against any person because of race, colour, creed, ethnic origin, sex, marital status or disability. The Council monitors its performance in this respect, but, personal details are kept confidential.

Separation of roles during Tendering

24 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

25 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

26 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation. Employees should be aware of and adhere to the Council’s Standing Orders relating to contracts. A copy of the Standing Orders can be inspected by contacting the Monitoring Officer.

27 Employees contemplating a management buyout must, as soon as they have formed a definite intent, inform the Corporate Directors and withdraw from the contract awarding process.

28 Employees must ensure that no special favour is shown to current or recent former employees or their spouse, partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Corruption

29 Employees should be aware that it is a serious criminal offence for them corruptly 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. Any allegation made will be dealt with in accordance with the Council’s Disciplinary Procedure. There are several Acts relating to corruption.

Use of Financial Resources

30 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money for the local community and to avoid legal challenge to the Council. To accomplish these aims employees should be aware of, and adhere to, the Council’s Financial Regulations and associated guidance. A copy of the Regulations can be inspected by contacting the Monitoring Officer.

Hospitality

31 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend...
purely social or sporting functions may be accepted only when these are part of the life of the community, or, where the Council should be seen to be represented. Attendance should be authorised by the relevant Chief Officer and recorded.

32 When hospitality has to be declined, the person making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

33 Employees must not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of token value such as pens, diaries, calendars, etc.

34 When receiving authorised hospitality, employees must be particularly sensitive as to its timing in relation to decisions which the Council may be taking and which may affect those providing the hospitality.

35 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent has been given in advance and the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc, are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

**Sponsorship - Giving and Receiving**

36 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality, as outlined in 31 - 35 above, apply. Particular care must be taken when dealing with contractors or potential contractors.

37 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Monitoring Officer of any such interest. Similarly where the Council, through grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

*This Code contains guidelines and references from Acts and other publications. Parts of it are reproduced in the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services Scheme of Conditions of Service (The Purple Book). Other references are from relevant statutes and Regulations*
Part 4. Protocol on Member/Officer Relations

1. Introduction

1.1 The purpose of this protocol is to guide Members and Officers of the Council in their relationships with one another. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues, which most commonly arise.

1.2 The protocol seeks to reflect the principles underlying the respective Codes of Conduct, which apply to Members and Officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.

2. Personal Relationships

2.1 Guidance on personal relationships is contained within the Codes of Conduct.

2.2 Provided these guidelines are observed there is no reason why there should not be an informal atmosphere between Members and Officers outside formal meetings and events.

2.3 It is clearly important that there should be a close working relationship between Portfolio holders, Opposition Group Leaders and Spokesmen, Committee Chairmen and the relevant Director and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the individual's ability to deal impartially with others.

3. Members’ Constituency Role and Individual Employees

3.1 A Member may be asked for advice and support by an employee who is one of their constituents. Employees are entitled to seek such assistance in the same way as any other member of the public. However, Members should be careful not to prejudice the Council’s position in relation to disciplinary procedures or employment matters in respect of an employee. A Member approached for help in such circumstances should first seek advice from the Monitoring Officer.

4. Support Services to Members and Party Groups

4.1 Members are provided with ICT (information and communication technology) equipment and support services (e.g., printing, photocopying etc.) to enable them to better perform their policy and constituency role as Councillors.

4.2 Members should not use – and Officers should not provide - such equipment and support services in connection with party political or campaigning activity or for purposes not related to Council business.
4.3 Except that
- limited private photocopying may be undertaken provided it is at no cost to the Council; and
- IT equipment may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, Council systems, nor increase the support required from Officers.

5. Officers and Whole Council

5.1 While the Constitution does not at present include provision for delegation of decisions to individual Portfolio Holders it may do so in the future. In any event the Constitution does show that there is a clear division between the decision making functions of the Cabinet and the Scrutiny Committee and other roles of Members.

5.2 However, Officers are required at all times to serve the whole Council and provide support regardless of political affiliation and will need to exercise judgement in fulfilling this obligation, whilst maintaining the distinction between executive and scrutiny. Members must recognise this obligation on Officers.

6. Officers and the Cabinet/Portfolio Holders

6.1 Any decision by an individual Portfolio Holder (if the Council should so delegate in future) or collective decision by the Executive Committee should except in an emergency be supported by written advice from the appropriate Officer(s). An Officer’s obligation to the whole Council requires that such advice is independent and Members must not seek to suppress or amend any aspect of such professional advice.

6.2 Reports to Committees will normally be produced by Officers but there may be occasions when a Portfolio Holder or other Member prepares a report. In either situation, the appropriate Officer shall place on record his/her professional advice to the Committee and ensure that advice is considered when a decision is taken.

6.3 Officers may be representing the decisions (internally and externally) of a single party Cabinet or an individual Portfolio Holder. Other Members will need to recognise that, in so doing, the Officer is representing an executive decision of the Council.

7. Officers and Political Party Groups

7.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.
7.2 On the invitation of a Group Leader, a Director or his/her nominee may attend a Group meeting to give factual information about an issue which is currently being or will shortly be debated by a Council body, provided that:

- the meeting is held on Council premises;
- notice of attendance is given to the appropriate Director and made available on request to the other Group Leaders.

7.3 Officer support in these circumstances must not extend beyond providing information in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present when matters of party business are discussed.

7.4 Group meetings, while they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings are not Council decisions and it is essential that they are not interpreted or acted upon as such.

7.5 Similarly where Officers provide information and advice to a Group in relation to a matter of Council business this cannot act as a substitute for the Officer providing all necessary information and advice to the relevant Council body when the matter is considered.

7.6 Officers will not normally attend and provide information to any political party group meeting which includes non-Council members. Exceptions to this may be approved by the Corporate Directors who shall do so in writing and copy the correspondence to all the political Group Leaders.

7.7 In all dealings with Members, in particular when giving advice to political party groups, Officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.

7.8 Officers must respect the confidentiality of any political party group meeting at which they are present. They must not relay the content of any such discussion to another party group.

7.9 Any particular cases of difficulty or uncertainty in this area of Officer advice to political party groups should be raised with the Corporate Directors who will discuss them with the relevant Group Leader(s).

8. Officers and Individual Members

8.1 Any Group Leader, Portfolio Holder, Group Spokesman or Committee Chairman may request a private and confidential briefing from a Corporate Director on matters of policy which have already been or may be discussed by the Council or within its decision-making or advisory process. All requests should be made to the appropriate Corporate Director who should invite the Monitoring Officer or his/her nominees to attend if this is thought appropriate.
Briefings shall remain strictly confidential and are not to be shared with other Members of the Council unless so permitted by the relevant Member.

8.2 Except for the confidential policy advice referred to above, where possible information will be shared among political group representatives. In particular, Overview & Scrutiny is a cross-party process involving all political groups represented on the Council. Information supplied to Overview & Scrutiny Chairmen will therefore be shared as a matter of course with each of the political groups.

8.3 Individual Members may request the Corporate Directors (or another Senior Officer of the Directorate concerned) to provide them with factual information. Such requests must be reasonable, and must recognise the need for Officers to maintain the distinction between the executive and scrutiny processes. The relevant Cabinet members, Committee or Overview & Scrutiny Committee Chairman and the Opposition Spokesmen will, unless it is of a minor nature, be advised that the information has been given and, on request, will be supplied with a copy.

8.4 If a Corporate Director considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Monitoring Officer as to whether the information should be provided. Where necessary, the Leader in consultation with the other Group Leaders, will determine whether the information should be provided.

8.5 Confidential information relating, for instance, to casework should not normally be sought. If in exceptional circumstances Members wish to discuss confidential aspects of an individual case then they shall first seek advice from the Corporate Director and follow appropriate guidance.

8.6 Finally, any Council 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 as a member of the Council). This point is emphasised in the Code of Conduct.

9. Officers and Non-Council Elected Representatives

9.1 Officers may be requested to meet with Councillors or Elected Representatives from other Councils or organisations to provide briefings and/or policy advice.

9.2 Any Officer requested to attend a meeting of this nature which is not held on a cross-political party basis must obtain the prior authorisation of the Corporate Directors who shall inform all Group Leaders of the arrangements.

10. Media Relations
10.1 A primary intention of the Government in introducing executive arrangements was to raise the public and media profile of Portfolio Holders and to make the Cabinet directly accountable for decisions taken. It follows that media presentation and media support will reflect this. Advice to the Cabinet and Portfolio Holders in relation to the media will be provided on a confidential basis if requested.

10.2 Overview & Scrutiny Chairmen shall ensure that all media statements relating to the scrutiny function have the support of the relevant Overview & Scrutiny Committee. Any such statements must be consistent with the Council’s intent that the scrutiny function shall help to achieve a culture of continuous improvement throughout the Council.

10.3 The Media Officer and other Officers will also assist non-Cabinet Members in their media relations (on a confidential basis if requested).

10.4 Any Officer assisting a Member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, Members should not seek assistance from an Officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

11. Local Members

11.1 The council will keep local members fully informed about significant operational matters on which they may be required to make decisions or which affect their electoral wards.

11.2 Each chief officer will ensure that all relevant staff are aware of the requirement to keep local members informed and that, subject to paragraph 3 below, the timing of such information allows local members to respond appropriately and contribute to relevant decisions.

11.3 Any notification under this protocol should include sufficient detail to enable the local member(s) to have a broad understanding of the issue including a summary of advantages and disadvantages of any proposal and any financial implications.

11.4 Where lawful, communication of such information to local members will be made seven days before publication by the council of that same information. During those seven days the local member shall keep confidential the information imparted and not disclose it further without the agreement of the Corporate Directors.

11.5 Local members must be informed of the formative stages of policy development as it affects their ward. This includes any consideration of the matter by working parties, internal boards or committees of the Council.
11.6 Issues may affect a single electoral ward but others may have a wider impact in which case a wider number of members will need to be kept informed.

11.7 Whenever a public meeting is organised by the Council to consider a local issue all the members representing the electoral wards affected should as a matter of course be invited to attend the meeting.

11.8 Whenever the Council undertakes any form of consultative exercise the local members must be included.

11.9 Where a news release specifically relates to an issue affecting a particular ward or geographical area, the local Member(s) will be advised by email, or telephone as appropriate and sent a copy of the proposed release prior to distribution to the local media.

11.10 The local member's name will always be added to the contacts list on the press release and the Communications Team will offer advice and guidance in the usual way, seeking a quote from the local member if appropriate.

12. Member Training

12.1 Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes the necessary skills to take advantage of the ICT facilities made available to them.

12.2 Officers will work with individual members to produce a personal development plan, seek to ensure resources are available to fulfil the actions agreed in the plan and provide appropriate training to ensure that all members have the skills needed to fulfil their duties.

13. Arbitration

13.1 When necessary, the Corporate Directors will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer.
CHAPTER 8
ACCESS TO INFORMATION PROCEDURE RULES

1.0 Key Decisions

1.1 “Key decisions” are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These are executive decisions which are likely:

(1) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(2) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions.

1.2 The Chief Officers are responsible for identifying issues likely to give rise to key decisions and informing the Democratic Services Team Leader of the issue and the likely date on which the decision will be taken and by whom.

1.3 The Monitoring Officer in consultation with the Leader and the Corporate Directors are responsible for advising on the interpretation of the statutory definition of a “key decision” and whether the likely decision will fall within it.

Publicity in Connection with Key Decisions

1.4 Where a key decision is to be made at a meeting of the Cabinet, at a meeting of a Sub-Committee of the Cabinet, or by a member of the Cabinet or an Officer then at least 28 clear days before that decision is made a document will be produced and made available for inspection by the public at the Council offices and on the Council's website containing the following information:-

(a) that a key decision is to be made;
(b) the matter in respect of which the decision is to be made;
(c) where the decision maker is an individual, that individual's name and title or where it is a decision making body its name and a list of its members.
(d) the date on which the decision is to be made or the period within which it will be made;
(e) a list of the documents submitted to the decision maker for consideration in relation to the matter;
(f) the address from which any document listed may be obtained;
(g) that other documents relevant to those matters may be submitted to the decision maker and
(h) the procedure for requesting details of those documents (if any) as they become available.

The document will not contain any exempt or confidential information.

October 2016
General Exception

1.5 Where the publication of the intention to make a key decision under paragraph 1.4 is impracticable that decision may only be made:-

(a) where the Democratic Services Team Leader has informed the Chairman of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made
(b) where the Democratic Services Team Leader has made available at The Council Offices and on the Council’s website a copy of that notice
(c) five clear days have elapsed since the Democratic Services Team Leader made the notice available

Cases of Special Urgency

1.6 Where the date by which a key decision must be made makes compliance with paragraph 1.5 impracticable the decision may only be made where the Cabinet has obtained agreement from the Chairman of the Overview and Scrutiny Committee or if he or she is unable to act the Chairman of the District Council or the Vice Chairman of the District Council.

1.7 The agreement of the above person will be that the making of the decision is urgent and cannot reasonably be deferred. If such agreement has been given then a notice setting out the reasons must be made available at The Council Offices and published on the Council’s website as soon as reasonably practicable.

2.0 Meetings

2.1 Procedure Rules 2.1-2.8 apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, Overview and Scrutiny Panels, Joint or Area Committees, Ordinary Committees. 2.9 applies to meetings of the Cabinet.

Rights to attend meetings

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

Notice of meeting

2.3 The Democratic Services Team Leader will give at least five clear days notice of any meeting by posting details of the meeting at The Council Offices, Cromer and on the Council’s website.

Access to agenda and reports before the meeting

October 2016
2.4 The Democratic Services Team Leader will make copies of the agenda and reports available for public inspection at The Council Offices and on the Council’s website at least five clear days before the meeting. If an item is later added to the agenda, the revised agenda will be open to public inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Democratic Services Team Leader will make such reports available for public inspection as soon as the report is sent to Members.

2.5 The Democratic Services Team Leader may withhold reports from public inspection if he/she considers they contain exempt or confidential information (as defined in paragraphs 12 and 13 of these Rules). Such reports will be marked “Not for publication” and the exemption category of information indicated and will be printed on purple paper.

Exclusion of the Media and Public from Meetings

2.6 The media and the public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information (as defined in paragraph 11 of these Rules) will be disclosed.

2.7 The media and the public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information (as defined in paragraph 12 of these Rules) will be disclosed.

2.8 The decision to exclude the media and the public must be made by a resolution of the meeting which must (in the case of exempt information) state the reasons for the exclusion (by reference to the relevant statutory category) which must be recorded in the minutes of the meeting.

2.9 If the Cabinet or a Committee of the Cabinet intends to hold a meeting in private without the media and the public being present then:

(a) at least 28 clear days before that meeting notice of its intention to hold it in private must be made available at the Council Offices and on the Council's website;
(b) the notice referred to above must include a statement of the reasons for the meeting to be held in private;
(c) at least five clear days before the private meeting the Cabinet must make available at the Council Offices and on the Council's website a notice including the statement of the reasons for the meeting to be held in private; details of any representations received about why the meeting should be open to the public and a statement of the Council's response to any such representations.

2.10 (a) Where the date by which a meeting must be held makes compliance with this Regulation impracticable the meeting may only be held in private where the Cabinet has obtained agreement from the Chairman of Cabinet
Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred.

(b) As soon as reasonably practicable after Cabinet has obtained the agreement of the Chairman of the Overview and Scrutiny Committee as (a) above it must make available at The Council Offices and on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

3.0 Publication of records of executive decisions by the Leader, Cabinet, individual Cabinet members and officers.

3.1 A written statement must be made of every decision of the Cabinet or the Leader or a Cabinet Member or officer. The written statement must contain:

(1) a record of the decision and the date on which it was made

(2) the reasons for it

(3) any alternative options considered and rejected at the meeting or at the time the decision was made

(4) any conflict of interest declared (whether by a member of the Cabinet or a Cabinet Member who is consulted by the individual member or officer taking the decision)

(5) any note of dispensation in respect of such interest which was granted by the Standards Committee.

3.2 The record must be made by:

(1) the Democratic Services Team Leader in the case of a Cabinet decision; or

(2) A person instructed by the person presiding at a private meeting of the Cabinet where the Democratic Services Team Leader is not in attendance; or

(3) an officer instructed to do so by the deciding Cabinet Member where the decision is made by an individual cabinet member; or

(4) the Chief Officer concerned where the decision is taken by a Chief Officer.

Whoever is responsible for recording the decision must ensure that the record is sent to the Democratic Services Team Leader as soon as reasonably practicable.

3.3 The Democratic Services Team Leader will:

(1) send a copy of the record to all Members of the Overview and Scrutiny Committee

October 2016
(2) as soon as reasonably practicable make available for public inspection and on the Council's website a copy of the record and of any report considered at the Cabinet meeting or by the individual member or officer (unless it contains exempt or confidential information).

4. **Access to minutes and records of decisions**

The Democratic Services Team Leader will retain and make available for public inspection for six years after a meeting of a decision-making body at which an executive decision has been made, after an individual Cabinet member has made an executive decision or after an officer has made a decision, copies of the following:

(1) the minutes of the meeting and/or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information

(2) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record

(3) the agenda

(4) any report considered at the meeting or, as the case may be, considered by the individual member or officer and relevant to any decision made by the individual member or officer, excluding any report which discloses exempt or confidential information.

5. **Supply of copies**

Following a request by any person and on payment by them of a reasonable charge to meet copying and clerical costs, the Council will supply copies of any agendas, reports, minutes and records of decisions which are open to public inspection.

6. **List of background documents**

The author of any report will set out in the report a list of background documents relating to the subject matter of the report which in his/her opinion:

(1) disclose any facts or matters on which the report, or an important part of the report, is based and

(2) have been relied on to a material extent in preparing the report (not including published works or those which disclose exempt or confidential information as defined in paragraph 12 of these Rules and, in respect of Cabinet reports, the advice of a political advisor).

7. **Public inspection of background documents**

October 2016
The Corporate Directors and Chief Officers are responsible for ensuring that one copy of each background document included in the list of background documents is retained and made available for public inspection and published on the Council's website after the date of any meeting or decision.

8.0 Summary of public's rights

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

8.2 A summary of the public’s rights to attend meetings and to inspect and copy documents will be retained and made available to the public at The Council Offices, Cromer.

9. RIGHTS OF ACCESS FOR MEMBERS GENERALLY

9.1 Any document which is in the possession of, or under the control of the executive and which contains material relating to any business to be transacted at a public meeting, will be available for inspection by any member of the Council unless it would involve the disclosure of exempt information (see Paragraph 13).

9.2 Any document which
(a) is in the possession or under the control of the executive; and
(b) contains material relating
(i) to any business transacted at a private meeting;
(ii) any decision made by an individual member or officer in accordance with executive arrangements;

will be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or officer, immediately after the decision has been made, unless it would involve the disclosure of exempt information (see Paragraph 13).

9.3 Under Section 100F of the Local Government Act 1972, a member has a right to see any document in the possession of, or under the control of, the Council relating to any business to be transacted at a meeting of the Council, a Committee or Sub-Committee. However, the Committee Administrator has the power to withhold any such document which in his/her opinion contains exempt information of certain types: e.g. relating to individuals, the terms of a proposed contract, consultations or negotiations regarding labour relations matters, or legal proceedings.

9.4 A member has a right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

9.5 At common law a member has a right to see any document under the control of the Council if that member can show a “need to know” the contents of the document in order to perform their duties as a Councillor. A member is not given a roving commission; nor can inspection be demanded out of idle curiosity or if there is
any improper or indirect motive. In the event of a dispute as to whether a member has a "need to know", the question is to be decided ultimately by the Council itself.

9.6 The Annex to Chapter 8 contains a protocol agreed by the Council for the exercise of the rights of members to inspect and have copies of documents.

10. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS OF OVERVIEW AND SCRUTINY

10.1 Rights to documents
Subject to Rule 11.2 below, a member of an Overview and Scrutiny Committee or a Overview and Scrutiny Panel will be entitled to a copy of any document which;
(a) is in the possession or control of the executive; and
(b) contains material relating to:
(i) any business that has been transacted at a private meeting or a public meeting of a decision making body of the executive;
(ii) any decision that has been made by an individual member of that executive in accordance with executive arrangements; or
(iii) decision that has been made by an officer of the Council in accordance with executive arrangements.
(c) if a member of the Overview and Scrutiny Committee requests a document within (a) above the Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the request.

10.2 Limit on rights
No member of the Overview and Scrutiny Committee or an Overview and Scrutiny Panel will be entitled to a copy:

(a) of any such document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision that he/she is reviewing or scrutinising; or which is relevant to any review contained in any programme of work of such a committee;
(b) where the Executive decides that a member of the Overview and Scrutiny Committee is not entitled to a document for the reasons set out in (a) above it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

11. (a) Where an Executive decision is taken not as a key decision and the Overview and Scrutiny Committee is of the opinion that it should have been treated as a key decision then the Overview and Scrutiny Committee may require the Executive to submit a report to Council within such reasonable period as the Committee may specify.
(b) A report under (a) above must include details of the decision, the reasons for the decision, the decision maker or decision making body and if the Executive is of the opinion that a decision was not a key decision the reasons for that opinion.
12. **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 virtue of a Court Order.

13. **Exempt information** means information which falls within one or more of the following seven categories and in respect of which, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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. (However, information is not exempt information under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993).

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the District Council or a Minister of the Crown and employees of, or office holders under, the District Council.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the Council proposes:

   (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

   (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

**ANNEX TO CHAPTER 8**

**PROTOCOL RELATING TO MEMBERS RIGHTS TO ACCESS AND COPIES OF DOCUMENTS**

October 2016
1. **Introduction**

Members can ask any Senior Officer to provide them with information, explanation and advice so that they can carry out their role as councillors. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent.

2. **The Purpose of the Protocol**

The purpose of the protocol in paragraph 4 is to help clarify for members what they are entitled to see, and how to go about seeing it, and to give officers clear guidelines about the members rights particularly in the light of the new constitutional arrangements, and the developing role of scrutiny.

The Council is developing separate arrangements to make sure that members get to know information in a timely and appropriate manner.

3. **The Legal Position**

3.1 **Statutory Provisions**

These briefly mean that:-

(i) Any member can see documents which contain information relating to the public and private meetings of the Executive, meetings of the Council and its Committees, any decision to be taken by an individual member of the Executive and any executive decisions to be taken by an individual member or Officer. This statutory right does not extend to certain categories of exempt and confidential information.

(ii) All members of the Overview and Scrutiny Committee have a right to copies of documents which contain information relating to the public and private meetings of the Executive, any executive decision to be taken by an individual member of the Executive or Officer. However, they are only entitled to a copy of a document containing exempt and confidential information where the information is relevant to an action or decision which the member is reviewing or scrutinising or which is relevant to any review contained in a work programme of the Overview and Scrutiny Committee.

3.2 **The Common Law Position**

(a) The common law right of members is much wider than this and is based on the principle that any member has a prima facie right to inspect any Council documents if access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
(b) The exercise of this common law right depends upon the member’s ability to demonstrate a "need to know". In this respect, a member does not have "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is whether there is a "need to know".

3.3 Data Protection

Data protection legislation restricts the processing of information relating to individuals. As a result, any such information cannot be shared without the agreement of that individual or unless one of the legal exemptions applies.

4. The Protocol

Against this background the Council has agreed the following protocol:-

(1) An initial request should be made to the relevant Senior Officer and in this the Member should:
   (a) identify what they need to see;
   (b) state the reason(s) that they need to see it; and
   (d) make it clear whether they have a personal interest in the matter (as defined in the Members’ Code of Conduct) and if so what it is.

   The Officer is entitled to ask the member to make this request in writing if they are in any doubt about any of these matters.

(2) Any officer who is in any reasonable doubt regarding the release of the information will consult the Monitoring Officer for advice.

(3) If, after receiving this advice, it is not considered appropriate to release the information either because:

   • the member has not established a need to see it or
   • because the Officer has other concerns (for example the Councillor has personal interest in the matter, the information is commercially or otherwise sensitive, or the amount of work involved in identifying and producing the information is considered to be excessive)

and the member takes a different view, the matter will be referred to the Corporate Directors, who will consult the relevant Group Leader before making a decision.

(4) Any information provided must be only used in connection with the members’ duties as a Councillor, e.g. speaking at a relevant Committee or at full Council. Information not already in the public domain should not be divulged to third parties (including the press) nor should information be used improperly.

October 2016
(5) Finally, the effect of the Data Protection legislation is that information relating to an individual should not be provided unless either the individual has agreed to its release or one of the legal exemptions applies. As a result, any member wishing to obtain access to personal information should first seek that person's consent. A form is provided for this purpose. If that consent is not given, or there is a difficulty with requesting it, then legal advice should be sought.
CHAPTER 9

RULES, CODES AND PROTOCOLS

Part 1. Financial Regulations

1. Status of Financial Regulations

1.1 Financial Regulations provide the framework for managing the Council's financial affairs and form part of North Norfolk District Council's constitution. They apply to every member and employee of the Council and anyone acting on its behalf. The Council's detailed financial procedures, setting out how the regulations will be implemented, are contained in the Financial Procedures.

1.2 The Regulations identify the financial responsibilities of the Council, its Members, the Heads of Paid Service, the Monitoring Officer, the Chief Financial Officer and Heads of Service. Statutory Officers, Directors and Heads of Service should maintain a written record where decision-making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible employees, references to Heads of Service in the Regulations should be read as referring to them.

1.3 All members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

1.4 The Chief Financial Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Council for approval. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council and/or to the Cabinet.

1.5 Directors and Heads of Service are responsible for ensuring that all employees in their areas of responsibility are aware of the existence and content of the Council’s Financial Regulations and other internal regulatory documents and that they comply with them.

1.6 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members and officers are required to follow.

2. Financial Management

2.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.
The Council

2.2 The Council is responsible for adopting the Council’s Constitution and Members’ Code of Conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the Council’s overall framework of accountability and control. The framework is set out in its Constitution. The Council is also responsible for monitoring compliance with the agreed policy and decisions of the Cabinet.

2.3 The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by Cabinet, the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

The Cabinet

2.4 The Cabinet is responsible for proposing the financial policy framework and budget to the Council, and for discharging executive functions in accordance with the policy framework and budget.

2.5 Decisions can be delegated to a Cabinet Member, committee of the Cabinet, or an officer.

The Overview & Scrutiny Committee

2.6 The Overview & Scrutiny Committee is responsible for scrutinising decisions of the Cabinet before or after they have been implemented and for holding the Cabinet to account. The Overview & Scrutiny Committee is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council including the management of the Council’s finances.

The Governance Risk & Audit Committee

2.7 The Governance Risk & Audit Committee is responsible for recommending approval of the Statement of Accounts to Council and making any comments and recommendations to the Cabinet and Council.

2.8 The Governance Risk & Audit Committee is also responsible for approving the annual audit plan, ensuring the maintenance of a continuous internal audit service, reviewing all internal and external audit reports, reviewing and approving the Annual Governance Statement, reviewing progress on implementing audit recommendations, reviewing progress on the internal audit plan, monitoring the performance of internal audit, monitoring fundamental reviews, reviewing the corporate governance framework, ensuring appropriate procedures are in place to mitigate risk, to monitor the quality of the Council’s key information systems through regular updates on data quality, and to review the Council’s Contract Procedure Rules and to make recommendations for changes where necessary.
2.9 To recommend to the Standards Committee any changes to the corporate governance framework that fall within the remit of that committee.

Standards Committee
2.10 The Standards Committee is responsible for promoting and maintaining high standards of conduct amongst Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members’ Code of Conduct, and for monitoring the operation of the Code.

The Development Committee and Licensing & Appeals Committee
2.11 Planning, licensing and enforcement are not executive functions but are exercised through the Development Committee and Licensing Committee under powers delegated by the Council. Both Committees report to the Council.

Heads of Paid Service
2.12 The Corporate Directors shall undertake the duties of the Head of Paid Service for the purposes of the Local Government Act 1989 and is responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Council, the Cabinet, the Governance Risk & Audit Committee and other committees.

2.13 He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Corporate Directors are also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the Council’s decisions.

The Monitoring Officer
2.14 The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Council and/or to the Cabinet and for ensuring that procedures for recording and reporting key decisions are operating effectively.

2.15 The Monitoring Officer must ensure that decisions and the reasons for them are made public. He/she must also ensure that Council Members are aware of decisions made by committees and employees who have delegated executive responsibility.

2.16 The Monitoring Officer is responsible for advising all Members and employees about who has authority to take a particular decision.

2.17 The Monitoring Officer is responsible for advising the Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

October 2016
2.18 The Monitoring Officer (together with the Chief Financial Officer) is responsible for advising Cabinet or Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Such actions include:

(a) initiating a new policy
(b) committing expenditure in future years to above the budget level
(c) incurring interdepartmental transfers above virement limits
(d) causing the total net expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.

2.19 The Monitoring Officer is responsible for maintaining an up-to-date Constitution

The Chief Financial Officer

2.20 The Chief Financial Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

(a) Section 151 of the Local Government Act 1972
(b) The Local Government Finance Act 1988
(c) The Accounts and Audit Regulations 2003.

2.21 The Chief Financial Officer is responsible for:

(a) the proper administration of the Council’s financial affairs
(b) setting and monitoring compliance with financial management standards
(c) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
(d) providing financial information
(e) preparing the revenue budget and capital programme
(f) treasury management and banking.

2.22 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the Council, the Cabinet and external auditor if the Council or one of its employees:

(a) has made, or is about to make, a decision which involves incurring unlawful expenditure
(b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
(c) is about to make an unlawful entry in the Council’s accounts.
2.23 The Chief Financial Officer must also make a report under this section if it appears that the expenditure of the authority (including expenditure it is proposing to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure. Section 114 of the 1988 Act also requires:

(a) the Chief Financial Officer to nominate a properly qualified member of her/his staff to deputise should he or she be unable to perform the duties under section 114 personally

(b) the Council to provide the Chief Financial Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary, to carry out the duties under Section 114.

The chief financial officer for the Council is the post to which the Section 151 duties are attached i.e the Section 151 Officer

Heads of Service

2.24 Heads of Service are responsible for:

(a) ensuring that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Financial Officer

(b) signing contracts on behalf of the Authority.

2.25 It is the responsibility of Heads of Service to consult with the Chief Financial Officer and seek approval on any matter liable to affect the Council’s finances materially, before any commitments are incurred.

Virement

2.26 The Council is responsible for agreeing procedures for virement of expenditure between budget headings as set out in the Procedures below.

- Release of earmarked sums from contingency provisions (i.e earmarked reserves) up to £10,000 – Head of Finance

- In year virements within discrete services under their control up to £25,000 – Service Manager in consultation with the Head of Finance;

- Virements between £25,000 - £50,000 (including the release of earmarked reserves) – C L T with the approval by the Head of Finance in consultation with the Cabinet/Portfolio Member.

2.27 The Cabinet is responsible for determining the use of working balances to fund expenditure not covered elsewhere in the budget and for agreeing in-year virements between service heads within its existing budget.

2.28 The Chief Financial Officer is responsible for approving any virements of revenue budgets where it is for the release of earmarked sums from contingency provisions.
2.29 The Corporate Directors (in consultation with the Leader) may exercise the virement powers of the Cabinet where a matter is urgent.

2.30 Heads of Service are responsible for agreeing in-year virements within discrete services under their control, in consultation with the Chief Financial Officer.

2.31 Fortuitous savings, or additional income cannot be used for revenue virement purposes. These must be reported to Cabinet for consideration of how these additional monies are to be used. Fortuitous savings are deemed to be savings not already assumed in the budget.

**Treatment of Year-End Balances**

2.32 Full Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

**Responsibilities of Heads of Service:**

2.33. Any overspending on service estimates in total on budgets under the control of the Service Manager will be reported by the Chief Financial Officer to Cabinet and to the Council.

2.34. Net underspendings on service estimates under the control of the Service Manager may only be carried forward, subject to:

(a) reporting to the Cabinet the source of underspending or additional income and the proposed application of those resources
(b) the approval of the Cabinet up to £50,000.

2.35. Decisions as to carry forward of underspends will be taken in the context of the actual financial position as at 31 March and future financial policies

**Accounting Policies**

2.36 The Chief Financial Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

**Accounting Records and Returns**

2.37 The Chief Financial Officer is responsible for determining the accounting procedures and records for the Council.

**The Annual Statement of Accounts**

2.38 The Chief Financial Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice.
3. **Financial Planning**

3.1 The Full Council is responsible for agreeing the policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

(a) the budget
(b) the capital programme

### Policy Framework

3.2 The Executive and the Council are responsible for approving the policy framework and budget. The policy framework includes the following plans and strategies:

(a) Asset Management Plan
(b) Performance Plan
(c) Capital Strategy
(d) North Norfolk Local Development Framework
(e) Economic Development Plan
(f) Strategic Housing Policy
(g) Financial Strategy
(h) Growth Strategy
(i) Licensing Authority Policy Statements

3.3 Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the Council by the Proper Officer.

3.4 Full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

### Preparation of the Corporate Plan

3.5 The Corporate Directors are responsible for proposing a corporate plan to the Cabinet for consideration before its submission to the Council for approval.

### Preparation of the Performance Plan

3.6 The Corporate Directors are responsible for proposing the Performance Plan to the Cabinet for consideration before its submission to the Council for approval.
Budget Format
3.7 The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Chief Financial Officer. The draft budget should include allocations to different services and projects, proposed taxation levels and contingency funds, where appropriate.

Budget Preparation
3.8 The Chief Financial Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a three-yearly basis for consideration by the Cabinet, before submission to the Council. The Cabinet, after considering the effect on the Council's finances and any directives from Central Government, submit to the Council:

(a) recommended revenue estimates (incorporating any amendments);
(b) a report thereon;
(c) a recommendation as to the Council Tax to be levied for the following financial year.

3.9 Full Council may amend the budget or ask the Cabinet to reconsider it before approving it.

3.10 It is the responsibility of Heads of Service to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet and Chief Financial Officer.

Resource Allocation
3.11 The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council’s policy framework.

Preparation of the Capital Programme
3.12 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the Council.

Guidelines
3.13 The budget should be prepared in accordance with the principles established in the financial strategy and other guidance issued to Members and Heads of Service by the Chief Financial Officer. These should take account of:

(a) legal requirements
(b) medium-term planning prospects
(c) the corporate plan
(d) available resources
(e) spending pressures
(f) relevant government guidelines

October 2016
(g) other internal policy documents
(h) efficiency plans
(i) cross-cutting issues, where relevant.

Maintenance of Reserves
3.14. It is the responsibility of the Chief Financial Officer to advise the Cabinet and the Council on prudent levels of reserves for the authority.

4. Budget Monitoring and Control

4.1 The Chief Financial Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure and income against budget allocations and report to the Cabinet on the overall position on a regular basis.

4.2. It is the responsibility of Heads of Service to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Financial Officer. They should report on variances within their own areas and take any action necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

Budgeting - Revenue

4.3. Heads of Service are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not support recurring revenue expenditure from one-off sources of savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Heads of Service must plan to fund such commitments from within their own budgets.

4.4. For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the scheme of delegation.

4.5. The key controls for managing and controlling the revenue budget are:

(a) budget managers should be responsible only for income and expenditure that they can influence
(b) there is a nominated budget manager for each budget heading
(c) budget managers accept responsibility and accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
(d) budget managers follow an approved certification process for all expenditure within the authorised signatory lists and ensuring separation of duties
(e) income and expenditure are properly recorded and accounted for
(f) performance levels and levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget
(g) specific budget approval is given for all expenditure
(h) budget managers are appropriately trained to carry out their budgetary control responsibilities.

**Responsibilities of the Chief Financial Officer**

4.6. To establish an appropriate framework of budgetary management and control that ensures that:

(a) budget management is exercised within annual cash limits unless the Council agrees otherwise
(b) each Service Manager has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
(c) expenditure is committed only against an approved budget head
(d) all officers responsible for committing expenditure comply with relevant guidance and financial regulations
(e) each cost centre has a single named manager, determined by the relevant Service Manager. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure
(f) budget variations of more than £10,000 are investigated by Heads of Service and reported by them to the Chief Financial Officer and to Cabinet.

4.7. To prepare and submit reports to the Cabinet on the Council’s projected income and expenditure compared with the budget on a regular basis.

4.8. To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the Cabinet and Heads of Service.

4.9. To prepare and submit reports to the Cabinet on aggregate spending plans and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.

4.10. To encourage the best use of resources and value for money by working with Heads of Service to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

4.11. To advise Full Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.
Budgeting – Capital

4.12. Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

4.13. The key controls for capital programmes are:

(a) specific approval by Full Council for the programme of capital expenditure
(b) expenditure on capital schemes is subject to the approval of Cabinet
(c) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project above £100,000, for approval by the Cabinet
(d) proposals for improvements and alterations to buildings must be approved by the appropriate Head of Service
(e) schedules for individual schemes within the overall budget approved by the Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Council
(f) implementation of the Asset Management Plan and Capital Strategy
(g) accountability for each proposal is accepted by a named manager
(h) progress and expenditure should be monitored and compared to the approved budget.

Responsibilities of the Chief Financial Officer

4.14. To collate capital estimates, taking into account the full year revenue effect of each capital scheme, jointly with Heads of Service and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Council.

4.15. To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.

4.16 To issue guidance concerning capital schemes and controls. The definition of ‘capital’ will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.

4.17. To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision.

4.18. To prepare and submit an annual report to the Cabinet on the completion of all contracts where the final expenditure exceeds the approved contract sum.

October 2016
**Responsibilities of Heads of Service**

4.19. To comply with guidance concerning capital schemes and controls issued by the Chief Financial Officer.

4.20. To ensure that all capital proposals above £50,000 have undergone a project appraisal, stating the objective, details of any alternative means of achieving the objective, the justification for the project and the estimated capital costs, in accordance with guidance issued by the Chief Financial Officer.

4.21. To ensure that adequate records are maintained for all capital contracts.

4.22. To proceed with projects only when there is adequate provision in the capital programme, where all necessary Government approvals and authorisation of finance have been obtained and with the agreement of the Chief Financial Officer.

4.23. To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and if applicable approval of the scheme through the capital programme.

4.24. To consult with the Chief Financial Officer and to seek approval from the Cabinet where the Service Manager proposes to bid for financial support from Government departments to support expenditure that has not been included in the revenue budget or capital programme.

**Maintenance of Reserves**

4.25. A local authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence; they enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes (“Earmarked reserves”) may also be maintained, such as the purchase or renewal of capital items.

4.26. The key controls for reserves are

- (a) to maintain reserves in accordance with the Statement of Recommended Practice on Local Authority Accounting in the United Kingdom and agreed accounting policies;
- (b) for each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- (c) Expenditure above £50,000 from reserves should be authorised by the Cabinet.
- (d) Expenditure below £50,000 from Reserves should be authorised in line with virement limits.
Responsibilities of the Chief Financial Officer
4.27. To advise the Cabinet and the Council on prudent levels of reserves, and to take account of the advice of the external auditor in this matter.

Responsibilities of Heads of Service
4.28. To ensure that resources are used only for the purposes for which they were intended.

5. Accounting Records and Returns

5.1. Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year; these are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council’s resources.

The Chief Financial Officer is responsible for the following:

5.2. To determine the accounting procedures and records for the Council.

5.3. To arrange for the compilation of all accounts and accounting records under his or her direction.

5.4. To comply with the following principles when allocating accounting duties:

(a) separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them
(b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

5.5. To make proper arrangements for the audit of the Council’s accounts in accordance with the Accounts and Audit Regulations 2003.

5.6. To ensure that all claims for funds, including grants, for which he or she is responsible are made by the due date.

5.7. To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Governance Risk & Audit Committee to approve the Statement of Accounts by the due date.

5.8. To administer the Council’s arrangements for under and overspendings to be carried forward to the following financial year.
5.9. To ensure the proper retention of financial documents in accordance with the requirements set out in the Council’s document retention schedule.

**Responsibilities of Heads of Service**

5.10. To consult and obtain the approval of the Chief Financial Officer before making any changes to accounting records and procedures.

5.11. To comply with the principles outlined in paragraph 5.3 when allocating accounting duties.

5.12. To maintain adequate records to provide a management trail leading from the source of income and expenditure through to the accounting statements.

5.13. To ensure the proper retention of financial documents in accordance with the requirements set out in the Council’s document retention schedule.

5.14. To supply information required to enable the Statement of Accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

5.15. To ensure that all claims for funds, including grants, for which he/she is responsible, are made by the due date.

6. **Risk Management and Control of Resources**

6.1. It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

**Risk Management**

6.2. The Governance Risk & Audit Committee is responsible for approving the Council’s Risk Management Policy Statement and Risk Strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

6.3. The Corporate Leadership Team is responsible for preparing the Council’s risk management policy statement, for promoting it throughout the Council and for advising the Cabinet on proper insurance cover.

**Internal Control**

6.4. Internal control refers to the systems of control devised by management to help ensure that the Council’s objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council’s assets and interests are safeguarded.

6.5. The Chief Financial Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best
practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

6.6. It is the responsibility of Heads of Service to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

**Audit Requirements**

6.7. The Accounts and Audit Regulations 2003 require every local authority to maintain an adequate and effective internal audit.

6.8. The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by Section 15 of the Local Government Finance Act 1982, as amended by Section 5 of the Audit Commission Act 1998.

6.9. The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

6.10. A continuous internal audit, under the direction of the Chief Financial Officer shall be arranged to appraise and review:

(a) the completeness, reliability and integrity of information, both financial and operational;
(b) the systems established to ensure compliance with policies, plans, procedures, laws and regulations;
(c) the means of safeguarding assets;
(d) the economy, efficiency and effectiveness with which resources are employed; and
(e) whether operations are being carried out as planned and objectives and goals are being met.

6.11. It shall be the responsibility of internal audit, to review, appraise and report to management:

(a) the extent to which the Council’s assets and interests are accounted for and safeguarded from losses of all kinds arising from:
   (i) fraud and other offences; and
   (ii) waste, extravagance and inefficient administration, poor value for money or other cause.
(b) the suitability and reliability of financial and other management data developed within the Council.
6.12. The Head of Internal Audit will provide an opinion on the effectiveness of the internal control environment to the Governance Risk & Audit Committee on an annual basis.

6.13 The internal auditors shall have sufficient independence in order to enable them to perform their duties in a manner which will allow their professional judgement and recommendations to be effective and impartial. This shall include the right to report directly to the Monitoring Officer or the Cabinet in appropriate circumstances.

6.14. The resource requirements required to complete the Audit Plan will be assessed annually by the Head of Internal Audit and reported to the Governance Risk & Audit Committee. In order to fulfil the Audit Plan and exercise the internal audit responsibilities set out in these financial responsibilities, the Chief Financial Officer shall have the authority to contract with the Audit Commission, other local authorities and such other bodies which are considered appropriate.

Preventing Fraud and Corruption
6.15. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council. The Council’s expectation of propriety and accountability is that Members and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

Key controls
6.16. The key controls regarding the prevention of financial irregularities are that:

(a) the Council has an effective corporate anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption.
(b) the Revenue section operates a Counter Fraud and Corruption policy covering Housing Benefit and Council Tax Support.
(c) all Members and employees act with integrity and lead by example.
(d) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt.
(e) high standards of conduct are promoted amongst members by the Standards Committee.
(f) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.
(g) whistle blowing procedures are in place and operate effectively.
(h) legislation, including the Public Interest Disclosure Act 1998, is adhered to.

Responsibilities of the Chief Financial Officer
6.17. In conjunction with the Corporate Directors, to develop and maintain an anti-fraud and anti-corruption policy.
6.18. To maintain adequate and effective internal control arrangements.

6.19. To ensure that all suspected irregularities are investigated and reported to the relevant committee.

6.20. To report suspicious transactions to the National Criminal Intelligence Service.

Responsibilities of the Monitoring Officer

6.21. To maintain and review a Council-wide register of interests.

Responsibilities of Heads of Service

6.22. To ensure that all suspected irregularities or suspicious transactions are reported to the Chief Financial Officer.

6.23. To instigate the Council’s disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

6.24. To ensure that where financial impropriety is discovered, the Chief Financial Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

6.25. To ensure that employees record any hospitality or gifts accepted in a register of interests.

Computer Systems and Data

Responsibilities of the Head of Business Transformation and IT

6.26. To draw up, maintain and review the Information Security Policy and schedule of assets/equipment.

Responsibilities of Heads of Service

6.27. To comply with the Information Security Policy, including internet and e-mail security, and ensure that all employees are aware that they have a personal responsibility for information security as set out in the policy.

6.28. To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

6.29. To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

6.30. To ensure that relevant standards and guidelines for computer systems issued by the Head of Business Transformation and IT are observed.

October 2016
6.31. To ensure that computer equipment and software are protected from loss and damage through theft, vandalism or other cause.

6.32. To comply with all Intellectual Property Law and rights of others and, in particular, to ensure that:

(a) only software legally acquired and installed by the Council is used on its computers
(b) staff are aware of legislative provisions
(c) in developing systems, due regard is given to the issue of intellectual property rights.

6.33. To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

6.34. To report all breaches of information security, whether actual or suspected, to the Head of IT Services, who shall carry out an investigation and report the results to the Management Team.

**Intellectual Property**

6.35. Intellectual property is a generic term that includes inventions and original writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Certain activities undertaken within the Council may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

**Key controls**

6.36. The key controls for intellectual property are:

(a) in the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council’s approved intellectual property procedures.

**Responsibilities of the Corporate Directors**

6.37. To develop and disseminate good practice through the Council’s Information Security Policy.

**Responsibilities of Heads of Service**

6.38. To ensure that controls are in place to ensure that employees do not carry out private work in Council time and that employees are aware of an employer’s rights with regard to intellectual property.

**Assets**

6.39. The Council holds assets in the form of property, vehicles, equipment and furniture. It is important that assets are safeguarded and used efficiently in
service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

**Land and Buildings**

**Responsibilities of the Head of Assets and Leisure**

6.40. To ensure that an asset register is maintained containing the following minimum information of assets owned or leased by the Council:

(a) description and delineation of land or buildings, including location and ordinance survey map reference;
(b) date of acquisition;
(c) purchase details and terms of acquisition;
(d) the nature of the Council’s interest
(e) details of statutory outgoings, including rents and any other charges payable;
(f) purpose and power of acquisition;
(g) restrictive covenants;
(h) any tenancies or other interests granted; and
(i) terms of subsequent disposal and review periods.

6.41. To ensure that a five year rolling programme of asset valuation is carried out, which will be agreed with the Chief Financial Officer, and a minimum of 20% of assets re-valued each year. Information on asset valuations, purchases and sales must be provided to the Chief Financial Officer for inclusion in the asset register in accordance with the timetable set by the Chief Financial Officer. These valuations must include the estimated life of assets.

6.42. To ensure that where land or buildings are surplus to requirements, a recommendation for disposal should be reported to the Council.

6.43. To ensure that a review of terms of leases is carried out in accordance with the conditions of the lease and to maintain a perpetual diary for this purpose. The [Corporate Property Officer] shall ensure that deeds are stored in a fireproof safe.

**Responsibilities of Heads of Service**

6.44. To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession of or enter the land until a lease or agreement, in a form been established as appropriate.

6.45. To ensure the proper security of all buildings and other assets under their control.

6.46. To ensure that an acquisitions and disposal policy is maintained.

October 2016
Vehicles, Plant and Equipment
Responsibilities of Heads of Service

6.47. To ensure that a register of moveable assets is maintained in accordance with arrangements defined by the Chief Financial Officer.

6.48. To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

6.49. To maintain inventories and record an adequate description of furniture, fittings, equipment, vehicles, plant and machinery above £5,000 in value.

6.50. To carry out an annual check of all items on the inventory in order to verify location and condition and to take appropriate action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council. If an item is lost, stolen or disposed of, this must be recorded against the entry in the inventory.

6.51. When the Council’s property is removed from Council premises for official purposes the permission of an officer authorised by a Service Manager must be obtained and a record should be kept of all authorised removals.

6.52. To ensure that all leased assets are identified, appropriately marked and maintained and a register kept to include location to ensure that they are available for return to lessors at the end of the lease period in accordance with the terms of the lease.

Stocks
Responsibilities of Heads of Service

6.53. To make arrangements for the care and custody of stocks and stores under their control.

6.54. To ensure that adequate records are kept and that stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

6.55. To investigate and remove from the Council’s records discrepancies as necessary, or to obtain approval of the Cabinet if they are in excess of £10,000.

6.56. To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, or applied in part exchange for new items purchased by competitive quotation or tender unless, following consultation with the Chief Financial Officer, the Cabinet decides otherwise in a particular case. The Chief Financial Officer shall be consulted before any leased furniture or equipment is sold or part exchanged.

October 2016
6.57. To seek approval of the Cabinet to write-off redundant stocks and equipment in excess of £10,000.

Cash

Responsibilities of Heads of Service

6.58. To ensure cash holdings on premises are kept to a minimum.

6.59. To ensure that a schedule is kept of the Officers who hold keys to safes and similar receptacles and that keys to safes, security systems and similar equipment or apparatus are carried on the person of those responsible at all times; loss of any such keys must be reported to the Chief Financial Officer as soon as possible. Any duplicate keys shall be kept in such safe places as shall be approved by the Chief Financial Officer.

6.60. To ensure that cash holdings do not exceed the maximum amount set by the Chief Financial Officer and that cash held in any safe does not exceed the amount of the insurance limit for that safe.

6.61. To ensure that cash handling is carried out in accordance with guidance issued by the Chief Financial Officer.

6.62. To notify the Chief Financial Officer of cash lost or stolen immediately. Stolen cash, which is not covered by insurance, can only be written-off with the agreement of the Chief Financial Officer.

6.63. To ensure that under no circumstances are personal cheques cashed out of monies held on behalf of the Council.

Petty Cash and Imprest Accounts

Responsibilities of the Chief Financial Officer

6.64. To provide employees of the Council with cash or bank imprest accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. No items of expenditure should exceed £20.

6.65. To determine petty cash limits, maintain a record of the employees who hold imprest accounts, signed by those employees, and all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

Responsibilities of Heads of Service

6.66. To notify the Chief Financial Officer when an authorised officer leaves the department and to ensure that the imprest advanced is accounted for to the Chief Financial Officer, unless responsibility for the imprest is transferred to a different officer, in which case the Chief Financial Officer should be notified of the new account holder.

6.67. To ensure that employees operating an imprest account:
(a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained in the name of North Norfolk District Council.

(b) make adequate arrangements for the safe custody of the account

(c) produce upon demand by the Chief Financial Officer cash and all vouchers to the total value of the imprest amount

(d) record transactions promptly

(e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder

(f) provide the Chief Financial Officer with a certificate of the value of the account held at 31 March each year

(g) do not allow reimbursement of travel and subsistence claims from the imprest account.

**Treasury Management and Banking**

6.68. The Council has adopted CIPFA’s Code of Treasury Management in the Public Services.

6.69. The Council is Responsible for approving the Treasury Management Policy Statement. The Policy Statement is proposed to the Council by the Cabinet. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement

6.70. All money in the hands of the Council is controlled by the Chief Financial Officer.

6.71. The Chief Financial Officer is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.

6.72. All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA’s Code of Practice for Treasury Management in the Public Services. Should the Chief Financial Officer wish to depart in any material respect from the main principles of the Code of Practice the reasons should, in the first instance be disclosed in a report to the Cabinet.

6.73. The Chief Financial Officer is responsible for reporting to the Overview & Scrutiny Committee on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

6.74. The Chief Financial Officer is responsible for the opening and closing of bank accounts in the name of the Council. All cheques drawn on the Council’s bank accounts shall bear the facsimile signature of or be signed by the Chief
Financial Officer, the Corporate Directors or such other employee as may be authorised from time to time under the Scheme of Delegation of the Council.

6.75. All cheques drawn for an amount in excess of £50,000 that bear the facsimile signature of the Chief Financial Officer or the Corporate Directors, shall also be countersigned by one of the employees specified at paragraph 6.74 above.

**Staffing**

6.76. The Council is responsible for determining how support for policy and scrutiny roles within the authority will be organised.

6.77. The Corporate Directors are responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a post.

6.78. Heads of Service are responsible for controlling total staff numbers by:

(a) advising the Cabinet as part of the budget reporting process on the budget necessary in any given year to cover estimated staffing levels;

(b) adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs; and

(c) the proper use of appointment, disciplinary and redundancy procedures.

**7. Financial Systems and Procedures**

7.1. Sound systems and procedures are essential to an effective framework of financial accountability and control. The Chief Financial Officer is responsible for the operation of the Council’s accounting systems, the form of accounts and the supporting financial records. Any changes made by Heads of Service to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer before they are implemented. However, Heads of Service are responsible for the proper operation of financial processes in their own areas of responsibility.

7.2. Any changes to agreed procedures by Heads of Service to meet their own specific service needs should be agreed with the Chief Financial Officer.

7.3. Heads of Service should ensure that their staff receive relevant financial training.

7.4. Heads of Service must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Heads of Service must ensure that staff are aware of their responsibilities under freedom of information legislation.
Income and Expenditure

7.5. It is the responsibility of Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Service Manager’s behalf, or on behalf of the Cabinet, in respect of committing expenditure, payments and income collection, together with the limits of their authority.

7.6. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

Responsibilities of the Chief Financial Officer

7.7 To agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection and accounting for VAT.

7.8 To approve the format of all receipt forms, books or tickets and similar items and to satisfy him/herself regarding the procedures for their supply and control.

7.9 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid within specified time limits.

7.10 Where a debt is proven to be irrecoverable or uneconomic to recover, to agree the write-off of bad debts up to £10,000 in each case and to refer larger sums to the Cabinet for its approval.

7.11 To keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2003. Such records shall be made available for inspection by Council Members, the external auditor or such other persons who may be entitled to see the register.

7.12 To ensure that appropriate accounting adjustments are made following write-off action.

7.13 Heads of Service can write off debts up to £1,000, the approval of the Chief Financial Officer to write off debts up to £10,000 must be obtained. Write off debts will be in line with the Council’s delegated signatory listing up to £20,000. For debts in excess of £20,000 the approval of the Chief Financial officer in consultation with the Portfolio Member is required.

Ordering and Paying for Work, Goods and Services

7.14 The Contract Procedure Rules should be followed for all ordering and paying for work, goods and services. These are covered in Chapter 9. In addition the following applies:

7.15 Every employee and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers
and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.

7.16 Official orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases, procurement in conjunction with purchase cards, where purchased under a contract in writing or other exceptions specified by the Chief Financial Officer.

7.17 All orders must be certified by an authorised employee. Urgent orders should be transmitted by fax whenever possible. In exceptional circumstances orders may be issued by telephone and, in such cases, a signed copy of the order should be made out and retained pending the receipt of the goods.

7.18 Each order must conform to the guidelines approved by the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.

7.19 Apart from petty cash, corporate purchasing cards and other payments from advance accounts, the normal method of payment from the Council shall be through the banks' automated clearing system (BACS), by cheque or other instrument or approved method, drawn on the Council's bank account by the Chief Financial Officer. Any arrangements for making payments by these means must be approved by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.

7.20 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

Responsibilities of the Chief Financial Officer

Payments to Employees and Members

7.21 The Chief Financial Officer is responsible for approving the system of payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

Taxation

7.22 The Chief Financial Officer is responsible for advising Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

7.23 The Chief Financial Officer is responsible for maintaining the Council’s tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

7.24 It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.
8. **External Arrangements**

**Partnerships**

8.1. The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs where they do not represent a major policy change.

8.2. The Cabinet can delegate functions, including those relating to partnerships. Where functions are delegated, the Cabinet remains accountable for them to the Council.

8.3. Representation of the Council on partnership and external bodies will be decided in accordance with the scheme of delegation.

8.4. The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

8.5. The Chief Financial Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory, including the verification of third party identities.

8.6. The Monitoring Officer must consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He/ she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

8.7. Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

**External Funding**

8.8. The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council’s accounts.

**Work for Third Parties**

8.9. The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies unless this is delegated to Heads of Service.

**Part 2. Contract Procedure Rules**

1. **Purpose and Scope of Contract Procedure Rules**

1.1. The purpose of these Procedure Rules is to ensure that any procurement process for services, works or goods achieves best value and is transparent, open and fair making it possible for all decisions to be made.

October 2016
transparent and audited satisfactorily. They must be followed every time the Council wishes to enter into a contract for services, works or goods.

2. **Principles of Good Procurement**

The principles of good procurement are:

2.1 Achieving value for money and compliance with these Procedure Rules and the European Procurement Directive.

2.2 The procurement process should give the Council sufficient information to form a sound view of a potential supplier’s competence without placing unreasonable burdens on them.

2.3 Potential suppliers, including in-house bid teams should:
   (a) Understand from the outset what categories of information and general standards and responsibilities will be expected of them.
   (b) Be provided with adequate, accurate and timely information at all relevant stages of the procurement process.
   (c) Be subject to the same requirements and treated equally throughout the procurement process.
   (d) Be made fully aware of the basis for evaluation of tenders.

2.4 All decisions should be based on objective measures that are justifiable in terms of the matters specified under the contract.

2.5 The Procurement Toolkit gives further details on the processes behind delivering these principles.

3. **Health and Safety, Equal Opportunities and Whistleblowing**

3.1 The Council must be satisfied in any procurement process that potential suppliers have satisfactory systems for managing health and safety. Details of their health and safety policy and practice relevant to the performance of the contract must be obtained to ensure it provides satisfactory systems for managing health and safety. Monitoring arrangements must be in place post contract award to ensure that health and safety matters are being properly addressed.

3.2 Potential suppliers must be asked to acknowledge that they have seen and understand the terms of the Council’s health and safety policy in relation to the contract.

3.3 Suppliers of services particularly those which may involve contact with the users of the services, or the wider community, should be asked to demonstrate high standards with regard to fair treatment and equal opportunities. All potential suppliers must be required to comply with the Council’s equalities policy.
3.4 In accordance with the Council’s Whistleblowing Policy, it is expected that contractors will be required to have their own whistleblowing policies and arrangements established in accordance with thresholds set in the Council’s contract conditions through the tendering process. Where a contractor does not have its own policy, it is expected that the principles and arrangements of the Council’s policy and associated procedures will apply.

4. **Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)**

4.1 The Transfer of Undertakings (Protection of Employment) Regulations 2006, commonly known as the TUPE Regulations, should be presumed to apply in any procurement process involving the contracting out of a service area with a discrete budget and staff assigned to it. The exception to this is if there are genuine exceptional reasons for TUPE not to apply. These could be where:

(a) A contract is for the provision of both goods and services, but the provision of services is ancillary in purpose to the provision of the goods.

(b) The matter being contracted is essentially new or a one off project.

(c) Services or goods are essentially a commodity bought “off the shelf” and no grouping of staff is specifically and permanently assigned to a common task.

(d) The features of the service or function subject to the contracting exercise are significantly different from the features of the function previously performed within the Council, or by an existing supplier such as a function to be delivered electronically and in a way that requires radically different skills, experience and equipment.

4.2 Where appropriate Invitations to Tender must state that staff will transfer pursuant to TUPE and sufficient information should be provided to enable potential suppliers to cost the effect of TUPE applying and staff transferring to them. Human Resources will deal with the provision of the appropriate information as necessary. Pensions provided to transferred staff must be certified by the Government Actuary as “broadly comparable” with the Local Government Superannuation Scheme. There should also be an agreement with the new employer’s pension scheme providing that staff will be able to transfer their accrued service credits into that scheme on a day-for-day, or equivalent, basis. Alternatively, if the new employee so wishes transferred staff can continue to have access to the Local Government Superannuation Scheme. Advice on the applicability of TUPE and the clauses to be inserted in Invitations to Tender and contracts should be sought in the first instance from the Chief Financial Officer or the Council’s Legal Officers.

4.3 TUPE should also be presumed to apply to a procurement process when an external contract is to be re-let where there are staff involved. Invitations to Tender should state that staff are to transfer pursuant to TUPE and
information relating to pay, bonus payments, allowances, holiday entitlement and pension details should be obtained from the incumbent supplier to enable potential suppliers to cost the effect of staff transferring to them.

4.4 All contracts to which TUPE applies must contain specific clauses relating to the application of TUPE. These clauses can be obtained from the Chief Financial Officer or the Head of Legal.

5. Expenditure Thresholds

5.1 All purchases are subject to the following procedure:

<table>
<thead>
<tr>
<th>Estimated Value</th>
<th>Minimum No. of Quotations/Tenders</th>
<th>Council Seal</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under £5,000</td>
<td>Not applicable (but see notes)</td>
<td>No</td>
<td>Although a formal procurement process does not need to be followed, value for money still needs to be demonstrated e.g. obtain written quotations.</td>
</tr>
<tr>
<td>£5,000 - £49,999</td>
<td>3 quotations</td>
<td>No</td>
<td>Unless a recognised trade or professional contract is to be used (e.g. JCT) then the Council’s standard terms and conditions must be used. Consideration should also be given to the use of Liquidated Damages (a predetermined and realistic estimate of potential loss arising from default under a contract). If Liquidated Damages are not considered appropriate then the reason should be given on the contract file. In a case where it is not possible to obtain three quotations, written advice of the Chief Financial Officer/ Council Solicitor should be obtained.</td>
</tr>
</tbody>
</table>
£50,000 - £100,000
3 tenders
Yes
In addition to the above the finance department as part of the procurement process should undertake a financial appraisal of all potential suppliers. Consideration should also be given to whether a performance bond is appropriate and if EU Procurement Directives apply. The Chief Financial Officer should be advised at the start of the procurement process.

Over £100,000
5 tenders
Yes
Both the Chief Financial Officer and Solicitor must be actively involved in the procurement process of the project. Refer to 20.1.1 for performance bond or a parent company guarantee requirements.

5.2 Those officers wishing to enter into contracts must use their best endeavours to achieve the minimum number of quotations/tenders referred to in the above table. In all instances the minimum number of bidders in the above table, must be requested to submit a bid. If having done so it is not possible to achieve the minimum number of quotations/tenders a clear note must be placed on the contract file giving the reasons why the minimum number could not be achieved.

5.3 In situations where there is only one quotation or tender and one of the circumstances referred to in Procedure Rule 9 does not apply, the agreement of the Chief Financial Officer must be obtained before any contact is entered into in respect to all contracts with an estimated value exceeding £10,000.

5.4 The estimated value is either:

(a) The perceived value of a project, irrespective of its duration. This would include the full life of a contract, including all extensions.

(b) The value of an item or a group of items or services purchased (generally available from one supplier) in a calendar year by the Council as an entity. For example, if one service purchased 30 units of a product at £100 per unit (total cost of £3,000), the procedure rules would not be triggered. However, if each of the 30 services within the Council each purchases 30 units of a product at £100 per unit (costing £90,000) then these Procedure Rules will apply. In no circumstances may any item or group of items be broken down into small purchase packages to avoid the requirements of these Procedure Rules.
6. Invitation to Tender List
The following methods should be used for selecting potential suppliers:

<table>
<thead>
<tr>
<th>Value of Contract</th>
<th>Method of Selecting List</th>
<th>Prequalification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below £50,000</td>
<td>The officer should consult trade journals and directories of organisations that give details of companies that trade in the field of work.</td>
<td>Not essential.</td>
</tr>
<tr>
<td>Over £50,000 (general contracts and below EU Limit)</td>
<td>An advertisement should be placed in a local newspaper and the Council’s website inviting applicants to apply for a prequalification questionnaire/tender documents. If advertisement in Europe is necessary this must be done before advertisements are placed elsewhere.</td>
<td>Yes. The prequalification questionnaire must be scored and the tender list should consist of the highest scores. (See 7 below).</td>
</tr>
<tr>
<td>Over £50,000 (construction contracts below EU limit)</td>
<td>The Constructionline/ Contractors’ Health &amp; Safety Assessment Scheme (CHAS) data should be used to select a list of experienced suppliers. Where lawful and appropriate, preference can be given to local suppliers that meet all the relevant criteria</td>
<td>Yes. However, where only a small number of tenderers are expected, qualification should be included within the main tender documents rather than undertaking a separate pre-qualification stage</td>
</tr>
</tbody>
</table>

7. Prequalification Questionnaires

7.1 The purpose of using a prequalification questionnaire is to form a reasonable basis on which to justify the exclusion of potential suppliers from participating in a formal tender exercise before its commencement. Such questionnaires must, as a minimum requirement, pose questions relating to financial standing, technical ability and, as far as relevant to the contract, health and safety, equal opportunities and environmental policies.

7.2 A predetermined evaluation model must be used to score responses to questions posed and apply any appropriate weightings to responses.
7.3 If invitations to tender are to be issued to five suppliers then they must be those with the five highest scores obtained as the result of the prequalification exercise.

7.4 The Chief Financial Officer will supply a copy of the Council’s prequalification questionnaire on request and will assist with the prequalification exercise, where required.

7.5 The Council’s Accountancy Section (or suitably qualified persons nominated by them) must undertake the financial evaluation.

8. **Specification**

8.1 All invitations to quote or tender for works (a building contract) must be based on a definitive specification. The purpose of a service (where a supplier is carrying out a service such as Grounds Maintenance) specification is to define the Council’s objectives for the service to be provided and the requirements of potential suppliers. As far as possible requirements should be specified in terms of output and performance rather than how the potential supplier is to go about providing the service.

8.2 Technical specifications should refer to national standards or schemes and relevant European Union standards or equivalent where available.

9. **Exceptions**

9.1 It is acknowledged that the market place or extenuating circumstances does not always allow the procedures to be followed. Subject to compliance at all times with European procurement rules, contracts can also be entered into in the following circumstances:

(a) For the supply of goods or services where there is only one supplier and no acceptable alternative, following consultation with the Chief Financial Officer.

(b) For the extension, addition to or maintenance of existing buildings, works plant or equipment, where the Cabinet has decided that this can only be done satisfactorily by the original supplier.

(c) As part of a consortium (where the Council is not the lead authority).

(d) A contract that has been tendered by a central government body (the Office of Government Commerce) or Framework contracts such as the Eastern Shires Purchasing Organisation (ESPO).

(e) Where there is an urgent Health and Safety requirement, subject to the prior approval of the Council’s Health and Safety Officer and the relevant Director.
(f) Where the Cabinet considers it desirable on commercial grounds to accept a quotation from a supplier already engaged by the Council on a project provided that further services have a connection with the original project and that the price is not more than 50% of the original contract sum.

(g) For loans arrangements.

(h) On behalf of another authority where the agency agreement provides that the procurement rules of that authority are to be followed.

9.2 All exemptions, and the reasons for them, must be recorded using the form in the Procurement Toolkit. Exemptions shall be signed by the Officer and the relevant Director, and countersigned by the Chief Financial Officer and the Monitoring Officer. All exemptions granted during the financial year will be summarised and reported for information within the Monitoring Officer’s Annual Report.

9.3 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, Heads of Service may approve the exemption but they must prepare a report for the next Cabinet meeting to support the action taken.

10 Procurement with Others/ Collaborative Procurement

10.1 In order to secure value for money the Council may enter into collaborative procurement arrangements. The relevant Director must consult the Chief Financial Officer where the purchase is to be made using collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.

10.2 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the Contract Procedure Rules of the leading organisation, will be deemed to comply with these Procedure Rules and no exemption is required. However, agreement must be sought from the Chief Financial Officer.

10.3 All purchases made via a local authority purchasing and distribution consortium (Framework agreements) are deemed to comply with these Procedure Rules and no exemption is required. However, purchases above the EU Threshold must be let under the EU Procedure, unless the consortium has satisfied this requirement already by letting their contract in accordance with the EU Procedures on behalf of the Council and other consortium members.

10.4 The use of e-procurement technology does not negate the requirement to comply with all elements of these Procedure Rules, particularly those relating to competition and value for money.
11 Standards and Award Criteria

11.1 The officer must ascertain what are the relevant British, or equivalent European or International standards that apply to the subject matter of the contract. The officer must include those standards that are necessary properly to describe the required quality. The Chief Financial Officer must be formally consulted before any officer decides to use standards other than European standards.

11.2 The officer must define and document award criteria that are appropriate to the purchase, before tenders are sought. Award criteria must be designed to secure an outcome giving best value for money for the Council. The basic criteria shall be:

(a) Whole life cost - where payment is to be made by the Council. Whole life cost is defined as total cost paid by the Council regarding this product or service for the duration of the contract period. Examples include vehicles: initial purchase price, plus fuel, plus maintenance, road tax, insurance etc.

(b) Highest price - if payment is to be received.

(c) Most economically advantageous offer - where considerations other than purchase price also apply.

11.3 If the last criterion is adopted, it must be further defined by reference to sub-criteria. Sub-criteria may refer only to relevant considerations. These may include price, service, quality of goods, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, partnering, long term relationships, and any other relevant matters.

11.4 Award criteria must not include:

(a) Non-commercial considerations.

(b) Matters that discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

(c) Matters that are anti-competitive within the meaning of the Local Government Act 1988.

12 Invitation to Tender/ Quotations

12.1 The Invitation to Tender shall state that no tender will be considered unless it is received by the time and date stipulated in the Invitation to Tender. No tender delivered in contravention of this clause shall be considered. The only exception is where the supplier has delivered, and it can be demonstrated that the tender arrived on time at the correct location, but for whatever reason the
Council’s internal systems have not allowed for the tender to be presented at the tender opening.

12.2 All Invitations to Tender shall include:

(a) A specification that describes the Council’s requirements in sufficient detail and providing such information to enable the submission of competitive offers.

(b) A requirement for suppliers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the supplier to any other party (except where such a disclosure is made in confidence for a necessary purpose).

(c) A requirement for suppliers to complete fully and sign all tender documents including a Form of Tender and certificates relating to canvassing and non-collusion.

(d) Notification that tenders are submitted to the Council on the basis that they are compiled at the supplier’s expense.

(e) A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and if possible in descending order of importance.

(f) A stipulation that any tenders submitted by fax or email shall not be considered.

(g) The method by which any Invitation to Tender or Quote must state that the Council is not bound to accept any quotation or tender.

(h) How arithmetical errors discovered in the submitted tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the tender or vice versa.

(i) Notification that no tender will be considered (see 12.5 below) unless it is sealed in an envelope or container, labelled with the coloured Tender Label (this bears the word “Tender” followed by the subject to which it relates, deadline for submission and is addressed to the Council’s Solicitor), but no other name or mark indicating the sender.

12.3 All Invitations to Tender or Quote must specify the service, works or goods that are required, together with the terms and conditions of contract that will apply.

12.4 All suppliers invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

12.5 Where the electronic tendering system is being used, the same procedures in 12.2 apply, but time-locked vault boxes can receive tenders. Following closure of return of tenders, the Chief Financial Officer (or in his/her absence his/her nominated deputy) will open the vault boxes.
13 **Shortlisting**

13.1 Any short listing must have regard to financial and technical standards relevant to the contract and the pre defined award criteria. Special rules apply in respect of the EU Procedure. A standard prequalification questionnaire and evaluation matrix can be obtained from the Chief Financial Officer.

14 **Submission, Receipt and Opening of Tenders**

14.1 Period for suppliers’ response:

   (a) Suppliers invited to quote or tender must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the urgency of the contract requirement. Normally at least four weeks should be allowed for submission of tenders.

   (b) The EU Procedure Directives lay down specific time periods regarding the minimum tender period.

14.2 All tenders must be returned to the Head of Legal. The Head of Legal shall be responsible for the safekeeping of tenders until collected and signed for by an officer from Legal Services for opening. The Head of Customer Services shall ensure that each tender is:

   (a) Suitably recorded so as to subsequently verify the date and precise time it was received.

   (b) Adequately protected immediately on receipt to guard against amendment of its contents.

   (c) Recorded in the Tender Record Log.

14.3 **Tenders received by fax or email must be rejected.**

14.4 The Council Solicitor must ensure that all tenders are opened at the same time when the period for their submission has ended. Two people or more must always be present when tenders are opened one of whom will be an officer from Legal who must open the tenders. For contracts expected to exceed £50,000 a Portfolio Holder or other Member of the Council, shall be required to attend the opening of tenders.

14.5 Upon opening, a summary of the main terms of each tender (i.e. significant issues that are unique to each tender submission and were not stated in the tender invitation documents such as tender sum, construction period etc.) must be recorded in the Tender Record Log. All parties present at the opening of tender must sign the summary.

15 **Post Tender Procedures**

15.1 Providing clarification of an Invitation to Tender to potential or actual suppliers or seeking clarification of a tender whether in writing or by way of a meeting is permitted.
15.2 The Chief Financial Officer and Head of Legal must be formally consulted wherever it is proposed to enter into post-tender negotiation, and such negotiations must only be conducted in accordance with the guidance issued by the Chief Financial Officer. Post-tender negotiations are not permitted where procurement is being undertaken in accordance with EU procurement directives.

15.3 Negotiations must be conducted by a team of at least two officers; one must be from a division independent to that leading the negotiations.

15.4 Officers appointed to carry out post tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

15.5 Where post tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

16. Evaluation and Award of Contract

16.1 Contracts must be evaluated and awarded in accordance with the award criteria.

16.2 The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the supplier, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price must be requested to accord with the rates given by the supplier.

16.3 Heads of Services shall ensure that submitted tender prices are compared with the respective budget and any pre-tender estimates, and that any discrepancies are examined and resolved satisfactorily.

16.4 Where the total value is over the European Threshold for Public Procurement, the Officer must notify all suppliers simultaneously and as soon as possible of the intention to award the contract to the successful supplier. The Officer must provide unsuccessful suppliers with a period of at least ten days in which to challenge the decision before the Officer awards the contract. If an unsuccessful supplier challenges the decision the Officer shall not award the contract and shall immediately seek the advice of the Chief Financial Officer.

16.5 The Officer shall debrief in writing all those suppliers who submitted a bid about the characteristics and relative advantages of the leading supplier. No information, other than the following, should be given without taking the advice of the Chief Financial Officer:

(a) How the award criteria were applied.
(b) The prices or range of prices submitted, in either case not correlated to suppliers’ names.
(c) The name of the supplier who has been awarded the contract.

The same information should be given to those who responded in any pre-tender selection process.
16.7 If requested, the Officer shall within 15 days give the notification information required by Procedure Rule 16.5 to suppliers who were deselected in the pre-tender short-listing process.

16.8 The approval level for accepting tenders and quotations is as follows:

<table>
<thead>
<tr>
<th>Total Value</th>
<th>Approval Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £100,000</td>
<td>Head of Service</td>
</tr>
<tr>
<td>Up to £200,000</td>
<td>Chief Officer</td>
</tr>
<tr>
<td>Above £200,000</td>
<td>Cabinet</td>
</tr>
</tbody>
</table>

17 Contract Formalities

17.1 Agreements shall be completed as follows (subject to delegated financial limits):

<table>
<thead>
<tr>
<th>Total Value</th>
<th>Method of Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £100,000</td>
<td>Signature</td>
</tr>
<tr>
<td>Above £100,000</td>
<td>Sealing</td>
</tr>
</tbody>
</table>

17.2 All contracts must be concluded before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the relevant Chief Officer. An award letter is insufficient.

18 Signature

18.1 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.

19 Sealing

19.1 Where contracts are executed under seal, the affixing of the Council’s common seal must be attested to, by or on behalf of the Head of Legal. The Head of Legal is responsible for the process of sealing contracts and will also provide advice as to whether a contract requires sealing or otherwise.

19.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. The seal must not be affixed without the authority of the Cabinet or Head of Service acting under delegated powers.

19.3 A contract must be sealed where:

(a) The Council wishes to enforce the contract for more than six years after its end.

(b) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services.

(c) Where there is any doubt about the authority of the person signing for the...
other contracting party.

(d) Where a bond is established on behalf of the contractor(s) or their guarantors.

(e) Where the total value is expected to exceed £100,000.

20 Bonds and Parent Company Guarantees

20.1 The officer must consult the Corporate Directors and Chief Financial Officer in the following instances:

(a) A Parent Company Guarantee is necessary when a supplier is a subsidiary of a parent company and:

(i) The total value exceeds £200,000
(ii) The award is based on evaluation of the parent company
(iii) There is some concern about the stability of the supplier

(b) A Bond is needed where:

(i) The total value exceeds £1,000,000
(ii) It is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the supplier.


21.1 The Officer must comply with the Employee Code of Conduct and the Council’s Anti-Fraud & Corruption Strategy and must not invite or accept any gift or reward in respect of the award or performance of any contract.

(a) It will be for the Officer to prove that anything received was not received corruptly.

(b) High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Procedure Rule 21.2.

21.2 The following clause must be inserted in every written Council contract:

“The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor’s behalf do any of the following things:

(a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

(b) commit an offence under the Section 117(2) of the Local Government Act 1972 or the Bribery Act 2010; or

(c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council Members,
contractors or employees.

*Any clause limiting the Contractor’s liability shall not apply to this clause.*

22 **Declaration of Interests**

22.1 If it comes to the knowledge of a Member or an employee of the Council that a contract in which he or she has a personal interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Corporate Directors, who shall report such declarations to the Executive.

22.2 Such written notice is required, irrespective of whether the personal interest is direct or indirect. An indirect personal interest is distinct from a direct personal interest in as much as it is not a contract to which the Member or employee is directly a party.

22.3 A shareholding in a body not exceeding a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not a personal interest for the purposes of this Procedure Rule.

22.4 Democratic Services shall maintain a record of all declarations of interests notified by Members and Officers.

23 **Post Contract Monitoring and Evaluation**

23.1 During the life of the contract the Officer must monitor in respect of

- Performance
- Compliance with specification and contract
- Cost
- Any Best Value requirements
- User satisfaction and risk management

23.2 Where the total value of the contract exceeds £200,000, the relevant Officer must make a written report to the Corporate Directors and to the relevant Portfolio Holder evaluating the extent to which the purchasing need was met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

24. **Failure to Comply with the Contract Procedure Rules**

24.1 Officers must comply at all times with the Contract Procedure Rules. The only exceptions to this are contained within paragraph 9 cited above.

24.2 If an Officer does fail to comply or discovers that another Officer has failed to comply with the Contract Procedure Rules, then this must be reported to their line manager immediately. Failure to comply and/or failure to report may be considered under the Disciplinary Procedures of the Council in force.
24.3 In addition to the possible disciplinary consequences, a report will need to be prepared for consideration by the Council’s Cabinet explaining the circumstances of the failure to comply with the Contract Procedure Rules and seeking a retrospective waiver accordingly.
CHAPTER 10

OFFICER EMPLOYMENT PROCEDURE RULES

1. Responsibility for the Discharge of Employment Functions

1.1 The final decision on the appointment or dismissal of the Head of Paid Service or on the appointment of any chief officer shall be by resolution of the Council on the recommendation of the Employment Committee.

1.2 The appointment, dismissal of and the taking of any disciplinary action against any chief officer shall, except where required to be by resolution of the Council under Rule 1.1 above, be conducted by the Employment Committee (or a sub-committee appointed for that purpose).

1.3 The Employment Committee must include at least one member of the Cabinet.

1.4 The functions of appointment and taking disciplinary action against any Officer of the Authority other than those listed in paragraph 1.5 below, shall be discharged on behalf of the Council by the Corporate Directors or an Officer nominated by him/her.

1.5 Rule 1.4 above shall not apply to the appointment of or disciplinary action against:

(i) the Head of Paid Service;
(ii) a Statutory Chief Officer;
(iii) a non-statutory Chief Officer.

2. Recruitment and Appointment

Declarations

2.1 The Council requires any candidate for appointment as an Officer to state in writing whether they are the spouse, co-habitee, partner, parent or child, or other close family relative or friend of an existing Councillor or Officer of the Council; or the partner of such persons.

2.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

Seeking support for appointment

2.3 Subject to paragraph 2.5 below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
2.4 Subject to paragraph 2.5 below, no Councillor will seek support for any person for any appointment with the Council.

2.5 Nothing in paragraphs 2.3 and 2.4 above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

**Conflicts of interest**

2.6 No Officer shall take part in the appointment or dismissal of, or take any disciplinary action against any Officer, where the officer or candidate is the spouse, co-habitee, partner, parent or child or other close family relative or friend of the Officer concerned.

2.7 Where an Officer would be in breach of the rule in paragraph 2.6 above, he/she shall notify the Corporate Directors who shall arrange for another Officer to take over that Officer's responsibility for the matter. Where the Officer with the conflict of interest is the Corporate Directors, he/she shall inform the Leader and the Monitoring Officer, who shall make such arrangements as are necessary to avoid such conflict.

2.8 A candidate who fails to comply with the provisions in paragraphs 2.1 to 2.7 above shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

3. **Recruitment of Head of Paid Service and Chief Officers**

3.1 Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

(a) draw up a statement specifying:
   i) the duties of the Officer concerned; and
   ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in (a) above to be sent to any person on request.

4. **Appointment of Head of Paid Service**

   **Note:** *This process is subject to mandatory standing orders regulations.*

4.1 The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-
committee of the Council. That committee or sub-committee must include at least one member of the Cabinet.

4.2 The Full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Council.

5. **Appointment of Chief Officers**

*This process is subject to mandatory standing orders regulations.*

5.1 A committee or sub-committee of the Council will appoint Chief Officers. That committee or sub-committee must include at least one member of the Cabinet.

5.2 An offer of employment as a Chief Officer shall only be made where no well-founded objection from any Member of the Council has been received.

6. **Other appointments**

6.1 Officers below Chief Officer. The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

6.2 Assistants to political groups. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7. **Disciplinary action**

7.1 The Head of Paid Service, Monitoring Officer and Chief Financial Officer may be suspended by the Employment Committee whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and last no longer than two months.

7.2 Disciplinary action relating to the Corporate Directors and the Statutory Officers, shall be undertaken in accordance with the Model Disciplinary Procedure as published by the Joint Negotiating Committee (JNC) for Local Authority Chief Executives.

7.3 No disciplinary action, other than suspension, shall be taken against any of these Statutory Officers except in accordance with a recommendation in a report of a designated independent person.

7.4 Disciplinary action relating to Chief Officers, other than the Corporate Directors and the Statutory Officers, shall be undertaken in accordance with the Model Disciplinary Procedure as published by the Joint Negotiating Committee (JNC) for Local Authority Chief Officers.

7.5 Councillors will not be involved in disciplinary action against any Officer below Chief Officer except where such involvement is necessary (e.g. as a witness)
North Norfolk District Council

Constitution

for any investigation or inquiry into alleged misconduct, though the Council’s disciplinary procedures, as adopted from time to time, allow a right of appeal to an independent senior officer of the Council in respect of disciplinary action.

8. **Dismissal**

8.1 In the following paragraphs—

(a) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts.
(b) “the Panel” means a 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 relevant officers of the authority.
(c) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer.

8.2 A chief finance officer, head of the authority's paid service or monitoring officer (each defined as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001) may not be dismissed by the authority unless the procedure set out in the following paragraphs is complied with.

8.3 The authority must invite relevant independent persons (meaning persons appointed under section 28(7) of the Localism Act 2011) to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

8.4 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

8.5 The authority must appoint to the Panel at least two such relevant independent persons who have accepted an invitation issued in accordance with paragraph 8.3 in accordance with the following priority order—

(a) a relevant independent person who has been appointed by the authority and who is a local government elector;
(b) any other relevant independent person who has been appointed by the authority;
(c) a relevant independent person who has been appointed by another authority or authorities.

8.6 The authority must appoint any Panel at least 20 working days before the relevant meeting.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular—

October 2016

167
(a) any advice, views or recommendations of the Panel;
(b) the conclusions of any investigation into the proposed
dismissal; and
(c) any representations from the relevant officer.

8.7 Any remuneration, allowances or fees paid by the authority to an
independent person appointed to the Panel must not exceed the
level of remuneration, allowances or fees payable to that
independent person in respect of that person's role as independent
person under the Localism Act 2011.

8.8 Councillors will not be involved in the dismissal of any Officer
below Chief Officer except where such involvement is necessary
(e.g. as a witness) for any investigation or inquiry into alleged
misconduct; the Council’s disciplinary procedures allow a right of
appeal to an independent senior officer of the Council in respect of
dismissals.

Any remuneration, allowances or fees paid by the authority to an independent
person appointed to the Panel must not exceed the level of remuneration,
allowances or fees payable to that independent person in respect of that
person's role as independent person under the Localism Act 2011.

Councillors will not be involved in the dismissal of any Officer below Chief
Officer except where such involvement is necessary (e.g. as a witness) for any
investigation or inquiry into alleged misconduct; the Council’s disciplinary
procedures allow a right of appeal to an independent senior officer of the
Council in respect of dismissals.

9. Other Policies

9.1 Except as set out in these Employment Rules, or as required by law or under
a contract of employment, all appointments shall be made and disciplinary
action taken in accordance with the Council's Human Resources policies and
procedures which may add to these Rules but not override them.

10. Definitions

10.1 In these Rules “the Statutory Chief Officers” means the Officer having
responsibility, for the purposes of section 151 of the Local Government Act
1972, section 73 of the Local Government Act 1985, section 112 Local
Government Finance Act 1988 for the administration of the authority’s financial
affairs.

10.2 In these Rules “Non-Statutory Chief Officer” means, subject to the following
provisions of this section—
(a) a person for whom the head of the Authority’s paid service is directly
responsible;
(b) a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the head of the Authority’s paid service; and

(c) any person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.
CHAPTER 11
MEMBERS’ ALLOWANCES

1. Introduction

1.1 The Council established a panel of independent persons to review its Members’ Allowances Scheme. The Council amended this scheme on 22 February 2012 after taking account of the Panel’s recommendations.

1.2 This Scheme is made pursuant to the Local Authorities (Members’ Allowances) (England) Regulations 2001 and the Local Authority (Members’ Allowances) (England) Regulations 2003 (“the Regulations”).

1.3 Details of the roles and responsibilities of a District Councillor can be found at Schedule 2.

2. Schemes of Allowances

2.1 The allowances payable to Members are:
(a) The Basic Allowance
(b) Special Responsibility Allowance
(c) Travelling and Subsistence Allowance
(d) Carers’ Allowance

3. The Scheme

3.1 North Norfolk District Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances) Regulations 2001 and the Local Authorities (Members’ Allowances) (England) Regulations 2003 and any subsequent amendments (hereinafter referred to as “the Regulations”), made this Scheme of Allowances, which may be cited as the “North Norfolk District Council Members’ Allowances Scheme”, on 22 February 2012.

4. Definitions

4.1 Except as follows or where the context otherwise admits, this Scheme shall be interpreted in accordance with the Council’s Constitution.

4.2 “The Authority” means North Norfolk District Council or any person or body authorised to act on its behalf in relation to this Scheme.

4.3 “Co-opted Member” means any co-opted or added Member of a committee or other body to which this scheme relates regardless of whether or not the Co-opted Member receives a Co-opted Members’ Allowance.

4.4 In this Scheme, “approved duties” means attendance by a Member at any:

October 2016
(a) formally convened meeting of the Council or of the Cabinet, a committee or sub-committee to which he/she has been appointed by the Authority

(b) formally convened meeting of the Cabinet, committee or sub-committee as the local ward Member, for the purposes of making any representations at that meeting under any procedures approved by that body or under the Constitution of the Authority

(c) a formally convened meeting of any body (including any body such as a working party or consultative group) to which the Authority makes appointments or nominations or of any committee or sub-committee of such a body

(d) other meeting the holding of which is authorised by the Council, the Cabinet, the Leader, a Cabinet Member (acting within the scope of his/her portfolio), a committee or sub-committee, a Chairman, a joint committee of the Authority and one or more other authorities, a sub-committee of such a joint committee or by the Corporate Directors

(e) training sessions and presentations for Members organised by or on behalf of the Authority

(f) meeting with a Corporate Director or Head of Service where the Officer has requested the Member’s attendance in writing or by e-mail or where the Member is a Member of the Cabinet or the Leader of an opposition Political Group

(g) a meeting of any association of authorities of which the Authority is a Member

(h) duties undertaken on behalf of the Authority

4.5 "Sub-committee" means, unless the context otherwise requires, a sub-committee appointed by the Council, a Committee or an Officer acting under delegated powers and shall include a working party or panel.

4.6 "Year" means the 12 months ending with 31 March.

5. Basic Allowance

5.1 A Basic Allowance shall be paid to each Member in accordance with Schedule 1 of this Scheme.

6. Special Responsibility Allowances

6.1 Special Responsibility Allowances shall be paid in accordance with Schedule 1 to this Scheme. Where a Member undertakes a number of roles that may attract the payment of Special Responsibility Allowances, then that Member shall be paid for only one of these roles. Such payment will be at the highest level of Special Responsibility Allowance to which the Member is entitled.
6.2 In the event of a person receiving a Special Responsibility Allowance being absent or substantially unable to act for a period of at least three months, the Council may by resolution for such period as it determines reduce the level of Special Responsibility Allowance payable to that person and instead resolve to pay the allowance, or part of it, to any person appointed as a deputy or Vice-Chairman.

7. **Travelling and Subsistence Allowances**

7.1 Subject to paragraphs 7.2 to 7.4 below, travelling and subsistence allowances in respect of Approved Duties undertaken by Members and Co-opted Members are payable in accordance with Schedule 1 to this Scheme.

7.2 Travelling and subsistence costs by or on behalf of Members shall only be incurred and accounted for in accordance with this Scheme.

7.3 The following provisions apply to Travelling Allowances:

(a) Members are asked to ensure that their journey is necessary and that other means of communication - e-mail, telephone etc are not available or appropriate

(b) Members are encouraged to use public transport where practicable

(c) Public transport is reclaimable at standard rates wherever possible

(d) Taxi and private hire fares may be claimed where alternative public or private transport arrangements are not reasonably available

(e) Where taxi or car travel is unavoidable, Members travelling to the same location are encouraged to share vehicles

(f) Public transport, taxi, private hire and parking costs will only be reimbursed against a ticket or formal receipt.

7.4 The following provisions apply to Subsistence Allowances:

(a) The allowance is only payable on proof of actual expenditure

(b) For the purpose of calculating time, account should be taken of the time on Approved Duties, including travelling time, from leaving home until return

(c) If a Member on an Approved Duty is staying at a hotel, he/she may claim the actual cost of standard meals supplied at that hotel; no payment will be made in respect of the purchase of alcohol.

8. **Carers' Allowances**

8.1 Subject to paragraph 8.2 below, Members and the co-opted members listed in Schedule 1 shall be entitled to claim for the care of dependants in accordance with the rates in Schedule 1 to this Scheme.

8.2 The following provisions apply to Carers' Allowances:

October 2016
(a) Payments shall be claimable in respect of children up until their fourteenth birthday or in respect of dependants where there is medical or social worker evidence that care is required.

(b) The Council reserves the right to require evidence that there is a reasonable need for the level of care in respect of which a claim is made.

(c) The allowance shall be paid as a reimbursement of actual incurred expenditure against receipts. If receipts are unavailable the payment will be made through the Council's payroll and be subject to tax and national insurance contributions.

(d) When there is more than one Member in a household, only one claim can be made in respect of each person cared for.

(e) The allowance shall not be payable to a Member of the claimant's own household.

(f) Any allegation of abuse of the Scheme shall be referred to the Council's Standards Committee for adjudication.

(g) The payment of a carers' allowance shall also be paid in relation to the attendance at approved outside bodies.

9. **Co-opted Members**

9.1 Co-opted members are able to claim travelling expenses for attending meetings. In addition they will be paid £30 - £50 per meeting attended, with the specific amount to be agreed by a resolution of the Committee when co-opted members are appointed.

10. **National Insurance and Social Security and Income Tax**

10.1 Payment of allowances shall be subject to such deductions as may be statutorily required in respect of national insurance and social security and income tax.

11. **Renunciation**

11.1 A Member may, by notice in writing to the Democratic Services Team Leader, elect to forgo any part of his / her entitlement to an allowance.

12. **Payments and Claims**

12.1 Payment of Basic and Special Responsibility Allowances shall be made in instalments of one-twelfth of the amounts specified on a monthly basis.

12.2 Where a person takes office part way through a Year, a proportionate part of any annual allowance is payable unless the allowance is a Special Responsibility Allowance for serving on a committee which is appointed for a period of less than a year.
12.3 The Council may determine that an allowance or a rate of allowance will not come into effect until a date during the Year.

12.4 Claims for travelling and subsistence allowances and dependents carers’ allowance should be completed monthly.

13. **Record of Allowances Paid**

14.1 A record of the payments made by the Authority to each Member and Co-opted Member shall be maintained in accordance with the Regulations and shall be published in accordance with the Regulations.

14. **Publication of Scheme**

15.1 In accordance with the Regulations, as soon as practicable after the making or amendment of any scheme made under the Regulations, arrangements shall be made for its publication within the Authority’s area.

**Schedule 1**

A Basic Allowance to all elected Councillors of £5,000 pa

Special Responsibility Allowances (a maximum of one per Councillor) are payable, per annum, to the holders of the following positions:

<table>
<thead>
<tr>
<th>Position</th>
<th>Basic Allowance</th>
<th>Special Responsibility Allowance</th>
<th>Total Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader</td>
<td>£5,000</td>
<td>£10,000</td>
<td>£15,000</td>
</tr>
<tr>
<td>Cabinet Members (up to 9)</td>
<td>£5,000</td>
<td>£6,650</td>
<td>£11,650</td>
</tr>
<tr>
<td>Committee Chairmen:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Overview &amp; Scrutiny</td>
<td>£5,000</td>
<td>£3,350</td>
<td>£8,350</td>
</tr>
<tr>
<td>- Audit</td>
<td>£5,000</td>
<td>£3,350</td>
<td>£8,350</td>
</tr>
<tr>
<td>- Development Control</td>
<td>£5,000</td>
<td>£3,750</td>
<td>£8,750</td>
</tr>
<tr>
<td>- Licensing</td>
<td>£5,000</td>
<td>£3,350</td>
<td>£8,350</td>
</tr>
<tr>
<td>- Standards</td>
<td>£5,000</td>
<td>£3,350</td>
<td>£8,350</td>
</tr>
<tr>
<td>Vice-Chairman Development</td>
<td>£5,000</td>
<td>1,250</td>
<td>£6,250</td>
</tr>
<tr>
<td>Chairman of the Council</td>
<td>£5,000</td>
<td>£2,500</td>
<td>£7,500</td>
</tr>
<tr>
<td>Leader of the Main Opposition Group</td>
<td>£5,000</td>
<td>£1,650</td>
<td>£6,650</td>
</tr>
</tbody>
</table>

The total allowance payable combines both the basic allowance and the Special Responsibilities Allowances.

The Carers’ Allowance is set at £10 per hour wage for Child care and £20 per hour wage for specialist care, with discretion being delegated to the Democratic Services Team Leader to increase this amount when individual circumstances justify a higher payment. Travel and subsistence payable for approved Council duties is calculated in accordance with the prevailing national levels for local authority Councillors. These are as follows for the year ended April 2017:

October 2016
Mileage
Car (regardless of engine size) 45 pence per mile
Motorcycle 24 pence per mile
Cycle 20 pence per mile
Car Share 5 pence per mile

Subsistence
Breakfast £6.88 (Where duty/travel commences before 7.30 am)
Lunch £8.00 (When away for entire lunch period 12.00 – 14.00)
Evening meal £20.00 (When duty/absence extends beyond 7.30 pm)

Internet
A contribution is also made to the cost of internet connection to facilitate electronic access to information, enabling Members to fulfil their role effectively. The contribution available to all Members is currently £15 per month (£180 pa)

Schedule 2

THE ROLES AND RESPONSIBILITIES OF AN ELECTED MEMBER TO NORTH NORFOLK DISTRICT COUNCIL
As well as taking part in the decision making process of the Council, Members also represent the local community in the District. In carrying out their duties as representatives of the Council the highest standards of conduct and ethics should be maintained at all times.

All Members of North Norfolk District Council, Executive or Non – Executive have to:
- participate in the Governance and Management of the Council by attending and taking up an active role in the Council’s meetings and the Committee’s, Working Groups and Panels they have been appointed to.
- represent the Council on outside bodies to which they are appointed and report back at least annually on issues relevant to the Council via the Members Bulletin and or the Cabinet/Council.
- at all times, act as an ambassador for the Council and the District.

There is also a clear Constituency Role for Members in representing the community within the District and a requirement to:
- engage with the key partners and stakeholders in the District such as town and parish councils, tenant associations and resident associations.
- where appropriate, attend meetings in their Ward such as with voluntary organisations.
- be available for all members of the community acting as a facilitator in meeting local needs.
- Keep informed on key issues that affect the District and their community.
- promote their community.
- represent the interests of their Ward and individual constituents by responding to enquiries and representations in a fair and impartial way.
consult their community on the development and implementation of policies.

All Members must ensure that they maintain at all times the highest standards of conduct and ethics and in doing so:
- act within the Law and the Council’s Standing Orders and Rules for Financial Governance.
- Observe the Code of Conduct
- accept a personal responsibility to undertake training and development opportunities to enable them to effectively carry out their responsibilities as a member.

According to the collective and individual duties allocated to Members, the following responsibilities apply:

THE CHAIRMAN OF THE COUNCIL
The Chairman of the Council promotes North Norfolk in a positive manner and:

- represents the whole Council during his/her term of office
- promotes public involvement in the Council’s activities
- as the first citizen of North Norfolk, performs an ambassadorial role both inside and outside the District and to attend such civic and ceremonial functions as the Council or (s)he determines appropriate and also to host such functions as the Council or (s)he determines appropriate
- acts as a link between the Council and various groups and organisations
- presides over meetings of the Council so that its business can be undertaken efficiently and with regard to the rights of Councillors and the interests of the Community
- upholds and promotes the purposes of the Constitution and interprets rules of procedure at meetings of Full Council
- ensures that the Council meeting is a forum for the debate of matters of relevance and concern to the local community
- calls meetings of the Full Council in addition to ordinary meetings
- attends meetings of the Cabinet and other Committees as appropriate
- receives recommendations from the Cabinet and Scrutiny Committee

The Vice Chairman of the Council, in the absence of the Chairman, should carry out the above roles and responsibilities.

Required Key Knowledge and Skills for the Chairman/Vice-Chairman of the Council (in addition to that required for all Members)
- civic/ceremonial protocol
- procedures of Council meetings
- chairing meetings
- dealing with the media
- presentation skills

THE CABINET
The Cabinet Members together, provide clear leadership for the community and:
• lead the corporate planning process, with input and advice from the Scrutiny Committee and other bodies as appropriate.
• lead the preparation of policies and budget and regularly review and monitor performance.
• are the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs and ensure good links with national, regional and local levels of government.
• take decisions on resources and priorities within the policy and budget framework set by Council in order to deliver and implement the budget and the policies decided by the Council.
• respond to any recommendations from the Scrutiny Committee and Non – Executive Members.
• respond to the needs of local communities, seeking to resolve conflict through clear leadership.
• attend Scrutiny Committee meetings as required and assist the Scrutiny process

THE LEADER OF THE COUNCIL
The Leader of the Council represents the Council to its community and partners, and provides political leadership for the Cabinet, the Council and the District and:

• appoints Cabinet Members
• determines the allocation of Cabinet Portfolios to Cabinet Members
• chairs meetings of the Cabinet
• agrees the schedule and venue for Cabinet meetings and make arrangements for special meetings
• has an overview of, and advise on, the policy making of the Council
• acts as principal spokesperson on overall strategy
• monitors the overall performance of the council in delivering its agreed policies
• co-ordinates and manages Cabinet activities
• represents Council policy to the community and partners
• works closely with the Corporate Leadership Team on strategic matters to ensure the co-ordination, consistency and delivery of Council Services
• represents the Council on local, regional and national bodies
• consults with the Corporate Directors on strategic, policy and resources matters where an urgent decision or action is required
• promotes and develops partnership working and stakeholders, ensuring that the Council’s priorities are met
• where necessary, consults with leaders of other political groups on the Council to expedite the efficient and effective delivery of Council business
• liaises with the Chairman and Vice-Chairman of the Scrutiny Committee to ensure that work programmes are co-ordinated properly
• ensures that the Cabinet responds to reports from the Scrutiny Committee and other Committees/Panels of the Council as appropriate
• keeps the Council informed of progress in implementing its priorities

October 2016
Required Key Knowledge and Skills for the Leader of the Council (in addition to that required for all Members)

- ability to lead, inspire and motivate colleagues as well as partners in the wider community, bringing people together and building alliances
- ability to think strategically, analyse complex and often conflicting information, and develop a clear vision
- ability to focus on the vision and not be distracted by the detail of day to day events
- ability to provide strong political vision to the direction of the Council and the community
- excellent communication skills, including the ability to manage the reputation of the Council, as well as interacting with staff, stakeholders, partners and the community
- ability to drive the delivery of a corporate vision in an inclusive way, understanding the dynamics and culture of comparable organisations
- ability to network effectively and act as an ambassador for the Council with the ability to identify and exploit opportunities to achieve corporate and community objectives
- ability to understand the business of local government, including budgets, business planning and performance management
- ability to think creatively, challenge and generate innovative and effective solutions
- ability to lead change, engender trust and empower others
- ability to inspire and motivate others, enabling them to share the Leader’s vision and inspiring commitment and enthusiasm
- ability to listen, step back and delegate
- ability to balance needs and demands and adapt to new challenges
- ability to recognise and celebrate achievement
- posses a high level of political judgement
- posses a high degree of probity and integrity
- able to command respect and credibility
- robust when faced with challenges
- flexible and adaptable
- prepared to take risks
- a forward thinker

CABINET MEMBERS/PORTFOLIO HOLDERS

In addition to their collective Cabinet Role, Cabinet Members/Portfolio Holders general responsibility and purpose is to promote the economic and social well-being and development across the District through the effective exercise of collective and individual responsibilities within the Council’s decision making process. Shared responsibilities as a member of the Cabinet include:
• co-ordinating, promoting and implementing the Council’s statutory plans and strategies and for setting the Council’s objectives
• co-ordinating activity within their Cabinet Portfolio by overseeing, developing, monitoring and promoting all services provided by the Council within the appropriate performance and management framework
• responsibility for the budgets within their Cabinet Portfolio and contributing to the budget setting process, in a way that assists the Council in meeting its objectives and complying with its statutory obligations
• maintaining a strategic overview of their Cabinet Portfolio and suggest strategies to Cabinet to carry out the policy framework
• reviewing policies and suggest changes to Cabinet
• attending any appropriate meetings (internal or external) and/or provide written or oral information as necessary
• involving themselves in representation of cross-agency boundaries within the remit of their Cabinet Portfolio and as appointed by the Council
• ensuring that a community leadership role is taken by the Council across the public, voluntary and business sectors, involving the development of good and effective working links and partnerships with all sectors
• ensuring that suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to Cabinet functions which are provided under contract to the Council
• assisting Officers in monitoring performance within their Cabinet Portfolio and make service improvements as required, whilst observing and following the Officer/Member protocol at all times
• promoting the interests of the District and of all the residents, businesses, other organisations and stakeholders within North Norfolk

**The Overview and Scrutiny Committee**

Members of the Overview and Scrutiny Committee should carry out their functions in accordance with the constitution and the agreed working style of the Committee. Overview and Scrutiny Committee Members should also “impartially challenge and evaluate” the actions of the Cabinet before and after decisions are taken by:

• questioning the basis of decisions
• ensuring the policies proposed are consistent with the Council’s aims and objectives and needs of the community.
• ensuring that the views of the Non – Executive Members and the wider community are taken into account by the Cabinet,
• making recommendations for further action or amendments to the Cabinet or Full Council.

Overview and Scrutiny Committee Members should also be proactive in seeking information about and be aware of:

• all Council activities, including existing and new policies, procedures and key issues
• the formulation and management of the Council’s budget.
• national developments and best practice relating to scrutiny and keep the scrutiny process under review.

October 2016
The Overview and Scrutiny Committee Members should also consider and investigate broad policy issues and make recommendations to the Cabinet or Council, and review and monitor performance and operational effectiveness in key service areas or themes including their own effectiveness and work schedule.

**Quasi-judicial Committees – Licensing and Appeals & Development Committees**

Those Members on quasi-judicial committees should:

- carry out their functions in accordance with the constitution.
- consider and determine issues of a quasi-judicial nature (e.g. Licensing & Appeals committee work and Development), keeping informed of any changes in law and guidance and Council Policy.
- be sufficiently knowledgeable in these areas to enable them to take proper informed decisions.
- co-operate fully in any appeals or inspections following decisions.

**The Standards Committee**

Members of the Standards Committee should:

- maintain an independent and unbiased view in assessing matters before the Committee.
- ensure they are fully versed in the ethical principles and codes which relate to the Committee’s terms of reference.
- approach relevant points of the Committee’s work in a quasi-judicial capacity.
- support the Committee’s role in training Parish Councillors in the requirements of the Code of Conduct.
CHAPTER 12

PARTNERSHIP ARRANGEMENTS AND OUTSIDE BODIES

Part 1. Partnership Arrangements

1. Arrangements for Community Involvement

1.1 The Council will create, facilitate or participate in partnerships, forums, focus groups and service or user based consultative groups as part of its community leadership role.

2. Composition

2.1 The Council will participate in the joint partnerships together with the County Council and Town and Parish Councils and other appropriate organisations.

3. Conflicts of Interest – membership of partnerships and forums

3.1 A Member has a conflict of interest in any business before the Overview & Scrutiny Committee of their Authority where the business relates to a decision made (whether implemented or not) or action taken by the Council’s Cabinet or another of the Authority’s committees, sub-committees, joint committees or joint sub-committees and at the time of the decision was taken that Member was a member of the Cabinet or Committee which made the decision and was present at any of the above.

4 Members of the Cabinet on partnerships and forums

4.1 A member of the Cabinet may serve on or attend partnerships or forums if otherwise eligible to do so as a Councillor.

5 Joint arrangements

5.1 The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

5.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

5.3 Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

October 2016
5.4 The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

(a) the joint committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a ward which is wholly or partly contained within the area;

The political balance requirements do not apply to such appointments.

5.5 Details of any joint arrangements including any delegations to joint committees will be found in the Council’s Scheme of Delegation in Chapter 6, Part 2 of this Constitution.

6 Access to information

6.1 The Access to Information Rules in Chapter 8 of this Constitution apply.

6.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

7.3 If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules of the Local Government Act 1972 will apply.

7 Delegation to and from other local authorities

7.1 The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

7.2 The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.

7.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

8 Contracting out

8.1 The Cabinet may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, provided there is no delegation of the Council’s discretionary decision making.
Part 2. Outside Bodies

1.1 A list details those outside bodies and their successor organisations where the Council’s representatives thereon may claim travelling and subsistence expenses incurred in attending meetings of those bodies. This list will be published on the Council’s website.

1.2 For the avoidance of doubt, whenever a Member is appointed to represent the Council on any Outside Body or acts in their capacity as a Member of the Council on any Outside Body, then that representation should be declared in the Member’s register of interests.

1.3 Members appointed to represent the Council on any Outside Body will be required to report at least annually to Council or via the Members’ Bulletin on the work of the outside body and any matters relating to that body which may be of interest to Members.