

County Council

Date: Tuesday 14 December 2021
Time: 10.00 am
Venue: Council Chamber, Shire Hall

Membership

Councillor Peter Gilbert (Chair), Councillor John Horner (Vice-Chair), Councillor Jo Barker, Councillor Richard Baxter-Payne, Councillor Brett Beetham, Councillor Margaret Bell, Councillor Parminder Singh Birdi, Councillor Sarah Boad, Councillor Barbara Brown, Councillor Peter Butlin, Councillor Jonathan Chilvers, Councillor Jeff Clarke, Councillor John Cooke, Councillor Andy Crump, Councillor Yousef Dahmash, Councillor Piers Daniell, Councillor Jackie D'Arcy, Councillor Tracey Drew, Councillor Judy Falp, Councillor Jenny Fradgley, Councillor Sarah Feeney, Councillor Bill Gifford, Councillor Clare Golby, Councillor Brian Hammersley, Councillor John Holland, Councillor Dave Humphreys, Councillor Marian Humphreys, Councillor Andy Jenns, Councillor Kam Kaur, Councillor Jack Kennaugh, Councillor Justin Kerridge, Councillor Christopher Kettle, Councillor Sue Markham, Councillor Jan Matecki, Councillor Sarah Millar, Councillor Chris Mills, Councillor Jeff Morgan, Councillor Penny-Anne O'Donnell, Councillor Bhagwant Singh Pandher, Councillor Daren Pemberton, Councillor Caroline Phillips, Councillor Wallace Redford, Councillor Howard Roberts, Councillor Will Roberts, Councillor Kate Rolfe, Councillor Jerry Roodhouse, Councillor Isobel Seccombe OBE, Councillor Jill Simpson-Vince, Councillor Tim Sinclair, Councillor Mejar Singh, Councillor Richard Spencer, Councillor Heather Timms, Councillor Mandy Tromans, Councillor Robert Tromans, Councillor Martin Watson, Councillor Adrian Warwick and Councillor Andrew Wright

Items on the agenda: -

1. General

(1) Apologies for Absence

(2) Members' Disclosures of Pecuniary and Non-pecuniary Interests

(3) Minutes of the previous meeting

Minutes of the meeting of Council held on 28 September 2021.

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(4) Chair's announcements

(5) Petitions

To receive any petitions submitted in accordance with the Council's Petitions Scheme.

(6) Public Speaking

To note any requests to speak on any item on the agenda in accordance with the Council's Public Speaking Scheme (see note at end of the agenda).

2. Application for Dispensation	27 - 28
3. External Auditors' Annual Audit Report 2020/21	29 - 30
4. 2020-21 Annual Governance Statement	31 - 58
5. Warwickshire County Council Statement of Accounts 2020/21	To Follow
6. Warwickshire Pension Fund Accounts 2020/21	59 - 110
7. Appointment of External Auditors	111 - 118
8. Constitution Review	119 - 442
9. Appointment of Independent Member to Audit and Standards Committee	443 - 444
10. Appointment of Representatives to the Local Pension Board and Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme	445 - 448

11. Notices of Motion

To consider the following motions submitted by members in accordance with Standing Order 5:

(1) Liberal Democrat Motion

This Council has responsibility for flood resilience and has been successful in leveraging funding from the Environment Agency to deliver flood prevention schemes, it also partners with the River Severn Partnership and the River Trent Partnership which is a group of local authorities working together to gain extra funding from government for flood prevention works.

This Council also recognises the amount of planned growth in housing across the County. Weather patterns are changing, and we now see increasingly heavy rain falls which are creating drainage issues especially on highways in urban areas.

The County Council acting as the highway authority, uses its climate change adaptation policy as a framework of action where it needs to adapt to these more frequent changes in weather.

This Council therefore

1. Requests that the Portfolio Holder for Environment, Climate & Culture arranges for a review to be conducted to ensure that effective drainage policies are fully considered.

and

2. Invites Seven Trent Water to explain its adaptation policies in relation to drainage matters and to explore closer working relationships with elected members in the Divisions they represent.

Proposer: Councillor Jerry Roodhouse

Seconder: Councillor Bill Gifford

(2) **Conservative Motion**

This Council has made the commitment within the Council Plan 2020-2025 - *'We will partner with our communities to plant a tree for every Warwickshire resident'*. In order to meet this commitment, this Council supports the:

1. Production of a Tree/Woodland Strategy for Warwickshire (with an offer to the District and Borough Councils to co-produce the Strategy) with the key priorities of connecting green corridors, increasing biodiversity and increasing tree coverage
2. Production of a costed action plan for consideration with target dates for the provision of the tree cover within the county to meet this commitment
3. Identification of land that could be used for tree planting, including land owned by the County Council, such as country parks, particularly to support the Queens Green Canopy
4. Acceleration of the development of a costed business case of options, to include the option of establishing a tree nursery within the county, to secure a reliable tree supply for the future
5. Investigation of the opportunities for community orchards to help improve the supply of fresh, local produce and boost the health of residents;
6. Proposal to work with the voluntary sector to deliver tree planting plans, including via Borough, District and Parish Councils;
7. Involvement of schools, colleges and universities and their pupils and students in carrying out tree planting and woodland maintenance;
8. Identification and documentation of sources of funding

available to the Council and voluntary organisations to pay for tree planting

9. Reporting of progress on the commitment on a regular basis to the cross party Climate Change Working Party.

Proposer: Councillor Tim Sinclair

Seconder: Councillor Adrian Warwick

(3) **Labour Motion (1)**

This Council notes that two of our blue light services serve the county of Warwickshire, that is Warwickshire Police and Warwickshire Fire and Rescue Service. Our ambulance service is provided via West Midlands Ambulance Services. This Council considers that the NHS should consider the option of establishing a Warwickshire Ambulance Service, as separate from the West Midlands Ambulance Service.

Proposer: Councillor John Holland

Seconder: Councillor Barbara Brown

(4) **Labour Motion (2)**

This Council notes the statement by the Chancellor in his October budget speech stressing the importance of the first 1001 days of life. Accordingly, this Council supports the development of a costed business case to consider the relaunch of Sure Start Children's Centres in the county.

Proposer: Councillor Barbara Brown

Seconder: Councillor Sarah Millar

12. Member Question Time (Standing Order 7)

A period of up to 40 minutes is allocated for questions to the Leader, Cabinet Portfolio Holders and Chairs of Overview and Scrutiny Committees.

13. Any Other Items of Urgent Business

To consider any other items that the Chair considers are urgent.

Monica Fogarty
Chief Executive
Warwickshire County Council
Shire Hall, Warwick

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Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web <https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter that features on the agenda for that meeting. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

COVID-19 Pandemic

Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

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County Council

Tuesday 28 September 2021

Minutes

Attendance

Committee Members

Councillor Peter Gilbert (Chair), Councillor Jo Barker, Councillor Richard Baxter-Payne, Councillor Brett Beetham, Councillor Margaret Bell, Councillor Parminder Singh Birdi, Councillor Barbara Brown, Councillor Peter Butlin, Councillor Jeff Clarke, Councillor John Cooke, Councillor Andy Crump, Councillor Yousef Dahmash, Councillor Piers Daniell, Councillor Jackie D'Arcy, Councillor Judy Falp, Councillor Jenny Fradgley, Councillor Sarah Feeney, Councillor Clare Golby, Councillor Brian Hammersley, Councillor John Holland, Councillor Dave Humphreys, Councillor Marian Humphreys, Councillor Kam Kaur, Councillor Jack Kennaugh, Councillor Justin Kerridge, Councillor Christopher Kettle, Councillor Sue Markham, Councillor Sarah Millar, Councillor Chris Mills, Councillor Jeff Morgan, Councillor Penny-Anne O'Donnell, Councillor Bhagwant Singh Pandher, Councillor Will Roberts, Councillor Jerry Roodhouse, Councillor Isobel Seccombe OBE, Councillor Tim Sinclair, Councillor Mejar Singh, Councillor Richard Spencer, Councillor Heather Timms, Councillor Mandy Tromans, Councillor Robert Tromans, Councillor Martin Watson and Councillor Andrew Wright

1. General

(1) Apologies for Absence

Apologies were received from Councillors Sarah Boad, Tracey Drew, Jonathan Chilvers, Bill Gifford, John Horner, Andy Jenns, Jan Matecki, Daren Pemberton, Caroline Phillips, Wallace Redford, Howard Roberts, Kate Rolfe, Jill Simpson-Vince and Adrian Warwick

(2) Members' Disclosures of Pecuniary and Non-pecuniary Interests

Referencing item 3 on the agenda, Police and Crime Commissioner Representation, Councillor Izzi Seccombe (Leader of the Council) declared a personal interest stating that she would leave the room whilst the matter was being addressed.

(3) Minutes of the previous meeting

The minutes of the meeting of Council held on 1 July 2021 were agreed as an accurate record for signing by the Chair.

(4) Chair's announcements

Councillor Pete Gilbert (Chair of Council) made the following announcements.

a) Young Authority of the Year

Over recent years we have worked hard to attract and encourage young colleagues into a career in local government. We have recently become involved in the LGA's National Graduate Development Programme. Through the scheme we have been able to recruit three graduates who are currently working their way through a two-year programme of placements.

Two of our graduates represented Warwickshire County Council at the Young Local Authority of the Year competition. This is a national competition which aims to further the professional development of people in the early stages of their careers.

Laura Pain and George McVerry battled against 16 other teams from across the country and I'm delighted to say that they have brought the trophy back to Warwickshire and we now officially hold the title of Young Local Authority of the Year.

Huge congratulations to Laura and George.

Members joined to congratulate Laura Pain and George McVerry.

b) Warwickshire County Cricket Club

Last Friday marked a very memorable moment in the sporting calendar. It saw the culmination of the County Cricket Championship and it gives me great delight and pride to say that the overall winners were Warwickshire County Cricket Club.

The County Council has excellent links with the cricket club and many of our residents are fans of the club. Indeed, a former pupil of Warwick School scored a century in that final match, helping to seal a memorable victory for the Bears.

The county has a very significant cricketing heritage, and we share the great pride of all involved in the cricket club's tremendous achievement. I'm sure you will all join me in passing on the congratulations of the council to all involved.

Members joined to congratulate Warwickshire County Cricket Club on its achievement.

c) Statement of Accounts

I have been asked to read out this notice from the Strategic Director for Resources in his capacity as the Council's Section 151 officer. This is to inform all councillors that it has not been possible to present accounts for approval at this meeting to meet the end of September deadline for reasons entirely outside the Council's control.

The County Council finance team produced the accounts, both for the Council and the Warwickshire Pension Fund, to the agreed timetable. However, the external auditor informed us in late July that due to resourcing problems and delays on other client audits, our external audit work will not be completed until mid-October. This means we will now present the audited accounts to Audit & Standards Committee on the 4 November and Full Council on the

14 December. The delay is solely due to Grant Thornton's inability to resource the external audit work to the originally agreed timetable.

I have written formally to the auditor to express my strong disappointment that the Council is in this situation for these reasons and have published a formal notice of the delay.

It is worth pointing out that this situation is common across the county and an article in the Municipal Journal on 16 September suggested, based on a survey by Public Sector Audit Appointments, that as many as half of councils may miss the end of September audit deadline.

d) Death of Former County Councillor John Appleton

Again, it is my sad duty to report the death of a former County Councillor. John Appleton passed away on Monday 13 September at the age of 84. He represented the division of Southam from 2005 until 2017.

During his time with Warwickshire County Council John, a Conservative member, served on a range of committees including the Resources Overview and Scrutiny Committee, Pension Fund Investment Sub Committee and Staff and Pensions Committee.

He was also involved in outside bodies including Age Concern and the Severn Trent Regional Flood Defence Committee.

John also served on Stratford on Avon District Council. He was widely respected for his commitment to his constituents and for his insightfulness.

Our condolences go to John's family.

Members made the following comments in memory of John Appleton.

Councillor Andy Crump stated that John Appleton had been his predecessor in Southam. He was a pleasant person to be with who sought particularly to help young people from pre-school age up to teenagers. Although softly spoken he could at times "turn into a tiger".

Councillor Izzi Seccombe stated that John Appleton had served with her on Stratford on Avon District Council as well as the County Council. He had a particular eye for detail especially regarding financial matters. In order to see the correct policies developed John Appleton was prepared to be very challenging. He was a positive contributor to Council and ensured that he held the administration to account.

Councillor Jerry Roodhouse (Leader of the Liberal Democrat Group) echoed the views that John Appleton could be very challenging. This was helped by a sharp mind and the efforts he made to remain on top of his brief. The loss of John's wife hit him very hard. He is to be thanked for all he did for Warwickshire.

Councillor Peter Butlin (Deputy Leader, Finance and Property) told the meeting that when he had joined Warwickshire County Council John Appleton had been his mentor. The advice that John Appleton had given was to know your brief and numbers. He would be much missed.

Councillor John Holland (Leader of the Labour Group) noted that John Appleton had served on pensions committees with him. He was always found to be friendly and helpful.

e) Death of Former County Councillor Brian Hawkes

Lastly, it is my sad duty to inform you of the death in July of former County Councillor Brian Hawkes. Brian was a Labour Councillor who lived in Bedworth and represented the Bedworth West Division from December 2013 having been selected in a by-election. He served until the Council elections of 2017.

As well as being a member of the County Council, Brian was a long-standing member of Nuneaton and Bedworth Borough Council. In 2014/15 he was Mayor of the borough.

Our condolences go to Brian's family.

Members made the following comments in memory of Bryan Hawkes.

Councillor Izzi Seccombe stated that Bryan Hawkes was a very decent person. In his later years he had suffered ill health. Nevertheless, he was happy to welcome Councillor Seccombe to his house when she was canvassing for the May 2021 elections.

Councillor John Holland noted that Bryan Hawkes was a councillor who stood up for his residents. His employment had been in health and safety and he was a keen advocate of safe practices wherever he was.

Councillor Jerry Roodhouse observed that Bryan Hawkes looked across political divides. He would always stand up for his community and was to be thanked for that.

Members stood in memory of John Appleton and Bryan Hawkes.

(5) Petitions

None.

(6) Public Speaking

None.

2. Dispensation for County Councillor

Councillor Kam Kaur (Portfolio Holder for Economy and Place) moved the recommendation. Councillor Will Roberts seconded the recommendation.

There was no debate but Council joined to wish Councillors Tracey Drew and Kate Rolfe well.

Resolved:

That the Council approves the absence of Councillor Tracey Drew and Councillor Kate Rolfe from meetings of the authority on the grounds of ill health.

3. Police and Crime Commissioner Representation

Having previously declared an interest Councillor Izzi Seccombe left the room.

Councillor Andy Crump (Portfolio Holder for Fire & Rescue and Community Safety) introduced the published report. Members were informed of a correction. The period of office for the Police and Crime Commissioner (PCC) is to 2024 and not 2025 as stated in the report. Members were informed that the PCC has a legal right to sit on the County Council to speak on and consider matters regarding the Council's function as Fire and Rescue Authority. Collaboration between blue light services has increased significantly in recent years as evidenced through the creation of the Blue Light Collaboration Joint Advisory Board. In addition, recent months have seen examples of practical collaboration at a number of high profile incidents. It was made clear that the PCC will not be able to speak at the Council's budget setting meeting.

Councillor Penny-Anne O'Donnell seconded the recommendation and reserved her right to speak.

Councillor John Holland observed that the PCC is not elected as a County Councillor. He should not have a right to speak on any issue.

Vote

A vote was held. The recommendation was agreed.

Resolved:

That the Warwickshire Police and Crime Commissioner be reappointed as a co-opted member of the full Council for the purposes of Section 7 Policing and Crime Act 2017

4. Education (Schools) Capital Programme 2021/22

Councillor Jeff Morgan (Portfolio Holder for Children, Families and Education) moved the recommendation. He explained that a considerable amount of development has taken place to the south of Leamington Spa. This has resulted in the requirement for a new school.

Councillor Parminder Singh Birdi seconded the recommendation and reserved the right to speak.

Councillor John Holland suggested that the location for the proposed school is inappropriate. He noted that the major development referred to by Councillor Morgan falls within Warwick and not Leamington Spa. When it was evolving the draft Local Plan for Warwick District was opposed by Warwick members. Nevertheless, the development is now underway. Observing that the privately run Kings High School for Girls has relocated to new site Councillor Holland expressed his doubts that the new school being proposed would be of a similar high standard. Councillor Holland stated that there were no references in the report to meeting special needs. In addition, the proposed location of the school on the edge of the development is inappropriate. It should, he suggested, be in the middle of the development as this would make it more readily accessible. The location will also mean a reduction in the amount of land available for the public park. It was also noted that the

proposal is that parents and carers taking their children to school will be able to park on the school site. This will not serve to reduce car journeys.

Councillor Barbara Brown expressed her concern that the need for new schools is not being met outside of Warwick. For example, there is a shortage of school places in Rugby.

Councillor Rob Tromans welcomed that the County Council is working to provide a new school. He noted that the report does make reference to special education needs. A similar report and scheme for Nuneaton would, he suggested, be welcome.

Councillor Peter Butlin informed Council that it was Warwick District Council that had identified the site for the school. Recognising that the County Council has a statutory responsibility to provide adequate school places Councillor Butlin expressed concern over the increased costs of the project caused by competing projects such as HS2 and the need to level the site. Sufficient money has been set aside but Councillor Butlin advised that costs may increase further.

Councillor Jerry Roodhouse welcomed the funding that is being made available for new schools adding that the HS2 project is being blamed for many instances of additional costs. Concerning special education, as referenced on page 35, he looked forward to seeing the action plan around its delivery.

Councillor Judy Falp agreed with Councillor Holland's comments regarding the location of the school. Nevertheless, that a new school is to be built was welcomed.

Councillor Justin Kerridge reminded Council that it is the district and borough councils that are the local planning authorities. He suggested that the County Council and the district and borough councils do not always work as closely together as they might and whilst the County Council cannot dictate what it wants, it should add its weight to any arguments to help secure that which it is after.

Councillor Tim Sinclair expressed his concern over the length of time it takes to progress major projects. In addition, he suggested that active transport plans should be supported.

Councillor Izzi Seccombe stated that the County Council has worked hard with Warwick District Council concerning the development. The land had belonged to the County Council but had been sold off to allow housing to be constructed. The district council had determined the location of the school and it is acknowledged that a different site would have been cheaper to build on. Nevertheless, the school that is constructed will be done so to a high standard. That it is a through school will incur greater costs but its location close to the country park will be a benefit to teaching. Councillor Seccombe concluded that children with challenges benefit from being taught in mainstream schools whenever possible. They need to remain part of the community if they are to thrive.

Councillor Chris Kettle emphasised the importance of exercise for young people adding that proper cycle routes should be provided to the school. Any future school project should encourage green travel.

Councillor Penny-Anne O'Donnell noted that being an all-through school there should be greater opportunities to identify children with special needs earlier. In addition, there will be greater opportunities to up-skill staff across the school.

Councillor Dave Humphries asked for greater investment in new schools in North Warwickshire. Councillor Parminder Singh Birdi acknowledged that the location of the school is not ideal but recognised the need for it. That it will be close to the country park is seen as a bonus. The school's travel plan needs to ensure that children do not have to travel along main roads.

Councillor Jeff Morgan confirmed that it is expected that there will be 22 SEN places in the school. He emphasised the need to provide SEN places in mainstream schools. The site, he agreed, is not perfect but there is a need to press on with the project. Regarding pressure for school places across Warwickshire Council was informed that meetings are being held in all five district and borough areas to consider this.

Vote

A vote was held. The recommendation was agreed unanimously.

Resolved:

That Council agrees that £49.5 million be added to the capital programme to deliver the new all-through provision in South Leamington/ Warwick (Oakley Grove).

5. Independent Persons

Councillor Kam Kaur introduced the published report adding that the individuals listed are happy to continue in their role.

Councillor Chris Kettle seconded the recommendation.

Referencing paragraph 1.5 of the report Councillor Rob Tromans noted the degree of cooperation between local authorities.

Vote

A vote was held. The recommendation was agreed unanimously.

Resolved:

That Council appoint Howard Darling, Mumtaz Goolam, Garth Murphy, Maureen O'Sullivan, David Stone and Raymond Leslie Tomkinson to the position of Independent Person for a four-year period to 30 September 2025.

6. Review of Overview and Scrutiny

Councillor Kam Kaur introduced the report and moved the recommendation.

Councillor Yousef Dahmash seconded the recommendation. In doing so Councillor Dahmash emphasised the importance of parity of esteem across the scrutiny process. He also commended the Democratic Services team for its hard work.

Vote

A vote was held. The recommendation was agreed unanimously.

Resolved:

That Council approves the proposals for scrutiny reform as set out in Appendix 2 of the published report.

7. Youth Justice Plan 2021/22

Councillor Jeff Morgan introduced the report and moved the recommendation. In doing so he stated that he is very proud of the Youth Justice Service in Warwickshire. He had been impressed with the professionalism of the staff when he had met them. The Strategy, he stated, is written in a style and format that is prescribed by the Youth Justice Board. It is required as part of the funding process. Council was informed that performance is generally good although the rate of first time entrances to the system requires close monitoring. In addition, NEETS performance is not as good as it might be and there has been a noticeable increase in serious violent crime reflecting the national picture.

The recommendation was seconded by Councillor Penny-Anne O'Donnell.

Councillor Jerry Roodhouse commended the Youth Justice Service adding that it requires more investment. Referencing paragraph 6.8 of the strategy Councillor Roodhouse noted the challenge around "county-lines" and cross boundary information sharing. Whilst agreements are in place these, he suggested, should be more comprehensive. In addition, more investment is required around victims and victim support.

Councillor John Holland supported the strategy. He emphasised the importance of remembering that over time protection of the public has moved away from the Council to the Ministry of Justice.

Councillor Justin Kerridge commended the Youth Justice Service. The strategy, he observed, is difficult to understand. Plans are unclear and the words and aspirations in the document are not backed up by any measures.

Councillor Penny-Anne O'Donnell stated that that there is a need to focus on the victim. Demand for the service is unprecedented. She welcomed input to the plan from the Police and Crime Commissioner and that it had been shared with the Chief Officer Board. She observed that young people benefit from speech and language support.

Councillor Jeff Morgan welcomed the support expressed in the chamber. He agreed with comments concerning "county-lines" and with those regarding the style and format of the strategy. There is, he suggested, a need to abolish the passive voice. Performance data is presented to the Chief Officer Board. Consideration will be given to whether it can be incorporated in the annual report.

Vote

A vote was held. The recommendation was agreed unanimously.

Resolved:

That Council approves the Warwickshire Youth Justice Plan 2021/22

8. Notices of Motion

Motion 1 – Climate Change and Climate Emergency

Members recognised that the agenda indicated two motions concerning climate change.

That motion proposed by the Liberal Democrat Group stated,

“This Council supports the UN sustainability goals as part of its corporate plan and notes the good work that has been taking place regarding Climate Change so far and welcomes the Green Shoots initiative along with other actions that have been taken.

This Council also recognises the increased scientific evidence that we need to act more quickly, as confirmed by the latest Intergovernmental Panel on Climate Change report (sixth assessment). The UK is hosting the UN Climate Change Conference COP26 and holding the Presidency for this critical conference, and there is an ever-increasing focus on net zero carbon.

In light of these facts, Council requests that it establishes a framework by which all full Council and Cabinet decisions made by Warwickshire County Council are checked against a climate change assessment.

Warwickshire County Council should also use its unique position to bring forward strategic proposals on further developing the direction of Warwickshire’s economy. For example, this could include greater investment towards green skills as indicated in the latest growth hub report. With the increase in electric vehicles and the greater reliance and use of batteries, we as a county should also seek to work with innovators and lead in developing the recycling actions that will be needed to make Warwickshire a circular economy.

That motion proposed by the Green Group stated,

“The latest IPCC report (August 21) was loud & clear. The Climate Emergency is not something we will face in the future but is happening right now. Warwickshire County Council declared a climate emergency in 2019, but with any emergency we must adapt and change our plans as needed.

Therefore, this Council recognises the August 2021 IPCC report and the report's conclusion that we must reduce carbon output with greater urgency.

Therefore, this Council will take the following steps to strengthen its own climate action plan:

1) Develop for consideration a fully costed plan which is based on:

- Bringing forward our commitment to become a climate neutral Council from 2030 to 2025 and our aim for the whole of Warwickshire from 2050 to 2033 and setting an indicative carbon budget for Warwickshire through to 2100.
- Creating a dedicated 'Carbon Management Team' to implement and manage the Council's climate goals from April 2022.
- Building all new WCC buildings, schools and any buildings built with aid of Warwickshire County Council funding to carbon neutral and fabric-first standards, including the creation of a dedicated team to manage the Council's retrofit schemes across the County.

2) Ensure all new procurement and grants require a plan to be incorporated into the award documentation with the expectation that all partner organisations will be carbon net zero by 2030.

3) By 2025 over two thirds of the Council's new transport capital investment is in walking, cycling routes, rail schemes, electric buses and charging rather than building new roads for vehicles causing more dangerous air pollution.

4) Ask the Leader of the Council to write to the Chair of the Warwickshire Pension Fund Investment Sub Committee requesting it to divest from all companies involved in the extraction of fossil fuels.

Revised Motion

A revised motion agreed to by Councillor Jerry Roodhouse and Councillor Will Roberts was tabled to replace the two originally proposed. This stated,

"The latest IPCC report (August 21) was loud & clear. The Climate Emergency is not something we will face in the future but is happening right now. Warwickshire County Council supports the UN sustainability goals as part of its corporate priorities and the County Council also declared a climate emergency in 2019 and we note the good work that has been taking place regarding Climate Change so far. As with any emergency we must now accelerate adapt and change our plans as needed to reduce our carbon footprint.

Therefore, this Council will take the following steps to strengthen its own climate action plan:

1) Develop for consideration a fully costed plan which is based on:

- Bringing forward our commitment to become a climate neutral Council from 2030 to 2025 and our aim for the whole of Warwickshire from 2050 to 2033 and setting an indicative carbon budget for Warwickshire through to 2100.
- Creating a dedicated 'Carbon Management Team' to implement and manage the Council's climate goals from April 2022.
- Building all new WCC buildings, schools and any buildings built with aid of Warwickshire County Council funding to carbon neutral and fabric-first standards, including the creation of a specialist team to manage the Council's retrofit schemes across the County.

2) Ensure all new procurement and grants require a plan to be incorporated into the award documentation with the expectation that all partner organisations will be carbon net zero by 2030.

3) By 2025 over two thirds of the Council's new transport capital investment is in walking, cycling routes, rail schemes, electric buses and charging rather than building new roads for vehicles causing more dangerous air pollution.

4) Warwickshire County Council should use its unique position to bring forward strategic proposals on further developing the direction of Warwickshire's economy. For example, this could include greater investment towards green skills as indicated in the latest growth hub report. With the increase in electric vehicles and the greater reliance and use of batteries, we as a county should also seek to work with innovators and lead in developing the recycling actions that will be needed to make Warwickshire a circular economy.

This revised motion was moved by Councillor Will Roberts.

In support of the motion Councillor Will Roberts stated that its single purpose is to strengthen the Council's commitment to the climate emergency. Council was informed of concerns over climate change and increases in the global temperature. Extreme weather is being experienced more frequently. In Warwickshire the number of summer grass fires has increased markedly. That the cost of addressing environmental issues will be of concern to members was acknowledged. However, there is a need to reduce greenhouse gases now. The meeting was informed that the West Midlands Combined Authority is working to address climate change issues and the Prime Minister has stressed the need to pay heed to scientific evidence.

Councillor Jerry Roodhouse seconded the motion and reserved the right to speak.

Debate

Councillor Sarah Millar welcomed the work being undertaken by the Council on climate change. She added that she is preparing for the COP 26 climate change conference. There is a need to bring target dates forward, but it needs to be recognised that these are targets and there is also a need to consider accountability. For example, in Denmark the Climate Change Minister is required to attend Parliament and explain what actions they have been taking. In Warwickshire an annual "State of Warwickshire's Climate" report should be introduced. Councillor Millar thanked members engaged with the pension scheme for raising the profile of investments in companies that can harm the environment eg Companies extracting fossil fuels. The meeting was also informed of the "Great British Green Week" that involves many local organisations.

Councillor Jenny Fradgley emphasised the urgency in addressing climate change. Warwickshire, she said, is doing well but it is only at the start of the journey. Markets that invest in green energy should be supported and green manufacturers such as those making batteries and future fuel should be supported. Parity is required between walking, cycling and driving cars and in addition more public transport is required. All parties should have environment and climate change policies and all Council properties should be well insulated.

Councillor Jack Kennaugh stated that he struggled to identify the point of the motion adding that Warwickshire is clean and green compared to Asia and America.

Councillor Tim Sinclair acknowledged that much is being done to address climate change. The motion before Council is un-costed and its potential impact unclear. The Council is already

supporting green jobs and active transport and the pensions committees are investing in energy companies to encourage them to act appropriately regarding the green agenda.

Councillor Heather Timms (Portfolio Holder for Environment, Climate and Culture) thanked members for recognising the work on climate change already being performed by the Council. This includes the Green Shoots initiative, rail station development, cycleways, waterways, support for the circular economy and work with partners. She considered that the motion was premature.

Councillor John Holland agreed with the observation made regarding Asia. However, he suggested that it is only possible to lead from the front. Everybody has a role to play and although the motion may not be perfect climate change is happening now. If the incidence of flooding increases the cost of addressing this will need to be met by the County Council.

Councillor Clare Golby observed that the motion lacked any statement clarifying the effect of not acting. She stated that she is supportive of active travel, but her division and town need more roads if air pollution caused by standing traffic is to be resolved. The north of Warwickshire has problems with health, wellbeing and education. These are the issues of concern to people.

Councillor Izzi Seccombe reminded Council of the climate emergency debate of July 2019. With a range of views being expressed it is difficult to say who is right and who is wrong. It will be necessary to consider the cost of meeting the challenge and to weigh actions against other competing priorities. Councillor Izzi Seccombe added that the Council has done much already to reduce its carbon footprint. It has a bio-diversity off-set programme and has established 80ha of wildflower grassland and tree planting. However, more can be done. It is expected that more innovative solutions will come from Warwick University. The key, she concluded, is to take people with you in a measured and managed way.

Councillor Justin Kerridge agreed that it is important to listen to what people want. He suggested that the Communities Overview and Scrutiny Committee should monitor progress and that this should be undertaken using clear measures. Citing the school to be built south of Warwick Councillor Justin Kerridge suggested that costs will probably limit its green credentials. However, these should be pressed for and one means of doing this is via the overview and scrutiny function. Finally, those engaged in procurement should ensure that those the Council does business with are aware of its green targets.

Councillor Peter Butlin considered the motion unaffordable. He questioned the basis of assertions around climate change and stressed the need to avoid placing residents under pressure from the Council's own initiatives. If the motion were to be agreed to and followed there would not be sufficient funds for services to adults and children. Councillor Butlin stated that China remains a major polluter with many hundreds of coal-fired power stations.

Councillor Parminder Singh Birdi reminded Council that there are two climate change working groups in operation. He noted the good work of the Portfolio Holder and observed that many community groups are working on climate and environmental issues too.

Councillor Brett Beetham questioned whether the residents of his division would benefit from the motion. He also reiterated that it would carry additional costs.

Councillor Chris Kettle suggested that rejecting the motion does not reject the principle of climate change. The Council Plan seeks to embed climate change considerations in everything the Council does. The new school discussed earlier on the agenda will be climate aware but what about older schools he asked.

Councillor Jerry Roodhouse (seconder of the motion) suggested that all agree that climate change is an issue that needs to be addressed. The motion seeks to foster debate. He congratulated the Portfolio Holder on all that has been achieved but considered that more could be done. There is a need to address the economy and focus on establishing a circular economy. Warwickshire is in a good position to take the lead on this. Green travel packs in new houses are of limited benefit. It is better to encourage people to cycle. To this end the highways department could be stronger in negotiating for more cycleways on new developments. Cabinet papers, he added, should reference climate change.

Councillor Will Roberts (mover of the motion) thanked members for their contributions. He counselled against thinking that climate change is the fault of others adding that air pollution exists in Warwickshire too. Regarding costs, members were referred to the line in the motion calling for the preparation of a costed plan. Councillor Will Roberts suggested that as well as reflecting on what is being done in Warwickshire to address climate change the actions of other local authorities should be studied too.

Vote

A vote was held. The motion was defeated.

Motion 2 – West Midlands Ambulance Service

The Labour Group proposed the following motion as set out on the agenda.

“This Council expresses concern about the proposals to review the provision of Community Ambulance Stations in the West Midlands with the potential closure of the local ambulance hub in Rugby.

This Council notes the concerns of Rugby residents of the perceived risks to health and wellbeing as a result and therefore asks that the Leader of the Council write to the Chair and the Chief Executive of the West Midlands Ambulance Service requesting that they engage with relevant local county councillors and the County Council's Adult Social Care and Health Overview and Scrutiny Committee as part of their review to enable local views to be heard”.

Councillor Sarah Feeney moved the motion. In doing so she informed Council that the population of Rugby is growing but people feel that they are receiving less services. Concerns have been expressed over increased waiting times for ambulances and people are feeling forgotten. This is reinforced by the absence of an accident and emergency facility at St Cross Hospital in Rugby; something that the local MP has raised in Parliament.

Councillor Barbara Brown seconded the motion and reserved the right to speak.

Amendment

Councillor Margaret Bell proposed a friendly amendment. This was seconded by Councillor Clare Golby who reserved her right to speak. The amendment stated,

“This Council is concerned about the proposals to review the provision of Community Ambulance Stations in the West Midlands, for example, with the potential closure of the local ambulance hub in Rugby.

The Council notes that the Adult Social Care and Health Overview and Scrutiny Committee has extended an invitation to the West Midlands Ambulance Service (WMAS) to attend their meeting in November and the Committee has received information from WMAS about the proposed changes.

This Council notes the concerns of Rugby residents of the perceived risks to health and wellbeing as a result of the proposed changes to the location of the ambulance stations and therefore asks that the Leader of the Council write to the Chair and the Chief Executive of the West Midlands Ambulance Service thanking them for engaging with the County Council's Adult Social Care and Health Overview and Scrutiny Committee as part of their review and encouraging them to accept the invitation to attend their meeting in November.”

The amendment was accepted by the Labour Group as a friendly amendment.

In moving the amended motion Councillor Margaret Bell stated that she understood people's concerns. Indeed, it was the Adult Social Care and Health Overview and Scrutiny Committee that had invited the West Midlands Ambulance Service to one of its meetings. She suggested that there is no plan to reduce the number of ambulances in Rugby. There are plans, however, for a restructuring. With hospitals and ambulances facing unprecedented demand the proposals aim at optimising the use of ambulances. It reflects a shift to the use of hubs where staff ensure that returning ambulance are cleaned and restocked.

In seconding the motion Councillor Clare Golby observed that decisions regarding ambulance provision rest with the ambulance service. Tales of three-hour waits for ambulances are exceptional. Nuneaton and Bedworth has a large population but no ambulance station.

Debate

Councillor Andy Crump stated that concerns over increased waiting times were raised at a recent meeting of the Blue Light Collaboration Joint Advisory Board. The ambulance service is a member of that body and now regularly sends a representative to meetings.

Councillor Barbara Brown suggested that the proximity of ambulances to residents is very important. Councils have a role in helping people and it will be necessary to establish where reality and perception meet. Accurate data on waiting times and survival rates is required. It will also be important to know if ambulances are removed to operate in different areas.

Councillor Peter Butlin observed that on occasions ambulances are required to wait with patients outside hospitals as there is nowhere to off load them to. The proposed reorganisation will provide an opportunity for the Council to feed back its views.

Councillor Jerry Roodhouse thanked Councillor Clare Golby for including the review on the agenda of the Overview and Scrutiny Committee. He expressed concern over the process the ambulance

service has gone through. A study of the board's papers revealed no reference to consultation with local communities.

Councillor Marian Humphreys suggested that first responders should be included in the statistics.

Councillor Sarah Feeney welcomed the Council's commitment to the scrutiny of services and thanked Councillor Butlin for his observations regarding the wider health community.

Vote

A vote was held, and the amended motion was agreed unanimously.

Resolved:

This Council is concerned about the proposals to review the provision of Community Ambulance Stations in the West Midlands, for example, with the potential closure of the local ambulance hub in Rugby.

The Council notes that the Adult Social Care and Health Overview and Scrutiny Committee has extended an invitation to the West Midlands Ambulance Service (WMAS) to attend their meeting in November and the Committee has received information from WMAS about the proposed changes.

This Council notes the concerns of Rugby residents of the perceived risks to health and wellbeing as a result of the proposed changes to the location of the ambulance stations and therefore asks that the Leader of the Council write to the Chair and the Chief Executive of the West Midlands Ambulance Service thanking them for engaging with the County Council's Adult Social Care and Health Overview and Scrutiny Committee as part of their review and encouraging them to accept the invitation to attend their meeting in November.

Motion 3 – Outdoor Education

Councillor Barbara Brown moved the following motion.

“This Council believes that everyone's education should include planned, high-quality outdoor learning which includes a residential. It's a very positive experience and part of the whole curriculum. It is our belief that this is an entitlement, not a luxury or an add-on.

This Council agrees that an amount of revenue funding, equivalent to the proceeds from the sale of Marle Hall, and funded from general reserves, be identified with a view, subject to viability, to setting up a charitable Trust Fund, administered through a Board of Trustees and operated independently from the Council, or to identifying some other appropriate funding mechanism, to enable schools to bid for groups of children and young people to participate in residential activities or apply for bursaries for individuals. The allocated funding would be expected to meet the establishment costs and the running costs of the arrangement.

The Council considers that this is an appropriate way to build on the work of Marle Hall, and to take its legacy forward and demonstrates that Warwickshire recognises the immense value of these activities and is willing to invest in the physical and emotional wellbeing of all our children and young people”.

Councillor Barbara Brown welcomed that the Leader of the Council had spoken passionately about the value of outdoor education. She was of the opinion that children require challenging outdoor experiences and exposure to the landscape. Outdoor education has a link to the green economy and enable skills to be developed that are not accessible in the classroom. It is particularly important to those children facing challenges in life building self-worth and a greater awareness of those around them. The motion asks the Council to consider the establishment of a trust fund to provide opportunities for all children.

Councillor Sarah Millar seconded the motion and reserved the right to speak.

Debate

Recognising the negative impacts of the Covid-19 lockdowns on young people Councillor Jackie D'Arcy stressed the importance of residential outdoor education.

Councillor Izzi Seccombe noted that the future of Marle Hall had been debated for a considerable time. When Marle Hall was opened there was no alternative provision in that area. Any child attending the facility had to be paid for. Now there are many facilities offering outdoor experiences close to Marle Hall. Council was informed that there is no receipt yet for Marle Hall. Also with a cross-party group reviewing future outdoor provision the motion may be considered premature.

Councillor Jeff Morgan was optimistic that the Council will end up with a strong outdoor education strategy. Regardless of the outcome schools will continue to enable children to enjoy outdoor education.

Councillor John Holland expressed some concern that decisions regarding Marle Hall were made in closed session. He considered that people do not like to see services being removed adding that the outdoor education strategy should have been completed prior to the decision regarding Marle Hall being made.

Councillor Andy Crump suggested that the reference in the motion to viability is unclear. He considered that all children should be able to access outdoor education opportunities. Council was informed that these opportunities may include water safety training working with the Fire and Rescue Service.

Councillor Tim Sinclair thanked the Labour Group for its motion. He stated that given the choice he would have liked to see Marle Hall remain open. Outdoor education is very important. Cabinet colleagues were asked to consider the spirit of the motion.

Councillor Clare Golby reminded Council that schools had not been sending children to Marle Hall. There is a need to make the best use of tax payers' money during times of austerity she added. In addition, schools should work to ensure that all children are given the opportunity to benefit from outdoor education.

Councillor John Cooke stated that for many years he has sat on the William Edwards Educational charity. Over the years this has funded children to attend Marle Hall. However, Manor Adventure in Shropshire is now more popular.

Councillor Jenny Fradgley regretted the loss of the Marle Hall facility.

Councillor Sarah Millar (seconder of the motion) spoke of the motion as being about the legacy of Marle Hall. There is a need to plan for future provision.

Councillor Barbara Brown thanked all members for their contributions to the debate. She stated that it is good to hear a recognition of the value of outdoor education and welcomed the production of the outdoor education strategy.

Vote

A vote was held. The motion was defeated.

9. Member Question Time (Standing Order 7)

(1) Question to Councillor Jeff Morgan from Councillor Jenny Fradgley

I understand that government legislation means that councils now have to restrict the number of home to school seats that can be sold on school buses. Whilst pupils living in a school's catchment area continue to be entitled to seats, I am told that only 20% of the remaining vacant seats can be sold to other pupils requiring transport.

Would the Portfolio Holder please confirm that this is the position and tell me whether this has led to some parents having to make alternative arrangements for home to school transport?

Answer from Councillor Jeff Morgan

The new legislation requires that all vehicles carrying paying customers must comply with Public Service Vehicle Access Requirements. There were exemptions that could be applied for, but these have ceased. New exemptions have been introduced but these will run only to March 2022. After this date they will be reviewed further, and it may be that no exemptions are permitted in the future. Where it is considered that paying customers will make it viable some vehicles in Warwickshire have been converted. If the cost of any upgrade cannot be covered it has not been possible to offer transport to some paying customers. In Warwickshire around 30 students have been affected in this way.

Some services have been transferred to the private sector. This has helped to reduce the burden of upgrading on the County Council. The ultimate goal is to make all vehicles compliant.

Councillor Fradgley thanked the Portfolio Holder for his answer adding that it is important that parents should not have to see their cars given concerns over climate change.

(2) Question to Councillor Margaret Bell from Councillor Jenny Fradgley

The government has announced proposals to cap care costs. I understand that for nursing homes this cap applies to the care cost element of charges, but not to the accommodation part of the charge ie. cost of the room, meals, cleaning, entertainment etc.

Would the Portfolio Holder please give me an estimate for Warwickshire of the proportion of nursing home charges that cover care and the proportion that goes to cover other costs?

Answer from Councillor Margaret Bell

It is very difficult to provide a definitive answer as this will vary from home to home.

The Dilnot Report proposed a 'contribution' towards living costs of between £7k and £10k per year, or £135 to £192 per week (but that was in 2011). This would be the equivalent of up to £230 per week today (based only on general inflation).

An estimate of one third of the total cost being accommodation costs has been quite widely used (and is as good an estimate as any other at this stage - and ahead of any detailed guidance).

More details will be available when the white paper is published.

(3) Question to Councillor Heather Timms from Councillor Bill Gifford

In the absence of Councillor Bill Gifford Councillor Jerry Roodhouse read the following.

As Warwickshire County Council are affiliated with the Solar Together procurement scheme, I would be very grateful if you could let me know how the County Council can continue the excellent work of getting homes to use renewable energy, without a "High Risk" of supporting forced labour camps in China.

Answer from Councillor Heather Timms

Solar Together is a subsidiary of IChoosr which is, itself, an international company which, in the UK, has a specific focus on collective energy switching and group buying of solar panels. As a company they are affiliated to Solar Energy UK which represents over 230 companies in the UK energy sector. Solar Energy UK has issued the following statement with regards to the UK industry supply chain which has been endorsed by IChoosr. "We, members of the UK solar energy industry, condemn and oppose any abuse of human rights, including forced labour, anywhere in the global supply chain. We support applying the highest possible levels of transparency and sustainability throughout the value chain and commit to the development of an industry-led traceability protocol to help to ensure our supply chain is free of human rights abuses."

In addition, the Council has procedures in place to review all aspects of its supply chain and has asked IChoosr to provide us with assurances firstly that there is no forced labour in the manufacture of panels and secondly that they are actively working to identify and exclude suppliers who do not comply with the above statement. We will continue to exert as much influence as we can on IChoosr.

Not all solar panels are manufactured in China and not all Chinese manufactured panels will be linked to indicators of forced labour. However, we would expect, where relevant, IChoosr to exclude suppliers where there is evidence of forced labour and to identify alternative sources of solar panels. We are keeping a very close eye on this and if it becomes necessary would consider securing an alternative partner to continue the roll out of renewable energy in Warwickshire homes.

A supplementary question was read out.

Do you find it worrying that the contractors working on this project appear to not have screened out panel manufacturers that use polysilicon from Daqo (such as JA Solar and Jinkosolar) as highlighted in the report by Professor Laura Murphy of Sheffield Hallam University published in May this year shortly after it was raised with them?

Councillor Heather Timms agreed to supply an answer to this supplementary question after the meeting.

(4) Question to Councillor Wallace Redford from Council Jackie D’Arcy

A petition concerning part night street lighting was previously presented to Council. Has the Portfolio Holder responded to that petition and can this response be shared with members?

Answer from Councillor Izzi Seccombe in the absence of Councillor Wallace Redford.

A written reply has been provided to the petition organiser. Copies will be sent to all members.

In addition, it should be noted that the County Council will be re-assessing the impact of part night street lighting.

(5) Question to Councillor Andy Crump from Councillor Piers Daniell

Would the Portfolio Holder care to comment on the recent work of the Fire and Rescue Service?

Answer from Councillor Andy Crump

The Fire and Rescue Service has been called upon to undertake some excellent work especially in the last few weeks. Sadly, a life was lost at the fire in Leamington Spa and condolences go to the family of the man that died. The service worked well demonstrating close and effective working with partners.

The achievements of the service will be recognised at an awards evening on 14 October.

10. Any Other items of Urgent Business

None

The meeting rose at 2.25 pm

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Chair

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County Council

14 December 2021

Application for Dispensation

Recommendation

That the Council approves the absence of Councillor Howard Roberts from meetings of the authority on the grounds of ill health.

Proposed Dispensation

1. Councillor Howard Roberts is unwell and has not been able to attend meetings.
2. Section 85 Local Government Act 1972 provides that if a member of a local authority fails throughout a period of six consecutive months from the date of their last attendance at any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
3. Councillor Roberts attended his last formal meeting on 1 July 2021 and the six- month period will expire on 31 December 2021.
4. The Council is asked to approve the absence of Councillor Roberts whilst he is unwell.

Background papers

None

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Portfolio Holder	Councillor Andy Jenns Portfolio Holder for Customer and Transformation	andyjenns@warwickshire.gov.uk 01926 410410

Council

14 December 2021

External Auditors' Annual Audit Report 2020/21

Recommendation

That Council considers the Annual Audit Report of the External Auditors, attached at Appendix A, including whether any executive action is required.

1. Purpose of the Report

- 1.1. A new Code of Audit Practice came into force from 1 April 2020 for audit years 2020/21 onwards. The most significant change under the new Code is the introduction of an Auditor's Annual Report, containing a commentary on the Council's arrangements for securing value for money alongside the audit opinion on the Council's accounts.
- 1.2. The purpose of preparing and issuing the Annual Audit Report is to communicate to the audited body and key external stakeholders, including members of the public, the key issues arising from auditors' work, which auditors consider should be brought to the attention of the audited body.
- 1.3. Previously, the report came in the form of an Annual Audit Letter which was presented to Audit and Standards Committee. It is the new Code of Audit Practice that now requires this to be reported to full Council.
- 1.4. The Report, for 2020/21, is attached at **Appendix A** and covers both the County Council and Warwickshire Pension Fund. It summarises all of the work completed as part of the 2020/21 annual audit and review of value for money arrangements.
- 1.5. The auditors will attend the meeting to present the report.

2. Financial Implications

- 2.1. There are no material financial implications for the authority as a result of the issues raised in this report.

3. Environmental Implications

- 3.1. There are no specific environmental implications arising from this report.

4. Background Papers

- 4.1. None.

	Name	Contact Information
Report Author	Virginia Rennie Strategy & Commissioning Manager (Strategic Finance)	vrennie@warwickshire.gov.uk Tel: 01926 41 (2239)
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Strategic Director	Rob Powell Strategic Director for Resources	robpowell@warwickshire.gov.uk
Portfolio Holder	Peter Butlin Deputy Leader and Portfolio Holder for Finance and Property	peterbutlin@warwickshire.gov.uk

Local Members consulted

Not applicable

Other Members consulted

None

County Council

14 December 2021

2020/21 Annual Governance Statement

Recommendation

That Council approves the 2020/21 Annual Governance Statement.

1. Executive Summary

- 1.1 This report presents the 2020/21 Annual Governance Statement (AGS) for consideration at the Appendix.
- 1.2 The Accounts and Audit Regulations 2015 require the authority to conduct a review, at least once in a year, of the effectiveness of its system of internal control and to prepare an AGS.
- 1.3 In producing the AGS we have also followed best practice guidance to include relevant areas of governance impact arising from the COVID-19 pandemic. These are captured in Section 3 (delivering governance principles) and Section 5 (Governance Issues) of the AGS.
- 1.4 It has been assessed, as a result of the AGS evaluation and assurance gathering process, that there are no significant governance issues or governance failures to report. The Council's key areas of strategic risk are presented as governance challenges in Section 5, along with planned and proposed mitigation.

2. Financial Implications

None

3. Environmental Implications

None

4. Supporting Information

- 4.1 The Council's Local Code of Corporate Governance underpins the AGS and sets out the seven core principles of governance and the Council's governance arrangements against each principle. An updated Local Code of Corporate Governance was endorsed by the Audit and Standards Committee in March and approved by Cabinet in April 2021.
- 4.2 Assistant Directors, Chief Fire Officer and the Director of Public Health have completed assurance statements, confirming their understanding and compliance with the Council's approach to the management of risk and good governance in their services.

5. Timescales associated with the decision

- 5.1 The results of the evaluation process and a draft AGS were considered and endorsed by the Audit & Standards Committee at its meeting on 10 June 2021. External Audit then reviewed the Draft AGS and did not propose any amendments, followed by further endorsement of the Audit & Standards Committee at its meeting on 4 November and Cabinet at its meeting on 25 November.

Appendices

1. Appendix 2020-21 Annual Governance Statement

	Name	Contact Information
Report Author	Lynn Todman	lynntodman@warwickshire.gov.uk
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The report was circulated to the following members prior to publication:

Local Member(s):

Other members:

Annual Governance Statement

Year ended 31 March 2021

Annual Governance Statement 2020/21

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1. What are we responsible for?

We are responsible for delivering public services for the benefit of the people of Warwickshire, operating in line with the law and proper accounting standards, and for using public money economically, efficiently and effectively. We also have a duty under the Local Government Act 1999 to continually review and improve the way we work, while at the same time offering value for money services.

To meet our responsibility, we have put in place proper governance arrangements for overseeing what we do. These arrangements are intended to make sure that we do the right things, in the right way, for the right people, in a timely, open and accountable manner. These arrangements consist of all the systems, processes, culture and values which direct and control the way in which we work and through which we account to, engage with and lead our communities.

2. The Governance Framework

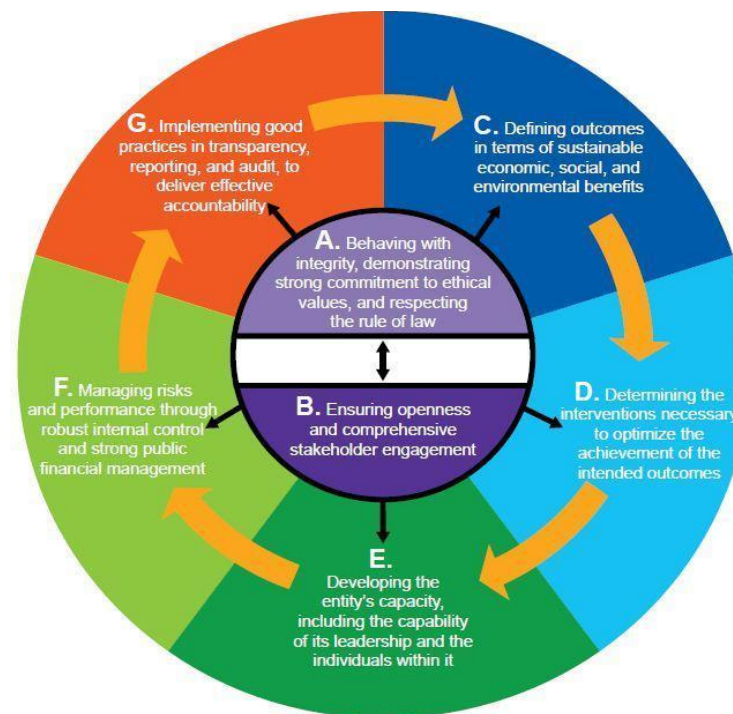
We have approved and adopted a **Code of Corporate Governance**, which sets out the principles of the *CIPFA/SOLACE Framework Delivering Good Governance in Local Government (2016)*

The Council's Code of Corporate Governance has recently been updated to present how our governance arrangements support each core governance principle and reflect organisational structures and processes. The full details of our current code and how we meet the seven Principles of good governance can be found on our website here:

<http://www.warwickshire.gov.uk/corporategovernance>

The Code will be reviewed at least every 4 years, and more frequently if needed. Consequently, governance arrangements in the Code are not repeated in the AGS, which will focus on compliance, effectiveness and improvements to the Framework.

Figure 1: CIPFA's Principles of Good Governance



Since March 2020, the COVID pandemic and the unprecedented public health and economic impacts have required a significant on-going managed emergency response. The Council has had to vary a range of working practices, service responses and business-as-usual governance mechanisms at pace.

Due process has been followed and the principles of the Governance Framework have been applied. Specific governance actions in response to the pandemic are captured in Section 3, as actions against the relevant governance principles and in Section 5, as governance challenges.

The aim of the governance framework

Our framework allows us to direct resources in accordance with our priorities, monitor how we are achieving our strategic aims and ambitions, and to consider whether they have helped us deliver appropriate services. The Framework also aims to assure we deliver value for money, by applying governance processes aligned to:

- Principle C: defining outcomes that have impact;
- Principle D: optimising achievement of outcomes that are effective;
- Principle E: strong financial management that delivers economic and efficient solutions.

Figure 2: The Council's Core Purpose and Priority Outcomes



The Annual Governance Statement provides assurances that these processes are working in practice and provide services in line with our priorities by delivering on our supporting priority of Making the Best Use of Resources.

Financial Management Code of Practice

Our Code of Corporate Governance will be enhanced by adopting CIPFA's Financial Management Code of Practice in 2021-22.

In preparation for adopting the CIPFA Financial Management Code of Practice, we conducted a self-assessment of our financial management arrangements and practice against each of the seven standards in the Code of Practice. This concluded that our current working practice and noted planned improvements will meet the expectations of the Code of Practice against each of the standards:

- Responsibilities of the Chief Finance Officer and Leadership Team;
- Governance and Financial Management Style;
- Long to Medium Term Financial Management;
- The Annual Budget;
- Stakeholder Engagement and Business Plans;
- Monitoring Financial Performance; and
- External Financial Reporting

We are alert to ensuring our governance arrangements support the Council as a whole and individual services to deliver value for money across all our activity and at all levels of accountability, and we continue to seek to adapt and improve our governance arrangements in that regard.

3. Review of compliance with the Local Code of Corporate Governance and the impact of COVID

Our recent review and update of the Local Code of Corporate Governance <http://www.warwickshire.gov.uk/corporategovernance> has confirmed that arrangements under each of seven governance principles continue to be applied. The COVID pandemic has made 2020-21 a year of significant change and the Council has, wherever required, adapted existing governance arrangements as part of our response to the pandemic and plans for recovery. We have set out below, for each governance principle, our self-assessment of compliance in the year and highlighted where COVID has impacted governance arrangements and has been an opportunity to enhance and seek to sustain the benefits of these changes.

Table1: Summary of Compliance and COVID impact against the Local Code of Corporate Governance

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	
Compliance Overview	The key policies, procedures and practices set out in the Local Code of Corporate Governance remained in place and were applied throughout the year. Our six key behaviours and supporting values which underpin our governance arrangements are at the heart of all we do and continued to be central to how we appraise our performance.
	We have continued to meet the Public Sector Duty, as set out in the Equality Act 2010 and do not consider that we have unlawfully discriminated the provisions of services whether delivered by us or commissioned externally.
COVID impact and response	Council, Cabinet and Committee face to face meetings, including those relating to the Warwickshire Pension Fund were unable to be held in March and April 2020. Meetings resumed online in May and were compliant with access to information and public access requirements. Key decisions to be made by Cabinet from April were rescheduled without any further delay or deferment of Council business, with some decisions taken by the Leader/ Portfolio Holders as necessary. Formal Council meetings were held virtually from May 2020 until end April 2021. Plans for re-instating face to face council meetings from May 2021, are in place. A Member induction programme is also in place.
	We applied, wherever required, our statutory powers and our scheme of delegation to ensure continuity of core Council services and to deliver the emergency response and outbreak management activity at pace, in line with COVID related funding conditions and regulations. All such decisions and actual expenditure are recorded and evidenced.
	As an employer, we applied Public Health England and government guidelines in respect of COVID secure working, and required our staff to work at home wherever possible during periods of national lockdown. We undertook risk assessments for those staff whose role prevented them from working from home and ensured adequate supplies of PPE were available for the continued safe delivery of frontline council services. Reinstatement Toolkits were in place to ensure a safe- working arrangements at all locations during the pandemic. Throughout the period, we made available to staff support and wellbeing resources and the offer of reimbursement for equipment which enabled them to work safely from home.

	We are alert to changing risks to information security, including cybercrime, that may arise due to remote working and we continued to maintain prevention, control, testing and response regimes to mitigate this risk.
	The constitutional role and regulatory duties of the Director of Public Health, including applying the latest PHE guidance, government regulations and devolved responsibilities were supported by specialist legal advice.
	We prepared for and delivered, with our district and borough council partners, Covid secure elections on 6 May 2021.

Principle B: Ensuring openness and comprehensive stakeholder engagement

Compliance Overview	The key policies, procedures and practices set out in the Local Code of Corporate Governance remained in place and were applied throughout the year.
COVID impact and response	<p>We expanded our contribution to and collaboration with partner organisations to deliver a joined-up response to COVID through increased joint working in a wide variety of settings, notable examples are:</p> <ul style="list-style-type: none"> • Developing and delivering coordinated policy and support for vulnerable citizens and those shielding, including leadership and operation of a county-wide network distributing 10,800 food and household essential parcels to clinically extremely vulnerable people, and maintaining a seven day Covid hotline throughout the year; • Establishing place-based Incident Management Teams to prioritise local responses between partners; CSW (Coventry, Solihull and Warwickshire) and West Midlands Local Resilience Fora, Safer Warwickshire Partnership and collaborating with Category 1 and 2 Responders on county wide emergency response, contingency planning and public information staysafe. ; • Our strategic and tactical cells continued to meet at least weekly throughout the year with attendance from key partners including the Police, Health Service and Warwick University; • Throughout the year we convened a Service Resilience and Recovery Forum, involving district and borough council chief officers and Warwickshire Police; there were also regular COVID briefings of Warwickshire MPs, council leaders and the Police and Crime Commissioner; • We ran school leader meetings, webinars and online platforms for sharing advice, learning and tools to assist teachers, parents and students; • Our Mortuary Services Working Group and Bereavement Group held regular meetings (weekly at one stage) with Funeral Directors, the Coroner, the Fire and Rescue Service, Public Health and Registration Services to ensure bereaved families were treated with respect and dignity; • A CSW led review of economic resilience and capacity.

Our public engagement has been delivered and managed daily, through our external website home page and links to a dedicated suite of COVID information, advice and support pages <http://wawickshire.gov.uk/coronavirus>, which received 438,000 hits through the year. We maintained multi-platform links to the latest sources of national and local information, advice and contact points for the local communities, those who were shielding or vulnerable and their carers, schools, providers, businesses and volunteer groups. We also extended our community engagement through a range of social media channels, using #bestwarwickshire tag on Twitter, Facebook, Snapchat and Instagram for specific public health messaging and campaigns and extending our reach during this critical time. We issued a special edition of our brochure “Warwickshire Together” delivered to all our households signposting all key sources of help and advice to stay well, safe and connected with key services.

As a specific response to COVID, working at pace with district and borough councils and the voluntary and community sector, we led and co-ordinated the establishment of a network of Community Shielding Hubs to maintain food supplies and medicines, communication channels and information to support the most vulnerable members of the community. A central, seven-day telephone line provided advice and support to those extremely clinically vulnerable citizens who were shielding, and other vulnerable residents and over 105,000 contacts made with vulnerable people.

To support local business, we also published weekly “Warwickshire Economics” bulletins updating and signposting the latest financial and practical support for businesses. We ran Town Centre webinars to identify action needed to support local business and to support the re-opening of public spaces. This included redesign and reallocation of road space to enable social distancing and improve throughput of pedestrians in a safe way that provided confidence to visitors to come to our town centres.

We made proactive and extensive use of our Employee Engagement Strategy to stay connected with our staff and to support them through considerable enforced changes to ways of working and the challenges they faced at work and at home. On average, over 40% of staff participated in five short ‘Check-in’ surveys focused on health and well being as well as broader performance themes. Results for key indicators of well-being were analysed, followed up by Corporate Board in 2 action plans and shared with all staff via broadcasts and dedicated areas of the intranet with links to results dashboards. <https://www.warwickshire.gov.uk/employeeengagement>

Corporate Board and Strategic Director live stream broadcasts, at least fortnightly, were available to all staff (live or recorded) throughout the year greatly supporting staff engagement for both remote and community/site-based staff. Sessions included Q&A and supported staff with clear health & well-being messages, maintained connections within the organisation and aided understanding of decisions and key messages in a fast moving environment. 89% of staff agreed that internal communications kept them informed of what the Council is doing (Check in 5).

Pension Fund stakeholder engagement was delivered remotely, including a remote Annual General Meeting and employer engagement day. The Fund's policy and strategy documents remained publicly available at <https://www.warwickshirepensionfund.org.uk/home/investments/1>

Principle C: Defining outcomes in terms of sustainable economic, social, and environmental benefits

Compliance Overview	At the start of the year, prior to the pandemic, we had a clear set of priority outcomes in the Council Plan, https://www.warwickshire.gov.uk/strategies . The Medium Term Financial Strategy (MTFS) supports the delivery of the Council Plan and is based on clear assumptions; resources align to priorities and ensure a balanced budget to sustain services and the longer term financial health of the Council. The MTFS process, which includes scenario planning, assists with forward planning and responding to variations in financial forecasts and changes to assumptions.
COVID impact and response	In June 2020, we published a joint position statement with Warwickshire Council's on COVID recovery on our website news pages , setting out focus areas for joint working.
	Our COVID Recovery Plan was approved by Cabinet in September 2020, to provide leadership on recovery from the pandemic and address challenges, uncertainty and new opportunities. We carried out strategic and service impact assessments and financial reviews to support a series of theme based cross party member working groups in May. In June, reports were also prepared for each Overview and Scrutiny Committee on service focused response to the pandemic and next steps. The Recovery Plan is underpinned by recovery principles that ensure the plan remains dynamic and flexible enough to respond to changes in need.
	With our agreed Recovery Plan in place, our Change Portfolio was reviewed, and programmes and projects reprioritised against our four themes to drive recovery, linked to regional and sub regional recovery activity: <ul style="list-style-type: none"> • Place, Economy and Climate (including skills and education); • Community; • Health, Wellbeing and Social Care; and • Organisation (including the reinstatement of services).
	Warwickshire's Health & Well Being board conducted a COVID-19 Health Impact Assessment to best understand priorities and key drivers for future strategies. The Director of Public Health produced her annual report which was themed around the impact of COVID on health inequalities in Warwickshire. This was presented to Council in March 2021.

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes	
Compliance Overview	The key arrangements for managing performance and delivery, to inform interventions, continued to operate throughout the year.
COVID impact and response	<p>We acted quickly to generate Business Intelligence data dashboards, to support daily response actions and decision making throughout the pandemic, supplementing national PHE and health data.</p> <p>Through our use of data, service impact assessments, CSW Resilience led action plans and risk assessments we identified cost, demand and business continuity pressures on Adult Social Care and Children & Families services. This informed decisions to direct COVID specific funds, where appropriate, to:</p> <ul style="list-style-type: none"> • Supplement the frontline workforce in Social Care, Children & Families; • Adapt working practices and service locations to be COVID secure; • Cover the increased costs of residential and other commissioned care; and • Respond to the emerging Mental Health crisis. <p>We maintained support for our school communities with direct interventions that supported remote learning during lockdown periods and on-site learning for key workers and vulnerable children, including school meals, transport and IT facilities.</p> <p>Progress against the COVID-19 Recovery Plan was reported to Cabinet in January 2021 and progress will continue to be reported in 2021/22, until recovery priorities and measures of success are integrated with future updates to the Council Plan. Reporting progress in January, at the time of the third national lockdown, meant there was a further reprioritisation of corporate activity, and realignment of resources to respond to changing circumstances and shifting recovery priorities.</p> <p>We conducted a mid-year stocktake of all our active and planned project activity and reviewed the impact of reprioritisation on current year budget forecast and the Medium Term Financial Strategy.</p> <p>Although we continued to collect Key Business Measure (KBM) data for our Commissioning Intentions Performance Framework throughout the year, our reprioritisation of non-essential activity meant Q1 and Q3 Council Plan progress reports to Cabinet were not produced. However, KBM data was available to access and interrogate through our PowerBI (Business Intelligence) suite of dashboards, available online to officers and members.</p>

Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it	
Compliance Overview	The key arrangements for building our capacity and capability continued to operate throughout the year. The process for annual appraisals was temporarily paused early in the pandemic and was reinstated when national restrictions were relaxed. Leadership forums, including Senior Leadership Forum were maintained and enhanced with strategy & commissioning network meetings.
COVID impact and response	In the earlier stages of the pandemic, we established a staff redeployment panel to manage voluntary applications from staff and redirect resources from non-essential activity to critical services and areas of greatest need, in accordance with our emergency action plans and business continuity plans. Staff involved in redeployment have fed-back that they felt valued, empowered to make best use of their existing skills and gained new skills and insights.
	<p>The health & wellbeing of our employees during the COVID pandemic and lockdown period has been a top priority, and as well as ensuring we engage with staff as stakeholders, we have focused on building a resilient and high performing workforce:</p> <ul style="list-style-type: none"> • maintaining wellbeing and HR policy information on dedicated staff intranet sites (Keeping You Well and Working, Working4Warwickshire) with links to active internal and external support networks, resources and staff well-being check in surveys; and actions arising from those surveys; and • regular live broadcast to staff from Corporate Board and Strategic Directors, to communicate key well-being messages, updates and Q&A. <p>"Check in 5" survey results (March 2021) provided assurance that 82% of respondents were feeling ok or better and 86% felt "employee well-being is promoted at work". We have also seen our sickness absence rate decline significantly through the year from 10.27 days per Full Time Equivalent to 7.45 days.</p>
	The delivery of Functional Operating Models (service reviews and structural reorganisations on a service by service basis) that support our Target Operating Model, was paused, but has now recommenced and is back on track.
	The Council's move to the Cloud-based Microsoft 365 environment has secured communication and data security and has also enhanced our ability to work remotely and collaboratively. Our How We Work programme, designed to invest in and deliver the right technology and tools to work as efficiently and effectively as possible, has also supported staff with bite-size MS training sessions that could be accessed at any time.

Principle F: Managing risks and performance through robust internal control and strong public financial management	
Compliance Overview	<p>The regulations, policies and governance arrangements set out in the Code of Corporate Governance have been fully applied throughout the year for the Council and for Warwickshire Pension Fund.</p> <p>We adopted a new Strategic Risk Management Framework in April 2021 and continue to apply the CIPFA Code of Practice for Managing the Risk of fraud and corruption and this is reflected in our anti-fraud policy. http://www.warwickshire.gov.uk/antifraud</p>
COVID impact and response	<p>The impact of COVID on the Council's financial position was subject to continuous financial analysis and key indicators reported to Corporate Board alongside financial impact returns to central government. Quarterly budget monitoring reports provided a COVID/ Non-COVID forecast split as well as commentary on the position of the Capital Programme and any delays in delivery. Monthly budget monitoring reports were also provided to Corporate Board and broken down for Directorate Leadership Teams.</p> <p>The Pension Fund set up a dedicated COVID Risk register and associated action plan to ensure impacts were identified and managed. Administration functionality was maintained, and although investment volatility was very significant it was within the range of the scenarios modelled in the previous triennial valuation and the Fund was not required to make any investment decisions under distress.</p> <p>COVID related expenditure was coordinated and governed centrally in accordance with delegated authorities. All specific grant funds and allocations were accounted for and controlled in compliance with the terms of the conditions of the grant and our financial rules and policies. The COVID Winter Grant Scheme funds allocated to the Council were subject to internal audit checks. Decisions to allocate multiple COVID funding streams and redirect resources to stand up or sustain critical services included funds allocated to:</p> <ul style="list-style-type: none"> • Standing up community-based shielding hubs with appropriate controls over procurement, stock control and distribution; • Apply the hospital discharge grant; • Procure PPE for frontline services, providers and carers; • Carry out community testing & contact tracing (including being a pilot authority) and local outbreak management; • Deliver infection control in residential care settings; and • Sustain public facing communication and customer services.

Where our emergency response involved the rapid turnaround of procurement and distribution of goods and services, we applied our Financial Rules and sought additional advice on appropriate controls from internal audit, to ensure that supplies of essential equipment and products were maintained, and suppliers paid promptly and accurately.

Core Principle G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Compliance Overview	<p>We endeavour always to be open and transparent. The regulations, policies and governance arrangements set out in the Code of Corporate Governance have been applied throughout the year for the Council and for the Warwickshire Pension Fund and can be accessed here: http://www.warwickshire.gov.uk/democracy and https://www.warwickshirepensionfund.org.uk</p> <p>Each year we publish information on our website outlining how we spend Council Tax income. http://www.warwickshire.gov.uk/counciltaxspending</p>
COVID impact and response	<p>During the early stages of the COVID response the Council made greater use of Leader (and where appropriate Portfolio Holder) decision making as set out in the Constitution. Arrangements were put in place to allow prior sharing of reports with Group Leaders for any representations to be taken into account and reports and minutes were published and made available to the public in the usual way.</p> <p>All COVID related expenditure and foregone income decisions were agreed collectively at Corporate Board, or by the Leader of the Council/ relevant Portfolio Holder, in accordance with our scheme of delegation and those decisions were recorded.</p> <p>Although there were changes to regulated inspection schedules during the year, we were able to take assurances from, and act quickly on, feedback received from:</p> <ul style="list-style-type: none"> • Ofsted’s Inspection of Local Authority Children & Families Service, which was started but not completed in March 2020 identified areas for improvement which are addressed by actions in the Practice Improvement Plan; and • Her Majesty’s Inspectorate of Constabularies and Fire & Rescue Services (HMICFRS) inspection of Warwickshire Fire & Rescue Service’s (WFRS) response to COVID reported that the inspectors were impressed with how we maintained statutory functions whilst increasing the support for the most vulnerable in the community, with “on call staff working beyond their normal operational commitments” WFRS Covid-19 inspection.

	<p>In the absence of Care Quality Commission and other regulatory inspections during the year, our Commissioning Support Unit have made sure that we maintained our existing Quality Assurance systems for providers delivering Adult Social Care and Children's commissioned services.</p>
	<p>Although delivery of the 2020-21 Internal Audit plan was initially paused, due to reprioritisation of service based and audit resources, audit assurance work caught up in the final quarter of the year to complete sufficient audits to provide an annual audit opinion for the year.</p>

4. Review of effectiveness and improvements to governance arrangements

We have responsibility for conducting, at least annually, a review of the effectiveness of our governance framework including the system of internal control. The review of effectiveness is informed by the work of managers within the Authority who have responsibility for the development and maintenance of the governance environment and by the Head of Internal Audit's annual report

The review of effectiveness was co-ordinated by an evaluation panel consisting of representatives from each Directorate, Internal Audit and chaired by the Strategy & Commissioning Manager (Treasury, Pensions, Audit, Insurance and Risk). In carrying out its review, the evaluation panel:

- considered the approach of the Authority to establishing its principal statutory obligations and organisational objectives;
- considered the approach of the Authority to identifying principal risks to the achievement of those obligations and objectives;
- identified the key control frameworks that the Authority has in place to manage its principal risks;
- obtained assurance from managers on the operation of key control frameworks and on the results of relevant external or internal inspection;
- reviewed progress against the 2020-21 Governance Action Plan (Appendix 1) and;
- evaluated the assurances provided and identified gaps.

The evaluation panel also considered the strategic risks updated and agreed with Corporate Board in February 2021. The impact of COVID on strategic risk has been reviewed to inform recovery planning.

In addition, Assistant Directors have confirmed that they have complied with the risk management framework throughout the year and have

provided assurances at year end, including additional assurances about COVID impacts.

Consideration was also given to the results of reviews carried out by external regulators and agencies during the year including the external audit of the accounts. The work of the evaluation panel was scrutinised by the Assistant Director Governance and Policy (Monitoring Officer), the Assistant Director Finance (Deputy Section 151 Officer), Strategic Director for Resources (Section 151 Officer) and Director of Adults and Children's Services before being submitted to the Audit and Standards Committee in June 2021 for further scrutiny.

The results of Internal Audit work were reported to the Audit and Standards Committee throughout the year with the exception of the March 2020 meeting which was cancelled. The individual reviews feed into the overall Internal Audit Annual Report. The Committee has also considered in greater detail areas where limited assurance opinions have been provided including; Pensions Administration, and Strategic Property. This report concludes that the Authority's control environment provides moderate assurance that the significant risks facing the Authority are addressed. The internal audit findings, including those with a limited assurance opinion, were duly considered in the preparation of this statement.

The 2021-22 Governance Action Plan (Appendix 1) presents, on an exception basis, additional actions that are already planned or being considered to inform future Council planning and strengthen governance.

The process of review has also captured governance improvements in Table 2, that we have made during the year. These improvements may not be a direct result of our response to COVID but may, in some case, have been influenced by successful outcomes and lessons learned.

Table2: Summary of improvements to governance arrangements in 2020-21

Activities and Assurances	Governance Principle (s)
Led by the Resources Directorate, including cross cutting actions	
An independent review of scrutiny arrangements was undertaken, with conclusions and recommendations reported to three of four Overview and Scrutiny Committees in February and March 2021, the remaining committee is due to consider recommendations and they will go forward to Cabinet and Council, for action in 2021-22 following the elections.	Transparency and effective accountability
LEXCEL accreditation of Legal Services provided ongoing assurance about the standards of legal services provided to internal and external clients.	
As part of developing our new Strategic Risk Management Framework, for implementation in 2021, we have articulated strategic risk appetite levels and updated our approach to strategic risk assessment to provide senior leaders and members with more insight on how successfully risk and opportunity is being managed.	Risk and Performance
<p>Change portfolio governance arrangements were structured for all our programmes, revenue projects, and any initiatives contributing to recovery deliverables as follows:</p> <ul style="list-style-type: none"> • Change Management Delivery Groups, for five defined programme areas, set priorities for programmes and assure delivery of projects and programmes to agreed time, cost, quality, benefits and risk; • The Change Portfolio Board acts as the Sponsorship Board across all programmes; • Gateway Group continued to meet to assess project proposals and business cases to ensure benefits align with our priority outcomes; and • Implementing a new Programme Management Office structure to support project delivery and quality assure project proposals, live projects and change control processes, that was subject to internal audit review and achieved a substantial assurance opinion 	Determining interventions
A dedicated Corporate Policy and Commissioning team to support Leadership Team and Members with strategy development, foresight and futures work, fortnightly policy scans and developing an Integrated Planning Framework across finance, performance, risk and compliance.	Defining outcomes
Deep dive financial reviews of IT, property management and Special Educational Needs and Disability services to inform zero based budget setting in those areas.	Strong public financial management

Activities and Assurances	Governance Principle (s)
Pension Fund Administration compliance and efficiency improvements have been achieved through implementation of the I-Connect system which is close to completion. This is expected to result in improved data quality and a reduced number of pension regulation breaches.	Transparency and effective accountability
Cabinet approved the constitutional, governance and accountability arrangements for Warwickshire Property and Development Group to manage Council owned risks and to assure the delivery of the required social, economic and financial benefits in the approved Business Plan. In doing so we carried out extensive due diligence on the proposed arrangements, and applied learning from other similar council led commercial and joint venture initiatives.	Strong public financial management / internal control
The Finance Training Board designed a new “Finance Training for Managers” course to cover commercial and project finance skills and are actively encouraging finance staff to submit applications for professional and technical qualifications.	Strong public financial management/ Building capacity and capability
Our Payroll Service successfully resolved system and control weaknesses identified by prior year audit reviews which had resulted in low assurance levels, receiving a higher Substantial Assurance opinion in March 2021.	Strong public financial management/ Robust internal control
Through Our People Strategy 2020-25 we aim to build a sustainable and resilient workforce; agile working principles have been agreed and flexible working contracts were formally adopted for new starters and have been offered to all staff.	Ethical Values/ building capacity and capability
A dedicated Equality Diversity and Inclusion team facilitates change activity within the How We Work programme to deliver our Equality, Diversity and Inclusion vision. We support a cross council Equality, Diversity and Inclusion Group and run training workshops open to all staff. We use our internal communications to promote equality awareness campaigns and support staff networks such as the Staff Carers’ Network.	Ethical Values/ building capacity and capability
A Bullying and Harassment Policy and Procedure was approved and launched and new guidance on delivering a neurodiversity inclusive workplace was issued.	Ethical Values/ building capacity and capability
Our strong focus on staff wellbeing, before and during the pandemic, includes new initiatives to support staff through difficult times, such as Listening Mates, and for staff to have their say on our priorities and preferred ways of working. “Check in 4” results provided assurance that 86% of staff agreed that Employee Well Being is promoted at work, compared with 72% in 2019.	Building capacity and capability/ Engagement

Activities and Assurances	Governance Principle (s)
Led by the Communities Directorate – service specific	
WFRS Integrated Risk Management Plan was approved at Council in March 2021 following consultation, including a public survey, to ensure our fire and rescue service has resources in the right locations to effectively manage the changing risk profile within the County.	Managing risk and performance
In 2020, we established a cross council Trade and EU Matters Group, chaired by the Strategic Director for Communities, to review and report to Council on transition and post transition risks. The Group is responsible for scanning new legislation and coordinating the response, including supply chain reviews, arising from the UK's exit from the European Union.	Managing risk and performance
The Council Plan 2020-25 includes our commitment to mitigate negative effects on climate change, aligned to our Change Portfolio and with oversight from the Climate Change Delivery Group.	Defining Outcomes
The adoption of the Warwickshire Minerals Plan following consultation and independent examination, sets out the preferred strategy, sites and policies for guiding mineral development for the next 15 years in support of sustainable development.	Defining outcomes
Led by the People Directorate – service specific	
Our new Health & Well Being Strategy 2021-26, produced in collaboration with Health and Well Being Board partners was agreed in March 2021, with three initial priorities: <ul style="list-style-type: none"> • children and young people have the best start in life; • improving mental health & well-being; and • reducing inequality in health outcomes 	Defining outcomes
The development and implementation of Warwickshire's Care Home Resilience Plan supported by our Learning and Development offer to the health and care market. We are also conducting further work with Warwick University on public health in care settings.	Managing risk and performance

Activities and Assurances	Governance Principle (s)
We are extending social care and community-based market management initiatives by inviting community-based groups to tender formally for services via the CSW Joint E-Tender platform.	Robust internal control

5. Governance issues and challenges

We have not experienced any significant governance failures during the last year and our arrangements remain fit for purpose in accordance with the governance framework.

A primary purpose of the governance framework is to manage strategic risks proactively and to ensure that risks that can't be tolerated are appropriately mitigated.

The areas of challenge listed below have been identified as major challenges for the Council (strategic risks assessed as having the highest risk scores). We are satisfied that the challenges identified here are addressed by the Council Plan/Covid-19 Recovery Plan and supporting strategies, with key mitigation strategies signposted below.

Risk of post pandemic widening of social, health and economic inequalities and inability to catch up, resulting in worsening outcomes for our communities.

One of the principles underpinning our [COVID Recovery Plan](#) is to tackle inequalities, to help our most vulnerable and disadvantaged citizens and communities overcome the negative impacts of the pandemic. Recovery priority four aims to: "harness the power of our communities to tackle inequality and social exclusions".

We are building on our response to the pandemic, with further targeted action to:

- promote and broaden the Local Welfare Scheme, which received nearly 22,000 calls in the last year; and
- establish a Warwickshire Food Forum to tackle food poverty, following the issues of over 55,000 winter food and fuel vouchers.

We also allocated £1.6m of COVID grants and investment funds to the specific initiatives in 2020-21 to:

- manage the impact of Covid-19 on BAME Communities;
- improve mental health and well being; and
- tackling inequalities through Children & Families services

Our Health & Well Being Strategy 2021-26 and The Director of Public Health's Annual Report 2020-21 directly addresses health inequalities and the "double impact of harm" for Black, Asian and Minority Ethnic communities and the most vulnerable individuals facing multiple deprivation and inequalities in health.

Many of our services have been in the frontline of the COVID response and continue to support ongoing community resilience, often in the face of increasing demand for Council services and pressure on points of contact. To sustain critical services, we will continue to review and test all our business continuity and emergency plans and learn from our ongoing response to the pandemic.

Risk of Education and skills gap widening and inability to catch up, resulting in worsening outcomes for students, particularly for disadvantaged students.

Our [COVID Recovery Plan](#), priority three, sets out how we will help our children and young people catch up on their education. These focused initiatives also support our [Warwickshire Early Help Strategy \(2018-23\)](#) and our current [Education Strategy](#), which includes our approach to Closing the Gap. Going forward, we will make best use of Government catch up funding and supporting our schools by:

- Targeted roll out of IT resources and training to enable children and young people to make best use of digital learning resources;

- Programme of out of school and enrichment activities to support learning and catch up;
- Delivering our Child Friendly Warwickshire programme;
- Delivering our Early Years Programme; and
- Delivering our SEND and Inclusion Strategy and integrated delivery.

Risk of a deep and prolonged downturn in the economy, impacting on business sustainability, reduced employment levels and household income.

The COVID pandemic inevitably led to a significant drop in economic activity compared with the previous year, and there continues to be significant uncertainty around patterns of future growth. We worked closely with district and borough councils, Chamber of Commerce, Federation of Small Businesses (FSB) and Local Enterprise Partnership to co-ordinate our approach and support and sustain our businesses to access the emergency response funds made available by central government.

A key theme of our COVID Recovery is “Place, Economy and Climate (including skills and education)”, with three recovery priorities dedicated to:

- Support business and grow the economy;
- Stimulate job creation and skills; and
- Invest in regeneration and a sustainable future.

We have allocated £5 million of loan and grant funding for small businesses through both government funded schemes and instigation of new or extended Warwickshire County Council programmes of financial and broader packages of support for businesses which so far include:

- Adapt and Diversify Covid-19 Recovery and Investment Grants;

- Survive, Sustain and Grow to support small businesses in retail, tourism and leisure; and
- Retail and Hospitality Recovery and Investment Grants.

The new Warwickshire Recovery and Investment Fund (WRIF) is being created to stimulate the county’s economy, create jobs, support local businesses and bring investment into the county, with plans to invest £140m over 5 years. <https://www.warwickshire.gov.uk/information-coronavirus/coronavirus-wcc-economic-recovery-programmes/1>

The Council has approved the creation of the Warwickshire Property Development Group which intends to generate significant economic activity within the county over the medium term.

At a regional level the Council is a non-constituent member of the West Midlands Combined Authority (WMCA), with its objectives to create jobs, enhance skills, develop prosperity and drive economic growth. We continue to actively engage with WMCA with regards to transport, planning, housing and economic development. We will:

- Continue to work with our partners to develop the Skills for Employment programme to improve the employability skills and attributes of young people;
- Enhance our approach to place-shaping and infrastructure investment, taking advantage of government funding opportunities to both support economic recovery and to help deliver the key Council Plan priorities;
- Develop and deliver a pipeline of transport infrastructure projects with associated funding strategies;
- Continue to work with partners on the development of HS2 and maximising the economic benefits and managing the impacts on our communities; and
- Proactive management of any risks arising from EU Exit including workforce, data handling and supply chain impacts.

Risk of continued uncertainty about external factors such as longer-term Government policies and economic outlook, impacting on longer-term planning and our ability to sustain key services.

The outlook for Local Government remains challenging and with uncertainty about future policy changes given the economic and financial consequences of the pandemic, and only short-term clarity about future funding levels for local authorities absent a multi-year settlement through the Comprehensive Spending Review. Most fundamentally, demand for services is high and increasing and can be expected to increase further as a consequence of the Pandemic.

We are actively managing the impact on future levels of business rate income, tax base and cashflow management. We also await the outcome of the Treasury's Fair Funding and Comprehensive Spending Review.

We are adopting a future focused and strategic approach to identifying priorities for local government and the implications for Warwickshire. In the short term this includes:

- Implementing the COVID-19 Recovery Plan
- Facilitating strategic conversations with members, senior leaders and staff; and
- Establishing an approach to Residents' Panel to inform our priorities going forward, supplementing existing community engagement platforms and data gathering.

The potentially significant impact of uncertainty and change is actively managed through the Change Programme workstreams.

Over the coming year we will:

- Continue to monitor the implementation of in year savings, delivery plans and possible inflationary impacts to ensure that revenue and capital budgets are managed effectively, with a particular focus on improving the quality of in-year forecasting to inform timely resource allocation decisions;
- Apply our Commercial Strategy and Treasury Management and Investment Strategy to manage commercial and investment risks;
- Participate in conversations about devolution and future challenges and opportunities facing local authorities through national professional bodies and council networks; and
- Consider options for conducting Local Government Association led Peer Challenge activity in 2021 to provide assurance our strategic planning approach matches the challenges we face.

Risk of continuing pressure on Special Educational Needs & Disability (SEND) provision

One of our most significant operational and financial challenges is responding to longer term pressures that have a fundamental impact on the funding and provision of SEND in Warwickshire. Demographic and societal pressures and the upward trend in assessments requested is driving the increasing and urgent demand for special needs provision, both in mainstream and specialist settings.

We will continue to implement our SEND and Inclusion Strategy priorities and outcomes, through investment in a multi project and integrated SEND Change Programme, supported by the council's Programme Management Office, with oversight of programme performance by the Change Portfolio Board.

An Ofsted and CQC inspection of local area SEND services took place in July 2021 and reported, in September, on the strengths and areas of development to improve the effectiveness of the local area. We are taking action to respond to specific concerns that were raised and already have the following key actions in our Service Plan for 2021-22:

- A review of mainstream school top-up funding for Education Health Care Plans (EHCP);
- A new quality assurance framework for EHCPs; and
- The opening of a new special school, The Warwickshire Academy, offering specialist provision, with up to 80 places for students with Social, Emotional and Mental Health (SEMH) and Autism Spectrum Disorder (ASD) support needs.

6. Certification

We will continue to manage the risks detailed above and further enhance our governance arrangements over the coming year as set out in the 2021-22 Governance Action Plan at Appendix 1. We are satisfied that the risks we have identified are addressed in our Council Plan, COVID-19 Recovery Plan and key strategies. We are satisfied that the actions identified will address the need for improvements that were highlighted in our review of effectiveness. These are monitored and reported to members and Corporate Board as part of the corporate performance management framework. We will monitor their implementation and operation as part of our next annual review.

.....
Councillor Izzi Seccombe OBE
Leader of the Council

.....
Monica Fogarty
Chief Executive/Head of Paid Service

Appendix 1 – Rolling Governance Action Plan

Governance Improvement Actions for 2020-21	Actions Completed	This year we are:
To update our Local Code of Corporate Governance to reflect organisational restructure and new ways of working with learning points from our COVID-19 response actions and recovery planning also informed updates to the code.	An updated Local Code of Corporate Governance was endorsed by the Audit & Standards Committee and Cabinet, with full Council approval to follow in 2021.	Updating Do the Right Thing intranet guidance and develop modular training to support the new Code.
Complete the review of the Council's Constitution and Financial Regulations .	The Member Code of Conduct was reviewed against the latest LGA model. Financial Regulations and Contract Standing Orders are being updated for approval by Council.	Updating the scheme of delegation.
To update our Risk Management Framework	A new Strategic Risk Management Framework was approved by Cabinet in April 2021 and Strategic Risk Appetite levels and statements agreed.	Rolling out the new risk management approach according to milestones in the Integrated Planning programme.
To implement a Three Line of Defence model as part of a council wide assurance framework to manage risks and deliver ongoing internal control assurances to Corporate Board and members throughout the year.	Three lines of assurance model has informed Functional Operating Models, Change Programme governance and is adopted as the governance model for Strategic Risk Management.	Assurance mapping systems of internal control, as part of Internal Audit planning.
Reinstatement Planning for all Council services are prioritised and risk-based, focusing on: <ul style="list-style-type: none"> • Keeping people safe; • Managing risk successfully; • Supporting staff with new ways of working; and • Ensuring learning points are identified and followed up. 	We adopted a precautionary approach, informed by legislation and progress of the pandemic. Site risk assessments and business need informed our Reinstatement Plans.	Continuing to consult with all staff to inform next steps, aligned to our How We Work programme.

<p>Update of strategic planning tools to reflect COVID recovery:</p> <ul style="list-style-type: none"> • Review and refresh the Council Plan informed by COVID recovery planning, • MTFS refresh for 2021/22 budget to accommodate revised income and expenditure forecasts. • Integrate Strategic Policies and Priority Outcomes • Review and update Our People Strategy Delivery Plan 	<p>The Council Plan 2025 and Medium Term Financial Strategy were updated and approved by Council in February 2021, incorporating Recovery Plan objectives.</p> <p>Our People Strategy Delivery Plan 2021-22 is approved and overseen by the How We Work Delivery Group.</p>	<p>Using our Integrated Planning programme to drive updates to the 2022/23 Council Plan.</p>
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Governance Improvement Actions 2021-22	Action Owner	By when?
<p>How we govern our partnership arrangements: We will review and refresh our partnership governance arrangements, which were last updated in 2014. We will seek a risk based and proportionate approach to managing our partnerships.</p>	Assistant Director Governance and Policy	March 2022
<p>How we manage our capital programme activity We will complete an end to end process review of our approach to capital project management with the aim of reducing the likelihood of significant budget overspends and impactful delays.</p>	Assistant Director Finance	December 2021
<p>How we manage our third party suppliers and contracts We will take forward actions identified from a review of Supplier Management by PwC. This includes establishing a Contract Management and Procurement Delivery Group, implementing a new Contract Management System and setting up cross directorate boards to oversee supplier relationships that hold the greatest risk (i.e. those where a supplier failure would risk delivery at a Council wide level).</p>	Assistant Director Commissioning Support Unit	March 2022

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County Council

Warwickshire Pension Fund Accounts 2020/21

14th December 2021

Recommendation(s)

That Council approves the 2020/21 Pension Fund Statement of Accounts, and authorises the Strategic Director for Resources to make any amendments to the final version of the accounts as are required to take account of any observations from the external auditors

1. Executive Summary

- 1.1 Appendix A to this report presents the Pension Fund Statement of Accounts for 2020/21.
- 1.2 The statement of accounts comprises the following:
 - Warwickshire Pension Fund Account (page 10). This statement sets out the revenue income and expenditure relating to the financial year.
 - Net Assets Statement (page 10). This statement sets out the total assets and liabilities of the fund as at the 31st March 2020.
 - Notes to the Accounts (pages 11-46). These statements provide further detail and explanation of the figures in the accounts.
- 1.3 The scheme is governed by the Public Service Pensions Act 2013 and the fund is administered in accordance with the relevant secondary legislation.
- 1.4 As at the 31st March the scheme had net assets of £2.574m and membership of 52,538 people.
- 1.5 The accounts are being reported to Council later than originally planned due to difficulties experienced by external auditors in resourcing the audit, and this has been an issue for a number of local authorities and LGPS pension funds this year.

2. Financial Implications

- 2.1 None.

3. Environmental Implications

- 3.1 None.

4. Supporting Information

- 4.1 Our external auditors are required to report to those charged with governance on issues arising from the audit of the financial statements of the Pension Fund before issuing their final opinion. Their report was presented to the Audit and Standards Committee on the 4th November 2021.
- 4.2 As part of the audit process the External Auditors require written confirmation about the fairness of various elements of the financial statements. This is known as the Letter of Representation and a draft was presented to the Audit and Standards Committee on the 4th November 2021.
- 4.3 The Audit and Standards Committee considered the Accounts and the Letter of Representation at their meeting on 4 November 2021 and recommended the Accounts to Council for approval and approved the wording of the draft Letter of Representation subject to any changes which may be necessary to the final draft following the usual quality assurance processes being undertaken within finance and legal services.

5. Timescales associated with the decision and next steps

- 5.1 The accounts will be published once approved by Council.
- 5.2 The accounts are also included in the published Pension Fund Annual Report. A version of the Annual Report containing draft accounts has already been published due to the expectation that it is public by the 1st December, but this will be replaced with an updated version containing the final approved accounts.

Appendices

- Appendix 1 Warwickshire Pension Fund Accounts 2020/21

Background Papers

- None

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Warwickshire Pension Fund

Statement of Accounts

2020/21



We would welcome any comments or suggestions you have about this publication. Please send any comments or suggestions to wpfinvestments@warwickshire.gov.uk

If this information is difficult to understand, we can provide it in another format, for example, in Braille, in large print, on audiotape, in another language or by talking with you.

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Note on rounding's: individual tables presented within disclosures may not sum exactly due to roundings. This does not reflect any inaccuracy or error.

(Independent Auditors Report)

(Independent Auditors Report)

(Independent Auditors Report)

(Independent Auditors Report)

(Independent Auditors Report)

Statement of responsibilities for the statement of accounts

This section explains our responsibilities for our financial affairs and how we ensure we carry out these responsibilities properly in line with the Accounts and Audit (Amendment) Regulations 2021 and the Accounts and Audit Regulations 2015.

Responsibilities of the Pension Fund

We do the following:

- make sure that one of our officers is responsible for managing our financial affairs. For the Pension Fund, Warwickshire County Council's Strategic Director for Resources is responsible for this;
- manage our affairs to use our resources efficiently and effectively and to protect our assets;
- approve the statement of accounts.

Responsibilities of the Strategic Director for Resources

As the Strategic Director for Resources, I am responsible for preparing our statement of accounts. These accounts must present a true and fair view of our financial position, including our income and spending for the year.

In preparing the Pension Fund accounts, I have:

- selected suitable accounting policies and applied them consistently;
- made reasonable and prudent judgements and estimates; and
- followed the Chartered Institute of Public Finance and Accountancy's/Local Authority (Scotland) Accounts Advisory Committee Code of Practice on Local Authority Accounting in the United Kingdom (the Code).

I have also:

- kept proper accounting records which are up to date; and
- taken steps to prevent and detect fraud and other irregularities.

I certify that the Statement of Accounts presents a true and fair view of the financial position as at the 31st March 2021 and the income and expenditure for the year ended 31st March 2021. The unaudited draft accounts were authorised for issue on 30th June 2021. These will then be audited and presented at a meeting of the Council on 14th December 2021.

Rob Powell
Strategic Director for Resources

Date: 14th December 2021

Councillor Peter Gilbert
Chair of the Council

Date: 14th December 2021

Warwickshire Pension Fund Account

2019/2020		2020/2021
£ m	Notes	£ m
	Dealings with members, employers and others directly involved in the fund	
(84.9)	Contributions 7	(98.9)
(12.9)	Transfers in from other schemes 8	(12.7)
(97.8)		(111.7)
80.7	Benefits payable 9	83.5
12.0	Payments to and on account of leavers 10	9.9
92.7		93.4
(5.1)	Net (additions)/withdrawals from dealing with members	(18.3)
13.2	Management expenses 11	14.6
8.1	Net (additions)/withdrawals including fund management expenses	(3.7)
	Returns on investments	
(20.3)	Investment income 13	(21.0)
(0.1)	Taxes on income	(0.0)
(306.7)	Profit and losses on disposal of investments 23	(19.2)
450.6	Changes in the market value of investments 23	(496.1)
123.5	Net return on investments	(536.3)
131.6	Net (increase)/decrease in the net assets available for benefits during the year	(540.0)
(2,165.7)	Opening net assets of the scheme	(2,034.1)
(2,034.1)	Closing net assets of the scheme	(2,574.1)

Net Assets Statement

2019/2020		2020/2021
£ m	Notes	£ m
0.8	Long-term Assets 15	1.2
2,003.6	Investment assets 15/16	2,502.6
0.0	Investment liabilities 15	0.0
20.9	Cash deposits 15/16	48.3
2,025.3	Total net investments	2,552.1
12.6	Current assets 29	25.4
(3.8)	Current liabilities 30	(3.4)
2,034.1	Net assets of the fund available to fund benefits at the period end	2,574.1

The Fund's financial statements do not take account of liabilities to pay pensions and other benefits after the period end. The actuarial present value of promised retirement benefits is disclosed in the Actuary Statement Note 28.

Notes to the Warwickshire Pension Fund Accounts for the year ended 31 March 2021

Note 1: Description of fund

The Warwickshire Pension Fund ('the Fund') is part of the Local Government Pension Scheme and is administered by Warwickshire County Council. The County Council is the reporting entity for this pension fund.

The following description of the Fund is a summary only. For more detail, reference should be made to the Warwickshire Pension Fund Annual Report and the underlying statutory powers underpinning the scheme, namely the Public Service Pensions Act 2013 and The Local Government Pension Scheme (LGPS) Regulations.

a) General

The scheme is governed by the Public Service Pensions Act 2013. The Fund is administered in accordance with the following secondary legislation:

- The Local Government Pension Scheme Regulations 2013 (as amended);
- The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended); and
- The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (as amended).

The Warwickshire Pension Fund is a defined benefit scheme administered by the Director for Resources on behalf of Warwickshire County Council (the scheme administrator), five district councils and other scheduled and admitted public service organisations and their contractors. Teachers, police officers and firefighters are not included as they come within the remit of other national pension schemes.

The administration of the Fund is carried out through Warwickshire County Council's Staff and Pensions Committee, the Pension Fund Investment Sub-Committee and the Local Pension Board. The committees are comprised of elected County Council members whilst the Board is an equal mix of representatives of scheme employers and scheme members with an independent chair. The Pension Fund Investment Sub-Committee receives advice and guidance from two independent financial advisors (one post vacant as at 31 March 2021), its investment consultant (Hymans Robertson) and its Scheme Actuary (Hymans Robertson).

The Public Service Pensions Act 2013 included a requirement to establish a Local Pension Board, with responsibility to assist the administering authority to:

- secure compliance with: the LGPS regulations; other legislation relating to the governance and administration of the LGPS and; the requirements imposed by the Pension Regulator in relation to the LGPS; and

- perform an oversight role to ensure the effective and efficient governance and administration of the LGPS.

A Local Pension Board has been in place since February 2015.

b) Membership

Membership of the LGPS is automatic for entitled employees, but employees are free to choose whether to join the scheme, remain in the scheme or make their own personal arrangements outside the scheme.

Organisations participating in the Warwickshire Pension Fund include:

- scheduled bodies, which are local authorities and similar bodies whose staff are automatically entitled to be members of the Fund; and
- admitted bodies, which are other organisations that participate in the Fund under an admission agreement between the Fund and the relevant organisation. Admitted bodies include voluntary, charitable and similar bodies or private contractors undertaking a local authority function following outsourcing to the private sector.

There are 189 employer organisations with active members within Warwickshire Pension Fund including the county council itself, as detailed below.

Warwickshire Pension Fund	31 March 2020	31 March 2021
Number of employers with active members	190	189
Number of active employees in scheme		
County Council	7,930	8,434
Other employers	8,786	9,351
Total	16,716	17,785
Number of pensioners		
County Council	8,039	8,446
Other employers	6,355	6,692
Total	14,394	15,138
Deferred pensioners		
County Council	11,262	11,477
Other employers	7,659	8,138
Total	18,921	19,615
Total	50,031	52,538

c) Funding

Benefits are funded by contributions and investment earnings. Contributions are made by active members of the Fund in accordance with The LGPS Regulations 2013 and range from 5.5% to 12.5% of pensionable pay for the financial year ending 31 March 2021. Contributions are also made by employers which are set based on triennial actuarial funding valuations. The last valuation was at 31 March 2019 and a revised

schedule of employer contribution rates became effective for the three years from 1 April 2020. Currently, employer contribution rates range from 0% to 58% of pensionable pay.

d) Benefits

Prior to 1 April 2014, pension benefits under the LGPS were based on final pensionable pay and length of pensionable service, summarised in the following table.

	Service pre 1 April 2008	Service post 31 March 2008
Pension	Each year worked is worth 1/80 x final pensionable salary	Each year worked is worth 1/60 x final pensionable salary
Lump Sum	Automatic lump sum of 3 x pension In addition, part of the annual pension can be exchanged for a one-off tax-free cash payment. A lump sum of £12 is paid for each £1 of pension given up.	No automatic lump sum Part of the annual pension can be exchanged for a one-off tax-free cash payment. A lump sum of £12 is paid for each £1 of pension given up.

From 1 April 2014, the scheme became a career average scheme, whereby members accrue benefits based on their pensionable pay in that year at an accrual rate of 1/49th. Accrued pension is updated annually in line with the Consumer Prices Index. The changes also brought in a 50/50 option allowing members the opportunity to contribute 50% for 50% of the benefit entitlement.

Contributions to the LGPS prior to 1 April 2014 were assessed on full-time equivalent pay and excluded non-contractual elements of pay such as overtime and bonus. However, contributions since 1 April 2014 are assessed on all pensionable pay received including non-contractual elements. In addition, the contribution bandings were extended with many of the higher paid seeing an increase in contributions.

There are a range of other benefits provided under the scheme including early retirement, ill health entitlements and life assurance.

Note 2: Basis of preparation

The Statement of Accounts summarises the Fund's transactions for the 2020/21 financial year and its position at year-end as at 31 March 2021. The accounts have been prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom 2020/21* which is based upon International Financial Reporting Standards (IFRS), as amended for the UK public sector. They have been prepared on a going concern basis in accordance with IAS1.

The accounts summarise the transactions of the Fund and report on the net assets available to pay pension benefits. The accounts do not take account of obligations to pay pensions and benefits which fall due after the end of the financial year. This is addressed by the Scheme Actuary's triennial valuation.

2.1 Accounting standards issued but not yet adopted

The code requires disclosure of any accounting standards issued but not yet adopted and their potential impact on the Fund. The new standards issued but not yet adopted for 21/22 are:

- a. Definition of a Business: Amendments to IFRS 3 Business Combinations
- b. Interest Rate Benchmark Reform: Amendments to IFRS 9, IAS 39 and IFRS 7
- c. Interest Rate Benchmark Reform – Phase 2: Amendments to IFRS 9, IAS 39, IFRS 7, IFRS 4 and IFRS 16.

It is too early to say with any degree of certainty what the likely impact of the above issued accounting standards would be, but it is assumed it will not materially impact on the 2020/21 financial statements.

Note 3: Summary of significant accounting policies

a) Contribution income

Normal contributions, both from members and employers, are accounted for on an accruals basis at the percentage rate recommended by the Scheme Actuary in the period to which they relate.

Employer deficit, augmentation and pension strain contributions are accounted for in the period in which the liabilities arise. Any amount due in year but unpaid will be classed as a current financial asset.

b) Transfers to and from other schemes

Transfer values represent the amounts received and paid during the year for members who have either joined or left the Fund during the financial year and are calculated in accordance with The Local Government Pension Scheme Regulations (see notes 8 and 10). This is normally when the member liability is accepted or discharged.

c) Investment income

i) Interest Income

Interest income is recognised in the fund account as it accrues, using the effective interest rate of the financial instrument as at the date of acquisition or origination. Income includes the amortisation of any discount or premium, transaction costs (where material) or other differences between the initial carrying amount of the instrument and its amount at maturity calculated on an effective interest rate basis.

ii) Dividend income

Dividend income is recognised on the date the shares are quoted ex-dividend. Any amount not received by the end of the reporting period is reflected within investment assets in the Net Assets Statement. Investment income arising from the underlying investments of the Pooled Investment Vehicles is either reinvested within the Pooled Investment Vehicles and reflected in the unit price or taken as dividends.

iii) Distributions from managed funds

Distributions from managed funds are recognised at the date of issue. Any amount not received by the end of the reporting period is reflected within investment assets in the Net Assets Statement.

iv) Profit and losses on disposal of investments

Profit and losses on the disposal of investments are recognised as income and comprise all realised profits/losses during the year.

v) Movement in the market value of investments

Changes in the market value of investments are recognised as income and comprise all unrealised profits/losses during the year.

d) Benefits payable

Pensions and lump-sum benefits payable include all amounts known to be due as at the end of the financial year. Amounts due but unpaid are disclosed in the Net Assets Statement as current liabilities.

e) Taxation

The Fund is a registered public service scheme under section 1(1) of Schedule 36 of the Finance Act 2004 and as such is exempt from UK income tax on interest received and from capital gains tax on the proceeds of investments sold. Income from overseas investments suffers withholding tax in the country of origin, unless an exemption is permitted. Irrecoverable tax is accounted for as a fund expense as it arises.

f) Management expenses

The Code does not require a breakdown of pension fund administration expenses. However, in the interests of greater transparency, the council discloses its pension fund management expenses in accordance with the CIPFA guidance *Accounting for Local Government Pension Scheme Management Costs*.

Administrative expenses

All administrative expenses are accounted for on an accrual basis. All staff costs of the pension's administration team and associated accounting, management, accommodation and other overheads are apportioned and charged as expenses to the Fund.

Oversight and governance costs

All oversight and governance expenses are accounted for on an accrual basis. All costs associated with governance and oversight are charged direct to the Fund. Associated management, accommodation and other overheads are apportioned to this activity and charged as expenses to the Fund.

Investment management expenses

All investment management expenses are accounted for on an accrual basis. Fees of the external investment managers and custodian are agreed in the respective mandates governing their appointments. Broadly, these are based on the market value of the investments under their management and therefore increase or reduce as the value of these investments change. Where these are deducted at source (as opposed to being charged via an invoice) the fee is identified and a journal posted to record the investment management fee and increase the investment income.

g) Investment assets

Shareholder investment in Warwickshire's LGPS asset pool, Border to Coast Pensions Partnership (the "pool"), is valued at transaction price i.e. cost. The pool's main trading company, Border to Coast Pensions Partnership Limited, became licensed to trade in July 2018 and does not have established trading results or profit forecasts available yet.

The Pension Fund's view is that the market value of investments in the Border to Coast Pension Partnership at 31 March 2021 cannot be reasonably assessed and that cost is therefore an appropriate estimate of fair value.

All other investment assets are included in the Net Assets Statement on a fair value basis as at the reporting date. An investment asset is recognised in the net asset statement on the date the Fund becomes party to the contractual acquisition of the asset. From this date, any gains or losses arising from changes in the fair value of the asset are recognised in the Fund.

The values of investments as shown in the Net Assets Statement have been determined at fair value in accordance with the requirements of the Code and IFRS13 (see Pension Fund Note 24). For the purposes of disclosing levels of fair value hierarchy, the Fund has adopted the classification guidelines recommended in Practical Guidance on Investment Disclosures (PRAG/Investment Association, 2016).

The values of investments as shown in the Net Assets Statement have been determined as follows:

i) Market-quoted investments

The value of an investment for which there is a readily available market price is determined by the bid market price on the final day of the accounting period.

ii) Fixed interest securities
Are recorded at net market value based on their current yields.

iii) Unquoted investments

The fair value of investments for which market quotations are not readily available is determined as follows:

- directly held investments include investments in limited partnerships, shares in unlisted companies, trusts and bonds. Other unquoted securities typically include pooled investments in property, infrastructure, debt securities and private equity. The valuation of these is undertaken by the investment manager or responsible entity and advised as a unit or security price. The valuation standards followed in these valuations adhere to industry guidelines or to standards set by the constituent documents of the pool or to the management agreement;
 - investments in unquoted property and infrastructure pooled funds are valued at the net asset value or a single price advised by the fund manager; and
 - investments in private equity funds and unquoted listed partnerships are valued based on the Fund's share of the net assets in the private equity fund or limited partnership using the latest financial statements published by the respective fund managers in accordance with the *International Private Equity and Venture Capital Valuation Guidelines 2018*.
- iv) Limited partnerships
Fair value is based on the net asset value ascertained from periodic valuations provided by those controlling the partnership.
- v) Pooled investment vehicles
Pooled investment vehicles are valued at closing bid price if both bid and offer prices are published; if single priced, at the closing single price.
In the case of pooled investment vehicles that are accumulation funds, change in market value also includes income, which is reinvested in the Fund net of applicable withholding tax.

h) Foreign currency transactions

Dividends, interest and purchases and sales of investments in foreign currencies have been accounted for at the spot market rates at the date of transaction. End-of-year spot market exchange rates are used to value cash balances held in foreign currency bank accounts, market values of overseas investments and purchases and sales outstanding at the end of the reporting period.

i) Cash and cash equivalents

Cash comprises cash in hand and on demand deposits and includes amounts held by the Fund's external managers.

Cash equivalents are short-term, highly liquid investments that are readily convertible to known amounts of cash and that are subject to minimal risk of changes in value.

j) Investment Liabilities

The Fund recognises investment liabilities at fair value as at the reporting date. An investment liability is recognised on the date the Fund becomes party to the liability and these are summarised in Note 15. From this date any gains or losses arising from changes in the fair value of the liability are recognised by the Fund.

k) Actuarial present value of promised retirement benefits

The actuarial present value of promised retirement benefits is assessed on a triennial basis by the Scheme Actuary in accordance with the requirements of IAS19 and relevant actuarial standards. The last triennial valuation was carried out as at 31st March 2019. As permitted under the Code, the Fund has opted to disclose the actuarial present value of promised retirement benefits by way of a note to the Net Assets Statement (Note 28).

l) Additional Voluntary Contributions

Warwickshire Pension Fund provides an additional voluntary contributions (AVCs) scheme for its members, the assets of which are invested separately from those of the pension fund. The Fund has appointed Utmost Life & Pensions and Standard Life as its AVC providers. AVCs are paid to the AVC provider by employers and are specifically for providing additional benefits for individual contributors. Each AVC contributor receives an annual statement showing the amount held in their account and movements in the year.

AVCs are not included in the accounts in accordance with section 4(1)(b) of The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 but are disclosed as a note only (Note 31).

j) Financial Instruments

A financial instrument is any contract that gives rise to a financial asset of one entity and a financial liability or equity instrument of another. The term, 'financial instrument' covers both financial assets and financial liabilities and includes financial assets and liabilities such as trade receivables and trade payables.

IFRS 13 Fair Value Measurement - The standard provides a consistent definition of fair value and enhanced disclosure requirements. It is designed to apply to assets and liabilities covered by those IFRS standards that currently permit or require measurement at fair value (with some exceptions). The Fund currently complies with this standard.

Note 4: Critical judgements in applying accounting policies

Pension fund liability

The McCloud and Sargeant judgements upheld the claimants' cases that the method of implementation of the new public sector pension schemes discriminated against younger members. On 4 February government confirmed in their response to the Firefighter Pension Scheme consultation that they will look to proceed with the 'Deferred Choice' option where members can choose between the legacy or reformed scheme for their benefits for 2015-2022 at the point of retirement (instead of having to make a pre-emptive choice in 2022). The update does not affect the LGPS; we are still awaiting MHCLG to publish their response to the McCloud consultation for the Local Government Pension Scheme. No allowance has been made for this in the accounts as the remedy to resolve the age discrimination has yet to be agreed and the financial impact remains uncertain. However, the fund actuary has included an allowance for the impact of McCloud in Note 28 within the fund liabilities.

Further legal judgements in force include Goodwin, Walker and O'Brien. There is still uncertainty surrounding the potential remedy to the Goodwin judgement, current analysis estimates this to be very small for a typical fund. The Walker and O'Brien cases are others which may impact on the LGPS in the future which are unlikely to be significant judgements in terms of pension obligations.

Investment in Border to Coast Pensions Partnership

This investment has been valued at cost on the basis that fair value as at 31 March 2021 cannot be reasonably assessed as set out under Note 3.

Impact of COVID-19

Last year the impact of COVID-19 was felt globally with markets experiencing greater volatility due to uncertainty. The Fund has exposure to several Property and Infrastructure funds which experienced some uncertainty surrounding their valuations. However, markets and asset values have since steadied and we now believe that valuations can be carried out with sufficient accuracy.

Note 5: Assumptions made about the future and other major sources of estimation uncertainty

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the amounts reported for assets and liabilities at the Balance Sheet date and the amounts reported for the revenues and expenses during the year. Estimates and assumptions are made taking into account historical experience, current trends and other relevant factors. However, the nature of estimation means that the actual outcomes could differ from the assumptions and estimates.

The items in the accounts as at 31 March 2021 for which there is a significant risk of material adjustment in the forthcoming financial year are as follows:

	Uncertainties	Effect if actual results differ from assumptions
Actuarial present value of promised retirement benefits	Estimation of the net liability to pay pensions depends on a number of complex judgements relating to the discount rate used, the rate at which salaries are projected to increase, changes in retirement ages, mortality rates and expected returns on pension fund assets. A firm of consulting actuaries is engaged to provide the Fund with expert advice about the assumptions to be applied.	The effects on the net pension liability of changes in individual assumptions can be measured. For instance: a 0.5% decrease in the discount rate assumption would result in an increase in the pension liability of £404m, a 0.5% increase in assumed earnings inflation would increase the value of liabilities by approximately £36m, and a one-year increase in assumed life expectancy would increase the liability by approximately 3-5%.
Private Equity, Infrastructure and Private Debt	<p>These investments are valued at fair value in accordance with <i>International Private Equity and Venture Capital Valuation Guidelines 2018</i> and US GAAP. These investments are not publicly listed and as such there is a degree of estimation involved in the valuation.</p> <p>Due to the current Coronavirus pandemic, there is a risk that the valuation of these investments may have an increased level of uncertainty. There are a wide range of possible outcomes, resulting in a high degree of uncertainty.</p>	The total value of Level 3 investments stands at £331.8m. There is a risk that this investment may be under- or over-stated in the accounts. The custodian reports a tolerance of +/- 2% around the net asset values on which the valuation is based. This equates to a tolerance of +/- £6.6m.

Note 6: Events after the reporting date

Events from the balance sheet date to the date of authorisation for issue would be reflected as an adjustment to The Statement of Accounts whether favourable or adverse. This would occur where there was provision of evidence that these conditions were in place by the end of the reporting period and that these events were significant to the fair value of the Fund's net assets. Those events taking place after the date of authorisation for issue will not be reflected in the statement of accounts.

There has been significant volatility in markets since the 31st March 2021. The total Fund asset valuation reported as at Quarter 1 2021/22 to the Pension Fund Investment Sub Committee having risen to £2,666m due to returns on investments since 31st March 2021

Note 7: Contributions receivable

By category

2019/2020		2020/2021
£ m		£ m
18.2	Employees' contributions	19.3
	Employers' contributions:	
60.3	Normal contributions	74.8
6.5	Deficit Recovery contributions	4.8
66.8	Total Employers' contributions	79.6
84.9	Total	98.9

By authority

2019/2020		2020/2021
£ m		£ m
39.3	Administering authority	41.7
42.8	Scheduled bodies	55.4
2.7	Admitted bodies	1.8
0.1	Bodies no longer contributing	0.0
84.9	Total	98.9

Note 8: Transfers in from other pension funds

2019/2020		2020/2021
£ m		£ m
0.7	Group transfers	0.7
12.2	Individual transfers	12.0
12.9	Total	12.7

Note 9: Benefits payable

By category

2019/2020		2020/2021
£ m		£ m
65.6	Pensions	68.0
13.3	Commutation and lump sum retirement benefits	14.1
1.8	Lump sum death benefits	1.5
80.7	Total	83.5

By authority

2019/2020		2020/2021
£ m		£ m
43.2	Administering authority	44.6
32.7	Scheduled bodies	34.0
4.0	Admitted bodies	4.1
0.9	Bodies no longer contributing	0.9
80.7	Total	83.5

Note 10: Payments to and on account of leavers

2019/2020		2020/2021
£ m		£ m
0.4	Refunds	0.3
0.0	Group transfers	0.0
11.7	Individual transfers	9.5
12.0	Total	9.9

Note 11: Management expenses

2019/2020		2020/2021
£ m		£ m
1.6	Administration costs	1.9
10.6	Investment management expenses	11.6
1.0	Oversight and governance costs	1.1
13.2	Total	14.6

This analysis of the costs of managing the Warwickshire Pension Fund during the period has been prepared in accordance with CIPFA guidance.

Indirect costs are incurred through the bid-offer spread on investment sales and purchases. These are reflected in the cost of investment acquisitions and in the proceeds from the sale of investments (Note 16 and Note 25).

Note 12: Investment management expenses

2019/2020 Total		Management Fees	Performance Fees	2020/2021 Total
£ m		£ m	£ m	£ m
1.8	Pooled Investments	2.6	0	2.6
2.0	Pooled Property Investments	1.7	0	1.7
3.6	Private Equity	2.4	0.8	3.2
1.3	Infrastructure	1.8	0.8	2.6
1.0	Private Debt	0.8	0.7	1.5
0.0	Managed funds	0.0	0	0.0
0.8	Equities	0.0	0	0.0
0.1	Custody Fees	0.0	0.0	0.0
10.6		9.4	2.2	11.6

Note 13: Investment income

2019/2020		2020/2021
£ 000		£ 000
5.3	Equity dividends	0.0
4.9	Property	6.5
1.5	Infrastructure	2.3
1.2	Pooled Equity	1.8
0.9	Private Debt	1.2
4.9	Absolute Return	3.7
1.4	Private Equity	0.9
0.0	Pooled Fixed Income	4.6
14.8	Managed funds	21.0
0.2	Interest on cash deposits	0.0
0.0	Stock lending	0.0
20.3		21.0

Note 14: Other fund account disclosures: external audit costs

The external audit fee for 2020/21 was £30,647 excluding VAT. The fee for 2019/20 was £22,647. Non-audit fees in respect of IAS 19 assurance for 2020/21 are £6,500 (2019/20: £7,000).

Note 15: Investments

2019/2020		2020/2021
£ m		£ m
	Long term investments	
0.8	Equities	1.2
	Investment Assets	
1,997.3	Pooled Funds ***	2,496.3
727.3	Global Equity	1,113.7
306.1	UK Equity	286.2
67.9	Infrastructure	72.3
83.1	Private Debt	84.5
120.7	Private Equity	175.0
217.4	Pooled Property	221.5
474.7	Fixed Income	543.1
20.9	Cash deposits	48.3
6.4	Investment Current Assets	6.2
2,025.3	Total Investment Assets	2,550.9
	Investment Liabilities	
0.0	Investment current liabilities	0.0
0.0	Total Investment Liabilities	0.0
2,025.3	Net Investment Assets	2,552.1

*** This refers to the management structure of the Funds, where the Warwickshire Pension Fund does not directly own the underlying assets.

Note 16: Reconciliation of movements in investments

	Market value 31 March 2020	Purchases during the year	Sales during the year	Change in market value during the year	Market value 31 March 2021
	£ m	£ m	£ m	£ m	£ m
Investment Assets					
Equities	0.8	0.3	0.0	0.0	1.2
Pooled Investments	1,997.3	119.2	-132.2	512.0	2,496.3
Private Equity	120.7	18.6	-22.8	58.5	175.0
Pooled Property	217.4	3.8	-0.5	0.8	221.5
Pooled funds, Unit Trusts & Other Managed Funds	1,508.2	61.0	-79.1	453.0	1,943.0
Infrastructure	67.9	17.6	-11.8	-1.4	72.3
Private Debt	83.1	18.3	-18.0	1.1	84.5
Other Investment Balances					
Cash deposits	20.9	63.3	-35.7	-0.1	48.3
Net investment current assets	6.4	1.2	-1.0	-0.4	6.2
Net Investment Assets	2,025.3	184.1	-168.9	464.9	2,552.1

	Market value 31 March 2019	Purchases during the year	Sales during the year	Change in market value during the year	Market value 31 March 2020
	£ m	£ m	£ m	£ m	£ m
Investment Assets					
Equities	390.1	13.8	-446.6	43.5	0.8
Private Equity	101.2	14.8	-17.7	22.3	120.7
Pooled Property	224.7	12.8	-10.3	-9.8	217.4
Pooled Investments, Unit Trusts & Other Managed Funds	1,308.9	874.5	-463.0	-212.3	1508.2
Infrastructure	47.9	14.5	-0.7	6.3	67.9
Private Debt	62.1	22.8	-5.7	3.8	83.1
Managed funds:	1,744.8	939.5	-497.4	-189.7	1,997.3
Other Investment Balances					
Cash deposits	17.5	59.9	-56.9	0.4	20.9
Net investment current assets	5.6	0.5	0.0	0.3	6.4
Net Investment Assets	2,158.0	1,013.7	-1,000.8	-145.5	2,025.3

Note 17: Derivatives

The Fund does not engage in any direct derivative activity however fund managers may make use of these to achieve investment objectives.

Note 18: Investments analysed by fund manager

Market value 31 March 2020			Market value 31 March 2021	
£ m	%		£ m	%
Investments managed by BCPP asset pool				
0.9	0.0%	Private Equity	2.7	0.1%
3.7	0.2%	Infrastructure	12.8	0.5%
0.0	0.0%	Private Debt	2.4	0.1%
292.2	14.4%	Global Equity Alpha Fund	370.5	14.5%
199.0	9.8%	UK Listed Equity Alpha Fund	286.2	11.2%
173.1	8.5%	Sterling Investment Grade Credit Fund	184.0	7.2%
668.9	33.0%		858.6	33.6%
Investments managed outside of BCPP asset pool				
2.3	0.1%	MFS Investment Management (Global Equities)	0.8	0.0%
542.4	26.8%	Legal and General Investment Management (Index Trackers - Global Equities)	743.4	29.1%
179.0	8.8%	Legal and General Investment Management (Index Trackers - Fixed Income)	184.7	7.2%
114.2	5.6%	Columbia Threadneedle Investments (Property)	116.9	4.6%
107.1	5.3%	Schroder Investment Management (Property)	110.9	4.3%
119.8	5.9%	HarbourVest (Private Equity)	172.3	6.8%
122.8	6.1%	JP Morgan (Bond)	114.6	4.5%
22.3	1.1%	Standard Life Capital (Infrastructure)	22.9	0.9%
41.9	2.1%	Partners Group (Infrastructure)	36.5	1.4%
29.9	1.5%	Alcentra (Private Debt)	40.6	1.6%
53.2	2.6%	Partners Group (Private Debt)	41.5	1.6%
0.0	0.0%	PIMCO (Diversified Income Fund)	60.4	2.4%
20.8	1.0%	BNY Mellon (Global Custodian)	46.9	1.8%
0.8	0.0%	BCPP Shareholding	1.2	0.0%
1,355.6	66.9%		1,693.5	66.4%
2,025.3	100.0%		2,552.1	100.0%

Note 19: Investments representing more than 5% net assets of the scheme

Security	Market value 31 March 2021	% of total fund as at 31.03.21
	£ m	
Border to Coast Global Equity Alpha Fund	370.5	14.8%
Border to Coast UK Listed Equity Alpha Fund	286.2	11.4%
LGIM Fundamental Indexation	264.3	10.6%
Border to Coast Sterling Investment Grade Credit Fund	184.0	7.3%
LGIM Europe (Exc UK) Equity Index	175.4	7.0%
Harbourvest (Private Equity)	172.3	6.8%
LGIM UK Equity Index	133.9	5.3%

Security	Market value 31 March 2020	% of total fund as at 31.03.20
	£ m	
Border to Coast Global Equity Alpha Fund	292.2	14.48%
Border to Coast UK Listed Equity Alpha Fund	199.0	9.86%
LGIM Fundamental Indexation	183.4	9.09%
Border to Coast Sterling Investment Grade Credit Fund	173.1	8.58%
LGIM Europe (Exc UK) Equity Index	130.2	6.45%
JPM* Unconstrained Bond Fund	122.8	6.08%
LGIM Index linked Bonds	121.8	6.04%
Columbia Threadneedle TPN Property A	114.2	5.66%
LGIM UK Equity Index	107.2	5.31%

* JPM refers to JP Morgan

Note 20: Stock lending

The Fund does not currently engage in any direct stock lending.

Note 21: Property holdings

The Fund does not hold property directly. Property is held in the form of pooled funds.

Note 22: Classification of financial instruments

Accounting policies describe how different asset classes of financial instruments are measured, and how income and expenses, including fair value gains and losses, are recognised. The following table analyses the carrying amounts of financial assets and liabilities (excluding cash) by category and Net Assets Statement heading. No financial assets were reclassified during the accounting period.

Fair value through profit and loss	Financial assets at amortised cost	Financial liabilities at amortised cost		Fair value through profit and loss	Financial assets at amortised cost	Financial liabilities at amortised cost
31 March 2020				31 March 2021		
£ m	£ m	£ m		£ m	£ m	£ m
			Investment Assets			
0.0			Index linked bonds	0.0		
0.8			Equities	1.2		
1,997.3			Pooled Investments	2,496.3		
727.3			Global Equity	1,113.7		
306.1			UK Equity	286.2		
67.9			Infrastructure	72.3		
83.1			Private Debt	84.5		
120.7			Private Equity	175.0		
217.4			Pooled Property	221.5		
474.7			Fixed Income	543.1		
	20.9		Cash deposits		48.3	
	6.4		Investment Current Assets		6.2	
	9.0		Debtors		8.4	
	3.6		Cash balances		17.0	
1,998.1	39.8	0.0		2,497.5	80.0	0.0
			Liabilities			
		0.0	Investment current liabilities			0.0
		-3.8	Creditors			-3.4
0.0	0.0	-3.8		0.0	0.0	-3.4
1,998.1	39.8	-3.8		2,497.5	80.0	-3.4

Note 23: Net gains and losses on financial instruments

31 March 2020		31 March 2021
£ m		£ m
	Financial Assets	
306.7	Fair value through profit and loss	515.3
0.0	Loans and receivables	0.0
	Financial liabilities	
-450.6	Fair value through profit and loss	0.0
0.0	Loans and receivables	0.0
-143.9	Total	515.3

The authority has not entered into any financial guarantees that are required to be accounted for as financial instruments.

Note 24: Valuation of financial instruments carried at fair value

The Unquoted equities holding in Border to Coast Pensions Partnership is valued at cost (i.e. transaction price), as an appropriate estimate of fair value. A fair value cannot be otherwise established for these assets as at 31 March 2021 because the main trading vehicle of Border to Coast Pensions Partnership only became licenced to trade in July 2018 and the reliability of any observable or unobservable inputs used to calculate fair value cannot as yet be assessed with certainty.

All other investments are held at fair value in accordance with the requirements of the Code and IFRS13. The basis of the valuation of each class of investment asset is set out below. There has been no change in the valuation techniques used during the year.

All assets have been valued using fair value techniques based on the characteristics of each instrument, with the overall objective of maximising the use of market-based information.

The valuation of financial instruments has been classified into three levels, according to the quality and reliability of information used to determine fair values.

Level 1

Financial instruments at level 1 are those where the fair values are derived from unadjusted quoted prices in active markets for identical assets or liabilities. Products classified as level 1 comprise quoted equities, quoted fixed securities, quoted index linked securities and unit trusts.

Listed investments are shown at bid prices. The bid value of the investment is based on the bid market quotation of the relevant stock exchange

Level 2

Financial instruments at level 2 are those where quoted market prices are not available; for example, where an instrument is traded in a market that is not considered to be active, or where valuation techniques are used to determine fair value, these inputs are observable. Products classified as level 2 include unquoted bonds and overseas unit trusts and property funds.

Level 3

Financial instruments at level 3 are those where at least one input that could have a significant effect on the instrument's valuation is not based on observable market data.

Such instruments would include unquoted equity and debt investments, which are valued using various valuation techniques that require significant judgement in determining appropriate assumptions.

The values of the investments in private equity, infrastructure and private debt are based on valuations provided by the general partners to the funds in which Warwickshire Pension Fund has invested.

These valuations are prepared in accordance with the International Private Equity and Venture Capital Valuation Guidelines, which follow the valuation principles of IFRS and US GAAP. Valuations are undertaken quarterly and an adjustment is made to roll forward the latest available valuation to 31 March as appropriate.

Description of asset	Basis of valuation	Observable and unobservable inputs	Key sensitivities affecting the valuations provided
Market quoted investments Level 1	Published bid market price ruling on the final day of the accounting period	Not required	Not required
Pooled investments – overseas unit trusts & property funds Level 2	Closing bid price where bid and offer prices are published. Closing single price where single price is published.	NAV-based pricing set on a forward pricing basis	Not required
Private Equity, Infrastructure and Private Debt. Level 3	These investments are valued at fair value in accordance with International Private Equity and Venture Capital Valuation Guidelines 2018 and US GAAP.	NAV-based pricing set on a forward pricing basis	Valuations could be affected by material events occurring between the date of the financial statements provided and the pension fund's own reporting date, by changes to expected cashflows, and by any differences between audited and unaudited accounts.

The following table provides an analysis of the financial assets and liabilities of the pension fund grouped into Levels 1 to 3, based on the level at which the fair value is observable.

	Quoted market price	Using observable inputs	With significant unobservable inputs	
Valuation at 31 March 2021	Level 1	Level 2	Level 3	Total
	£ m	£ m	£ m	£ m
Equities	1.2			1.2
Pooled Investments	114.6	1,828.5		1,943.0
Infrastructure			72.3	72.3
Private Debt			84.5	84.5
Private Equity			175.0	175.0
Pooled Property		221.5		221.5
Financial assets at fair value through profit and loss	115.8	2,050.0	331.8	2,497.5
Financial liabilities at fair value through profit and loss				
Financial liabilities	0.0	0.0	0.0	0.0
Net financial assets	115.8	2,050.0	331.8	2,497.5

	Quoted market price	Using observable inputs	With significant unobservable inputs	
Valuation at 31 March 2020	Level 1	Level 2	Level 3	Total
	£ m	£ m	£ m	£ m
Equities	2.6			2.6
Pooled Investments	141.4	1,361.1		1,502.6
Infrastructure			67.9	67.9
Private Debt			83.1	83.1
Private Equity			120.7	120.7
Pooled Property		221.3		221.3
Financial assets at fair value through profit and loss	144.0	1,582.4	271.7	1,998.1
Financial liabilities at fair value through profit and loss				
Financial liabilities	0.0	0.0	0.0	0.0
Net financial assets	144.0	1,582.4	271.7	1,998.1

The following assets have been carried at cost:

	Quoted market price	Using observable inputs	With significant unobservable inputs	
Valuation at 31 March 2021	Level 1	Level 2	Level 3	Total
	£ m	£ m	£ m	£ m
Investment in Border to Coast Pensions Partnership Investments held at cost			1.2	1.2

Note 25 Reconciliation of fair value measurements within Level 3

	Market value 31 March 2020	Purchases during the year	Sales during the year	Change in market value during the year	Realised profit or loss (-) during the year	Market value 31 March 2021
	£ m	£ m	£ m	£ m	£ m	£ m
Private Debt	83.1	18.3	-18.0	1.7	-0.5	84.5
Private Equity	120.7	18.6	-22.8	49.9	8.6	175.0
Infrastructure	67.9	17.6	-11.8	-2.6	1.1	72.3
	271.7	54.5	-52.6	49.0	9.2	331.8

Note 26: Nature and extent of risks arising from financial instruments

Risk and risk management

The Fund's primary long-term risk is that the Fund's assets will fall short of its liabilities (i.e. promised benefits payable to members). Therefore, the aim of investment risk management is to minimise the risk of an overall reduction in the value of the Fund and to maximise the opportunity for gains across the whole Fund portfolio. The Fund achieves this through asset diversification to reduce exposure to market risk (price risk, currency risk and interest rate risk) and credit risk to an acceptable level. In addition, the Fund manages its liquidity risk to ensure there is sufficient liquidity to meet the Fund's forecast cash flows. The Council manages these investment risks as part of its overall pension fund risk management programme.

Responsibility for the Fund's risk management strategy rests with the Pension Fund Investment Sub-Committee. Risk management policies are established to identify and analyse the risks faced by the Council's pensions operations. Policies are reviewed regularly to reflect changes in activity and in market conditions.

Market risk

Market risk is the risk of loss from fluctuations in equity and commodity prices, interest and foreign exchange rates and credit spreads. The Fund is exposed to market risk from its investment activities, particularly through its equity holdings. The level of risk exposure depends on market conditions, expectations of future price and yield movements and the asset mix.

The objective of the Fund's risk management strategy is to identify, manage and control market risk exposure within acceptable parameters, whilst optimising the return on risk.

In general, excessive volatility in market risk is managed through the diversification of the portfolio in terms of geographical and industry sectors and individual securities. To mitigate market risk, the council and its investment advisors undertake appropriate monitoring of market conditions and benchmark analysis.

The Fund manages these risks in two ways:

- the exposure of the Fund to market risk is monitored through a factor risk analysis, to ensure that risk remains within tolerable levels; and
- specific risk exposure is limited by applying risk-weighted maximum exposures to individual investments.

It is possible for over-the-counter equity derivative contracts to be used in exceptional circumstances to manage specific aspects of market risk.

Other price risk

Other price risk represents the risk that the value of a financial instrument will fluctuate as a result of changes in market prices (other than those arising from interest rate risk or foreign exchange risk), whether those changes are caused by factors specific to the individual instrument, or its issuer, or factors affecting all such instruments in the market.

The Fund is exposed to share price risk. This arises from investments held by the Fund for which the future price is uncertain. All securities investments present a risk of loss of capital.

The Fund's investment managers mitigate this price risk through diversification. The selection of securities and other financial instruments is monitored to ensure price risk is within limits specified in the Fund's investment strategy.

Following analysis of historical data and expected investment return movement, the Fund has determined that the following movements in market price risk were reasonably possible for the 2020/21 reporting period. This analysis assumes that all other variables, in particular foreign currency exchange rates and interest rates, remain the same.

Asset Type	2020/21 Potential market movement
	%
UK Pooled Funds	17%
Overseas Pooled Funds	17%
Bonds	8%
Cash	0%
Property	14%
Alternatives	10%

The potential price changes disclosed above are broadly consistent with a one-year dispersion in the value of the assets and are based on observed historical volatility of the returns of the asset class.

Had the market price of the Fund investments increased/decreased in line with the above, the change in the net assets available to pay benefits would have been as follows (the prior year comparator is shown in the following table):

Asset Type	Value as at 31 March 2021	Potential market movement	Value on increase	Value on decrease
	£ m	£ m	£ m	£ m
UK Pooled Funds	287.4	48.9	336.3	238.6
Overseas Pooled Funds	1,113.7	189.3	1303.1	924.4
Total Bonds	428.5	34.3	462.8	394.2
Cash	54.6	0.0	54.6	54.6
Alternatives	446.4	44.6	491.0	401.7
Property	221.5	31.0	252.5	190.5
Total	2,552.1	348.1	2,900.2	2,204.0

Asset Type	Value as at 31 March 2020	Potential market movement	Value on increase	Value on decrease
	£ m	£ m	£ m	£ m
UK Pooled Funds	306.1	82.7	388.8	223.5
Overseas Pooled Funds	727.3	203.6	930.9	523.6
Total Bonds	352.0	35.2	387.1	316.8
Cash	27.3	0.0	27.3	27.3
Alternatives	394.5	43.4	437.8	351.1
Property	217.4	30.4	247.9	187.0
Total	2,024.5	395.3	2,419.8	1,629.2

Note: Segregated mandates have been transitioned the BCPP pool

Interest rate risk

The Fund invests in financial assets for the primary purpose of obtaining a return on investments. These investments are subject to interest rate risks, which represent the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Fund's interest rate risk is monitored as part of asset allocation decisions. Changes in interest rates do not impact on the value of cash and cash equivalent balances but they will affect the interest income received on those balances. Changes to both the fair value of assets and the income received from investments impact on the net assets available to pay benefits.

The analysis that follows assumes that all other variables, in particular exchange rates, remain constant, and shows the effect in the year on the net assets available to pay benefits of a +/- 1% change in interest rates.

Asset Type	Duration	Value as at 31 March 2021	Value on 1% increase	Value on 1% decrease
	Years	£ m	£ m	£ m
LGIM UK Corporate Bonds	7.7	60.3	55.6	64.9
LGIM UK Index Linked	21.4	124.3	97.7	150.9
JPM Absolute Return Bonds	3.1	114.6	111.0	118.1
BCPP Investment Grade Credit	8.2	184.0	170.0	197.9
Total		483.2	434.4	531.9

Asset Type	Duration	Value as at 31 March 2020	Value on 1% increase	Value on 1% decrease
	Years	£ m	£ m	£ m
LGIM UK Corporate Bonds	7.6	57.1	52.7	61.4
LGIM UK Index Linked	21.4	121.8	95.7	147.9
JPM Absolute Return Bonds	3.1	122.8	112.4	133.2
BCPP Investment Grade Credit	8.5	173.1	167.7	178.4
Total		474.7	428.5	521.0

Currency risk

Currency risk represents the risk that the fair value of future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The Fund is exposed to currency risk on financial instruments that are denominated in any currency other than the functional currency of the Fund (£UK). The Fund holds both monetary and non-monetary assets denominated in currencies other than £UK. Our investment adviser has provided an estimate of 10% volatility for a pooled overseas fund.

A strengthening/weakening of the pound against the various currencies in which the Fund holds investments would increase/decrease the net assets available to pay benefits as follows. This analysis assumes that all other variables, in particular interest rates, remain constant. The prior year comparator is shown below and based on the Fund's segregated overseas mandate which has now transitioned to the BCPP pool:

	Value as at 31 March 2021	Potential market movement	Value on increase	Value on decrease
	£ m	£ m	£ m	£ m
Overseas Pooled Funds	1,113.7	109.1	1,222.9	1,004.6
Total	1,113.7	109.1	1,222.9	1,004.6

	Value as at 31 March 2020	Potential market movement	Value on increase	Value on decrease
	£ m	£ m	£ m	£ m
Overseas Pooled Funds	727.3	72.7	800.0	654.6
Total	727.3	72.7	800.0	654.6

Note: Segregated mandates have been transitioned the BCPP pool

Credit risk

Credit risk represents the risk that the counterparty to a transaction will fail to discharge an obligation and cause the Fund to incur a financial loss. The market values of investments generally reflect an assessment of credit in their pricing and consequently the risk of loss is implicitly provided for in the carrying value of the Fund's financial assets and liabilities.

In essence the Fund's entire investment portfolio is exposed to some form of credit risk. However, the selection of high-quality counterparties and financial institutions minimises credit risk that may occur through the failure to settle a transaction in a timely manner.

Liquidity risk

Liquidity risk represents the risk that the Fund will not be able to meet its financial obligations as they fall due. The Pension Fund therefore takes steps to ensure that it has adequate cash resources to meet its commitments, particularly cash to meet pensioner payroll and other benefit costs, and cash to meet investment commitments.

The Pension Fund has immediate access to its cash holdings and has had a long-term positive cash flow. Cash flow surpluses are invested with fund managers. The

Pension Fund is authorised to borrow on a short-term basis to fund cash flow deficits.

The actuary to the Pension Fund produces regular cash flow forecasts which are presented to the Investment Sub-Committee.

All financial liabilities as at 31 March 2021 are due within one year.

Note 27: Funding arrangements

In line with The Local Government Pension Scheme Regulations 2013, the Fund's actuary undertakes a funding valuation every three years for the purpose of setting employer contribution rates for the forthcoming triennial period. The last such valuation took place as at 31 March 2019 and set contribution rates for the three years commencing 1 April 2020.

The key elements of the funding policy are:

- to ensure the long-term solvency of the Fund, i.e. that sufficient funds are available to meet all pension liabilities as they fall due for payment;
- to ensure that employer contribution rates are as stable as possible;
- to minimise the long-term cost of the scheme by recognising the link between assets and liabilities and adopting an investment strategy that balances risk and return;
- to reflect the different characteristics of employing bodies in determining contribution rates where the administering authority considers it reasonable to do so; and
- to use reasonable measures to reduce the risk to other employers and ultimately to the council taxpayer from an employer defaulting on its pension obligations.

The aim is to achieve 100% solvency over a period of 19 years and to provide stability in contribution rates by spreading any increases in rates over a period of time. Normally this is three years but, in some cases, an extended period can be granted. Solvency is achieved when the funds held, plus future expected investment returns and future contributions are sufficient to meet expected future pension benefits payable. When an employer's funding level falls significantly short of the 100% funding target, then a deficit recovery plan will be put in place requiring additional contributions from the employer to meet the shortfall.

At the 2019 actuarial valuation, the Fund was assessed as 92% funded. This corresponded to a deficit of £180m.

Contribution increases were phased in over the three-year period ending 31 March 2023. The common contribution rate (i.e. the rate which all employers in the Fund pay) is as follows.

Valuation Date	31-Mar-19
Total contribution rate	
Primary Rate (% of pay)	20.1%
2020/21 Secondary Rate £000	60.71
2021/22 Secondary Rate £000	62.51
2022/23 Secondary Rate £000	64.36

Individual employer rates will vary from the common contribution rate depending on the demographic and actuarial factors particular to each employer. Full details of the contribution rates payable can be found in the 2019 actuarial valuation report and the funding strategy statement on the Fund's website.

The valuation of the Fund has been undertaken using the projected unit method under which the salary increase for each member is assumed to increase until they leave active service by death, retirement or withdrawal from service. The principal assumptions are as follows:

Financial assumptions

Financial assumptions	31 March 2019
	%
Post Retirement Discount Rate	3.7%
Salary Increases	3.1%
Price Inflation/Pension Increases	2.3%

Demographic assumptions

Assumed life expectancy from age 65 is as follows.

Demographic assumptions	31 March 2019	
Assumed life expectancy at age 65	Male	Female
Pensioners	21.6	23.8
Non-pensioners	22.5	25.4

Commutation assumptions

It is assumed that future retirees will take 50% of the maximum additional tax-free lump sum up to HMRC limits for pre-April 2008 service and 75% of the maximum for post-April 2008 service.

50:50 Option

1.0% of members (uniformly distributed across the age, service and salary range) will choose the 50:50 option.

Note 28: Actuarial present value of promised retirement benefits

In addition to the triennial funding valuation, the Fund's actuary also undertakes a valuation of the pension fund liabilities, on an IAS19 basis, every year using the same base data as the funding valuation rolled forward to the current financial year, taking account of changes in membership numbers and updating assumptions to the current year. This valuation is not carried out on the same basis as that used for setting Fund contribution rates and the Fund accounts do not take account of liabilities to pay pensions and other benefits in the future.

In order to assess the value of the benefits on this basis, the actuary has updated the actuarial assumptions (set out below) from those used for funding purposes (see Note 27). The following is the full Pension Fund Accounts Reporting Requirement provided by the Scheme Actuary.

Introduction

CIPFA's Code of Practice on Local Authority Accounting 2019/20 requires Administering Authorities of LGPS funds that prepare pension fund accounts to disclose what IAS26 refers to as the actuarial present value of promised retirement benefits. I have been instructed by the Administering Authority to provide the necessary information for the Warwickshire Pension Fund ("the Fund"). The actuarial present value of promised retirement benefits is to be calculated similarly to the Defined Benefit Obligation under IAS19. There are three options for its disclosure in the pension fund accounts:

- showing the figure in the Net Assets Statement, in which case it requires the statement to disclose the resulting surplus or deficit;
- as a note to the accounts; or
- by reference to this information in an accompanying actuarial report.

If an actuarial valuation has not been prepared at the date of the financial statements, IAS26 requires the most recent valuation to be used as a base and the date of the valuation disclosed. The valuation should be carried out using assumptions in line with IAS19 and not the Fund's funding assumptions.

31 March 2020		31 March 2021
£m		£m
1,167	Active members	1,774
651	Deferred pensioners	905
1,089	Pensioners	1,180
(2,907)	Present value of promised retirement benefits (£m)	(3,859)
2,025	Fair Value of scheme assets (bid value) (£m)	2,552
(882)	Net Liability	(1,307)

The fair value of scheme assets (bid value) figure as at 31 March 2021 has been provided by the Administering Authority and is as disclosed in the Fund's 2020/21 accounts.

The promised retirement benefits at 31 March 2021 have been projected using a roll forward approximation from the latest formal funding valuation as at 31 March 2019. The approximation involved in the roll forward model means that the split of benefits between the three classes of member may not be reliable. However, I am satisfied that the total figure is a reasonable estimate of the actuarial present value of benefit promises.

The figures include both vested and non-vested benefits, although the latter is assumed to have a negligible value. Further, I have not made any allowance for unfunded benefits.

It should be noted the above figures are appropriate for the Administering Authority only for preparation of the pension fund accounts. They should not be used for any other purpose (i.e. comparing against liability measures on a funding basis or a cessation basis).

Assumptions

The assumptions used are those adopted for the Administering Authority's IAS19 report and are different as at 31 March 2021 and 31 March 2020. I estimate that the impact of the change in financial assumptions to 31 March 2021 is to decrease the actuarial present value by £792m. I estimate that the impact of the change in demographic and longevity assumptions is to decrease the actuarial present value by £47m.

Financial assumptions

Year ended (% p.a.)	31 March 21	31 March 20
	%	%
Inflation/pensions increase rate	2.85%	1.9%
Salary increase rate	3.65%	2.7%
Discount rate	2.00%	2.3%

Longevity assumptions

Life expectancy is based on the Fund's VitaCurves with improvements in line with the CMI 2020 model, with a 0% weighting of 2020 data, standard smoothing (Sk7), initial adjustment of 0.5% and a long term rate of improvement of 1.5% p.a.. Based on these assumptions, the average future life expectancies at age 65 are summarised below:

	Males	Females
Current pensioners	21.8 years	24.2 years
Future pensioners (assumed to be aged 45 at the latest formal valuation)	23.0 years	26.1 years

Please note that the longevity assumptions have changed since the previous IAS26 disclosure for the Fund.

Commutation assumptions

An allowance is included for future retirements to elect to take 50% of the maximum additional tax-free cash up to HMRC limits for pre-April 2008 service and 75% of the maximum tax-free cash for post-April 2008 service.

Sensitivity analysis

CIPFA guidance requires the disclosure of the sensitivity of the results to the methods and assumptions used. The sensitivities regarding the principal assumptions used to measure the liabilities are set out below:

Sensitivity to the assumptions for the year ended 31 March 2021	Approximate % increase to liabilities	Approximate monetary amount (£m)
0.5% p.a. increase in the Pension Increase Rate	9%	360
0.5% p.a. increase in the Salary Increase Rate	1%	36
0.5% p.a. decrease in the Real Discount Rate	10%	404

The principal demographic assumption is the longevity assumption. For sensitivity purposes, I estimate that a 1-year increase in life expectancy would approximately increase the liabilities by around 3-5%.

Professional notes

This paper accompanies my covering report titled 'Actuarial Valuation as at 31 March 2021 for accounting purposes'. The covering report identifies the appropriate reliances and limitations for the use of the figures in this paper, together with further details regarding the professional requirements and assumptions.

Prepared by:-



Robert Bilton
20 October 2021
For and on behalf of Hymans Robertson LLP

Note 29: Current assets

31 March 2020		31 March 2021
£m		£m
	Debtors:	
1.2	Contributions due: Employees	1.4
5.7	Contributions due: Employers	6.0
1.6	Invoiced debtors	0.8
0.6	Sundry debtors	0.2
3.6	Cash balances	17.0
12.6	Total	25.4

Note 30: Current liabilities

31 March 2020		31 March 2021
£m		£m
	Liabilities:	
1.5	Owed to administering authority	0.6
1.5	Sundry Creditors	2.4
0.9	Benefits Payable	0.4
3.8	Total	3.4

Note 31: Additional Voluntary Contributions

Contributions Paid 2019/20	Market Value 31 March 2020		Contributions Paid 2020/21	Market Value 31 March 2021
£000's	£m		£000's	£m
334.8	2.4	Standard Life	342.7	2.8
1.6	0.2	Utmost Life and Pensions	1.4	0.2
336.4	2.6	Total	344.1	3.0

Note 32: Related Party Transactions

Warwickshire County Council

The Warwickshire Pension Fund is administered by Warwickshire County Council. Consequently, there is a strong relationship between the council and the pension fund.

During the reporting period, the council incurred costs of £1.9m (2019/20: £1.6m) in relation to the administration of the Fund and was subsequently reimbursed by the Fund for these expenses. The council is also the single largest employer of members of the pension fund. Employee and employer contributions from the council amounted to £41.7m in 2020/21 (£39.3m in 2019/20).

Border to Coast Pensions Partnership

The Warwickshire Pension Fund, through Warwickshire County Council as the Administering Authority, is a shareholder in Border to Coast Pensions Partnership Limited. The Partnership is a wholly owned private limited company registered in England and Wales founded to carry out pension fund asset pooling obligations set out by the Government. The company provides the facility to pool the pension fund investments of 11 local authorities in order to gain the benefits of economies of scale, concentration of expertise and improved ability to reduce investment costs. The company was incorporated in 2017/18 and the first transfers of investment assets into the pool occurred in 2018/19. As at the balance sheet date all 11 partners own an equal 1/11th share of the company.

The Border to Coast Pensions Partnership is a joint venture that brings risks as well as benefits. The partnership has grown significantly, for example in terms of the value of assets under management and the number of personnel employed. At Fund level the pool manages 1/3 of total AUM. Pooling and membership of the Border to Coast Pensions Partnership is a regular and high-profile feature of reporting to the Pension Fund Investment Sub-Committee and the Fund's risk register has regard to key pooling risks.

Governance

There are two members of the Pension Fund Investment Sub-Committee who are in receipt of pension benefits from the Warwickshire Pension Fund.

Each member of the Pension Fund Investment Sub-Committee is required to declare their interests at each meeting.

There is one member of the Local Pension Board who is an active member of the Warwickshire Pension Fund.

Key management personnel

Several employees of Warwickshire County Council hold key positions in the financial management of the Warwickshire Pension Fund, alongside responsibilities for Warwickshire County Council directly. The posts of Strategic Director for Resources (2%), Assistant Director Finance (16%), Strategy and Commissioning Manager (50%), Finance Service Manager Transformation (30%), Technical Specialist Pensions (100%), Lead Commissioner Pensions and Investment (100%), and Pensions Admin Delivery Lead (100%) are considered to be key management personnel. These employees and their financial relationship with the Fund are set out below.

	2020/21	2019/20
	£000's	£000's
Short-term benefits	256.7	108.0
Post-employment benefits	630.6	103.4

Note 33: Contingent Liabilities

Outstanding capital commitments at 31 March 2021 totalled £364.0m. Of this, £99.6m related to Private Equity, £187.3m related to Infrastructure, and £77.1m related to Private Debt. During 20/21 the Fund committed to BCPP Series 1C alternatives (across Infrastructure, Private Equity and Private Debt) to a value of £120m.

Glossary

A

Actuarial valuation

A review of the assets and *liabilities* of a pension fund to determine the surplus or deficit, and the future rate of contributions required.

Alternative investments

Investments other than the mainstream *asset classes* of *equities* and *bonds*. Alternatives include *hedge funds*, *private equity*, private debt, *infrastructure* and *commodities*. Property is also sometimes described as an alternative.

Asset allocation

The apportionment of a fund's assets between different *asset classes*.

B

Benchmark

A yardstick against which the investment policy or performance of a fund manager can be compared.

C

Currency risk

Investing in any securities not denominated in the investor's own base currency introduces currency risk due to the *volatility* of foreign exchange rates.

D

Defined benefit scheme

A type of pension scheme where the pension that will ultimately be paid to the employee is fixed, usually as a percentage of final salary. It is the responsibility of the sponsoring organisation to ensure that sufficient assets are set aside to meet the pension promised. Compare with *defined contribution scheme*.

Deferred Pensioners

Members of the Pension Fund who are no longer active employees making contributions to the Fund but who are not yet receiving their pension (may also be referred to as Deferred Members).

Diversification

The spreading of investment funds among different types of assets, markets and geographical areas in order to reduce *risk*.

H

Hedge Funds

A hedge fund is a capital pool that has the ability to use *leverage* and to take both *long* and *short* positions with the aim of achieving an *absolute return*. A large variety of hedge fund strategies exist, and the level of *risk* taken will vary. Investors looking for a diversified exposure to hedge funds will normally opt for a fund of hedge funds – a fund with underlying investments in several hedge funds covering different strategies and geographical areas.

I

IAS19 (International Accounting Standards)

An accounting standard which requires organisations to incorporate their pension funds into their balance sheets and specifically that all pension fund *liabilities* should be valued using an AA corporate bond yield. Any mismatch between assets and liabilities is effectively brought on to the organisation's balance sheet.

IAS1

An accounting standard that sets out overall requirements for the presentation of financial statements, guidelines for their structure and minimum requirements for their content.

P

Private equity

Funds put up by investors to finance new and growing businesses. Also known as venture capital

Pooled funds

Pooled funds are where the Fund does not directly own underlying assets.

Private Debt

Private debt comprises mezzanine and other forms of debt financing that comes mainly from institutional investors such as funds and insurance companies – but not from banks.

R

Risk

In its simplest sense, risk is the variability of *returns*. Investments with greater inherent *risk* must promise higher expected returns if investors are to invest in them. Risk management is an important aspect of portfolio management and involves the use of complex statistical models.

S

Stock lending

The lending of a *security* by the registered owner, to an authorised third party, for a fixed or open period of time, for an agreed consideration secured by *collateral*. The demand to borrow *securities* comes mainly from *market makers* to cover *short positions* or take *arbitrage* opportunities.

T

Transaction costs

Those costs associated with trading on a portfolio, notably *stamp duty* and *commissions*.

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Council

14 December 2021

Appointment of External Auditors

Recommendation

Council approves Warwickshire County Council opting-in to the sector-led body procurement, conducted by Public Sector Audit Appointments Limited, for the appointment of the Authority's external auditors from April 2023.

1. Purpose of the Report

- 1.1. Under the Local Government Audit and Accountability Act 2014 the Council is required to appoint an auditor to audit its accounts each financial year. Our current auditor appointment covers the period up to and including the audit of the 2022/23 accounts.
- 1.2. The decision on the appointment of the auditor is one that cannot be delegated by full Council. However, prior to bringing this report to Council, the appointment of the auditor was considered by the Audit and Standards Committee at its meeting on 4 November 2021. The Committee agreed to recommend the Council opts in to the sector-led approach.
- 1.3. In light of this recommendation, the report sets out proposals for appointing the external auditor to the Authority for the accounts for the five-year period from 2023/24, the basis for the recommended approach and the next steps for the Authority in implementing the approach.

2. Background and Summary

- 2.1. The current auditor appointment arrangements were agreed by full Council in 2016 and cover the 5 years up to and including the audit of the 2022/23 accounts. To make the appointment the Authority opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments Limited (PSAA).

- 2.2. Under the Local Government Audit and Accountability Act 2014, the Council is required to appoint an auditor to audit its accounts for each financial year. Our statutory requirement is to have an auditor appointment in place by 31 December of the year preceding the start of the contract i.e. by 31 December 2022. The time needed to run an effective procurement process means that the Authority needs to decide how it wishes to undertake the process. Our options are:
- To arrange our own procurement and make the appointment ourselves;
 - To arrange procurement in conjunction with other bodies; or
 - Once again take advantage of the national collective scheme administered by PSAA.
- 2.3. The report concludes that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Authority than a procurement undertaken locally because:
- Collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
 - If it does not use the national appointment arrangements, the Authority will need to establish its own Auditor Panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
 - It is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms in England, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and
 - Supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.
- 2.4. If the Authority decides to take advantage of the national auditor appointment arrangements and opt into the national scheme, the opt-in period closes on 11 March 2022.

3. The Appointed Auditor

- 3.1. The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and value for money assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.
- 3.2. The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.
- 3.3. The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. There is currently a shortage of registered firms (9) and Key Audit Partners.
- 3.4. The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by the Chartered Institute of Public Finance and Accountancy) and the application of auditing standards is currently regulated by the FRC.
- 3.5. These factors apply to all local audits. Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties.

4. Options for Appointing the Auditor

- 4.1. The Authority has three options for appointing the auditor:
 - **Option 1:** To appoint its own auditor, which requires it to follow the procedure set out in the Act;
 - **Option 2:** To act jointly with other authorities to procure an auditor following the procedures in the Act; and
 - **Option 3:** To opt-in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).

The remainder of this section considers the advantages/benefits and disadvantages/risks of each of these options.

4.2. **Option 1: Appointment by the Authority itself**

The Authority may elect to appoint its own external auditor under the Act, which would require the Council to:

- Establish an independent Auditor Panel to make a stand-alone appointment. The Auditor Panel would need to be set up by the Authority, and the members of the panel must be wholly, or have a majority of, independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing to which audit firm to award a contract for the Authority's external audit.
- Manage the contract for its duration, overseen by the Auditor Panel.

Advantages/benefits

- Setting up an Auditor Panel allows the Council to take maximum advantage of the local appointment regime and have some local input to the decision.

Disadvantages/risks

- Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated to cost up to £50,000 plus on-going expenses and allowances.
- The Council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.
- The assessment of bids and the awarding of contracts will have limited elected member involvement.
- It would be more difficult to manage quality and independence requirements through a local appointment process.
- The Authority is unable to influence the scope of the audit and the regulatory regime inhibits the ability to affect quality.
- The local procurement exercise would be seeking tenders from the same firms as the national procurement exercise. Local firms cannot be invited to bid.

4.3. **Option 2: Set up a Joint Auditor Panel to undertake local joint procurement arrangements**

Alternatively, the Act enables the Council to join with other authorities to establish a joint Auditor Panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Further legal advice would be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

Advantages/benefits

- The costs of setting up the Panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.
- Greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract.

Disadvantages/risks

- The decision-making body will be further removed from local input, with potentially no or little input from elected members, depending on the constitution agreed with the other bodies involved.
- The choice of auditor could be complicated where individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out consultancy or advisory work for a council. Where this occurs, some auditors may be prevented from being appointed by the terms of their professional standards or a council may be excluded from the appointment by the Auditor Panel and need to make their own arrangements.
- The Authority is unable to influence the scope of the audit and the regulatory regime inhibits the ability to affect quality.
- It would be difficult to manage quality and independence requirements through a local appointment process.
- The joint procurement exercise would be seeking tenders from the same firms as the national procurement exercise. Local firms cannot be invited to bid.

4.4. Option 3: The national auditor appointment scheme

PSAA is the sector-led body appointed by the Secretary of State specified as the 'appointing person' for local government under the provisions of the Local Government Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018/19 to 2022/23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023/24 audit onwards, and to complete a procurement for audit services. PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.

Advantages/benefits

- PSAA will manage the procurement process to ensure both quality and price criteria are satisfied.
- The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities.

- The suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period will be ensured.
- PSSA would undertake ongoing contract and performance management of the contracts once these have been let.
- By offering large contract values the accredited firms would be able to offer better rates and lower fees than are likely to result from local negotiation.
- Any conflicts at individual authority level would be managed by PSAA that would have a number of contracted firms to call upon.

Disadvantages/risks

- Individual elected members would have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
- In order for PSAA to remain viable and to be placed in the strongest negotiating position they will need councils to indicate their intention to opt-in before final contract prices are known.

4.5. **Conclusion**

The national offer provides the appointment of an independent auditor with limited administrative cost to the Authority. By joining the scheme, the Authority would be acting with other councils to optimise the opportunity to influence the market that a national procurement provides. The recommended approach is therefore to opt-in to the national auditor appointment scheme.

5. **Next Steps**

- 5.1. PSAA is now inviting Authorities to opt in for the second appointing period, for 2023/24 to 2027/28. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Authority's auditor.
- 5.2. Assuming the recommendation to opt-in to the national auditor appointment scheme is supported, the Strategic Director for Resources, on behalf of the Council, will respond formally to PSAA's invitation.
- 5.3. PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.

6. Risk Management

- 6.1. The principal risks are that the Authority:
- Fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
 - Does not achieve value for money in the appointment process.
- 6.2. These risks are considered best mitigated by opting into the sector-led approach through PSAA.

7. Financial Implications

- 7.1. The Council's current external audit fees are £116,000 a year for the County Council and £31,000 for the Warwickshire Pension Fund.
- 7.2. There have been significant increases in fees over recent years due to the complexity of the work and the problems with supply/capacity in the market outlined above as well as increases in the scope of audit. We expect fees to increase further when the current contracts end. A budget pressure to reflect the forecast increase in audit fees and the additional work associated with preparing the statement of accounts was included in the 2022/23 Budget refresh report presented to Cabinet on 7 December 2021.
- 7.3. The concerns about capacity and sustainability in the local audit market also mean opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large-scale collective procurement arrangement.
- 7.4. If the national scheme is not used further additional resource will be needed to establish and maintain an Auditor Panel and conduct a local procurement.

8. Environmental Implications

- 8.1. There are no environmental implications for the Authority arising from this report.

9. Background Papers

- 9.1. None.

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County Council

14 December 2021

Constitution Review

Recommendation(s)

That Council approves the amendments to the Constitution, Contract Standing Orders and Financial Regulations as set out at Appendices 2a, 2b and 3 to this Report.

1. Executive Summary

- 1.1 The Council is required by legislation (s37 Local Government Act 2000) to have a constitution which sets out the governance arrangements by which the Council will operate. The Constitution must contain (a) a copy of the authority's standing orders for the time being, (b) a copy of the authority's code of conduct for the time being, and (c) such other information as the authority considers appropriate.
- 1.2 Following the commencement of the 2021/22 municipal year officers have undertaken a review of the Constitution with particular concentration on the scheme of delegation, contract standing orders and financial regulations.
- 1.3 The Constitution provides the basis on which the Council operates and where powers are to be exercised and decisions taken. Contract Standing Orders set out the procedures under which the Council procures (and provides) works, goods and services to ensure that it achieves value for money and social value, that it complies with statutory requirements and that its purchasing is prudently managed and properly controlled. Financial Regulations set out financial roles and responsibilities and provide the framework for financial decision making.
- 1.4 The existing Constitution, Contract Standing Orders and Financial Regulations are legally compliant. However, there are areas which would benefit from providing greater clarity and updating to ensure the Constitution remains fit for purpose and provides appropriate and robust governance. As a consequence, a number of changes are proposed. These are set out in full in track changes at Appendix 2a (Constitution) and Appendix 2(b) (Contract Standing Orders) to show changes between the existing versions and the proposed updated versions. Appendix 3 constitutes the proposed changes to Financial Regulations. A summary of the key changes within the main body of the Constitution is provided at Appendix 1 for ease of reference.

2. Key changes to the Constitution

2.1 The key changes within the Constitution are set out in more detail below and summarised in Appendix 1. Overall, the proposed changes are intended to ensure that the scheme of delegation is clear, that the Constitution is up to date in terms of its terminology and statutory references and that the Council is able to undertake its business in the most effective and efficient way.

2.2 The proposed changes include:

2.2.1 Delegating to officers the ability (in consultation with the relevant Portfolio Holder) to make applications for grant funding or other bids for external finance where (a) the value of the bid does not exceed £250,000 and (b) the bid does not commit the Council to funding in excess of £50,000 and (c) provided that the match funding can be met from the service's allocated budget, and/or it relates to an approved partnership submission, and/or it relates to a project/activity for which prior member approval has been received. This is to reflect the short timeframes often given for external bidding opportunities and will enable the Council to respond more swiftly to such opportunities. Above these thresholds Portfolio Holder approval is still required as currently.

2.2.2 A similar change in relation to responses to external consultations where the response is practical/technical in nature and is not of wider interest. It is proposed that this power will be delegated to officers to be exercised in consultation with the Leader and/or Portfolio Holder and the Chair of the relevant Overview and Scrutiny Committee.

2.2.3 Reflecting on our experiences of the Covid pandemic and the need during that period to operate decisively and swiftly, a new delegation is proposed, giving power to the Chief Executive, in consultation with the Leader, the Group Leaders and relevant Portfolio Holder to make urgent decisions in emergency situations. In proposing this new power, we have considered the approach of a number of other Councils whose Constitutions already contain a similar power. The power is time limited to the period of the emergency and details of use of this power will be included in the Leader's annual report to full council. In addition, the relevant decision-making body will be notified at the next appropriate meeting.

2.2.4 The Policy Framework which contains those policies, strategies or plans which must be approved by full Council by law together with such others as the Council decides, has been reviewed and updated to reflect changes in legislation and changes in practice. It is proposed to include the Warwickshire Children and Young People Strategy within this list, and policies which no longer exist or have been subsumed into other policies or procedures are proposed for deletion to reflect current practice (e.g. some sub-regional strategies).

2.2.5 A proposed uplift to the delegation to the Strategic Director for Resources in relation to leases and sales/acquisitions of land, given that these levels have

not been updated for a number of years. The proposal is that the Strategic Director for Resources may grant or take on leases up to £35,000 per annum (currently £25,000 per annum) based upon an RPI uplift calculation and may authorise sales at market value or purchases where the consideration is no greater than £250,000 (currently £100,000). This reflects the realities of land values and the need to move in an agile way to deliver the Council's place agenda. Consequent changes have been made to the Portfolio Holder lower levels.

2.2.6 There have been a small number of uplifts to financial limits regarding write offs (raising the Strategic Director for Resources' limit from £2,000 to £3,000 and Strategic Directors from £1,000 to £2,000) with corresponding changes to Portfolio Holders' lower limits (now £3,000). There is also a proposed uplift to the Strategic Director of People's ability to make payments in certain circumstances to children in need, voluntary organisations providing care support and disabled persons. These have risen from £1,000 to £10,000.

2.2.7 The officer delegations in the main body of the Constitution (Part 2(10)) have been simplified in terms of their presentation, with the detailed delegation tables moved into an appendix. It is important that these are retained however the move will enable updates to specific delegated powers to be undertaken without a need to redraft and republish large sections of the Constitution and enables a broader understanding of the delegated powers of named officers. Some minor additions to this section are proposed providing clarity as to the requirements on officers when they are exercising delegated powers, their ability to onwards delegate and the limitations on their exercise of such powers. The issue of interpretation of any specific delegation remains within the role of the Monitoring Officer. Statutory references have been updated to ensure all remain accurate. This is an ongoing activity that will be within the remit of Legal Services to undertake as required in consultation with the Monitoring Officer.

2.2.8 A general delegation is proposed to the Strategic Director of Communities in relation to decisions in the planning and highways area. This delegation is implicit in the current version of the Constitution and has been made explicit in the interests of clarity and effective decision making and it remains subject to specific exclusions.

2.2.9 The opportunity has also been taken to clarify the delegation of certain functions to specific officer roles at a Constitutional level. These include the Proper Officers for Registration and for Health Protection (Notification) Regulations in particular.

2.2.10 There are also a number of more minor changes included to correct and update the Constitution following prior decisions of Council and structural and legislative changes. These are all detailed in Appendix 2a, along with the changes above, in track changes.

3. Key Changes to Contract Standing Orders

3.1 The proposed changes to Contract Standing Orders are set out in Appendix 2b.

There are no major changes to procedures and no alteration to limits of authority or sign off, however the opportunity has been taken to simplify language and to restructure the document to follow the life cycle of a procurement activity. The changes were considered and endorsed by the Audit and Standards Committee at its meeting on 4th November 2021.

3.2 The main changes to Contract Standing Orders are set out below expanding on the purpose and importance of CSOs to provide context to the rules and linking to Financial Regulations

3.2.1 clarification of (i) requirements where a joint procurement with partners is undertaken (ii) the extent and primacy of procurement legislation and the requirement not to disaggregate when valuing contracts (iii) when CSOs apply (iv) exemption requirements (v) use of frameworks (vi) base requirements for any contract in terms of drafting (vii) requirements of the Social Value Act (viii) the term “consultant” (ix) requirements for external service delivery (x) requirements on disposal of goods/assets by auction

3.2.2 highlighting the role of officers in a procurement and transparency requirements and consistency of information to be provided fairly to all bidders

3.2.3 providing context to preparing for a procurement and how to commence purchasing activity updated in light of EU exit

3.2.4 confirming the need for legal advice on extension or amendment of a contract

3.2.5 confirming the Council’s move to electronic signatures using DocuSign where legally permitted,

3.2.6 updating requirements for record keeping and reporting requirements in light of EU exit

3.2.7 raising the threshold level for one quote to below £25,000 (currently £10,000) and for three quotes to from £25,000 to below £100,000 (currently £10,000 to below £100,000)

4. Key Changes to Financial Regulations

4.1 During the same period, a review of Financial Regulations has been undertaken, with the proposed revisions set out at Appendix 3. Amendments have been made to reflect changes to the operating model pre Covid and to strengthen the position with regard to accountability and responsibility at the various management levels.

4.2 In proposing amendments to the Financial Regulations, the following points are of note:

- 4.2.1 The broad structure remains as previously approved, with a set of high-level financial regulations supplemented by the more detailed financial rules. The regulations require approval by full Council, with the finance rules delegated to the Chief Financial Officer (Strategic Director for Resources) to issue and maintain.
- 4.2.2 The proposed revisions are more comprehensive and provide more detail on why the rules are important to strengthen the organisational understanding of financial governance. They also clearly set out the roles of internal and external audit.
- 4.2.3 The definition of value for money has been updated to reflect the definition used by external auditors as part of the value for money assessment.
- 4.2.4 The role of the Chief Financial Officer (Strategic Director for Resources) has been updated to reflect CIPFA guidance on the role of the S151 officer in local government;
- 4.2.5 The dates by which draft/final accounts need to be published have been updated in light of recent changes;
- 4.2.6 Proposals are made with respect to Virements. Virements cover moving money between services, moving money within a service and changing how the money is spent. The proposal is that Assistant Directors must seek Cabinet approval for all virements within their service area which exceed the lower of £500,000 or 5% of the Service's net revenue budget (whether individual or as part of a cumulative total) where this is as a result of a change in policy, and seek Cabinet approval for all virements between Services irrespective of the amount of the virement, except where virements do not change the approved use of the resource;
- 4.2.7 The appendix to the Financial Regulations contains the list of Finance Rules. These are delegated to the Chief Finance Officer to update, finalise and approve. This exercise is intended to complete by 1 April 2022, and changes will be rolled out on a phased basis over the intervening period.

5. Conclusions

- 5.1 The changes to the Constitution aim to simplify presentation and understanding without changing the balance between member and officer decision making, and to update language and terminology in some areas to reflect changes in legislation, practice and operating arrangements. Where new powers or provisions are proposed they include safeguards to the exercise of those powers and are consistent with the approach adopted in other areas of the Constitution.
- 5.2 Further work will be needed to Contract Standing Orders in the future as the response to the procurement reform consultation is taken forward. Despite this it is considered appropriate that current changes across all aspects of the Constitution (including Contract Standing Orders and Financial Regulations)

are progressed at this time, with any future legislative changes picked up as they arise.

5.3 Changes to the Member Code of Conduct were approved by the full Council in July 2021 and have been incorporated into the Constitution. The Members Allowance Scheme is currently under review and when any proposed changes have been approved by full Council the Scheme, which also forms part of the Constitution, will be updated.

5.4 It remains the position as in previous iterations of the Constitution, and has been made explicit, that minor/technical changes to the Constitution be within the delegated powers of the Monitoring Officer and the Chief Financial Officer to make. Any necessary changes to statutory references and any changes resulting from changes in legislation, annual Council or other member decisions will be reviewed annually within legal services and changes approved by the Monitoring Officer.

5.5 The proposals within this paper will be taken to Cabinet on 7 December 2021. Due to publication timeframes, any update or recommended changes from that meeting will be notified to members as soon as possible following the Cabinet meeting and published prior to Council on 14 December.

5.6 The proposed changes to Contract Standing Orders were considered and endorsed by the Audit and Standards Committee at its meeting on 4th November 2021.

6. Financial Implications

6.1 There are no direct financial implications arising from this report.

6.2 The changes proposed do not fundamentally alter the balance between officer and member decision making, focussing as they do on lower value officer authorisations and maintaining the need for consultation with the relevant Portfolio Holder and/or the Leader and other members as appropriate where additional delegations have been proposed.

7. Environmental Implications

7.1 There are no direct environmental implications to this report.

8. Supporting Information

8.1 None

9. Timescales associated with the decision and next steps

9.1 If approved the proposals will take effect immediately and steps will be taken to update the electronic versions of the Constitution and supporting documents

and to raise awareness of the changes amongst officers as soon as possible post Council.

Appendices

1. Appendix 1 - Summary Table of Key Constitutional Changes
2. Appendix 2 –Redlined version of (2a) Constitution and (2b) Contract Standing Orders
3. Appendix 3 – Revised Financial Regulations

Background Papers

1. Cabinet Report 7 December 2021

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The report was circulated to the following members prior to publication:

Local Member(s):

Other members:

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APPENDIX 1 - Summary Table of constitutional changes

Proposed Change	Summary of change
To clarify the powers of the Committee / chair in relation to public speaking and include clear guidance for citizens about appropriate content of statements	Article 3.2 -Minor additional wording making it clear that statements made by public speakers should not be frivolous or defamatory about any individual or organisation
To clarify the appointments process for Independent Members of Audit and Standards	Article 5.3 - A panel made up of no more than three members of the Audit & Standards Committee (which may include the Independent Chair).
To insert within the functions of the Monitoring Officer, the role in relation to member complaints under the Code of Conduct	Article 7.3(e) - Confirms that any complaints about elected members will be dealt with by the Monitoring Officer in accordance with the Member Code of Conduct and that members will be made aware of their obligations under the Code
To clarify that the roles held by the Chief Finance Officer and Monitoring Officer in relation to money laundering	Article 7.4(c) - Includes these statutory responsibilities and where they sit within the Constitution
To clarify the position as regards exempt reports and decisions	Article 8.4 - Confirms that reports and decisions will be published on the Council's website unless they are considered to be exempt from publication
To delete the following responsibilities: <ul style="list-style-type: none"> remove item 18 referencing development plans in production in 2004; remove item 38 relating to Local Area Agreements 	<p>Part 2 Section 2- Items 18 and 38 –These responsibilities of full council have been deleted as the obligations are now obsolete referencing plans and agreements that are no longer required/in place.</p> <p>Part 2 Section 3 mirrors the deletion in relation to Local Area Agreements</p>
To delegate the making of funding bids to external bodies up to a certain financial threshold to officers in consultation with the Portfolio Holder and provided WCC match funding does not exceed a certain threshold and/or the funding doesn't relate to a project which needs member approval and hasn't yet had it.	Part 2 Section 4 and Part 2 Section 10 - External funding bid timescales are often relatively short and can present a challenge in terms of decision making. This change is intended to give more flexibility and enable officers to make the bid on certain conditions and up to a financial threshold of £250,000 and provided the bid does not commit WCC to match funding of more than £50,000 and the match funding can be met from the services allocated budget, and/or it is an approved partnership submission and/or it is made to progress an approved activity. Portfolio Holder and Officer delegations have been amended accordingly

<p>To delegate to officers in consultation with the Portfolio Holder responses to consultations where the subject matter of the consultation is practical/ technical in nature and is not of wider interest.</p>	<p>Part 2 Section 4 and Part 2 Section 10 - Consultation response timeframes can be relatively short and sometimes are more operational in nature rather than policy driven. For these types of consultation, to provide greater flexibility it is proposed that such responses are delegated to officers in consultation with the Leader and/or Portfolio Holder and relevant Overview and Scrutiny Chairs. Portfolio Holder and Officer delegations have been amended accordingly</p>
<p>To uplift the levels at which officers can take decisions in relation to property matters, and consequent Portfolio Holder change.</p>	<p>Part 2 Section 4 and Part 2 Section 10 - Property values/ thresholds for decision making in the Constitution have not been reviewed for several years and property values/lease values have increased. One change is proposed</p> <p>Officer decision levels are relatively low when compared to other officer decision making levels (such as letting contracts). The current thresholds for the Strategic Director for Resources, and proposals to increase are</p> <ul style="list-style-type: none"> • Sales and purchases of land up to £100,000 - increase to £250,000 • Grant and taking up leases £25k pa – increase to £35k pa <p>Portfolio Holder decision lower thresholds are increased to take account of the above changes. It is not proposed to change the upper limits of £1m for sales and £250k for leases beyond which Cabinet decision making is required.</p>
<p>To pick up aspects from the Scrutiny Review that require clarification or confirmation constitutionally</p>	<p>Part 2 Section 8 - New additions to the Overview and Scrutiny Committee (OSC) section of the Constitution to include consideration of themes arising from the Council Plan, compliance with OSC statement of behaviours (which are to be drafted), reference to Task & Finish (TFG) groups, public involvement, and stakeholder engagement.</p> <p>Also, clarify Terms of Reference for TFGs – their remit is to consider, provide guidance and/or recommendations and report back. Clarification that they are not a decision-making body</p>

<p>To clarify the general delegations to Chief Executive and Strategic Directors and to generally tidy up these sections of the Constitution.</p>	<p>Part 2 Section 10 (Officer Delegations) of the Constitution – The proposed changes are intended</p> <ul style="list-style-type: none"> • To ensure that there is a specific delegation to officers around contractual and other decisions necessary for operational effectiveness – which aligns to Contract Standing Orders • To tighten the provisions around sign off and use of ModGov • To clarify the ability of Strategic Directors to make payments necessitated by decisions of courts, tribunals and regulatory bodies. As currently drafted this ability is inferred but not explicit in the Constitution • To clarify the extent of officer decision making as regards responses to consultation papers and bids for external funding (to reflect the changes proposed above) • To clarify the ability of the Chief Executive to appoint substitutes for any officer in the Scheme of Delegations who is absent for a period • To clarify the requirements on officers when exercising delegated powers (these have simply been updated from the current version in the Constitution) and set out the limitations on the exercise of delegated powers.
<p>To expand the list of Statutory Officers</p>	<p>Part 2 Section 10 - Now includes the Director Children's Services and Director of Adult Social Services and Director of Public Health (DPH)</p>
<p>To move the detailed statutory references to an Appendix.</p>	<p>Part 2 Section 10 - This proposal is intended to make the Constitution easier to navigate whilst still retaining the statutory references which are required</p>

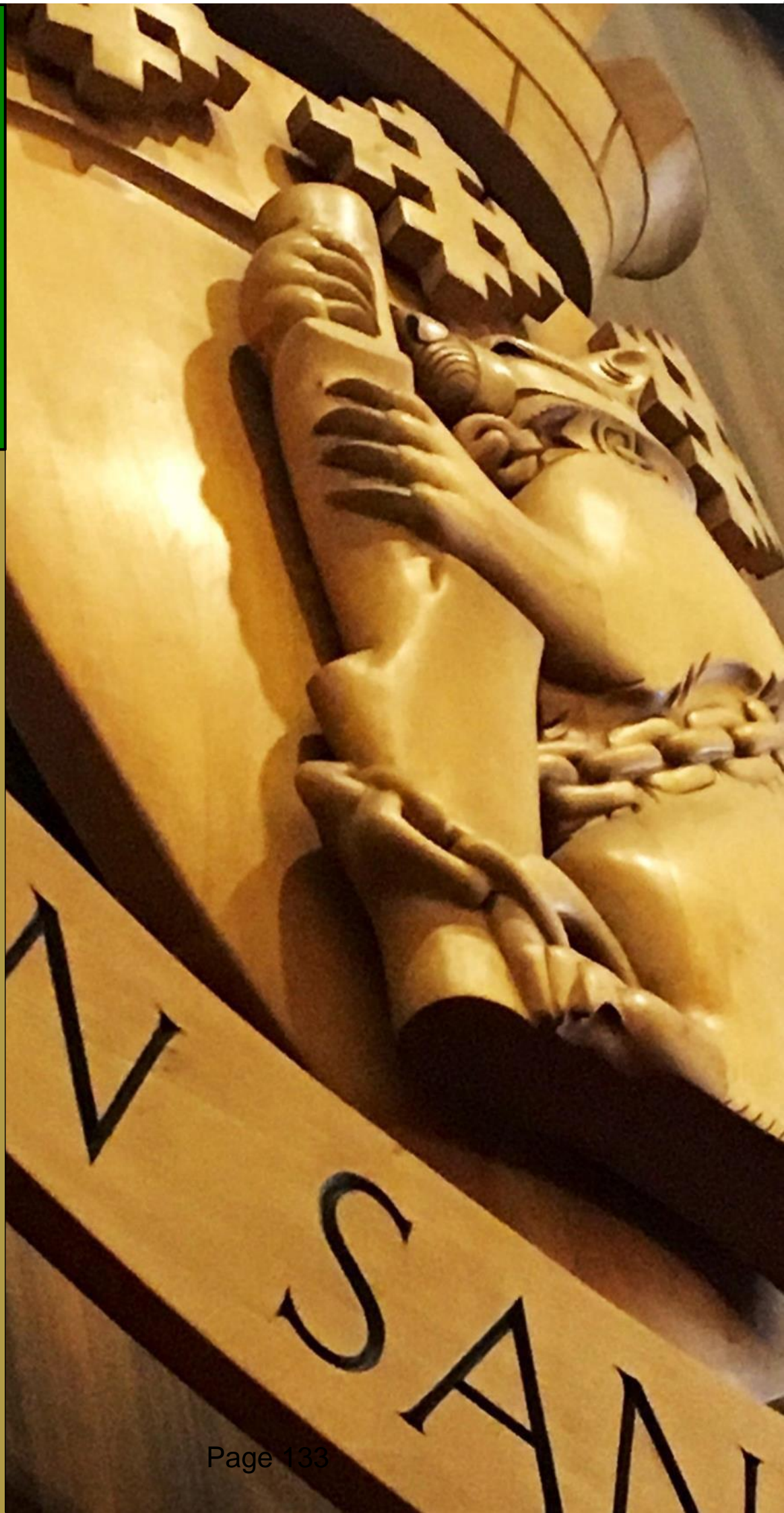
<p>To increase the thresholds at which the Strategic Director for Resources can authorise write off as irrecoverable debts owed to the Council</p>	<p>Part 2 Section 4 and Part 2 Section 10 - The current threshold of £2,000 has not been updated for several years. It is proposed to increase the threshold at which officers can write off the debt to £3,000 for the Chief Finance Officer and £2,000 for Strategic Directors. Corresponding changes are made to the Portfolio Holder general powers</p> <p>Includes a non-financial caveat around how we deal with lower value but higher risk issues/matters with principles/precedents – this requires consultation with legal and finance and with Portfolio Holder and/or Leader where considered appropriate</p>
<p>To increase the financial thresholds applicable to the Strategic Director for People in cases relating to children in care etc</p>	<p>Part 2 Section 4 and Part 2 Section 10 – Current thresholds applicable to officers (up to £1000) have not been renewed for a number of years. Proposed to increase these to £10,000 in appropriate circumstances.</p>
<p>To give Chief Executive a specific emergency power to take decisions such as during a pandemic or other local crisis.</p>	<p>Part 2 Section 10B - New power enabling Chief Executive to take, in consultation with the Leader, Group Leaders and the relevant Portfolio Holder, all necessary decisions in cases of emergency. Such decisions to be limited in timeframe and included in the Leader's annual report to full Council, and post emergency to be notified to the relevant decision-making body.</p> <p>The power would still require the Access to Information Rules to be met and would be implemented where failure to act would prejudice the council.</p> <p>Actions involving spend would require input of the s151 officer</p> <p>Proposed wording has taken into account similar powers included in the Constitutions of other authorities</p>
<p>To give the Strategic Director for Communities a wider delegation in relation to Highway Authority and Planning matters</p>	<p>Part 2 Section 10B - A number of other Councils include these broad delegations in relation to issues such as traffic and vehicle regulation, public transport, car parking and road safety together with any related enforcement action, making and entering into agreements pursuant to the Highways Act 1980. They also include powers to officers in relation to town and country planning (including minerals and waste planning) and development control including any necessary enforcement action. We have tended to use our general officer delegations to undertake such functions. There is an opportunity within</p>

	<p>this review to make the powers of the Strategic Director for Communities more explicit and to avoid any ambiguity or potential for challenge.</p> <p>To be in consultation with relevant Portfolio Holder and as appropriate the Chair of the Regulatory Committee</p>
<p>The Policy Framework – updated</p>	<p>Part 2 Section 2 - The Policy Framework are those plans, strategies and policies which under legislation require the approval of full Council and others which the Council has requested be included. The Council's Policy Framework has been updated to reflect legislative requirements and operational changes since the framework was last considered and approved.</p>
<p>General tidying up of terminology, clarifications, consistency checks and verification of statutory references</p>	<p>Proposed changes in track changes throughout the constitution at Appendix 2a and in addition, specific updates in Part 2 Section 10 to reflect changes in legislation</p>

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Warwickshire County Council Constitution

August 2021



Constitution Overview

We have agreed on a constitution which sets out:

- how we operate
- how we make decisions
- who makes decisions
- how residents, businesses and other organisations can participate
- procedures to follow to make sure we are efficient, transparent and accountable to local people.

1. Part 1 - Articles

Gives a broad overview of the constitution and the way we organise the council.

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Sets out the responsibilities for council decisions

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(1) Part 6 - Management Structure

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ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

The council will exercise its powers and duties in accordance with the law and this constitution.

1.2 The Constitution

This constitution, and all its appendices, is the constitution of the Warwickshire County Council.

1.3 The Purpose of the Constitution

The purpose of the constitution is to:

1. Help the council and councillors provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. Support the active involvement of citizens in the process of local authority decision-making;
3. Encourage openness and transparency by ensuring that those who make decisions are clearly identifiable to local people, and that they explain the reason for decisions;
4. Promote high standards of conduct by members and officers and provide a means of holding decision-makers to public account; and
5. Enable efficient and effective decision-making and improve the delivery of services to the community.

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.1 Composition and Eligibility

(a) Composition

The council has 57 elected members, otherwise called councillors. Councillors are elected by the voters of each electoral division.

(b) Eligibility

Only registered voters of the county or those living or working there are eligible to hold the office of councillor.

2.2 Election and Terms of Councillors

The regular election of councillors will normally be held on the first Thursday in May every four years beginning in 2013. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and Functions of All Councillors

(a) Key Roles

All councillors will:

- i. represent the people of Warwickshire, the interests of their electoral division and of individual constituents;
- ii. provide community leadership and contribute to the good governance of the area;
- iii. actively encourage community participation and citizen involvement in decision-making;
- iv. collectively be the ultimate policy makers and participate in the governance and management of the council; and
- v. promote and maintain the highest standards of conduct and ethics in the conduct of council business.

(b) Rights and Duties

- i. Councillors will have rights of access to such documents, information, land and buildings of the council as are necessary for the proper discharge of their functions and in accordance with the law.
- ii. Councillors will not make public information which is confidential or exempt without the consent of the council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

- iii. For these purposes, “confidential” and “exempt” information are defined in the standing orders in part 3 of this constitution.

2.4 Conduct

Councillors and co-opted members will at all times observe the Members’ Code of Conduct and the Protocol on Member/Officer Relationships set out in part 4 of this constitution.

2.5 Allowances

Councillors and co-opted members will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in part 5 of this constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in part 3 of this constitution.

(a) Voting and Petitions

Citizens on the electoral roll for the area have the right to vote. They may also sign a petition to request a referendum for an elected mayor form of constitution.

Citizens may also present petitions to certain member bodies. The arrangements for receipt of petitions are set out in Part 3 Section 1: Standing Orders.

(b) Information

Citizens have the right to:

- i. attend meetings of the council, the cabinet, and any committees and leader and portfolio holder decision-making sessions except where confidential or exempt information is likely to be disclosed, and the meeting [or part of the meeting](#) is therefore held in private;
- ii. find out from the forward plan what key decisions will be taken by the executive or officers and when;
- iii. see reports and background papers [as defined in statute](#), and any records of decisions made by the council, its committees and the executive which are open to the public; and
- iv. inspect the council's accounts during the audit process and make their views known to the external auditor.

(c) Participation

Citizens have the right to participate in public interest debates, public question time where provided for in standing orders and, where appropriate [and requested by the committee](#), in the investigations by overview and scrutiny committees.

(d) Complaints

Citizens have the right to complain to:

- i. the council itself under its complaints procedure [which can be found at \[LINK \]](#);
- ii. the Ombudsman after using the council's own complaints procedure; and
- iii. the Monitoring Officer of the council about a breach of the Members' Code of Conduct.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not damage property owned by the council, councillors or officers.

[Citizens should ensure that statements made at meetings or in correspondence are true, accurate and not frivolous or defamatory about any individual or organisation.](#)

ARTICLE 4 – THE FULL COUNCIL**4.1 Meanings****(a) Policy Framework**

The policy framework means the following plans and strategies:

- i. those required to be adopted by the full council by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any regulations under section 32 of the Local Government Act 2000; and
- ii. any other plans and strategies which the council may decide from time to time to adopt as part of its policy framework.

A full list of the plans and strategies adopted by the council as part of the policy framework is set out in part 2 of this constitution.

- a. The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the county council's borrowing limit and the virement limits.
- b. Executive functions mean those functions which by law must be the responsibility of the executive.
- c. Non-executive functions mean those functions which by law must not be the responsibility of the executive.
- d. Local choice functions means those functions which the council may decide to exercise itself or delegate to any part of the council including the executive. A list of local choice functions is included in part 2 of this constitution.

4.2 Functions of the full Council

Only the full council will exercise the following functions:

- a. adopting and changing the constitution;
- b. approving or adopting the policy framework and the budget;
- c. subject to the urgency procedure contained in standing orders in part 3 of this constitution, making decisions which are contrary to the policy framework or decisions which are contrary to or not wholly in accordance with the budget;
- d. appointing the leader of the council;
- e. in relation to functions which are not the responsibility of the executive agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- f. appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the council;

- g. adopting an allowances scheme under Article 2.5;
- h. changing the name of the area;
- i. confirming the appointment of the head of paid service, the monitoring officer and chief finance officer;
- j. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- k. all local choice functions set out in part 2 of this constitution which the council decides should be undertaken by itself rather than any other person or body or other matters reserved to full council by this constitution; and
- l. all other matters which, by law, must be reserved to the council.

The responsibilities of the full council may change from time to time and are set out in more detail in part 2 of this constitution.

4.3 Role and Function of the Chair

The chair will be elected by the council annually. The chair of the council, and in their absence the vice-chair, will have the following roles and functions:

1. to help to uphold and promote the purposes of the constitution, and to interpret the constitution where necessary;
2. to preside over meetings of the full council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the full council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the executive are able to hold the executive and committee chairs to account;
4. to help to promote public involvement in the council's activities; and
5. to attend such civic and ceremonial functions as the council and the chair determine to be appropriate.

ARTICLE 5 – THE LEADER, CABINET and OTHER BODIES

~~The council will appoint the following:~~

5.1 LEADER OF THE COUNCIL AND CABINET**(a) Role of the Leader**

The council will appoint the leader. The leader will carry out all of the local authority's executive functions which are not the responsibility of any other part of the local authority, whether by law or~~f~~ under this constitution.

(b) Form and Composition of the Cabinet

The leader will be responsible for the appointment of a cabinet consisting of the leader together with not less than 2 nor more than 9 other councillors. The leader may change the appointments to the cabinet at any time.

(c) Portfolios

The leader will allocate to each member of the cabinet responsibility for a particular portfolio. The portfolios and the role of portfolio holders are set out in part 2 of this constitution. The number and terms of reference of portfolios may be changed by the leader from time to time.

5.2 OVERVIEW AND SCRUTINY COMMITTEES**(a) Terms of Reference**

The council will appoint at least one overview and scrutiny committee. If more than one overview and scrutiny committee is appointed, then collectively the overview and scrutiny committees will cover all the functions of the council. The membership of any overview and scrutiny committee shall not include any member of the cabinet. The council may from time to time change the number and/or terms of reference of the overview and scrutiny committee(s) it appoints.

(b) General Role

The terms of reference and role of the overview and scrutiny committee(s) are set out in part 2 of this constitution. In summary, their role is to:

- i. assist the council and the leader and/or cabinet in the development of its budget and policy framework by considering policy issues;
- ii. review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the council's functions; and
- iii. exercise the right to call-in decisions made but not yet implemented by the leader, cabinet, portfolio holders, local members exercising executive functions and officers making key executive decisions.

5.3 THE AUDIT AND STANDARDS COMMITTEE

(a) Composition

The ~~full~~ council will appoint an Audit and Standards Committee, which will be composed of six councillors and up to four other persons (the independent members) who are not councillors or officers of the council or any other body prescribed by regulations. The independent members will be entitled to vote at meetings.

The council will appoint the independent members following interview by a panel made up of no more than three members of the Audit & Standards Committee (which for these purposes may include the Independent Chair). Appointments will be ratified by full council.

(b) Role and Function

The role and functions of the Audit and Standards Committee are set out in detail in part 2 of this constitution. In summary, these relate to:

- i. promoting and maintaining high standards of conduct by councillors, co-opted members and church/parent governor representatives;
- ii. monitoring the operation of and advising the council on the adoption or revision of the Members' Code of Conduct;
- iii. granting dispensations to councillors, co-opted members and church/parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- iv. supervision of politically restricted posts;
- v. oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management; and
- vi. oversight of other arrangements for the maintenance of probity allocated from time to time by the council.

5.4 REGULATORY COMMITTEE

(a) Composition

The full council will appoint a Regulatory Committee. The seats on the committee shall be allocated proportionally to the representation of political groups and individual members on the council.

(b) Role

The responsibilities of the Regulatory Committee are set out in part 2 of this constitution. This committee deals primarily with planning applications, licensing and arrangements for various types of appeals and appointments to outside bodies. The council may change its responsibilities from time to time.

5.5 OTHER COMMITTEES

The council or the leader or the cabinet may from time to time establish such other

committees as it sees fit.

The composition and responsibilities of any other committees are set out in part 2 of this constitution.

ARTICLE 6 – JOINT ARRANGEMENTS

- 6.1 The council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities or [to](#) advise the council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 6.2 The leader may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are executive functions in any of the participating authorities or [to](#) advise the council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 6.3 Except as set out below, the leader 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.
- 6.4 The leader may appoint members to a joint committee from outside the executive in the following circumstances:
- i. 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 leader may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area; or
 - ii. the joint committee is between a county council and a single district council and relates to functions of the executive of the county council. In such cases, the leader may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

In both cases the political balance requirements do not apply to such appointments.

- 6.5 Details of any joint arrangements, including any delegations to joint committees, will be found in part 2 of this constitution.

6.6 Access to Information

- (a) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to executives by regulations under sections 22 and 105 of the Local Government Act 2000.
- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

6.7 Delegation to and from Other Local Authorities

- (a) The council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

- (b) The leader may delegate executive functions to another local authority or, in certain circumstances, the executive of another local authority.

The decision whether or not to accept such delegation from another local authority shall be reserved to the full council.

6.8 Contracting Out

The full council, in respect of functions which are not executive functions, and the leader in respect of executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the council's agent under usual contracting principles, provided that there is no delegation of the council's discretionary decision-making when acting under contracting arrangements.

ARTICLE 7 – OFFICERS**Terminology**

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

7.1 Management Structure**(a) General**

The full council may engage such officers as it considers necessary to carry out its functions. Appointment of officers cannot be the responsibility of the leader.

(b) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The council will be responsible for confirming the appointment of the ~~chief executive~~ head of paid service, the monitoring officer and chief finance officer in accordance with the Officer Employment Standing Orders in part 3 of this constitution.

(c) Head of Paid Service, Monitoring Officer and Chief Finance Officer

The council will designate the following posts as shown in the table below:

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director Governance and Policy	Monitoring Officer
Strategic Director for Resources	Chief Finance Officer

The duties of both the monitoring officer and chief finance officer (apart from the administration of the financial affairs of the council) must be carried out personally but can be carried out by a deputy nominated by them in cases of absence or illness or where necessary for the efficient or effective conclusion of any matter requiring the input of either statutory officer.

7.2 Functions of the Head of Paid Service**(a) Corporate Management**

The head of paid service will be responsible for the corporate management of the council, and for ensuring the co-ordination of services and the provision of appropriate professional advice.

(b) Structure

The head of paid service will determine and publicise a description of the overall departmental structure of the council showing the management structure and deployment of officers. This is set out in part 6 of this constitution and may be changed from time to time/.

(c) Appointment of Staff

The appointment of officers below strategic director or chief officer level is the

responsibility of the head of paid service or their nominee(s).

The statutory “chief officers” are the:

- Head of Paid Service (LGHA 1989, s 4)
- Monitoring Officer (LGHA 1989, s 5)
- Chief Finance Officer (LGA 1972, s 151)
- Director of Children’s Services (Children Act 2004, s 18)
- Director of Public Health (National Health Service Act 2006, s 73A(1)); and
- Director of Adult Social Services (Local Authority Social Services Act 1970, s 6(A1))
-

Non-statutory “chief officer” ~~includes defined as:~~

- a person for whom the head of the authority's paid service is directly responsible
- a person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to the head of the authority's paid service; and
- any person who, as respects all or most of the duties of their post, is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority; but

excludes any person whose duties are solely secretarial or clerical or are otherwise in the nature of support services.

(d) **Discharge of Functions by the Council**

The head of paid service will report to the 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.

(e) **Restrictions on Functions**

The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

7.3 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The monitoring officer will maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by members, staff and the public. This will be by means of an up to date electronic version available on the council’s website. The Monitoring Officer shall have delegated authority to make minor amendments and updates to the constitution as may be necessary from time to time due to changes in legislation and/or organisational structures etc.

(b) **Ensuring Lawfulness and Fairness of Decision-Making**

After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full council or to the executive in relation to an executive function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to

maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Contributing to Corporate Management

The monitoring officer will contribute to the corporate management of the council, in particular through the provision of advice on legal, constitutional, procedural and probity issues. [The monitoring officer will also be the Compliance Officer for the purposes of anti-money laundering legislation.](#)

(d) Advising whether Executive Decisions are within the Budget and Policy Framework

The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(e) Dealing with Complaints about Members and enforcing the Code of Conduct

[The monitoring officer will receive any complaints about the conduct or behaviour of members and will deal with them in accordance with the Members' Code of Conduct \[LINK \]. The monitoring officer will ensure members are made aware of their obligations under the Members' Code of Conduct](#)

(e)(f) Restrictions on Posts

The monitoring officer cannot be the chief finance officer or the head of paid service.

7.4 Functions of the Chief Finance Officer

(a) Ensuring Lawfulness and Financial Prudence of Decision-Making

After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full council or to the executive in relation to an executive function and the council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the council is about to enter an item of account unlawfully.

(b) Administration of Financial Affairs

The chief finance officer will have responsibility for the administration of the financial affairs of the council.

(c) Contributing to Corporate Management

The chief finance officer will contribute to the corporate management of the council, in particular through the provision of professional financial advice. [The chief finance officer shall hold or shall delegate to a nominee the role of Money Laundering Reporting Officer.](#)

(d) Providing Advice

The chief finance officer will provide advice on financial matters, the budget

framework and financial propriety.

7.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

7.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relationships set out in part 4 of this constitution.

7.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Standing Orders set out in part 3 of this constitution.

ARTICLE 8 – DECISION MAKING

8.1 Responsibility for Decision Making

The council will issue and keep up to date a record of what part of the council or individual has responsibility for functions which are not the responsibility of the executive. The executive will issue and keep up to date a record of the body or individual responsible for executive functions. These records are set out in part 2 of this constitution and may change from time to time.

8.2 Principles of Decision Making

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

- a) proportionality (i.e. the action will be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from officers;
- c) respect for human rights (see below for further details);
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) explaining what options were considered and giving the reasons for the decision.

8.3 Types of Decision

- a) Decisions reserved to the full council: Decisions relating to the functions listed in Article 4.2 will be made by the full council and not delegated except to the extent permitted by that Article.
- b) Key decisions: Key decision means a decision made in the exercise of an executive function as defined in Article 4.1 and standing orders in part 3 of this constitution.

8.4 Decision Making by Council Bodies, Councillors or Officers

Any member body, councillor or officer will follow the applicable standing orders set out in part 3 of this constitution when considering any matter.

Any member body, 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.

[Reports and decisions will be published on the Council's website unless they are considered to be exempt from publication on the grounds provided for in Schedule 12A Local Government Act 1972 .](#)

[Within this Constitution, "clear working days" means complete days ending at one minute to midnight and not including:](#)

- [The day on which the period begins.](#)
- [If the end of the period is defined by reference to an event \(for example, a](#)

ARTICLE 9 – FINANCE, CONTRACTS AND LEGAL MATTERS

9.1 Financial Management

The management of the council's financial affairs will be conducted in accordance with the financial regulations set out in part 3 of this constitution. These may change from time to time.

9.2 Contracts

Every contract made by the council will comply with Contract Standing Orders set out in part 3 of this constitution. These may change from time to time.

All major contracts as defined in Contract Standing Orders must either be signed by at least two designated officers of the council or made under the common seal of the council attested by at least one designated officer.

'Designated Officer' shall mean the head of paid service ~~or, and~~ any other officer authorised by them. The monitoring officer shall keep a list of Designated Officers authorised officers.

9.3 Legal Proceedings

The head of paid service or any other officer authorised by them has authority 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 they consider that such action is necessary to protect the council's interest, or otherwise where permitted at law subject to prior consultation with the Monitoring Officer.

9.4 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 head of paid service or other ~~person~~ officer authorised by them unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

9.5 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 paid service~~ monitoring officer. A decision of the council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents which in the opinion of the head of paid service or monitoring officer should be sealed. The affixing of the common seal will be attested by a 'designated officer' as defined in 9.2 above.

SUMMARY OF EXECUTIVE ARRANGEMENTS

The following parts of this constitution constitute the executive arrangements:

1. Article 5.1 (the leader of the council and cabinet) and those parts of standing orders which apply to the executive;
2. Article 5.2 (overview and scrutiny committees) and those parts of standing orders which apply to overview and scrutiny;
3. Articles 5.5 and 6 (other committees and joint arrangements);
4. Article 8 (decision making); and
5. Part 2 (responsibility for council functions).

SECTION 1 – GENERAL SCHEME OF DELEGATION

1.1 Meanings

- a. **Executive functions** ~~are shall mean~~ those functions that by law must be the responsibility of the executive.
- b. **Non-executive functions** ~~are shall mean~~ those functions that by law must not be the responsibility of the executive.
- c. **Local choice functions** ~~shall mean~~ are those functions that the council may decide to exercise itself or delegate to any part of the council including the executive. A list of local choice functions is included in section 3 of this part of the constitution.
- d. **Standing Orders** shall mean the standing orders set out in part 3 of this constitution.

1.2 The council is responsible for the exercise of all functions which are not the responsibility of the executive and for delegating all executive functions to the leader in accordance with section 9D and 9DA of the Local Government Act 2000. The council may delegate the exercise of non-executive or local choice functions to any other person or body subject to any statutory constraints.

1.3 Only the council may exercise those functions described in section 2 of this part of the constitution.

1.4 Subject to statutory requirements, standing orders and the matters reserved to the council set out above, the council delegates to the leader, the committees, local members and officers shown in the following sections, the powers and duties set out, and such other powers and duties as the council may from time to time specify. Any delegation of non- executive or local choice functions by the council shall not prevent the council from exercising those functions itself.

1.5 The leader is responsible for the exercise of all executive functions and any local choice functions delegated to it by the council. The leader may further delegate those functions in accordance with section 9E, 9EA and 9EB of the Local Government Act 2000 and any regulations made thereunder.

1.6 Subject to statutory requirements and standing orders the leader delegates to the cabinet, portfolio holders, committees, local members and officers set out in the following sections, the powers and duties set out and such other powers and duties as the leader may from time to time specify. Any such delegation by the leader shall not prevent the leader from exercising those functions themselves.

- 1.7** The leader, cabinet, committee, member or officer exercising delegated powers shall be empowered to act subject to the following general conditions:
1. Only the council shall be empowered to raise money by council tax, precept, or loan or to make bylaws.
 2. Subject to the urgency procedure in relation to executive decisions in standing orders in part 3 of this constitution, any decisions made shall accord with the policy framework and budget.
 3. Before acting on any matter involving the adoption of any major new policy which changes the policy framework, the approval of the council to the proposed course of action must be obtained.
 4. Decisions may not be made in relation to a power or duty where the delegated function is expressed to be advisory or limited to the making of recommendations or the submission of requests to the council or another body.
- 1.8** Action by the leader, cabinet, any committee, member or officer exercising delegated powers shall be subject to the restrictions imposed by standing orders.
- 1.9** The overview and scrutiny committee(s), Regulatory Committee and the Audit and Standards Committee shall have power to
- i. Re-delegate to any sub-committee appointed by it all or any of the powers and duties delegated to it by the council.
 - ii. Impose any conditions or restrictions it thinks fit on the exercise of powers and duties by any of its sub-committees.
- 1.10** Any committee shall have power to appoint a panel to advise it on any power or duty delegated to it.
- 1.11** All member bodies shall have power to:
- i. Re-delegate to an officer of the council all or any of the powers and duties delegated to it by the council or the leader.
 - ii. Impose any conditions or restrictions it thinks fit on the exercise of powers and duties delegated by it to an officer.
 - iii. Seek advice from an officer of the council.

SECTION 2 – RESPONSIBILITIES OF THE FULL COUNCIL

	Function	Statutory Reference
1.	Adopting and changing the constitution.	Part II Local Government Act 2000 and subordinate legislation
2.	Approving or adopting the policy framework and the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 4 and Schedule 3, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
3.	Subject to the urgency procedure contained in standing orders in part 3 of this constitution, making decisions which are contrary to the policy framework or decisions which are contrary to or not wholly in accordance with the budget.	Sections 9D and 105, Local Government Act 2000; Regulation 5 and Schedule 4, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
4.	Appointing the leader.	Section 9D, Local Government Act 2000
5.	In relation to functions which are not the responsibility of the executive agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them.	Sections 101 and 102, Local Government Act 1972; Sections 21 and 53, Local Government Act 2000
6.	Appointing the independent members of the Audit and Standards Committee and, if it thinks fit, the chair of that committee.	sections 101 and 102 Section 53, Local Government Act 2000 and any regulations made thereunder
7.	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the council.	Sections 101 and 102, Local Government Act 1972 and Section 1, Localism Act 2011 and any other enactment conferring powers on the Council
8.	Adopting an allowances scheme under Article 2.5.	Sections 173 to 175, Local Government Act 1972; Section 18, Local Government and Housing Act 1989
9.	Changing the name of the area.	Section 74, Local Government Act 1972
10.	Making, amending or revoking standing orders.	Sections 106, 135, paragraph 42 Schedule 12, Local Government Act 1972; Sections 8 and 20, Local Government and Housing Act 1989
11.	Confirming the appointment of the head of paid service, the monitoring officer and the chief finance officer.	Section 151, Local Government Act 1972; Sections 4 and 5, Local Government and Housing Act 1989
12.	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision of any enactment (including a local act) whenever passed Section 14, Interpretation Act 1978
13.	Promoting or opposing the making of local legislation or personal bills.	Section 239, Local Government Act 1972

	Function	Statutory Reference
14.	All local choice functions set out in section 3 of this part of the constitution which the council decides should be undertaken by itself rather than any other person or body or other matters reserved to the full council by this constitution.	Sections 9D and 105, Local Government Act 2000; Regulation 3(1) and Schedule 2, The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
15.	Determining whether or not to accept the delegation of any functions from another local authority.	Sections 101 and 102, Local Government Act 1972
16.	Approving the authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	Accounts and Audit Regulations 2015 (SI 2015/234)
17.	Appointing proper officers for the purposes of any particular functions.	Section 270(3), Local Government Act 1972
18.	Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan.	Regulation 10 or 22, Town and Country Planning (Development Plans) (England) Regulations 1999
191 8.	Powers and duties relating to local development documents which are development plan documents.	Sections 20 to 23 and 25, 26 and 28, Planning and Compulsory Purchase Act 2004
201 9.	Power to agree to establish a joint committee to be, for the purposes of part 2 of the Planning and Compulsory Purchase Act 2004, a local planning authority.	Section 29, Planning and Compulsory Purchase Act 2004
204 .	Power to agree to confer additional functions on a joint committee.	Section 30, Planning and Compulsory Purchase Act 2004
212 .	Power to request the dissolution of a joint committee.	Section 31, Planning and Compulsory Purchase Act 2004
223 .	Duty to provide staff, etc. to person nominated by the monitoring officer.	Section 82A(4) and (5), Local Government Act 2000
234 .	Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 Section 9F, Local Government Act 2000
245 .	Requests for single member electoral areas.	Section 14A(1), Local Government Act 1992 Section 57 Local Democracy, Economic Development and Construction Act 2009
256 .	Deciding whether to make proposals for a change in governance arrangements.	Sections 33A and 33B Section 9K – 9KC, Local Government Act 2000
267 .	Deciding whether a change <u>of governance model under Section 33(A) of the Local Government and Public Involvement in Health Act 2007</u> should be subject to approval in a referendum.	Section 33E(5) 9KC, and 9M, Local Government Act 2000

276	Passing a resolution to make a change in governance arrangements under Section 33F <u>9KC</u> of the Local Government Act 2000.	Section 33F <u>9LKC</u> , Local Government Act 2000
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	Function	Statutory Reference
289	Including provision in executive arrangements for the council to remove the executive leader by resolution and the passing of a resolution to remove the executive leader.	Sections 44C(1) and 44C(2) <u>9IA</u> , Local Government Act 2000
293	Decision relating to the duty to make a change in governance arrangements.	Paragraph 3 of Schedule 4, Local Government and Public Involvement in Health Act 2007
304	Functions relating to the change of name of electoral area.	Section 59, Local Government and Public Involvement in Health Act 2007
312	Duty to draw up proposals relating to changing governance arrangements.	Section 33E(2) <u>9MA</u> , Local Government Act 2000
323	Duty to consult prior to drawing up proposals relating to changing governance arrangements.	Section 33E(6) <u>9MA</u> , Local Government Act 2000
334	Duty to implement new governance arrangements.	Sections 33G and 33H <u>9L and 9MF(4)</u> , Local Government Act 2000
345	Duty to comply with direction given by the Secretary of State relating to changing governance arrangements.	Section 33I <u>9O</u> , Local Government Act 2000
356	Duty to hold referendum relating to changing governance arrangements.	Section 33K(2) <u>9MB</u> , Local Government Act 2000
367	Power to make arrangements about incidental matters relating to community governance.	Section 99, Local Government and Public Involvement in Health Act 2007
38.	Functions in relation to the preparation and submission of the Local Area Agreement, including making proposals for revisions and/or additions to LAA targets except to the extent that cabinet is authorised under standing order 24.2 (part 3, section 1) of this constitution.	Sections 106, 110 and 111, Local Government and Public Involvement in Health Act 2007
397	All other matters which, by law, must be reserved to the council.	Any provision of any enactment (including a local Act) whenever passed

Appointments to Outside or Joint Bodies

For the avoidance of doubt, the council hereby expressly reserves to itself the appointments to the following bodies:

- Local Government Association and its subsidiary bodies; and
- Any joint committees other than joint committees to be appointed by the cabinet under Article 6.

The policy framework shall include the following plans and strategies:

Plan or Strategy	Statutory Reference
Any plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision e.g. <ul style="list-style-type: none"> • Medium Term Financial Strategy • Treasure Management Strategy • Investment Strategy • Capital Strategy • Reserves Strategy 	Section 151, Local Government Act 1972
Council Plan	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Development Plan Documents- Waste Core Strategy Minerals Plan •)	Sections 15 and 17 , Planning and Compulsory Purchase Act 2004
Community Safety Agreement	Sections 5 and 6, Crime and Disorder Act 1998
Local Transport Plan	Section 108(3), Transport Act 2000
Youth Justice Plan	Section 40, Crime and Disorder Act 1998
Fire & Rescue Integrated Risk Management Plan	Section 21, Fire and Rescue Services Act 2004
Coventry and Warwickshire Strategic Economic Plan	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Sub-Regional Infrastructure Plan	(currently being drafted)- Section 1, Localism Act 2011; Section 111, Local Government Act 1972

Coventry and Warwickshire Skills Strategy	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Sub-Regional Procurement Strategy 2015-2020	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Commissioning Strategy for Adult and Children's Services	<i>(to be drafted)</i>
Health and Wellbeing Strategy	Section 116A, Local Government and Public Involvement in Health Act 2007
Customer Services and Access Strategy	Section 1, Localism Act 2011; Section 111, Local Government Act 1972
Annual Pay Policy Statement	Section 38, Localism Act 2011
Education Strategy	Section 13, Education act 1996
Schools Sufficiency Strategy	Section 14, Education Act 1996
Early Help Strategy 2018- 2023	Childcare Act 2006
Corporate Parenting Policy	Children Act 1989
Warwickshire Children and Young People Strategy 2021-2030 As supplemented by Early Help Strategy 2018-2023 Education Strategy Schools Sufficiency Strategy Corporate Parenting Policy	Children and Young People's Plan (England) Regulations 2005
Any other policy, plan or strategy that from time to time may be required by law to form part of the Policy Framework	

Budget

The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the county council's borrowing limit and the virement limits.

Specific Delegations by Council in respect of the Budget and Policy Framework

1. REVENUE BUDGET

- 1.1 The Strategic Director for Resources is directly responsible for the implementation of the budget.
- 1.2 Cabinet will continue to receive quarterly reports on service performance, financial performance and progress on the delivery of the savings plans.
- 1.3 The Strategic Director for Resources is authorised to vire revenue budgets between Services where such virements are as a direct consequence of the specific spending allocations, delivery of the savings targets, invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.4 The Strategic Director for Resources, in consultation with the Leader is authorised to reverse allocations made as part of this budget process where the investment does not progress.
- 1.5 The Strategic Director for Resources is authorised to draw down from reserves accumulated from previous years' savings and vire money between reserves where these adjustments are as a direct consequence of the specific spending allocations, delivery of the savings targets (including where there are revenue savings from using the receipt from the sale of assets to repay debt and savings from the pro-active management of the authority's cash balances and the transfer of functions between business units), invest-to-save projects and funding strategies contained in this resolution and the accompanying capital budget resolution.
- 1.6 The Strategic Director for Resources is authorised to make the necessary budget adjustments to fund the new responsibilities given to the County Council during the year, or where responsibility for services transfers out, up to the level of Government funding provided/withdrawn.
- 1.7 The Strategic Director for Resources is instructed to remind the Strategic Directors, the Chief Fire Officer and Assistant Directors that budgets must not be overspent and that effective budget management arrangements should be the cornerstone of Services' work to secure value for money.
- 1.8 All member bodies, Members and officers are instructed to comply with the prescriptive legal duties placed upon the Council. The Chief Executive, Strategic Directors, Chief Fire Officer and Assistant Directors are instructed to ensure that the implementation of policies complies with legal requirements.
- 1.9 That authority is given for all necessary tenders to be obtained and contracts to be completed to give effect to the budget, subject to compliance with Contract Standing Orders, Financial Regulations and the key decision regime.

2. TREASURY MANAGEMENT STRATEGY

Treasury Management Scheme of Delegation

(i) County Council

- approval of annual strategy.
- budget consideration and approval.
- approval of the division of responsibilities.

(ii) Cabinet

- scrutinise the proposed annual strategy.
- approval of/amendments to the organisation's adopted clauses, treasury management policy
- statement and treasury management practices.

(iii) Resources and Fire & Rescue Overview and Scrutiny Committee

- reviewing the treasury management policy and procedures and making recommendations to the responsible body.
- receiving and reviewing regular monitoring reports and acting on recommendations.

The Treasury Management Role of the **S151 Chief Finance (Responsible) Officer**

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance
- submitting regular treasury management policy reports
- submitting budgets and budget variations
- receiving and reviewing management information reports
- reviewing the performance of the treasury management function
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function
- ensuring the adequacy of internal audit, and liaising with external audit
- recommending the appointment of external service providers
- entering into repurchase transactions where appropriate

SECTION 3 – RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

The body or person specified in the second column of the table below for each of the local choice functions in the first column, subject to any restrictions imposed by the council in the third column, shall be responsible for the discharge of the relevant local choice function.

Local Choice Function	Responsible Body or Person	Any Restriction	Statutory References
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Regulations.	Council	None	Local Authorities (Functions and Responsibilities) (England) Regulations 2000
The determination of an appeal against any decision made by or on behalf of the authority.	Regulatory Committee	Except to the extent powers are delegated to officers	Any enactment conferring a power on the council to determine such appeals
The making of arrangements in relation to appeals against exclusion of pupils from maintained schools.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 51A2, Education Act 2002 and relevant subordinate legislation
The making of arrangements for school admission appeals.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Regulatory Committee	Except to the extent powers are delegated to officers	Section 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation
The making of arrangements for questions on police matters at council meetings and for enabling questions to be put on the discharge of the functions to the police and crime commissioner.	Council	None	None
Appointing members of the council to the police and crime panel.	Council	None	Section 28 and Schedule 6, Police Reform and Social Responsibility Act 2011
Any function relating to contaminated land.	Regulatory Committee	Except to the extent powers are delegated to officers	Part IIA Environmental Protection Act 1990 and subordinate legislation

Local Choice Function		Responsible Body or Person	Any Restriction	Statutory References
The discharge of any function relating to the control of pollution or the management of air quality.		Regulatory Committee	Except to the extent powers are delegated to officers	Pollution Prevention and Control Act 1999; Part IV Environmental Protection Act 1990; Clean Air Act 1993
The obtaining of information as to interests in land.	Strategic Director for Resources	None		Section 330, Town and Country Planning Act 1990
The obtaining of particulars of persons interested in land.	Strategic Director for Resources	None		Section 16, Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works.	Strategic Director for Resources	None		Section 278, Highways Act 1980; Section 23 New Roads and Street Works Act 1994
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.		Staff and Pensions Committee	None	Section 113, Local Government Act 1972
The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.		Regulatory Committee	Except those appointments reserved to the full council or the executive by law or under other provision within this constitution	School Standards and Framework Act 1998 and any enactment conferring a power to make such appointments
Appointment of any individual as a governor of community, foundation and voluntary, special and nursery schools.		Regulatory Committee	In relation to schools within their respective areas	Section 36, School Standards and Framework Act 1998; Section 19 and 39(1), Education Act 2002 and any enactment

			conferring a power to make such appointments
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Local Choice Function	Responsible Body or Person	Any Restriction	Statutory References
Appointments to local trusts, voluntary organisations, etc. where the outside body operates wholly within their area.	Regulatory Committee	Except those appointments reserved to the full council or the executive by law or under other provision within this constitution	Any enactment conferring a power to make such appointments
Functions in relation to the preparation and submission of the Local Area Agreement, including making proposals for revisions and/or additions to LAA targets.	Council	Except to the extent that Cabinet is authorised under standing order 22.2 (part 3 section 4) of this constitution	Sections 106, 110 and 111, Local Government and Public Involvement in Health Act 2007

SECTION 4 – RESPONSIBILITIES OF THE LEADER, CABINET AND PORTFOLIO HOLDERS

The Leader

Reserved Matters	General Powers	Restrictions on delegations
<p>Overall responsibility for leading the work of the Council and Cabinet</p> <p>Oversight of the overall performance of the portfolio holders and the Chief Executive.</p> <p>To make commitments in partnership settings, either herself or through her nominee, provided those commitments fall within the council's governance arrangements, particularly its budget and policy framework.</p>	<p>The leader may exercise any executive power.</p> <p>No delegation by the leader shall prevent the leader exercising those functions or withdrawing <u>the</u> delegation at any time.</p> <p>The leader may make any urgent decision in the exercise of executive powers notwithstanding the delegations below subject to the urgent decision procedure.</p>	<p>The leader may direct any person or body prior to the exercise of any delegated power in relation to a particular matter:</p> <ul style="list-style-type: none"> • That the leader is to be consulted before a decision is made; • That the leader requires the matter to be referred to cabinet for decision; and • That the leader intends to take the decision.

Cabinet – General Obligations and Powers	Executive powers include e.g.	
<p>The leader delegates to the cabinet all the executive powers and duties other than those powers reserved by the leader. The powers and duties delegated may be exercised concurrently with other persons or bodies unless the leader directs otherwise. The executive powers and duties delegated include the following:</p> <p>a. Budget and Policy Framework – the cabinet is responsible for implementing the agreed budget and policy framework and the development of proposals in accordance with standing orders in part 3 of this constitution;</p> <p>b. Promotion of well-being – the promotion of the economic, social and environmental well-being of the area, and the formation of partnerships with other public, private, voluntary and community organisations; and</p>	<p>Adults- Children -Education -Fire & Rescue- <u>Relevant</u> Highways <u>and</u> Planning <u>powers</u> Registration Trading Standards Waste Disposal</p>	<p>Economic and Industrial Development Emergency Planning Information and Leisure Libraries and Heritage Environment and Consumers Effective Management of Resources The Coroner Smallholdings</p>

c. Value for money – leading the search for value for money with a view to ensuring continuous improvement in the delivery of services.		
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Portfolio Holders

Portfolio holders have the general obligations and powers set out below in relation to their portfolios. Portfolio holders are authorised to make decisions within their delegated powers provided those decisions are within the policy framework and budgetary allocations and the terms of reference of their portfolio. No portfolio holder shall make a decision where the portfolio holder would have a conflict of interest under the Members' Code of Conduct. In these circumstances the matter shall be referred back to either the leader or the cabinet for a decision.

General Obligations s	General Powers
<ul style="list-style-type: none"> • To take a collective responsibility for the delivery of the council's budget and policies. • To ensure the continuous improvement of the services within their own portfolio and opportunities for partnership/share working are maximised. • To ensure that all services and roles are developed in accordance with the council's overall policies. • To liaise effectively with each other, to ensure that policies and service delivery are integrated across all services. • To maintain effective two-way dialogue with overview and scrutiny committees. • To ensure that services continue to be affordable and represent value for money. • To work with Assistant Directors and strategic directors to deliver the council's budget and policies. 	<ul style="list-style-type: none"> • To approve revenue virements over £50,000 in accordance with financial regulations. • To approve capital virements in accordance with the financial procedure rules. • To approve any bid for external funding <u>To approve any bid for funding in excess of £250,000 or that will commit the council to funding in excess of £50,000 that cannot be met from a service's allocated budget</u> • To approve the introduction of charges for services or changes to charges for services. • To write off irrecoverable sums in excess of £2000 <u>£3000</u> and below £50,000. • To monitor performance and budgets. • To agree responses to external consultations <u>that have policy implications and/or are of wider interest and/or -and-are not substantially technical or operational in nature-</u> • To approve proposals for consultation. • To approve variations to approved schemes and projects provided that the variation would not: <ul style="list-style-type: none"> • Exceed the overall parameters set for the scheme or project • exceed the approved financial envelope for the scheme or project;

	<ul style="list-style-type: none">• constitute a change to the approved policy objectives of the scheme or project; or• be outside the council's budget and policy framework
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Portfolio	Terms of Reference	Specific Powers
Deputy Leader (Finance & Property)	Deputising for the leader, finance, delivery of the revenue budget and the overall capital programme (including external funding); procurement and contract management; property; smallholdings; facilities management; and oversight of infrastructure delivery.	<ul style="list-style-type: none"> • The addition to the capital programme of projects (other than those delegated to the chief finance officer) costing less than £2,000,000 that are fully funded from external grants, developer contributions, approved revenue budgets or from other funds or borrowing previously approved. • The addition to the capital programme of projects costing less than £2,000,000 that are fully funded from external grants, developer contributions or from revenue and appropriately. • Proposals to procure and/or enter any executive contract or agreement on behalf of the council with a total value not exceeding £3,000,000. • Appropriations of county council land for different purposes or declaring land and property as surplus to requirements where the value is over £250,000£100,000 and below £1,000,000 and authorising the disposal of such land and property. • To grant at market value and take up leases, easements and licences over county council property or for the benefit of the county council where the annual rent or fee consideration is greater than £235,000 and below £250,000.
Portfolio	Terms of Reference	Specific Powers
Adult Social Care & Health	Social care services to adults including the delivery of social care and support to older people and people with disabilities; policies and services for safeguarding adults; and adult mental health services. Oversight of the arrangements for commissioning adult social care services.	<ul style="list-style-type: none"> • Social services grants to voluntary organisations for local services over £410,000 and below £50,000. • To make payments over £410,000 and below £50,000 to disabled persons in appropriate circumstances.

	Health, including public health; and the integration of health with adult and children's services.	
Children, Families and Education	<p>Overall responsibility for the co-ordination of education and children's services.</p> <p>Specific responsibility for</p> <ul style="list-style-type: none"> • child protection and safeguarding • Children in Care and Care Experienced Young People • Child exploitation • Family support and social care for children with specific needs (disabilities); • Child and adolescent mental health services • Youth Justice service • Children & Family Centres • Education and learning services including children with special educational needs and disabilities and inclusion • Early Years Education. Schools, (organisation, sufficiency planning & governance) • Post 16 Education, Apprenticeships & Training. • Links with further and higher education. • Adult and community education. • school organisation, planning and school governance. 	<ul style="list-style-type: none"> • Social services grants to voluntary organisations for local services over £10,4000 and below £50,000. • To make payments over £10,000 and below £50,000 to support a child in need in appropriate exceptional circumstances. • To make "exceptional needs" payments over £1000 and below £25,000 to local authority foster parents of Children-children in Carecare • Approving school term holiday dates. • Approving changes to the governance arrangements of schools, including: <ul style="list-style-type: none"> • Instruments of governance for new schools. • Proposing appointments to interim executive boards.

Portfolio	Terms of Reference	Specific Powers
Customer & Transformation	Services relating to corporate planning and transformation programme; customer services; libraries; HR and organisational development; communication; performance management; ICT services; and legal, governance and audit.	

Economy and Place	Overall responsibility for economic development; inward investment; interface with the business community and Local Enterprise Partnership; roll-out of broadband and 5G. Place shaping for communities across the County including tackling deprivation, economic inequalities and post-Covid economic recovery.	
Environment Climate & Culture	Services relating to the Environment and Climate Change; waste management; gypsies and travelers; country parks; tourism; heritage and culture services. Localities and relationships with the voluntary and community sectors.	<ul style="list-style-type: none"> • Agreeing or amending the opening hours of local waste disposal sites provided no additional cost is involved
Fire & Rescue and Community Safety	Services relating to community safety including Fire & Rescue services; flood risk management; trading standards; emergency planning; crime and disorder reduction; drugs and alcohol; policing and criminal justice	
Transport & Planning	Services relating to the provision and maintenance of transport and highways infrastructure, including Highways and Regeneration Capital Programme; Road Safety; the Local Transport Plan; transport strategy, parking strategy; HS2; rights of way; strategic and infrastructure planning and housing.	<ul style="list-style-type: none"> • School crossing patrols – consideration of outcomes of three-year reviews. Decisions on (dis)establishment when a vacancy occurs in the interim period • The stopping up or diversion of highways • Power to make, amend or revoke a gating order • Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee where there are significant policy or budgetary implications • In cases where objections have been received (and not withdrawn) and in consultation with local member(s) the power to

		determine road traffic management and accident prevention schemes and road traffic regulations SS-11 .
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**Inter Authority Agreement for the W2R Energy from Waste Programme
led by Staffordshire County Council**

1. Delegates to Staffordshire County Council the power to appoint an authority representative to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire County Council.
2. Appoints the portfolio holder for environment, climate and culture as Warwickshire's elected member on the Contract Management Board and authorises any other portfolio holder to act as their deputy in the event the portfolio holder for environment is unavailable.
3. Appoints the Strategic Director for Communities or their nominee, to act as Warwickshire's officer representative on the Contract Management Board and delegates to the Strategic Director for Communities or their nominee, authority to appoint an officer to act as their deputy in the event the Strategic Director for Communities or their nominee, is unavailable.
4. Delegates to the portfolio holder for environment, climate and culture, and any other portfolio holder who may from time to time act as their deputy, the Strategic Director for Communities and officers appointed to the Contract Management Board the powers to take the decisions detailed in Schedule 3 of the Inter Authority Agreement on behalf of Warwickshire.

PROJECT W2R – INTER AUTHORITY AGREEMENT

SCHEDULE 3 - REQUIRED APPROVALS

Nature of action/decision required	Category
Appointment of the Authority's representative.	Staffordshire Matter
General contract management, assessment and implementation of KPIs, daily contract monitoring.	Authority's Representative
Review and commenting on/approval of Submitted Items pursuant to the Review Procedure.	Staffordshire Matter
Agreeing extensions of time, relief from obligations and/or compensation as a result of Compensation/Relief Events.	Staffordshire Matter, save that: (a) Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter; and (b) where one or more of the Partners considers that the matter in question should be referred to either the Contract Management Board or the Authorities, that Partner or those Partners shall notify the remaining Authorities within 10 business days of receipt of notification from Staffordshire and the matter shall be referred to the Contract Management Board or the Authorities (as appropriate) and the decision shall be taken as a Contract Management Board Matter or a Matter Reserved to the Authorities (as appropriate).

Issue of an Authority Change Notice.	Contract Management Board Matter
Approval of a Contractor Change Notice.	Contract Management Board Matter
Agreeing the consequences of a Qualifying Change in Law.	Contract Management Board Matter
Approval of insurers.	Staffordshire Matter
Approval of any Reinstatement Plan.	Staffordshire Matter
Un-insurability.	Staffordshire Matter
Termination for Contractor Default pursuant to clause 62 of the Project Agreement.	Matter reserved to the Authorities
Termination for Force Majeure pursuant to clause 64 of the Project Agreement.	Matter reserved to the Authorities
Termination for Corrupt Gifts and Fraud pursuant to clause 69 of the Project Agreement.	Matter reserved to the Authorities
Voluntary Termination pursuant to clause 70 of the Project Agreement.	Matter reserved to the Authorities
Termination for breach of the Refinancing Provisions pursuant to clause 72 of the Project Agreement.	Matter reserved to the Authorities
Step-in pursuant to clause 33 of the Project Agreement.	Staffordshire Matter
Consent to assignment of the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
Consent to sub-contract the Project Agreement by the Contractor.	Staffordshire Matter, save that: Staffordshire shall notify the Partners as soon as reasonably practicable upon becoming aware of any such matter.
All actions and decisions relating to the Dispute Resolution Procedure under the Project Agreement.	Staffordshire Matter
Any waiver of any breach by the Contractor of the Project Agreement.	Contract Management Board Matter

SECTION 5 – RESPONSIBILITIES OF AREA COMMITTEES

**The Area Committees were disbanded in 2012
and their functions reallocated to other bodies/individuals**

SECTION 6 – RESPONSIBILITIES OF STAFF AND PENSIONS COMMITTEE AND REGULATORY COMMITTEE

6.1 STAFF AND PENSIONS COMMITTEE

MEMBERSHIP

6 county councillors appointed proportionately to the representation of groups and individual members on the council. The chair of the committee shall be the Portfolio Holder for Customer and Transformation.

TERMS OF REFERENCE

The committee is responsible for the following non-executive functions of the council:

Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112, Local Government Act 1972
The making of agreements with other local authorities for the placing of staff at the disposal of those other local authorities.	Section 113, Local Government Act 1972
Functions relating to local government pensions, etc.	Regulations under Sections 7, 12 or 24, Superannuation Act 1972 and Public Service Pensions Act 2013
Functions under the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme (England), and the Firefighters' Compensation Scheme (England) 2006, relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Section 26, Fire Services Act 1947; Orders made under sections 34 or 36 of the Fire and Rescue Services Act 2004 (c.21) or under section 26(1) to (5) of the Fire Services Act 1947; and Section 12 of the Superannuation Act 1972, as applied by section 163 of that Act

[The Committee is also responsible for](#)

- i. Establishing a pool of members from which the membership of Appointments and Disciplinary Appeals Sub-Committees can be drawn;
- ii. Appointing the councillors who are not cabinet members to the Joint Negotiating Body and the Joint Negotiating Body (Teaching Staff) when required; and
- iii. Establishing the Pension Fund Investment Sub-Committee to oversee pension fund investments, management of the fund and the administration of the pension scheme.

The powers of the Regulatory Committee arise from a diverse range of statutory provisions. Except in so far as a matter may be an executive function, or has been reserved to the full council or delegated to other persons (including officers) or bodies under this constitution, the committee has ~~the~~ responsibilities set out in the following table, including the following in so far as they relate to the matters specified in the table:

- a. to grant or revoke and determine the terms (including the scale of fee, if any) of any approval, consent, licence, permission or registration; and
- b. to impose, vary, modify or enforce any condition, limitation, or other restriction on any approval, consent, licence, permission or registration.

N.B. The table contains a mix of local choice and non-executive functions.

Function		Statutory Reference
Functions relating to planning development control and conservation		
1	Power to determine application for planning permission.	Sections 69 and 92, Town and Country Planning Act 1990; Town and Country Planning (D development Management Procedure) (England) Order 20 15 40 (S.I. 201 50-5952 184) and directions made thereunder those sections or that order.
2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73, Town and Country Planning Act 1990
3	Power to grant planning permission for development already carried out.	Section 73A70A, 70B and 70C, Town and Country Planning Act 1990
4	Power to decline to determine application for planning permission.	Section 70A, Town and Country Planning Act 1990
5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92, Town and Country Planning Act 1990; and Articles 8, 10 to 13, 15 to 22, 25 and 26, Town and Country Planning (General Development Management Procedure) Order 2015 1995 (S.I. 2015/595 1995/419) and directions made thereunder
6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316, Town and Country Planning Act 1990; Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 1995 (S.I. 2015/596 1995/418)
8	Power to enter into agreements regulating development or use of land.	Section 106, Town and Country Planning Act 1990
9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2), Town and Country Planning Act 1990
10	Power to serve a completion notice.	Section 94(2), Town and Country Planning Act 1990
11	Power to grant consent for the display of advertisements.	Section 220, Town and Country Planning Act 1990; Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783)

		1992
12	Power to authorise entry on to land.	Section 196A, Town and Country Planning Act 1990
13	Power to require the discontinuance of a use of land.	Section 102, Town and Country Planning Act 1990
14	Power to serve a planning contravention notice, breach of condition notice, or stop notice <u>or temporary stop notice</u> .	Sections <u>171C</u> , 171E, 187A and 183(1), Town and Country Planning Act 1990
15	Power to issue an enforcement notice.	Section 172, Town and Country Planning Act 1990
16	Power to apply for an injunction restraining a breach of planning control.	Section 187B, Town and Country Planning Act 1990
17	Power to determine applications for hazardous substances consent and related powers	Sections 9(1) and 10 Planning (Hazardous Substances) Act 1990
18	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permission relating to mining sites, as the case may be, art to be subject.	Paragraph 2(6)(a) of Schedule 2, Planning and Compensation Act 1991; Paragraph 9(6) of Schedule 13, Environment Act 1995; Paragraph 6(5) of Schedule 14 to that Act
19	Power to require proper maintenance of land.	Section 215(1), Town and Country Planning Act 1990
20	Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
21	Power to determine applications for conservation area consent.	Section 16(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990, as applied by Section 74(3) of that Act
22	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1), 14(1) and 14(4), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990; Regulations 3 to 6, and 13, Town and Country Planning (Listed Buildings and Building in Conservation Areas) Regulations 1990; <u>Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021</u> Paragraphs 8, 15 and 22, Department of the Environment Circular 14/97
23	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1), Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
24	Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Section 38, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
25	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

26	Power to apply for an injunction in relation to a listed building.	Section 44A, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
27	Power to execute urgent works.	Section 54, Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990
28	Any function relating to contaminated land.	Part IIA, Environmental Protection Act 1990 and subordinate legislation
29	The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1990; Part IV, Environmental Protection Act 1990; Clean Air Act 1993
30	Powers relating to the preservation of trees.	Sections 197 to 214D, Town and Country Planning Act 1990; Trees Regulations 1999 (S.I. 1999/1892)
31	Power to make limestone pavement order	Section 34(2), Wildlife and Countryside Act 1981

Function		Statutory Reference
<i>Functions relating to highways and public rights of way</i>		
1	Power to create footpath or bridleway by agreement.	Section 25, Highways Act 1980
2	Power to create footpaths and bridleways.	Section 26, Highways Act 1980
3	Duty to keep register of information with respect to maps, statements and declarations.	Section 31A, Highways Act 1980
4	Power to stop up footpaths and bridleways.	Section 118, Highways Act 1980
5	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2), Highways Act 1980
6	Power to make a rail crossing extinguishment order.	Section 118A, Highways Act 1980
7	Power to make special extinguishment orders.	Section 118B, Highways Act 1980
8	Power to divert footpaths and bridleways.	Section 119, Highways Act 1980
9	Power to make a public path diversion order.	Section 119ZA and 119C(4), Highways Act 1980
10	Power to make a rail crossing diversion order.	Section 119A, Highways Act 1980
11	Power to make a special diversion order.	Section 119B, Highways Act 1980
12	Power to require applicant for an order to enter into agreement.	Section 119C, Highways Act 1980
13	Power to make an SSSI diversion order.	Section 119D, Highways Act 1980
14	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C Highways Act 1980.	Section 121B, Highways Act 1980
15	Power to decline to determine certain applications.	Section 121C, Highways Act 1980
16	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130, Highways Act 1980
17	Duty to serve notice of proposed action in relation to obstruction.	Section 130A, Highways Act 1980
18	Power to apply for a variation of order under section 130B Highways Act 1980.	Section 130B(7), Highways Act 1980
19	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135, Highways Act 1980
20	Power to temporarily divert footpath or bridleway.	Section 135A, Highways Act 1980
21	Functions relating to the making good of damage and the removal of obstructions.	Section 135B, Highways Act 1980
22	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149, Highways Act 1980
23	Power to extinguish certain public rights of way.	Section 32, Acquisition of Land Act 1981

24	Duty to keep a definitive map and statement under review.	Section 53, Wildlife and Countryside Act 1981
25	Power to include modifications in other orders.	Section 53A, Wildlife and Countryside Act 1981
26	Duty to keep register of prescribed information with respect to applications under section 53(5) Wildlife and Countryside Act 1981.	Section 53B, Wildlife and Countryside Act 1981
27	Duty to reclassify roads used as public paths.	Section 54, Wildlife and Countryside Act 1981
28	Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A, Wildlife and Countryside Act 1981
29	Power to designate footpath as cycle track.	Section 3, Cycle Tracks Act 1984
30	Power to extinguish public rights of way over land acquired for clearance.	Section 294, Housing Act 1985
31	Power to authorise stopping-up or diversion of footpath or bridleway.	Section 257, Town and Country Planning Act 1990
32	Power to extinguish public rights of way over land held for planning purposes.	Section 258, Town and Country Planning Act 1990
33	Power to enter into agreements with respect to means of access.	Section 35, Countryside and Rights of Way Act 2000
34	Power to provide access in absence of agreement.	Section 37, Countryside and Rights of Way Act 2000
35	Power to permit deposit of builder's skip on highway.	Section 139, Highways Act 1980
36	Power to license planting retention and maintenance of trees, etc., in part of highway.	Section 142, Highways Act 1980
37	Power to authorise erection of stiles, etc., on footpaths or bridleways.	Section 142, Highways Act 1980
38	Power to grant a street works license.	Section 50, New Roads and Street Works Act 1991
39	Power to license works in relation to buildings, etc., which obstruct the highway.	Section 169, Highways Act 1980
40	Power to consent to temporary deposits or excavations in streets	Section 171, Highways Act 1980
41	Power to dispense with obligation to erect hoarding or fence.	Section 172, Highways Act 1980
42	Power to restrict the placing of rails, beams, etc., over highways.	Section 178, Highways Act 1980
43	Power to consent to construction of cellars, etc., under street.	Section 179, Highways Act 1980
44	Power to consent to the making of openings into cellars, etc., under streets, and pavement lights and ventilators.	Section 180, Highways Act 1980
45	Power to grant permission for provision, etc., of services, amenities, recreation and refreshment facilities on highway, and related powers.	Section 115E, 115F and 115K, Highways Act 1980
46	Duty to publish notice in respect of proposal to grant permission under section 115E Highways Act 1980.	Section 115G Highways Act 1980
47	Power to authorise stopping up or diversion of highway.	Section 247 Town and Country Planning Act 1990

Function		Statutory Reference
Functions relating to consumer safety and animal welfare		
1	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11, Poisons Act 1972
2	Power to approve meat product premises.	Regulations 4 and 5, Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)
3	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4, Minced Meat and Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)
4	Power to approve dairy establishments.	Regulations 6 and 7, Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)
5	Functions under any of the "relevant statutory provision" for health, safety and welfare in	Within the meaning of Part I, Health and Safety at Work Act 1974 to the

	connection with work and control of dangerous substances.	extent that those functions are discharged otherwise than in the authority's capacity as an employer
6	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	Safety of Sports Ground Act 1975
7	Power to issue cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III, Fire Safety and Safety of Places of Sport Act 1987

Function		Statutory Reference
Functions relating to elections		
1	Duty to appoint returning officer for local government elections.	Section 35, Representation of the People Act 1983
2	Power to divide electoral divisions into polling districts at local government elections.	Section 31, Representation of the People Act 1983
3	Duty to declare vacancy in office in certain cases.	Section 86, Local Government Act 1972
4	Duty to give public notice of a casual vacancy.	Section 87, Local Government Act 1972
5	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3), Local Elections (Principal Areas) Rules 1986 (SW.I. 1986/2214)
6	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10, Representation of the People Act 2000 (c2)

Function		Statutory Reference
Functions relating to appeals		
1	The determination of an appeal against any decision made by or on behalf of the authority.	Any enactment conferring a power on the council to determine such appeals
2	The making of arrangements for appeals against exclusion of pupils.	Section 52, Education Act 2002 and relevant subordinate legislation
3	The making of arrangements for school admission appeals.	Section 94(1), (1A), (4) and (5), School Standards and Framework Act 1998 and relevant subordinate legislation
4	The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools.	Sections 87, 95(2) and 95(3A), School Standards and Framework Act 1998 and relevant subordinate legislation

Function		Statutory Reference
Miscellaneous Functions		
1	The appointment or revocation of the appointment of any individual: (a) to an outside body or committee or sub-committee of an outside body; or (b) as a governor of community, foundation and voluntary, special and nursery schools.	Any enactment conferring a power to make such appointments other than those appointments reserved to the council or the executive by law or other provision within this constitution
2	Power to register common land or town and village greens except where the power is exercisable solely for the purpose of giving effect to: (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of schedule 3 Acquisition of Land Act 1981; or	Section 13, Commons Registration Act 1965 (c.64)

	(b) an order under section 147 Inclosure Act 1845.	
3	Power to register variation of rights of common.	Part 1, Commons Act 2006 and The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)
4	Power to license the employment of children.	Part II, Children and Young Persons Act 1933; bylaws made under that Part; Part II, Children and Young Persons Act 1963
5	Power to approve premises for the solemnisation of marriages and the formation of civil partnerships.	Section 46A, Marriage Act 1949 (c.76); Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)
6.	Power to make payments or provide other benefits in cases of maladministration, etc.	Section 92, Local Government Act 2000

SECTION 7 – RESPONSIBILITIES OF THE AUDIT AND STANDARDS COMMITTEE

[The committee has the responsibilities set out in the following table:](#)

Function		Statutory Reference
1	Oversight of internal and external audit matters, the council's arrangements for corporate governance and risk management and any other arrangements for the maintenance of probity, including: <ul style="list-style-type: none"> i. Approval of the internal audit strategy/plan; ii. Review of financial statements, the annual accounts, the statement of internal control, and any opinions/reports of external or internal audit or inspection agencies; iii. Assessing the effectiveness of the council's control environment, risk management and corporate governance arrangements; iv. Seeking any required assurances to ensure appropriate action is taken; v. Monitoring performance in relation to any action required; and vi. Making recommendations to cabinet and/or council as appropriate where executive action is required. 	Section 27, Localism Act 2011
2	Promoting and maintaining high standards of conduct by councillors, co-opted members and church/parent governor representatives and officers.	Section 27, Localism Act 2011
3	Assisting councillors, co-opted members and church/parent governor representatives to observe the Members' Code of Conduct.	Section 27, Localism Act 2011
4	Advising the council on the adoption or revision of the Members' Code of Conduct.	Section 27, Localism Act 2011
5	Monitoring the operation of the Members' Code of Conduct.	Section 27, Localism Act 2011
6	Advising, training or arranging to train councillors, co-opted members and church/parent governor representatives on matters relating to the Members' Code of Conduct.	Section 27, Localism Act 2011
7	Considering the outcomes of investigations into complaints about members under the Code of Conduct in accordance with the complaint process agreed by the council.	Section 28, Localism Act 2011; Hearing Sub-Committee
8	Granting dispensations to councillors, co-opted members and church/parent governor representatives from requirements relating to disclosable pecuniary interests.	Section 33, Localism Act 2011; Dispensations Sub-Committee
9	Dealing with the grant and supervision of exemptions from political restriction.	Section 3A, Local Government and Housing Act 1989; Political Restriction Sub-Committee

7.1 TERMS OF REFERENCE AND COMPOSITION OF CERTAIN SUB-COMMITTEES

The following standing arrangements apply to Hearing, Dispensation and Political Restriction Sub-Committees.

7.1.1 COMPOSITION

Any three or more elected members from the Audit and Standards Committee to sit, as and when required. Where possible the sub-committee will include representation from at least two of the political groups represented on the council. The selection of members to form a sub-committee to deal with a particular matter or matters shall be made by the chief executive.

7.2 TERMS OF REFERENCE

7.2.1 Hearing Sub-Committee

To consider complaints about members in relation to the Code of Conduct and determine whether or not there has been a failure to comply with the Code of Conduct.

Where there has been a failure to comply with the Code of Conduct [the Sub Committee](#) may impose sanctions with the agreement of the member concerned or make recommendations to council on the imposition of sanctions.

7.2.2 Dispensations Sub-Committee

To grant dispensations from either or both of the restrictions in section 31(4) of the Localism Act 2011 i.e. restrictions on participation and voting in relation to matters in which a member has a disclosable pecuniary interest, if in all the circumstances it considers:

- a. that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- b. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- c. that granting the dispensation is in the interests of persons living in the authority's area;
- d. if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive; or
- e. that it is otherwise appropriate to grant a dispensation.

7.2.3 Political Restriction Sub-Committee

To deal with any particular matter relating to political restrictions and whether or not an exemption should be granted.

SECTION 8 – RESPONSIBILITIES OF OVERVIEW AND SCRUTINY COMMITTEES

8.1 TERMS OF REFERENCE

All Overview and Scrutiny Committees

All Overview and Scrutiny Committees shall give due regard to the key themes arising from the Council Plan and agreed priorities as published from time to time and including identified cross cutting themes -when undertaking their roles.

Resources and Fire & Rescue Overview and Scrutiny Committee

To review and/or scrutinise the functions of the council relating to the fire & rescue service, budget, medium term financial strategy, council plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications.

Communities Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management, [climate change](#) and emergency planning.

Children and Young People Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to education and skills, services for children and young people including schools, 16-25 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.

Adult Social Care and Health Overview and Scrutiny Committee

To review and/or scrutinise the provision of public services in Warwickshire relating to adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults and any matter relating to the planning, provision and operation of health services for adults and children serving Warwickshire.

8.2 OVERVIEW AND SCRUTINY COMMITTEES – COMPOSITION AND POWERS

8.2.1 Powers

Within their terms of reference, the overview and scrutiny committees may exercise the general powers set out in 8.3 below. In addition, the Adult Social Care and Health Overview and Scrutiny Committee, when reviewing or scrutinising health services, has the power and responsibilities set out in 8.4 below.

8.2.2 Membership – County Councillors

Each committee shall be comprised of 10 county councillors appointed proportionately to the representation of groups and individual members on the council.

8.2.3 Co-options

Children and Young People Overview and Scrutiny Committee

Two 2 parent governors and two2 church governors to be co-opted to the committee. Their terms of office and appointment are governed by statutory requirements. They may speak on children's matters but may only vote on matters relating to education.

Adult Social Care and Health Overview and Scrutiny Committee

One co-opted member from an overview and scrutiny committee of each district/borough council in Warwickshire. The co-opted members shall be voting members on matters relating to health services.

Except where statutory arrangements provide otherwise, a co-opted member shall be appointed for two years and shall hold office until the earliest of the following events:

- i. on the expiry of 2 years from the date of appointment;
- ii. on ceasing to be a member of their appointing body;
- iii. on receipt of their resignation; or
- iv. on ceasing to be an elected member of an overview and scrutiny committee of the district/borough council.

8.3 **GENERAL POWERS AND RESPONSIBILITIES**

Each Overview and Scrutiny Committee shall:

- i. assist the council and the executive in the development of its budget and policy framework by considering policy issues;
- ii. review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the council's functions or matters of public interest affecting the delivery of public services in Warwickshire;
- iii. make reports and/or recommendations to the full council and/or the executive and/or other committees, including joint or area committees in connection with the discharge of any functions and to relevant outside bodies;
- iv. question members of the executive and other committees and chief officers about their views on issues and proposals affecting the area;
- v. exercise the right to call-in decisions made but not yet implemented by the executive, any area committees exercising executive function and officers making key executive decisions;
- vi. exercising the powers of the council to request information from partners relating to local improvement targets;
- vii. consider any matter affecting the area or its inhabitants.
- viii. comply with the overview and scrutiny statement of bBehaviours
- ix. consider the key themes arising from the Council Plan and agreed priorities, including identified cross cutting themes when undertaking their role.

8.4 REVIEW AND SCRUTINY OF HEALTH SERVICES - ADULT SOCIAL CARE AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE

8.3.18.4.1 Responsibilities

- (a) In carrying out the review of a particular matter the committee must:
 - (i) invite interested parties to comment; and
 - (ii) take account of any available relevant information and in particular relevant information provided by the Local Healthwatch.
- (b) Where the matter is referred by the Local Healthwatch:
 - (i) acknowledge receipt of the matter within 20 working days; and
 - (ii) keep the Local Healthwatch informed of any action taken.

8.3.28.4.2 Powers

The committee may

- i. make reports and recommendations to a relevant NHS body and/or relevant health service provider being the National Health Service Commissioning Board, a Clinical Commissioning Group, NHS Trust or NHS Foundation Trust which provides or arranges the provision of, or performs any management function, in relation to health services to persons residing in Warwickshire and in making such reports and recommendations it shall include:
 - a) an explanation of the matter reviewed or scrutinised;
 - b) a summary of the evidence considered;
 - c) a list of participants involved in the review or scrutiny; and
 - d) any recommendations on the matter reviewed or scrutinised.
- ii. make reports to the Secretary of State for Health where the committee is satisfied that a proposal by a relevant NHS body for a substantial development or substantial variation of the health service in Warwickshire:
 - a) would not be in the interests of the health service in Warwickshire;
 - b) that the arrangements for consulting on such a proposal are inadequate;
 - c) the reasons given for not consulting on such a proposal are inadequate;and attempts to reach agreement with the relevant NHS body within a reasonable period of time have failed.
- iii. require a relevant NHS body on reasonable notice to provide the committee with such information, other than confidential or prohibited information as defined in Regulation 26 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 about the planning, provision and operation of health services in Warwickshire as the committee may reasonably require in order to discharge its functions.

- iv. require an officer of a local NHS body on reasonable notice to attend the committee and answer such questions as appear necessary for discharging the functions of the sub-committee. No officer shall be required to provide confidential or prohibited information as defined in the relevant regulations nor answer any question they could refuse to answer for the purpose of proceedings in a court in England and Wales.

8.4.18.5 OVERVIEW AND SCRUTINY TASK AND FINISH GROUPS

8.4.18.5.1 Role and Protocols

Task and finish groups may be used to carry out scrutiny reviews commissioned by the overview and scrutiny committees. The relevant committee will appoint the members of the task and finish groups and approve their terms of reference which will include a time-frame for reporting back to the committee. Task and finish groups will be used in a dynamic fashion, be time limited -and will be cross party in so far as is possible. The role of task and finish groups is to consider the issues within their terms of reference, to provide guidance and to report back that guidance and/or recommendations to the relevant member body. Task and finish groups have no decision making remit.

The task and finish groups will meet as and when necessary. Meetings will be held in public or private as the group considers appropriate.

Task and finish groups will utilise the methods most appropriate for particular reviews ranging from select committee style events, forums, focus groups, facilitated member visits, member investigations, etc. Some may be in-depth reviews and others light touch reviews taking a short sharp look at an issue through a single meeting or event. Public involvement and stakeholder engagement will be sought where appropriate.

All reviews will report back to the relevant committee with their recommendations.

8.4.18.5.2 Membership

A task and finish group will normally consist of 6 county councillors. Chairs of the task and finish groups will be appointed by the relevant overview and scrutiny committee. The committee may appoint additional co-opted members to a task and finish group, if appropriate. This might be from existing co-opted members or from external organisations.

SECTION 9 - RESPONSIBILITIES OF OTHER COMMITTEES, ETC. AND JOINT ARRANGEMENTS

Formal Committees and Sub-Committees

9.1 HEALTH AND WELLBEING BOARD

9.1.1 Composition

The core membership is prescribed by legislation and must contain at least one county councillor, the director(s) for adult social services and children's services, the director of public health, a representative of the Local Healthwatch organisation and representative of the clinical commissioning group.

The membership:

- Members of the county council (to include the leader of the council, cabinet portfolio holder for health and cabinet portfolio holder for adult social care);
- CCG [representation](#)
- The [S](#)trategic [D](#)irector for [P](#)eople;
- The [S](#)trategic [D](#)irector for [C](#)ommunities;
- The [D](#)irector of [P](#)ublic [H](#)Health;
- A Local Healthwatch representative;
- [The](#) portfolio holders for health in each of the five district/borough councils; and
- A representative of the National NHS Commissioning Board.

The chair is appointed by the county council. The council's standing orders will apply except to the extent they are varied by statutory provision or these arrangements. All voting members of the Health and Wellbeing Board are bound by the Warwickshire County Council [M](#)members' Code of Conduct when acting as a member of the board.

9.1.2 Terms of Reference

Core Functions

- a. To advance the health and wellbeing of the people in its area and encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
- b. To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements for pooled budget, lead commissioning or other arrangements under section 75 of the National Health Service Act 2006.
- c. To encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health- related services in its area to work closely together and with the Health and Wellbeing Board.
- d. To commission the production of a joint strategic needs assessment and to determine a joint health and wellbeing strategy and commissioning

framework to meet the needs identified in the joint strategic need's assessment.

- e. To inform the local authority of its views on whether the authority is discharging its duty to have regard to the joint strategic need's assessment and joint health and wellbeing strategy in discharging relevant functions.
- f. The functions in (a) to (e) may be delegated to a sub-committee unless the council has directed otherwise. In addition, the board may establish advisory sub- committees to advise it on any matter relating to its functions.

9.1.3 Meetings

The Health and Wellbeing Board will meet regularly and at least four times per year.

9.1.4 Accountability

The Health and Wellbeing Board will report to council and cabinet on its work programme every 6 months.

The functions of the Health and Wellbeing Board are executive functions of the county council and the actions of the board will be subject to independent scrutiny from the relevant overview and scrutiny committee of the council.

9.2 APPOINTMENTS, DISCIPLINARY AND DISCIPLINARY APPEALS SUB-COMMITTEES

9.2.1 Composition

At least three elected members drawn from a pool of members agreed by the Staff and Pensions Committee to sit as and when required. The head of paid service or the monitoring officer if appropriate will make arrangements for the sub-committee with membership being proportionate to the representation of the political groups and individual members on the council and nominated by the leaders of the political groups.

9.2.2 Dismissal of Statutory Officers

Where a Disciplinary Sub-Committee is considering the proposed dismissal of the head of paid service, monitoring officer or chief finance officer it must include at least one cabinet member.

When a recommendation to dismiss the head of paid service, monitoring officer or chief finance officer is made by a Disciplinary Sub-Committee, the head of paid service or the monitoring officer [as appropriate to avoid conflict of interest](#) will convene a panel of at least two independent persons appointed under section 28(7) Localism Act 2011 to consider the proposed recommendation of the Disciplinary Sub-Committee prior to any recommendation for dismissal being made to Council.

9.2.3 Terms of Reference

- i. To determine individual appeals by employees, including teachers under the council's agreed disciplinary and grievance procedures.

- ii. To deal with the removal from office of strategic directors and chief officers and other statutory officers appointed by the council.
- iii. To deal with the appointment of strategic directors and chief officers, Assistant Directors and other statutory officers appointed by the council.
- iv. To make recommendations to council regarding the appointment of the head of paid service, the monitoring officer and the chief finance officer

9.3 PENSION FUND INVESTMENT SUB-COMMITTEE

9.3.1 Composition

Five councillors allocated proportionately to the representation of groups and individual members on the council. This operates as a sub-committee of the Staff and Pensions Committee.

9.3.2 Terms of Reference

To oversee the investment policy relating to the pension fund and to ensure appropriate management of the fund and administration of the pension scheme.

9.3.3 Rules of Procedure

The proceedings of formal committees and sub-committees shall be governed by the standing orders in part 3 of this constitution.

Informal Groups

9.4 LEADERS LIAISON GROUP

9.4.1 Composition

The leader and deputy leader of the Conservative Group; The leader and deputy leader of the Liberal Democrat Group; The leader and deputy leader of the Labour Group;

9.4.2 Terms of Reference

To provide a forum for the leaders and deputy leaders of these political groups on the council to consult on issues relating to the work of the council-

9.5 CORPORATE PARENTING PANEL

9.5.1 Composition

Six members of the county council.

9.5.2 Terms of Reference

To secure elected member and cross organisation support and commitment for delivering improved services and better outcomes for children in care, young people and Care Experienced Young People.

9.6 JOINT NEGOTIATING BODY (STAFF)

9.6.1 Composition

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

9.6.2 Terms of Reference

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of staff (other than teachers in any school or other institution under the control of the council) and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

9.7 JOINT NEGOTIATING BODY (TEACHING STAFF)

9.7.1 Composition

Two members of the cabinet and two other councillors, and representatives of relevant trade unions.

9.7.2 Terms of Reference

To provide a forum for discussions with relevant trade unions in relation to conditions of service of members of teachers in any school or other institution under the control of the council and to recommend to the Staff and Pensions Committee any changes or amendments to those conditions of service.

Statutory Bodies

The council is required to establish the following bodies under specific statutory provisions which govern their remit and conduct.

9.8 POLICE AND CRIME PANEL

9.8.1 Composition

Ten elected members

A councillor from each of the following constituent authorities:

- North Warwickshire Borough Council
- Nuneaton and Bedworth Borough Council
- Rugby Borough Council
- Stratford on Avon District Council
- Warwick District Council
- Warwickshire County Council

The county council appoints four additional county councillors to ensure the fair representation principle and balanced appointment objective are met. In selecting county councillors for these additional appointments, the county council will seek to ensure that each district/borough administrative area has a county councillor from that area.

The county council shall review its appointments of the four additional councillors annually to ensure the fair representation principle and balanced appointment objective continues to be met. The review will take place following the outcome of

any ordinary elections in any of the constituent authorities.

The constituent authorities may from time to time change their nomination or appointments to the panel and may arrange for a substitute to attend any meeting of the panel. Substitutes should normally be drawn from the same political party as the member they are replacing.

Two co-Co-opted members appointed by the panel

The panel appoints two co-opted members who are not elected members of any of the constituent authorities. In making those appointments the panel shall have regard to the balanced appointment objective.

Additional co-opted members

The panel can apply to the Secretary of State for consent to appoint up to [eight 8](#) additional co-opted members and in doing so should set out how its proposals would enhance the balanced appointment objective.

Balanced appointment objective

Councillor members and councillor co-opted members when taken together should:

Represent all parts of the police area;
Represent the political make-up of the relevant authorities when taken together; and
Have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Duration of Appointments

Elected members continue on the panel until the person appointed is replaced or removed by their nominating/appointing body or they resign or cease to be an elected member.

Co-opted members continue until their term of appointment comes to an end, the person appointed resigns, is replace or removed by the panel. The term of appointment of a co-opted member may not be more than 4 years but a co-opted member may be re-appointed for further periods not exceeding 4 years [at a time](#).

9.8.2 Terms of Reference

The panel is established as a joint committee of the constituent councils under section 28 of the Police Reform and Social Responsibility Act 2011.

The purpose of the panel is to support the effective exercise of the functions of the police and crime commissioner for Warwickshire.

Powers

- a. To review the draft police and crime plan including any draft version and make report or recommendation on the draft plan to the commissioner.
- b. To review the proposals made by the commissioner for the precept (budget) and to report and make recommendations to the commissioner. The panel may veto the proposed precept on a 2/3rd majority of the membership of the

panel.

- c. To review and/or scrutinise decisions made or other action by the commissioner in discharge of their functions and make reports or recommendations to the commissioner.
- d. To suspend the commissioner if it appears, they have been charged with an offence in the UK, Channel Islands or Isle of Man which carries a maximum term of imprisonment exceeding 2 years.
- e. To appoint an acting commissioner^s from the commissioner's staff in the following circumstances:
 - i. No person holds office for Warwickshire; or
 - ii. The commissioner is incapacitated; or
 - iii. The commissioner is suspended.
- f. To review and hold confirmation hearings in relation to proposals by the commissioner to appoint a chief executive, chief finance officer or deputy police and crime commissioner.
- g. To review and hold a confirmation hearing in relation to a proposal by the commissioner to appoint a chief constable. The panel may veto the proposed appointment on a 2/3^d majority of the membership of the panel.
- h. To review and hold a scrutiny hearing in relation to a proposal by the commissioner to remove a chief constable.
- i. To publish any reports or recommendations made to the commissioner as it sees fit and to send a copy to each constituent local authority.
- j. To require the commissioner or any of their staff to attend on reasonable notice to answer questions necessary to the functions of the panel and/or respond in writing to any report or recommendations made. Where the commissioner is required to attend the chief constable (on reasonable notice) can be requested to attend at the same time to answer questions.

9.8.3 Rules of Procedure

The panel shall operate in accordance with the rules of procedure agreed by panel on 5 December 2012 and amended by the panel from time to time. These can be viewed on the website <http://www.warwickshire.gov.uk/policeandcrime>

9.9 LOCAL PENSION BOARD

9.9.1 Composition

Seven members to include:

- i. Three pension scheme member representatives (nominated by scheme employers to ensure a broad representation of scheme membership).
- ii. Three employer representatives nominated by categories of employers to include one elected member (acting for the county council), one precepting employer and one non-precepting employer.

- iii. One independent representative appointed following a recruitment and selection process in accordance with current Warwickshire County Council's policy and procedure.

The Independent representative shall chair the board.

No substitution of members at meetings is allowed.

In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any board member, then the tenure of that member shall be reviewed by the chair in liaison with the scheme manager. The scheme manager has the final decision on whether to remove the board member. Other than by ceasing to be eligible, a board member may only be removed from office during a term of appointment by the scheme manager in consultation with the board members or, in the case of an elected member of the county council, ceasing to be a member.

9.9.2 Terms of Reference

The Local Pension Board is established under the Public Services Pensions Act 2013 with the following roles:

- a) To assist the scheme manager:
 - i. To secure the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) for the Warwickshire Pension Fund by effectively and efficiently complying with the code of practice on the governance and administration of public service pensions schemes issued by the Pensions Regulator;
 - ii. To secure compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS;
 - iii. To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - iv. In such other matters as the LGPS regulations may specify.
- b) To provide the scheme manager with such information to ensure that any member of the pension board or person appointed does not have a conflict of interest.
- c) To produce an annual report to the scheme manager outlining the work of the board throughout the scheme year.

The pension board will not have decision-making powers in relation to the Warwickshire Pension Fund but may refer issues to the Pensions Regulator. The board has the ability to hear disputes employers may have with the fund.

The full terms of reference, including the agreed Conflicts of Interest policy are available on the website: <https://www.warwickshire.gov.uk/pensions>

9.10 FIRE AND RESCUE LOCAL PENSION BOARD

9.10.1 Composition

The membership of the Board shall consist of seven members each to include:

(a) Three Scheme Member Representatives (nominated by scheme employers to ensure a broad representation of scheme membership).

(b) Three Employer Representatives

(c) One Independent Representative to be appointed by the Scheme Manager following a recruitment and selection process meeting the Terms of Reference of the Board from time to time

Scheme Member and Employer Representatives to remain equal at all times.

The Independent Representative shall chair the Board

No substitution of members at meetings is allowed.

In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any board member, then the tenure of that member shall be reviewed by the chair in liaison with the scheme manager. The scheme manager has the final decision on whether to remove the board member. Other than by ceasing to be eligible, a board member may only be removed from office during a term of appointment by the scheme manager in consultation with the board members or, in the case of an elected member of the county council, ceasing to be a member, or in the case of an officer of the Council ceasing to hold that role.

9.10.2 Terms of Reference

The role of the Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme as defined by The Firefighters' Pension Scheme (amendment) (Governance) Regulations 2015 (the 'Regulations') is to –

(a) Assist the Scheme Manager

- to secure the effective and efficient governance and administration of the Firefighters' Pension Scheme ("FFPS") by effectively and efficiently complying with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator;
- to secure compliance with the Regulations and any other legislation relating to the governance and administration of the FFPS;
- to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator; and
- in such other matters as the Regulations may specify

(b) Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest;

(c) Produce an annual report to the Scheme Manager outlining the work of the Pension Board throughout the scheme year.

The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.

The Pension Board will not have decision making powers in relation to the FFPS save to refer issues to the Pension Regulator. It will have the ability to hear disputes employers may have with the Fund.

The full Terms of Reference can be found at []

9.109.11 SCHOOLS FORUM

(a) Composition

The Warwickshire Schools Forum is established under the Education Act 2002. The forum consists of “school” and “non-school” members. School members and academy members must together comprise at least two thirds of the membership of the forum.

The forum has its own constitution governed by statutory requirements which details membership and voting rights.

(b) Terms of Reference

The powers and responsibilities of the school's forum include:

Giving a view on:

- Schools' funding formula changes, including redistributions;
- Significant contracts to be let by the council paid out of the schools' budget;
- Financial issues relating to the arrangements for pupils with SEN, in particular the places to be commissioned by the local authority and schools, and the arrangements for paying top up funding, pupil referral units, in particular the places to be commissioned by the local authority and schools and the arrangements for paying top up funding, early years provision, allocation of central government grant;
- The Minimum Funding Guarantee.

Making decisions about:

- De-delegation from the schools' budget for mainstream schools for contingencies, administration of free school meals, insurance, licences, staff costs (supply cover), [support for underachieving students](#)~~support for ethnic pupils/under-achieving groups~~, behavioural support services, and library and museum services.
- Retaining funding for central spending on pre-16 significant pupil growth, falling rolls fund for surplus places in good or outstanding schools where there is a population bulge expected in 2-3 years, equal pay back pay, places in independent schools for non-SEN pupils and early years expenditure.
- The budget set aside for admissions, servicing of school's forum, CERA, combined budgets, centrally funded termination of employment costs,

prudential borrowing and SEN transport.

- The carry forward of a deficit on central expenditure to the next year to be funded from the schools' budget.
- Changes to the scheme of financial management.

9.149.12 STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION (SACRE)

9.14.19.12.1 Composition

Five councillors appointed proportionately to the representation of groups and individual members on the council; five representatives of the Church of England; fourteen representatives of Christian and other religious denominations; six teacher representatives and any other persons co-opted by the body.

The body shall meet at least twice in each year and hold other meetings as necessary. Voting shall be in accordance with the constitution of SACRE.

9.14.29.12.2 Terms of Reference

- To advise the cabinet on religious worship and religious education within schools.
- To determine applications by individual schools for exemptions from the requirements of Christian worship.

Joint Arrangements

9.1429.13 HIGHWAY AGENCIES

The council ~~has highway agency agreements with the following:~~

- ~~Nuneaton and Bedworth Borough Council~~
- ~~Rugby Borough Council~~

~~Warwick District Council currently has no highway agency agreements in place~~

9.1439.14 JOINT USE AGREEMENTS

The council has ~~also entered into agreements for the joint use of a number of educational and sports facilities:~~

- ~~Alderman Smith School – Sports Hall and sports facilities~~
- ~~Campion School – Sports Hall~~
- ~~Etone School – Sports Hall, sports facilities and part of the school~~
- ~~Nicholas Chamberlaine School – Sports Centre~~
- ~~Polesworth High School – Sports Hall~~

~~Stour Valley Community School – Swimming Pool~~ no current joint use agreements

Joint Committees and Panels

9.1449.15 EASTERN SHIRES PURCHASING ORGANISATION [ESPO] MANAGEMENT COMMITTEE

9.14.19.15.1 Composition

Warwickshire County Council; Leicestershire County Council; Lincolnshire County Council; Cambridgeshire County Council; Norfolk County Council; Leicester City Council and Peterborough City Council.

9.14.29.15.2 Purpose

To improve and maintain effective, efficient and economical arrangements for the supply of goods and services to its constituent authorities.

9.15.19.16 ALL LOCAL AUTHORITIES OUTSIDE LONDON ADJUDICATION JOINT COMMITTEES

9.15.19.16.1 Composition

All Local Authorities outside London with responsibilities for on-street parking and traffic regulation.

9.15.19.16.2 Purpose

To administer an adjudication service in respect of civil enforcement of parking and traffic regulation.

SECTION 10 – DELEGATIONS TO OFFICERS**LOCAL GOVERNMENT ACT 1972: SECTIONS 100 G(2) AND 101
LOCAL GOVERNMENT ACT 2000: SECTION 15**

[Throughout this [section document](#) reference to “The Act of 1972” will be reference to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 or any other statutory enactment.]

~~The tables in the following sections below list the powers and duties delegated to officers by the council and the executive. Local choice functions are not separately identified, they are included as either an executive or non-executive function depending on whether or not the function has been allocated to the executive.~~

PART A: GENERAL DELEGATIONS TO STRATEGIC DIRECTORS AND CHIEF EXECUTIVE or their nominees

1. Any member body or executive member may delegate their powers to the Chief Executive and/or Strategic Directors subject to any statutory restriction and the General Scheme of Delegation in Part 2 Section 1 of this Constitution.
 2. ~~Statutory officers (the i.e. head of paid service, the monitoring officer, the chief finance officer, the director of public health and any other proper officer or holder of any statutory role) may exercise those statutory powers which are necessary to fulfil their statutory roles.~~
 - 2.3. ~~The Chief Executive, Strategic Directors and Assistant Directors shall be responsible for ensuring that their list of delegated powers (and any onward delegations) is kept up to date and appropriate authority obtained from the relevant member body to any changes.~~
 - 3.4. ~~Any officer to whom powers have been delegated shall be authorised to further delegate any of their powers to their nominee's subject to any statutory prohibition or express restriction within the delegation itself. If such authorisations are made, the relevant officer shall prepare and maintain a written schedule of authorisations to be available for inspection by the Monitoring Officer.~~
- ~~The Chief Executive, Strategic Directors and Assistant Directors shall be responsible for ensuring that their list of delegated powers (and any onward delegations) is kept up to date and appropriate authority obtained from the relevant member body of any change.~~
4. _____
 5. The Council and Leader have delegated the following general powers to the Chief Executive and Strategic Directors who in turn have delegated these to Assistant Directors or their nominees in relation to services or functions for which they are responsible and subject to acting within approved budgets:
 - i. Taking and implementing decisions on matters relating to day to day administration
 - ii. Taking and implementing decisions to maintain the operation and effectiveness of services or functions, including the production, amendment, review and deletion of all plans, policies, procedures, strategies and other

- similar documents except those that form part of the Policy Framework.
- ii-iii. To enter into contracts and arrangements (subject to compliance with the constitution, including Contract Standing Orders, and the law) necessary to facilitate service delivery or to procure works, services or supplies incidental to service delivery
- iii-iv. Taking any necessary decisions incidental to policy decisions that have been taken by elected members
- iv-v. To determine the appointment, promotion and salary levels of the council's employees and other conditions of service matters in accordance with the council's grading structure and policy guidelines (other than in respect of the Statutory Officer roles and the appointment of the Chief Executive, Strategic Directors and Assistant Directors which are subject to specific delegations and constitutional requirements)
- v-vi. To write off as irrecoverable sums due to the Council up to the limit of £1000 up to £2000, subject to appropriate legal and financial advice having been taken, and in consultation with Portfolio Holder and/or Leader where considered appropriate by the Chief Executive
- vi-vii. To obtain all necessary tenders and completion of contracts to give effect to the agreed revenue budget and capital programme, subject to compliance with Contract Standing Orders, Financial Regulations and the key decision regime.
- vii-viii. To prepare reports for member bodies or executive members that comply with the access to information regime, the Council's standing orders and any other legal requirements. All reports to member bodies must have been signed off prior to publication by legal services and finance in accordance with the procedures of the council's committee management process
- ix. To approve requests for ex gratia payments to complainants -up to and including £1000 in relation to upheld complaints or in consultation with the chief finance officer in relation to other complaints where a financial remedy is considered to be appropriate and to make arrangements for the payment of any awards made by a court, a tribunal or other regulatory body.
- x. To make a formal response on behalf of the County Council, to any White Papers, Green Papers, Government Consultation Papers or other consultative document which do not have policy implications and/or are substantially technical or operational in nature in consultation with the Leader and/or relevant Portfolio Holder(s) and/or Chairs of Overview and Scrutiny on the proposed response.
- viii-xi. Authorizing responses to planning licensing and similar consultations within their area of responsibility which do not have policy implications and/or are substantially technical or operational in nature in consultation with the Leader and/or relevant Portfolio Holder(s) and/or Chairs of Overview and Scrutiny on the proposed response save where expressly delegated in Appendix A to Part 2(10)
6. Any officer delegating powers to other officers may at any time prior to the exercise of that power in relation to a particular matter withdraw that delegation.
7. Any officer exercising delegated powers is obliged to comply with any prescriptive legal duties on the Council and ensure that the implementation of policy complies with legal requirements.
8. The Council and the Leader have delegated the specific powers in Part B to the Chief Executive and the Strategic Directors or their nominees.
9. Where an officer listed in this Scheme of Delegation is absent for any period, the Chief Executive may nominate in writing another officer to act in their place during their absence and shall make a record of all such nominations.

10. The exercise of functions delegated to officers under this scheme must comply with:
- any legal requirement or restriction;
 - any relevant provision in the Council's Constitution;
 - the Council's policy framework and any other plans and strategies approved by the Council;
 - the relevant in-year budget;
 - the relevant officers' code of conduct;
 - the Council's Financial Regulations and Contract Standing Orders;
 - all other relevant policies, procedures, protocols and provisions.

Limitations to the Exercise of Delegated Powers

11. Officers in the exercise of functions delegated by this scheme may not change or contravene policies or strategies approved by the Council in the absence of specific delegated authority to do so.
12. Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer ~~shall~~ will first consult with the Leader and/or Portfolio Holder as appropriate before exercising the delegated powers
13. When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions.

Statutory Officers

Statutory Officer	Post Held
Head of Paid Service	Chief Executive
Monitoring Officer	Assistant Director for Governance & Policy
Chief Finance Officer	Strategic Director for Resources
Proper Officer Registration Services	Assistant Director for Business & Customer Support Services
<u>Director of Public Health</u>	<u>Director of Public Health</u>
<u>Director of Children's Services</u>	<u>Strategic Director for People</u>
<u>Director of Adult Social Services</u>	<u>Strategic Director for People</u>
<u>Proper Officer for purposes of the Health Protection (Notification) Regulations 2010</u>	<u>Director of Public Health</u>
<u>Proper Officer for all other purposes for which another person has not been appointed as proper officer</u>	Chief Executive

PART B – SPECIFIC DELEGATIONS TO STRATEGIC DIRECTORS AND CHIEF EXECUTIVE or their nominees

To the Chief Executive, and to each Director and Statutory Officer are delegated the following powers and decisions including those specific delegations set out in Appendix A to Part 2(10) of this Constitution The delegations in Appendix A are not exhaustive of the following general powers and decisions and some are additional to them. Any reference in Appendix A to an enactment includes a reference to that enactment as subsequently modified and to the corresponding provision as re-enacted (with or without modification) in any subsequent enactment

Nothing within this Part shall enable officers to make decisions properly reserved within this constitution to Members, or to override any specific delegations properly made by any member body to any group or individual

-POWERS IN AN EMERGENCY

1. The Chief Executive is empowered, in consultation with the Leader, Group Leaders and the relevant Portfolio Holder, to take all necessary decisions in cases of emergency provided the Access to Information Rules are met.
2. Where the decision involves incurring expenditure for which there is no provision the Chief Executive will also consult with the Strategic Director for Resources before the decision is taken and ensure that the source of funding is identified.
3. For the purposes of this section, emergency shall mean any situation in which the Chief Executive believes that failure to act would seriously prejudice the Council or the public interests, and it is not practicable to call an urgent meeting or to defer the decision to the next meeting of the relevant decision-making body. The emergency period ends at the point at which these criteria are no longer met.
4. Details of the exercise of this power by the Chief Executive will be included in the annual report to Council under Standing Order 19.1 and reported to the next appropriate meeting of the relevant decision making body following conclusion of the emergency period.

CHIEF EXECUTIVE

1. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Head of Paid Service
2. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Returning Officer for County Elections
3. All the reasonably necessary powers and decisions required to enable the Chief Executive to fulfil the role of Proper Officer for any purpose for which another person has not been appointed as proper officer
4. Those specific powers and delegations set out in Appendix ~~A~~ to Part 2(10)

STRATEGIC DIRECTOR FOR RESOURCES

1. All the reasonably necessary powers and decisions required to enable the Strategic Director for Resources to fulfil the role of chief finance officer
2. To approve bids for external funding not exceeding below £250,000 and where
 - a. The bid will not commit the Council to funding in excess of £50,000 and the service can provide the funding from within its existing budget or
 - b. the bid is a partnership submission in which the County Council is one of several bodies and the council's involvement in the partnership has been validly authorised or

- c. the bid is made to further a scheme that has already been validly approved by the appropriate member body.
3. Those specific powers and delegations set out in Appendix A to Part 2(10)

STRATEGIC DIRECTOR FOR PEOPLE

1. All the reasonably necessary powers and decisions required to enable the Strategic Director for People to fulfil the role of Director of Children’s Services and Director of Adult Social Services?? and to facilitate the provision of the Council’s statutory functions in the area of social care (save where there is a specific delegation in Appendix A to Part 2(10) to the Strategic Director for Communities)-[————]
2. Those specific powers and delegations set out in Appendix A to Part 2(10)

STRATEGIC DIRECTOR FOR COMMUNITIES

1. To exercise in consultation with the relevant Portfolio Hilder and as appropriate the Chair of the Regulatory Committee all of the functions of the Council as a highway, traffic, street, street works, access, transport, waste disposal, weights and measures, flood, hazardous substances and planning authority under any legislation, and any functions incidental to or assisting in the exercise of such functions, other than any powers:
- expressly and specifically delegated to the Chief Executive or Strategic Director for Resources
 - to acquire an interest in land (voluntarily or compulsorily)
 - to adopt or vary or submit to the secretary of state for examination a local development document or a document in the Policy Framework
 - to determine any charges payable by a user of the highway or of parking places provided by the council as a traffic authority or any other charges payable by the general public where the council is given a discretion to determine the amount of the charge by a statutory provision specific to that particular kind of charge
 - make a statutory order, regulation or byelaw other than one expressly delegated to him or her in Appendix A~~H~~ to Part 2(10)
- and provided that any limitation or restriction on the exercise of any powers imposed in relation to a specific delegation in Appendix A~~H~~ to Part 2(10) is observed.
2. Those specific powers and delegations set out in Appendix A~~H~~ to Part 2(10)

PART B: SPECIFIC DELEGATIONS TO STRATEGIC DIRECTORS THESE TO BE RETAINED BUT MOVED TO AN APPENDIX

Appendix A to Part 2(10)
Chief Executive and Strategic Directors:

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees		
	Powers and duties	Statutory Reference
		Function Type

1	The strategic director originating the report or, in the case of a joint report, the first named strategic director, to decide what are the background papers used or referred to in the preparation of the report, to list the background papers on the report and to make a copy of the background papers available for public inspection.	Sections 100 D(1)(a) and 100 D(5)(a), The Act of 1972; Regulations 6 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 15 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u> as amended; Local Government (Access to Information) Variation Order 2006	Non-executive - reports to the full council and its committees Executive - reports to cabinet, its committees and officer key decisions
2	The strategic director proposing to take a report to a member body in respect of a key decision or strategic director proposing to take a key decision is responsible for giving prior notice of that decision to the monitoring officer in accordance with the Access to Information Regime.	Regulations 14 to 16, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 8 to 11 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	Executive - reports to cabinet and its committees or other member bodies making key executive decisions
3	The strategic director prior to taking a key decision is responsible for making any reports received available for public inspection unless it would disclose confidential or exempt information as defined in the Access to Information Regime.	Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England)</u>	Executive

		<u>Regulations 2012</u>	
4	The strategic director immediately after making a key decision is responsible for producing a written statement setting out the decision, the reasons for the decision, any options considered or rejected, any reports taken into account, any interest declared by a member consulted in respect of the decision and any dispensation granted by the standards committee and sending the written statement and any reports taken into account to the monitoring officer who will make the written statement and any accompanying reports available for public inspection unless it would disclose confidential or exempt information.	<p>Regulation 4, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000; Regulation 13 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</p> <p>Regulations 14⁵ and 204, <u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u></p> <p>Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000</p>	Executive

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees (cont'd)

	Powers and duties	Statutory Reference	Function Type
5	No strategic director or any person nominated by them shall make a key decision which does not comply with the Access to Information Regime.	<p>Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended <u>Local Authorities (Executive Arrangements)</u></p>	Executive

		(Meetings and Access to Information) (England) Regulations 2012	
6	Reports by strategic directors referring to the finances of the council shall not be circulated to members without consultation with the Chief Finance Officer.	Section 151, The Act of 1972	Executive or non-executive depending on the context
7	Responsibility for ensuring that financial regulations, finance rules and financial instructions are observed throughout the departments under their control.	Section 151, The Act of 1972	Non-executive
8	Responsibility to notify the strategic director for resources of all officers designated to certify and authorise invoices for payment together with specimen signatures	Section 151, The Act of 1972	Non-executive
9	Responsibility for ensuring accurate and prompt input of payments data to the creditor's payments system.	Sections 111 and 151, The Act of 1972	Executive or non-executive depending on the context
10	Responsibility to collect all income as detailed in the appropriate revenue budgets.	Sections 111 and 151, The Act of 1972	Executive
11	With the approval of the strategic director for resources and after consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided: (i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and (ii) any requirements of the Access to Information Regime are met. Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.	Sections 101, 111 and 151, The Act of 1972; Section 9E, Local Government Act 2000; Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000_ Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Executive or non-executive depending on the context

CHIEF EXECUTIVE, STRATEGIC DIRECTORS or their nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
12	Responsibility to render promptly official invoices for sums due to the council and to notify the strategic director for resources of appropriate details.	Section 151, The Act of 1972	Executive or non-executive depending on the context
13	Responsibility to comply with contract standing orders and ensure every contract and variation to a contract is executed in writing and, in relation to capital contracts where the variation involves a material alteration or extension of the scope of the contract, whether or not the cost can be met within the contract to obtain the prior agreement of the strategic director for resources.	Sections 111, 135 and 151, The Act of 1972 and any other relevant enactment	Executive or non-executive depending on the context

10.1 Chief Executive

CHIEF EXECUTIVE or their nominees			
	Powers and duties	Statutory Reference	Function Type
1	To act as the proper officer for the purposes of any functions conferred on the council for which another person has not been appointed as proper officer except those functions expressly delegated to other officers	The Act of 1972 and any other enactment conferring functions on the council	Executive or non-executive depending on the context
2	To act as the head of paid service of the council.	Section 4, Local Government & Housing Act 1989	Non-executive
3	To act as the returning officer for elections of county councillors.	Section 35, Representation of the People Act 1983	Non-executive
4	To receive and/or witness declarations of acceptance of office.	Section 83, The Act of 1972	Non-executive
5	To receive resignations of members of the council.	Section 84, The Act of 1972	Non-executive
6	To convene meetings of the council to fill a vacancy in the office of chairman.	Section 88, The Act of 1972	Non-executive
7	To receive notice of a casual vacancy from two local government electors.	Section 89(1)(b), The Act of 1972	Non-executive
8	To sign the summons to members to attend council meetings.	Schedule 12, The Act of 1972	Non-executive
9	To sign the summons to members to attend meetings of the executive.	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Executive

		<u>Local Authorities- (Executive- Arrangements)- (Access to Information) (England)- Regulations 2000_</u>	
10	To receive and deal with documents relating to elections.	<u>Local Elections (Principal Areas) (England and Wales) Rules 2006</u> <u>Local (Principal- Election Areas)- Rules 1986</u>	Non-executive

CHIEF EXECUTIVE or their nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
11	To review the scale of fees for the conduct of elections before each county council quadrennial election to ensure that they are comparable with those paid by the Warwickshire District Councils.	Section 36, Representation of the People Act 1983; Section 111, The Act of 1972	Non-executive
12	To approve the payment of any future revised maxima notified in respect of members' allowances.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
13	Together with the Strategic Director Resources review members' quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Sections 173 to 178, The Act of 1972; Section 18, Local Government & Housing Act 1989	Non-executive
14	Authority to receive money from officers accountable for it.	Section 115, The Act of 1972	Non-executive
15	To issue certificates and make statutory declarations concerning the transfer of securities held by the council.	Section 146, The Act of 1972	Executive
16	To affix the common seal of the council to any document required to give effect to decisions of the council, any member body or officer acting with delegated powers.	Sections 111 and 135, The Act of 1972	Executive or non- executive depending on the context
17	To receive and deal with applications from Ordnance Survey for assistance in preparation of Ordnance Survey maps.	Section 191, The Act of 1972	Executive

18	To receive documents to be held in the custody of the council.	Section 225, The Act of 1972	Executive or non-executive depending on the context
19	To certify photographic copies of documents.	Section 229, The Act of 1972	Executive or non-executive depending on the context
20	To authenticate documents.	Sections 234 and 238, The Act of 1972	Executive or non-executive depending on the context
21	To send copies of bylaws to district councils.	Section 236, The Act of 1972	Non-executive

CHIEF EXECUTIVE or their nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
22	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non-executive depending on the context
23	To act as the authorised representative of the council in respect of all companies of which the council is, or may become, a member or a shareholder.	Section 323, Companies Act 2006	Executive or non-executive depending on the context
24	To approve, after consultation with the chair of the staff and pensions committee and chair of the cabinet, voluntary redundancies where it is in the council's interest to allow the employee concerned to retire early (or otherwise take voluntary redundancy on the council's usual terms) and there would be a net financial cost to the authority in doing so.	Section 112, The Act of 1972	Non-executive
25	Subject to policy guidelines laid down by the council, to approve proposals on personnel matters from employing departments and, in respect of proposals not falling within the guidelines, to exercise their discretion to approve the proposals.	Section 112, The Act of 1972	Non-executive
26	To select members from a pool of members to form the appointments and disciplinary appeals sub-committees as and when required.	Sections 101 and 111, The Act of 1972	Non-executive
27	To take all necessary steps to establish the independent remuneration panel, appoint the members of the panel, agree their terms and conditions and arrange any meetings of the panel	Section 18, Local Government & Housing Act 1989; Sections 100 and 105, Local Government Act 2000;	Non-executive

		Local Authorities (Members' Allowances) (England) Regulations 2003	
28	Duty to publish notice if proposals relating the changing governance arrangements are not approved in referendum.	Section 33K (6), Local Government Act 2000 The Local Authorities (Conduct of Referendums) (England) Regulations 2012 Schedule 3 para 41	Non-executive
29	To determine disputes on terms and conditions satisfactory to the strategic director for resources under the LGPS Pension Disputes Resolution Procedures on behalf of the administering authority and to nominate appropriate persons to deal with the first instance decisions and adjudications on behalf of the administering authority.	Section 50, Pensions Act 1995	Non-executive
CHIEF EXECUTIVE or their nominees (cont'd)			
	Powers and duties	Statutory Reference	Function Type
30	All the functions of the County Council under the Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020 (any future modification or re-enactment thereof) (other than any power to prosecute) being powers to curtail the incidence or spread of Coronavirus	Health Protection (Coronavirus, Restrictions) (No. 3) (England) Regulations 2020	Executive

10.2 Strategic Director for Resources

STRATEGIC DIRECTOR FOR RESOURCES or their nominees shall have the following powers and duties other than those of the Monitoring Officer in Article 7.3			
Governance			
	Powers and duties	Statutory Reference	Function Type
1	To decide which reports to be considered by a committee are not likely to be considered in public, to mark them " <i>not for publication</i> " and to identify the category of exempt or confidential information they contain.	(a) Section 100 B(2), The Act of 1972; Local Government (Access to Information) Variation Order 2006 (b) Regulation 7, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 41, Local	(a) Non-executive (b) Executive

		Authorities (Executive Arrangements) Access to Information) (England) Regulations 2000_	
2	To make the written statement and any accompanying reports relating to officer key decisions available for public inspection unless it would disclose confidential or exempt information.	Regulations 5 and 21, Local Authorities (Executive Arrangements) Access to Information) (England) Regulations 2000_ <u>Regulations 14 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	Executive
3	To supply to the press on request, and at their discretion, copies of documents which are supplied to committees, but which are not included in the report(s) with the agenda.	(a) Section 100 B(2), The Act of 1972; (b) Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 7 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	(a) Non-executive (b) Executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	To make a written summary of the proceedings at a meeting when it is not open to the public in such a way as to form a reasonably fair and coherent record of proceedings without disclosing confidential or exempt information.	(a) Section 100 C(2), The Act of 1972; (b) Regulations 3 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 12 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	(a) Non-executive (b) Executive
5	To decide which documents, bearing in mind exempt or confidential information requirements, in the possession of the cabinet or any committee relating to business to be transacted at a meeting but not included with the agenda for the meeting shall be open to inspection by members of the council who may be entitled to see them under their common law rights or other rights. Any dispute about their rights will be referred to the appropriate member body.	(a) Section 100 F(2), The Act of 1972; (b) Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 16, 17 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	(a) Non-executive (b) Executive
6	To decide which documents, bearing in mind confidential or exempt information requirements, in the possession of an officer relating to key decisions shall be open to inspection by members of the council who may be entitled to see them. Any dispute about their rights will be referred to the cabinet.	Regulations 17, 18 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 <u>Regulations 16, 17 and 20, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	Executive

7	To receive and record notices of financial interest from members, establish and maintain a register of interests of the members and co-opted members of the authority in accordance with the Members' Code of Conduct.	Section 96, The Act of 1972 <u>Section 81, Local Government Act 2000</u>	Non-executive
8	To receive on deposit lists of protected buildings.	Section 2, Planning (Listed Buildings & Conservation Areas) Act 1990	Executive
9	To write off as irrecoverable sums due to the council up to a limit of £ 2000 <u>3000</u> , to revise that limit each year to the nearest £25 in line with changes in the applicable retail price index.	Sections 111 and 151, The Act of 1972	Executive
10	To institute, prosecute or to defend, compromise or to appear in any legal proceedings.	Section 222, The Act of 1972 and any other enactment conferring powers on the council	Executive or non- executive depending on the context
11	To complete and authenticate any document (<u>including photographs and byelaws</u>) and take any other step in order to give effect to a decision of the council (whether made by a member body or an officer) <u>as Proper Officer for these purposes under delegation from the Chief Executive</u>	<u>Section 234, Local Government Act 1972</u>	Executive or non- executive depending on the context

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)

Governance (cont'd)

	Powers and duties	Statutory Reference	Function Type
12	To exercise the powers of the council under the listed provisions in addition to <u>the power to instigate</u> instigating proceedings for possession of land in the county court, such powers to be exercised following a request from <u>the</u> appropriate director.	Sections 77, 78 and 79, Criminal Justice & Public Order Act 1994 as amended	Executive
13	To obtain information as to interests in <u>land</u> and the particulars of persons interested in land.	Section 330, Town and Country Planning Act 1990; Section 16 Local Government (Miscellaneous Provisions) Act 1976	Non-executive
14	To sign, to issue and to serve notices on behalf of the council in relation to highways and public rights of way.	Highways Act 1980; Rights of Way Act 1990; Wildlife and Countryside Act 1981; Road Traffic Regulation Act 1984; Cycle Tracks Act 1984;	Executive or non-executive depending on the context

		New Roads and Street Works Act 1991; Clean Neighbourhoods & Environment Act 2005; and any other enactment conferring functions on the council	
15	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	Sections 184 and 278, Highways Act 1980; Section 106, Town & Country Planning Act 1990	Non-executive
16	To enter into agreements for the future maintenance of roads including those provided by developers.	Section 38, Highways Act 1980	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
17	To determine applications for certificates of lawful use or development or proposed use or development.	Sections 191 and 192, Town & Country Planning Act 1990	Non-executive
18	To take action by way of Planning Contravention Notices, Breach of Condition Notices, Enforcement Notices, Stop Notices, and Temporary Stop Notices and applications for injunctions to restrain breaches of planning control.	Section 171C, 171E, 172, 187A, 187B and 183(1), Town & Country Planning Act 1990	Non-executive

19	In consultation with the chief fire officer: (i) to exercise the council's powers of inspection and enforcement; (ii) to issue all notices and licences; and (iii) to institute legal proceedings in relation to the listed enactments.	Fire Precautions Act 1971 ; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform Act 2001; <u>the Regulatory Reform (Fire Safety) Order 2005</u> ; and any Orders, Regulations or Directives made amending, varying, extending or re-enacting the same.	Non-executive
20	To prosecute for causing nuisance or disturbance on educational premises.	<u>Section 547, Education Act 1996 and Section 85A, Further and Higher Education Act 1992 Section 40, Local Government (Miscellaneous Provisions) Act 1982</u>	Executive
21	To appoint members as required from time to time to hear school admission and exclusion appeals and to constitute panels of 3 or 5 as required.	Part III, School Standards & Framework Act 1998	Non-executive
22	To amend the constitution to reflect any changes made by the council, its subsidiary bodies or the leader or cabinet to ensure the constitution remains up to date.	Section 9P37 , Local Government Act 2000	Executive or non-executive as appropriate
23	To update the constitution to reflect changes where delegation of powers has been made under particular legislation which has been repealed / amended and substantially re-enacted /amended in new legislation.	Section 9P37 , Local Government Act 2000	Executive or non-executive as appropriate
24	To take any necessary steps to implement the agreed petitions scheme and operate the scheme in accordance with those arrangements, including deciding whether or not a petition meets the requirements of the scheme.	Section 9MC, Local Government Act 2000; and Local Authorities (Referendums)(Petitions)(England) Regulations 2011 Sections 10 to 22, Local Democracy, Economic Development & Construction Act 2009	Non-executive
25	To make any arrangements as they consider necessary for terrorism cover, as and when such cover is available.	Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
26	In relation to Pride in Camp Hill Limited: (i) to confirm to the board that the council has or will endeavour to get all necessary approvals, powers, etc., in order to comply with the terms; (ii) to notify other partners if the council becomes aware that another partner is in default; (iii) to select/agree an independent person (expert) in the case of deadlock; and (iv) to notify the company if the council believes the company or any group company has become subject to the influence of a local authority.	Section 2, Local Government Act 2000 <u>Section 1, Localism Act 2011</u>	Executive
27	In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; and (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1 to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000 <u>Section 1, Localism Act 2011</u>	Executive
28	In relation to Pride in Camp Hill Limited to agree the company changing the accounting reference date.	Section 2, Local Government Act 2000 <u>Section 1, Localism Act 2011</u>	Executive
29	To develop and introduce a standard approach to race equality for contracts below £100,000 in value, maintain an appropriate and lawful approach to equalities in all contracts let by the Council	Section 2, Local Government Act 2000 <u>Section 1, Localism Act 2011</u>	Executive
30	To exercise overall management control of authorisations under RIPA and to make such alterations to the designations of authorising officers as they see fit.	Regulation of Investigatory Powers Act 2000	Executive
31	Subject to any statutory restrictions, to determine fees that may be charged in respect of Freedom of Information requests.	Freedom of Information Act 2000	Executive
32	Duty to publish information about the Local Area Agreement.	Section 113, Local Government & Public Involvement in Health Act 2007	Non-executive

33	Responsibility for maintaining an internal audit service including visiting council establishments to conduct audits.	Section 51, The Act of 1972; Regulation 6, Accounts & Audit Regulations 2003	Non-executive
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STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Governance (cont'd)			
	Powers and duties	Statutory Reference	Function Type
34	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for people and chief fire officer).	Gambling Act 2005	Executive
35	To exercise the powers of the council in relation to the provision of advice, training and support for school governors.	Sections 19(3) and 22, Education Act 2002 and any associated legislation	Executive
36	To exercise the powers of the council in relation to the governance of schools jointly with the strategic director for people.	Education Act 1962; Education Act 1980; Education Act 1996; Education Act 1997; Education Act 2002; Education (Fees and Awards) Act 1983; Education Reform Act 1988; Employment & Training Act 1973; Further Education Act 1985; School Standards & Framework Act 1998; Schools Inspections Act 1996	Executive or non-executive depending on the context

Village Greens			
	Powers and duties	Statutory Reference	Function Type
1	Power to register land as a town or village green where the application is made by the owner of any land under section 15(8) of the Commons Act 2006.	Section 15(8), Commons Act 2006; Regulation 8, Commons (Registration of Town & or Village Greens) (Interim	Non-executive

		Arrangements) (England) Regulations 2007	
2	Functions relating to the registration of common land and town or village greens.	Part I, Commons Act 2006 (c.26); The Commons Registration (England) Regulations 2014 (S.I. 2014/3038)	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Village Greens (cont'd)			
	Powers and duties	Statutory Reference	Function Type
3	Power to apply for an enforcement order against unlawful works on common land.	Section 41, Commons Act 2006	Non-executive
4	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2)(a), Commons Act 2006	Non-executive
5	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2)(b), Commons Act 2006	Non-executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Libraries, Heritage and Registration Services			
	Powers and duties	Statutory Reference	Function Type
1	To review the fixed fee, the per minute on-line charge and the printing charge in respect of commercial searches via the online information services operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
2	To agree any change in the charging structure for the sound recordings service operated through the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
3	To review and to vary, where appropriate, the level of fines for the late return of books, fees for requests for books and charges for photocopies in order to achieve income targets established for the council's libraries.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
4	To determine the scale of charges for the fax service available to the public at the Rugby and Warwick libraries in order to maintain it on a self-financing basis.	Public Libraries & Museums Act 1964; Section 150 Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive
5	To make representations on behalf of library services relating to the formulation of local planning policies, including if necessary, attendance at inquiries and other proceedings.	Localism Act 2011 s1(1) Section 2, Local Government Act 2000	Executive
6	To exercise the functions of the council relating to the organisation of the registration services and to act as the proper officer for those services.	Registration— Services Act 1953— as amended	Executive
7	To impose a reasonable charge for correspondence and searches made in response to genealogical enquiries at the Warwickshire County Record Office.	Public Libraries & Museums Act 1964; Section 150, Local Government & Housing Act 1989; The Library Charges (England & Wales) Regulations 1991	Executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Libraries, Heritage and Registration Services (cont'd)			
	Powers and duties	Statutory Reference	Function Type
8	To make representations on behalf of the heritage and museum services relating to the formulation of local planning policies, including if necessary, attendance at inquiries and other proceedings.	Localism Act 2011 s1(1) Section 2, Local Government Act 2000	Executive

Property Management			
	Powers and duties	Statutory Reference	Function Type
1	To proceed with all building projects without reference to cabinet for approval of scheme design plans.	Section 44 101 , The Act of 1972; Section 15, Local Government Act 2000	Executive
2	To appoint external professional consultants as required to deal with building development and property matters, appointments to be reported to the appropriate committee for information.	Section 1, Local Government (Contracts) Act 1997 or any other enactments conferring such powers	Executive
3	To authorise all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000 £250,000 .	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
4	To grant at market value and take up leases, easements and licences over council property or for the benefit of the council where the annual rent or fee consideration is no greater than £3 £25,000 .	Sections 120, 122 and 123, The Act of 1972 and any applicable statutory consents	Executive
5	To negotiate and authorise revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6	To seek and enter into development agreements, where necessary, in connection with the disposal of land on the council's industrial estates.	Section 123, The Act of 1972; Local Authorities (Land) Act 1963 and any applicable statutory consents	Executive
7	To make planning applications on behalf of the council.	Section 9E, Local Government Act 2000	Executive

STRATEGIC DIRECTOR FOR RESOURCES or their nominees (cont'd)			
Property Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
8	<p><u>To make applications for planning, licensing, highways, building control, environmental and any other regulatory consents required to facilitate the disposal of land for the best consideration or to enable its development and to enter any agreements or submit to any terms and requirements which are a condition of any such consent</u>To make applications on behalf of the council:-</p> <p>(i) for planning permission for works for the alteration or extension of listed buildings;</p> <p>(ii) for listed building consent to the demolition, alteration or extension of listed buildings; and</p> <p>(iii)(i) for the demolition of unlisted buildings in conservation areas.</p>	<p>Section 9E, Local Government Act 2000;</p> <p>Regulation 7(1)(a), Town & Country Planning General Regulations 1992;</p> <p>Regulation 3, Planning (Listed Buildings & Conservation Areas) Regulations 1990</p>	Executive

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)			
Rural Estates			
	Powers and duties	Statutory Reference	Function Type
1	To enter into and sign agricultural tenancy agreements in respect of the smallholdings estate on behalf of the council.	Section 123, The Act of 1972 and applicable statutory consents	Executive
2	To appoint tenants to smallholdings subject to prior consultation with the relevant Portfolio Holder panel of members established for this purpose.	Section 123, The Act of 1972 and applicable statutory consents	Executive
3	To authorise, within the council's smallholdings or country parks estate, all sales at market value, purchases (except compulsory purchase) and appropriations of council land for different purposes where the consideration is no greater than £100,000 £250,000 .	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
4	To grant at market value and take up leases, easements, and licences over the council's smallholdings or country parks estate or for the benefit of the smallholdings or country parks estate where the annual rent or fee consideration is no greater than £3 £25,000 .	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
5	To negotiate and authorise, in connection with the council's smallholdings or country parks estate, revised rentals or fee fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
6	To grant at market value and take up leases, easements and licences over the council's business centre properties where the annual rent or fee consideration is no greater than £3 £25,000 .	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
7	To negotiate and authorise in connection with the council's business centre properties revised rentals or fees for existing leases, easements or licences at review dates in accordance with existing lease, easement or licence provisions.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)			
Financial Management			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for reviewing the financial regulations from time to time and recommending to the audit and standards committee any amendment which they consider desirable.	Section 151, The Act of 1972	Non-executive
2	Responsibility for updating monetary sums included in the financial regulations from time to time by reference to the appropriate price indices.	Section 151, The Act of 1972	Non-executive
3	Responsibility <u>for</u> the proper administration of the council's financial affairs.	Section 151, The Act of 1972	Non-executive
4	Responsibility for maintaining an internal audit services including visiting council establishments to conduct audits	Section 151, The Act of 1972	
5	Responsible for ensuring that safe and efficient arrangements are made for the receipt and payment of money.	Section 151, The Act of 1972	
6	Responsible for deciding the conditions under which imprest accounts are to be operated	Section 151, The Act of 1972	
7	Responsibility for the overall supervision of any systems that involve the receipt or payment of money.	Section 151, The Act of 1972	Non-executive
8	Advising officers as necessary on financial arrangements	Section 151, The Act of 1972	Non-executive
9	To have access to all documents and books concerned with finance.	Section 151, The Act of 1972	Non-executive
10	Responsibility, in consultation with the monitoring officer and the strategic director concerned, for carrying out or supervising investigations into any suspected financial irregularities.	Section 151, The Act of 1972	Non-executive
11	Responsibility for amending estimates to take account of changes in pay and prices and agreeing cash budgets, where appropriate, to allow for expected price changes, to the extent that any increases can be met from the council's reserves under the control of the cabinet.	Section 151, The Act of 1972	Executive
12	Responsibility for raising loans and arranging such other financial facilities, e.g. leasing, as may be required, subject to the general direction of the cabinet.	Section 151, The Act of 1972 and any other enactment or provision conferring such powers on the council	Non-executive
13	Responsibility for the purchase and sale of investments of the council.	The Act of 1972 and any other enactment or provision conferring such	Executive

		powers on the council	
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STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)			
Financial Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
14	Responsibility for the purchase and sale of investments of the superannuation fund.	Superannuation Act 1972	Non-executive
15	Responsibility for the temporary investment or utilisation of revenue balances.	Section 111 and 151, the Act of 1972	Executive
16	Responsibility for supervising the collection of money and for giving detailed instructions.	Section 151, The Act of 1972	Non-executive
17	Responsibility for agreeing the form of income records kept by each department.	Section 151, The Act of 1972	Non-executive
18	Responsibility for the examination of accounts passed for payment and payment of those accounts.	Section 151, The Act of 1972	Non-executive
19	Responsibility for payments in respect of all liabilities falling to be discharged by the council which are not otherwise detailed in financial regulations.	Section 151, The Act of 1972	Executive or non-executive depending on the context
20	To dissolve the special reserve funds for the maintenance of buildings, library books, school meals and miscellaneous matters, to reduce, if necessary, the road maintenance reserve and to transfer the balances to the county fund to maximise the financial benefit to the council.	Section 41, Local Government & Housing Act 1989 -	Executive
21	Together with the Chief Executive to review members quarterly postage and stationery allowances annually in line with changes in the retail price index and to review the initial members' allowance after each quadrennial election on the same basis.	Section 173 to 178 the Act of 1972; Section 18 Local Government and Housing Act 1989	Non-executive
22	To take appropriate action annually to maximise the financial benefit to the Council when the accounts for the year in question are finalised	Section 111, 151 of the Act of 1972	Executive
23	To declare the rate of interest chargeable by the authority on loans for housing and other purposes.	Section 438, Housing Act 1985	Executive
24	To exercise the powers and duties set out in the Treasury Management Strategy	Section 151, The Act of 1972	Executive

25	Together with the strategic director for communities, to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme prior to any trade.		
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STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)			
Financial Management (cont'd)			
	Powers and duties	Statutory Reference	Function Type
26	<p>With the approval of the strategic director for resources and aAfter consultation with the chair of the cabinet, to agree to the council incurring revenue expenditure for which there is no provision in any vote in the annual or supplementary estimates approved by the council or to agree reduced income, where it is not possible to obtain the necessary approval in accordance with the normal committee procedures because of urgency, provided:</p> <p>(i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and</p> <p><u>(ii)</u> any requirements of the Access to Information Rules are met.</p> <p>Any proposal to spend beyond the directorates earmarked reserves shall be referred to the full council.</p>	<p>Sections 101, 111 and 151, The Act of 1972;</p> <p>Section 9E, Local Government Act 2000;</p> <p>Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000;</p> <p>Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p> <p><u>Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012/2089</u></p>	Executive or non-executive depending on the context
27	<p>In relation to Pride in Camp Hill Limited:</p> <p>(i) to carry out any functions prior to adoption of the first business plan and cash flow;</p> <p>(ii) to agree to the company changing its accounting policies, principles or practices of the company; and</p> <p>(iii) to agree their annual accounts.</p>	<p>Section 2, Local Government Act 2000</p> <p><u>Section 1 of the Localism Act 2011</u></p>	Executive
28	<p>In relation to Pride in Camp Hill Limited, jointly with the strategic director for communities:</p> <p>(i) to receive quarterly the current cash flow, contribution account and minutes of meetings; and</p> <p>(ii) in the event of an early exit notice, attend a resolution meeting.</p>		

STRATEGIC DIRECTOR RESOURCES or their nominees (cont'd)			
Financial Administration			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for payment of salaries, wages, superannuation, compensation and other emoluments.	Section 151, The Act of 1972	Non-executive
2	Responsibility for the operation of the council's bank accounts in accordance with the banking agreement approved by the council and their bankers.	Section 151, The Act of 1972	Executive
3	Responsibility for ordering and controlling the issue of council cheques, including directions for their signing.	Section 151, The Act of 1972	Non-executive
4	To make all payments out of the superannuation fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Superannuation Act 1972 and any enactment amending the same and any orders regulations	Non-executive
5	To make all payments out of the county fund on the certification of or on behalf of the appropriate director that the expenditure is authorised.	Section 111, The Act of 1972	Executive
6	Responsibility, in consultation with the directors concerned, for making imprest advances.	Section 151, The Act of 1972	Non-executive
7	Responsibility for the ordering, control and issue of all official receipt books, tickets and other similar documents.	Section 151, The Act of 1972	Non-executive
8.	Responsibility for prescribing the items to be included in inventories.	Section 151, The Act of 1972	Non-executive

Commissioning			
	Powers and duties	Statutory Reference	Function Type
1.	Responsibility for keeping a contract ledger in respect of all contracts showing the state of account between the council and each contractor.	Section 151, The Act of 1972	Non-executive
2.	Requirements to review at least every two years, and to revise if necessary, the figures included in contract standing orders having regard to changes in the appropriate index since the last review.	Section 151, The Act of 1972	Non-executive

10.3 Strategic Director for People

STRATEGIC DIRECTOR FOR PEOPLE or their nominees			
Adult Social Care			
	Powers and duties	Statutory Reference	Function Type
1	To make one-off grants not exceeding £ 4000- <u>10000</u> to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To make payments up to £ 4000- <u>10000</u> to disabled persons.	Section 2, Chronically Sick & Disabled Persons Act 1970	Executive
3	To approve the use of adult social care premises by other organisations when not required for adult social care purposes at charges that will cover any additional costs to the council.	Section 123, The Act of 1972; Section 65, Health Services & Public Health Act 1968	Executive
4	To act on behalf of the council in relation to its powers and duties in respect of guardianship.	Mental Health Act 1983	Executive
5	In consultation with the strategic director for resources, to vary the access policy relating to adult social care client case files within the overall policies of the council.	Data Protection Act 1998- <u>2018</u> and regulations and orders made thereunder	Executive
6	On or after 1 October 2002 to waive any charges for home care or other non-residential social services payable in whole or in part by: (i) any charge payer whose overall income does not exceed the appropriate basic level plus 25%; and (ii) any charge payer in receipt of more than 10 hours weekly home care following as assessment of income and disability costs.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
7	To act as the authorised officer for the purposes of the Learning Disability Partnership established under section 31 of the Health Act 1999.	Section 31, Health Act 1999; Section 2, Local Government Act 2000	Executive
8	To waive any charges payable in whole or in part from 1 April 2003 by any charge payer in receipt of home care and day care following an assessment of their income, capital and disability related expenditure.	Section 17, Health & Social Services & Social Security Adjudications Act 1983 or Care Act 2014	Executive
9	To act in relation to the implementation of the Care Act 2014 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health subject to compliance with all policy decisions taken by the council.	Care Act 2014	Executive
10	To exercise the discretions set out in the council's deferred payments scheme.	Care Act 2014	Executive

STRATEGIC DIRECTOR FOR PEOPLE or their nominees (cont'd)			
Education			
	Powers and duties	Statutory Reference	Function Type
1	<p>In relation to persons under 19 years, to take and implement all necessary decisions, including the allocation of resources within approved estimates, so as to maintain the operation and effectiveness of all the education services for which the strategic director is responsible and which are statutorily covered by the listed principal Acts of Parliament and regulations arising thereunder.</p> <p>To exercise the powers of the council in relation to the governance of schools jointly with the Strategic Director for Communities.</p> <p>In exercising these powers, they are required to observe all policy decisions taken by the council and its relevant bodies.</p>	<p>Academies Act 2010; Anti-Social Behaviour Act 2003; Childcare Act 2006; Children and Families Act 2014; Education & Inspections Act 2006;</p> <p>Education Act 1962;</p> <p>- Education Act 1980;</p> <p>Education Act 1996;</p> <p>- Education Act 1997;</p> <p>Education Act 2002; Education Act 2005; Education Reform Act 1988; Education (Fees & Awards) Act 1983; Employment & Training Act 1973; Further Education Act 1985; School Standards & Framework Act 1998</p> <p>The Education and Skills Act 2008</p>	Executive or non-executive depending on the context
2	To institute proceedings in relation to failures to secure the attendance of children at school or failures to comply with school attendance orders.	Sections 437 to 447, Education Act 1996	Executive
3	To take all necessary steps to discharge the council's responsibilities to secure the provision of full or part-time education and recreational, social and physical training for 16-19-year olds.	Sections 15A, 507A and 507B Education Act 1996	Executive
4	To take all necessary steps to discharge the council's responsibilities to secure the provision of full and part-time education, social, recreational and/or physical training facilities for over-19-year olds. In exercising these powers, they are required to observe all policy decisions taken by the council and its relevant bodies.	Sections 15B and 50507B8 , Education Act 1996	Executive

STRATEGIC DIRECTOR FOR PEOPLE or their nominees (cont'd)			
Children's Services			
	Powers and duties	Statutory Reference	Function Type
1	To make one-off grants not exceeding £ 104 000 to voluntary organisations providing relevant services.	Section 65, Health Services & Public Health Act 1968	Executive
2	To revise annually pocket money allowance for Children in Care and in foster care or children's home in line with the retail price index.	Part III, Children Act 1989 and any regulations made thereunder	Executive
3	To make "exceptional needs" payments up to £10,000 to local authority foster parents of Children in Care.	Part III, Children Act 1989 and any regulations made thereunder	Executive
4	To approve the making of capital loans, in a form and on terms agreed with the strategic director for resources, to local authority foster parents for housing extensions provided the resources are available.	Section 23 , Children Act 1989; f Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
5	To undertake the functions of the council as an adoption agency, subject to consultation where necessary with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
6	To appoint the members of the adoption panel other than the appointment of elected members of the council to serve on the panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
7	To update the adoption procedures within the overall policy and after consultation with the adoption panel.	Section 9E, Local Government Act 2000; Adoption Act 1976; Adoption and Children Act 2002	Executive
8	To institute and defend proceedings in relation to the care of children, the exercise of parental responsibility, provision of secure accommodation and wardship proceedings, and to intervene, where appropriate, in matrimonial, guardianship and special guardianship proceedings.	Section 111, The Act of 1972; Section 9E, Local Government Act 2000; Parts II, IV and V, Children Act 1989 as amended; Supreme Court Act 1981	Executive

9	To act on behalf of the council in relation to its powers and duties in relation to day care, child minders and private fostering.	Parts IX and X, Schedules 8 and 9, Children Act 1989	Executive
10	To make payments up to £10,000 to support a child in need in exceptional circumstances.	Section 17, Children Act 1989	Executive

STRATEGIC DIRECTOR FOR PEOPLE or their nominees (cont'd)			
Children's Services (Cont'd)			
	Powers and duties	Statutory Reference	Function Type
11	To act in relation to the implementation of all those provisions of the Children Act 1989 where such delegation is required either by regulation or as suggested in guidance received from the Department of Health.	Section 9E, Local Government Act 2000; Children Act 1989 and any regulations made thereunder; and guidance under Section 7 Local Authority Social Services Act 1970	Executive
12	In consultation with the strategic director for resources, the chair of the cabinet and relevant portfolio holder, to introduce charges under the Children Act 1989 in line with guidance from the Department of Health.	Section 29, in Part III of Schedule 2 Children Act 1989	Executive
13	On or after 1 January 2003 to determine any new applications for financial assistance by way of grant or loan and to grant waivers in whole or part of repayments under the revised Policy on Foster Carer Adaptations.	Section 23 , Children Act 1989; Section 111, The Act of 1972; Section 2, Local Government Act 2000	Executive
14	In consultation with the strategic director for resources, to vary the access policy relating to children's services social care client case files within the overall policies of the council.	Data Protection Act 1998 <u>2018</u> and regulations and orders made thereunder	Executive
15	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as the children's services authority.	Licensing Act 2003	Executive
16.	Authority to make representations in response to applications made under the Gambling Act 2005 (authority is also given to the strategic director for resources and chief fire officer).	Gambling Act 2005	Executive

10.4 Strategic Director for Communities

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees			
Fire and Rescue			
	Powers and duties	Statutory Reference	Function Type
1	To discharge the powers, duties and responsibilities of the council as a fire & rescue service, including in particular: <ul style="list-style-type: none"> (i) the promotion of fire safety; (ii) the extinguishment of fires and the protection of life and property; (iii) the rescue of persons from road traffic accidents; and (iv) responding to emergencies and other incidents likely to cause harm to persons or to the environment. 	Fire & Rescue Services Act 2004 and any Fire & Rescue Service National Framework made by the Secretary of State under Section 21 of the Act and for the time being in force; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Civil Contingencies Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
2	To authorise in writing officers in the fire & rescue service to exercise emergency powers of fire prevention, fire-fighting or rescue including powers of entry on to premises, moving or breaking into vehicles, closure of highways, traffic regulation and restriction of access to premises and all supplementary statutory powers.	Section 44, Fire & Rescue Services Act 2004 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same	Executive or non-executive depending on the context
3	To exercise the council's powers of inspection and enforcement to appoint officers in the fire & rescue service as inspectors and otherwise to authorise in writing officers in the fire & rescue service to exercise powers of entry on to premises, investigation, sampling and inspection and all supplementary powers and to issue all notices and licences in relation to the listed enactments.	Fire & Rescue Services Act 2004; Safety of Sports Grounds Act 1975; Fire Safety & Safety of Places of Sport Act 1987; Regulatory Reform (Fire Safety) Order 2005 and any Orders, Rules, Regulations or Directives made amending, varying, extending or re-enacting the same.	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Fire and Rescue (Cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	To deal with all standard requests for secondary employment from uniformed personnel in accordance with the criteria laid down in the National Scheme of Conditions of Service and the department's appropriate service orders; requests only to be referred to the regulatory committee where the proposed secondary employment is of an exceptional nature and clearly requires special consideration.	Section 112, Local Government Act 1972 ; Fire & Rescue Services Act 2004	Non-executive
5	Authority to make representations in response to applications under the Licensing Act 2003 on behalf of the council as fire authority.	Licensing Act 2003	Executive
6	Authority to make representations in response to applications made under the Gambling Act 2005 and in response to consultation on the Licensing Authorities licensing policies (authority is also given to the Chief Executive and the strategic director for people).	Gambling Act 2005	Executive
7	To determine disputes on terms and conditions satisfactory to the Strategic Director for Resources under the Firefighters' Internal Pension Dispute Resolution Procedures and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.	Section 50, Pensions Act 1995	Non-Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Crime and Disorder			
	Powers and duties	Statutory Reference	Function Type
1	Responsibility for liaising with other responsible authorities in the formulations and implementation of a strategy for the reduction of crime and disorder and for combating the misuse of drugs.	Crime & Disorder Act 1998	Executive

Emergency Planning			
	Powers and duties	Statutory Reference	Function

			Type
1	To carry out the council's emergency planning functions including the assessment of risk of emergencies occurring and taking measures for preventing an emergency, dealing with its effects, giving advice or assistance to the public and taking any other action in connection with an emergency. To liaise with the West Midlands Regional Planning Board and other appropriate bodies in the development of such plans and their implementation.	Civil Contingencies Act 2004	Executive or non-executive depending on the context

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees
Flood Risk Management

	Powers and duties	Statutory Reference	Function Type
1	Power to serve notice on liable person failing to do any work in relation to any watercourse, bridge or drainage work (whether by way of repair, maintenance or otherwise) to do the necessary work with all reasonable and proper despatch.	Section 21(21 2), Land Drainage Act 1991	Executive
2	Power to do all such things as are necessary for that purpose and recover expenses reasonably incurred from the person liable to repair if the person fails, within seven days, to comply with a notice served on them under subsection 21(2) above of the Land Drainage Act 1991 .	Section 21(4) and (5), Land Drainage Act 1991	Executive
3	Duty to determine applications to erect any mill dam, weir or other like obstruction to the flow of any ordinary watercourse or raise or otherwise alter any such obstruction; or erect a culvert in an ordinary watercourse or alter a culvert in a manner that would be likely to affect the flow of an ordinary watercourse within two months.	Section 23 (1) to (4), Land Drainage Act 1991	Executive
4	Power to serve notice on person having power to remove any obstruction that is erected or raised or otherwise altered, or any culvert is erected or altered, in contravention of section 23 above of the Land Drainage Act 1991 requiring them to abate the nuisance within a period to be specified in the notice.	Section 24(1) and (2), Land Drainage Act 1991	Executive
5	Power to take such action as may be necessary to remedy the effect of the contravention or failure; and recover the expenses reasonably incurred by doing so from the person acting in contravention of, or fails to comply with, any notice served under section 24 subsection (1) of the Land Drainage Act 1991 .	Section 24(4), Land Drainage Act 1991	Executive

6	Power to serve notice on person owning or having control of the part of any ordinary watercourse that is in such a condition that the proper flow of water is impeded, requiring that person to remedy that condition.	Section 25, Land Drainage Act 1991	Executive
7	Duty to give effect to the order of the court where upon an appeal under this section a court varies or reverses any decision of a body which has served a notice under section 25.	Section 27(9), Land Drainage Act 1991	Executive
8	Power to do flood risk management works.	Section 14A, Land Drainage Act 1991	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)
Flood Risk Management (cont'd)

	Powers and duties	Statutory Reference	Function Type
9	Power to do works for environmental benefit that could increase flooding where the benefits outweigh the harmful consequences), and where undertaken in accordance with and subject to the conditions set out in s39 of the Flood and Water Management Act 2010	FWMA S39 Flood and Water Management Act 2010	Executive
10	Power of entry any land for the purpose of exercising any functions under this act at all _reasonable times after producing a duly authenticated document showing authority.	Section 64, Land Drainage Act 1991	Executive
11	Power of entry without notice in an emergency.	Section 64(3), Land Drainage Act 1991	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)

Trading Standards			
	Powers and duties	Statutory Reference	Function Type
1	<p>To issue, renew, suspend and revoke registrations and licences, on behalf of the council in relation to petroleum storage, explosive storage and sales and performing animals under the Acts listed; including any Regulations, Orders or Rules made under them.</p> <p>To collect charges and fees in relation to issuing, varying and renewal of registrations and licences on behalf of the council.</p>	<p>Performing Animals (Regulation) Act 1925; European Communities Act 1972 – Explosives Regulations 2014; Health & Safety at Work, etc. Act 1974 – Petroleum (Consolidation) Regulations 2014; and Fireworks Act 2003</p>	Non-executive
2	<p>To record, suspend and revoke registrations, declarations and approvals, on behalf of the county council under the Act and Regulations listed.</p> <p>To collect fees in relation to approvals and amendments to approvals, on behalf of the council.</p>	<p>European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Feed (Hygiene and Enforcement) (England) Regulations 2005</p>	Non-executive
3	<p>To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.</p>	<p>Animal Health Act 1971 - Disease Control (England) Order 2003</p>	Non-executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	<p>To institute legal proceedings and to appear on behalf of the council before any Court of Summary Jurisdiction in any proceedings brought under the legislation listed.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the county council under the legislation listed, and any Regulations, Orders, Rules, Directives made under them, or any legislation amending, varying, extending or re-enacting the same.</p> <p>To exercise the <u>statutory</u> powers and <u>statutory</u> duties of the council to appoint <u>designate, nominate or otherwise authorise</u> suitably qualified and competent officers <u>and persons (whether or not employees of the council)</u>, including <u>a</u> chief inspector of weights and measures <u>and other</u> – inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p> <p><u>Any functions which may be conferred on the County Council at any time by the legislation listed (or by that legislation as amended or re-enacted at any time) or by any subordinate legislation or any direction, designation, appointment, order or other instrument of government made under or for the purposes of that legislation including for the avoidance of doubt any powers of entry, inspection, seizure or other investigation and any power to designate, appoint or otherwise authorise any other person (whether or not an employee of the County Council) for the purpose of the exercise of any such functions, but excluding the power to conduct legal proceedings in a court other than a court of Summary Jurisdiction which is reserved to the Chief Executive in consultation with the</u></p>	<p>Administration of Justice Act 1970; Agricultural Produce (Grading & Marking) Acts 1928-1931; Agriculture Act 1970; Animal By-products (Enforcement) (England) Regulations 2013; Animal Feed (Hygiene, Sampling, etc. & Enforcement) (England) Regulations 2015; Animal Health & Welfare Act 1984; Animal Health Act 1981; Animal Welfare Act 2006; Animals & Animal Products (Examination for Residues & Maximum Residue Limits) (England & Scotland) Regulations 2015; Anti-Social Behaviour Act 2003 – Section 54; Apprenticeships, Skills, Children & Learning Act 2009; Avian Influenza (Preventative Measures) (England) Regulations 2006; Beef & Veal Labelling Regulations 2010; Biocidal Products & Chemicals (Appointment of Authorities & Enforcement) Regulations 2013); Business Protection from Misleading Marketing Regulations 2008; Cancer Act 1939; Cattle Identification Regulations 2007; Children & Families Act 2014; Children & Young Persons Act 1933; Children & Young Persons (Protection from Tobacco) Act 1991; Climate Change Act 2008; Clean Air Act 1993-Pt IV; Companies Act 2006; Consumer Credit Act 1974;</p>	<p>Executive or non-executive depending on the context</p>

	Monitoring Officer		
STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	<p>Consumer Protection Act 1987; Consumer Protection from Unfair Trading Regulations 2008; Consumer Rights Act 2015; Copyright, Designs & Patents Act 1998; Counter Terrorism Act 2008; Criminal Justice Act 1988 - Part IX; Dangerous Dogs Act 1991; Dogs Act 1906; EC Fertilisers (England & Wales) Regulations 2006; Education Reform Act 1988- Part IV; Energy Act 1976 & 2011 (Part 1); Enterprise Act 2002; Environmental Protection Act 1990; Estate Agents Act 1979; European Communities Act 1972; Explosives Act 1875; Fair Trading Act 1973; Fireworks Act 2003; Food and Environment Protection Act 1985; Food for Specific Groups (Information & Compositional Requirements) (England) Regulations 2016; Food Safety Act 1990; Food Safety & Hygiene (England) Regulations 2013; Forgery & Counterfeiting Act 1981; Fraud Act 2006; Genetically Modified Organisms (Traceability & Labelling)</p>	Executive or non-executive depending on the context

		(England) Regulations 2004; Hallmarking Act 1973; Health & Safety at Work etc. Act 1974; Health Protection (Coronavirus, Restrictions) (England) (No. 2) Regulations 2020 (other than any power to prosecute) Horse Passport Regulations 2009; Intellectual Property Act 2014;	
STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Intoxicating Substances (Supply) Act 1985; Licensing Act 2003; Malicious Communication Act 1988; Medicines Act 1968; Motor Cycle Noise Act 1987; Official Controls (Animals, Feed & Food) (England) Regulations 2006; Official Feed & Food Controls (England) Regulations 2009; Olympic Symbol etc (Protection) Act 1995; Organic Products Regulations 2009; Osteopaths Act 1993; Pesticides (Maximum Residue Levels) (England & Wales) Regulations 2008; Performing Animals (Regulation) Act 1925; Petroleum (Consolidation) Regulations 2014; Poisons Act 1972; Prices Act 1974; Products of Animal Origin (Disease Control) (England) Regulations 2008; Protection from Harassment Act 1997; Protection of Animals Act 1911; Protection of Animals (Amendment) Act 1954; Psychoactive Substances Act 2016; Public Health Act 1961; Registered Designs Act 1949; Regulatory Enforcement	Executive or non-executive depending on the context

		Sanctions Act 2008; Road Traffic Act 1988; Road Traffic Offenders Act 1988; Road Traffic (Foreign Vehicles) Act 1972; Theft Act 1968; Theft Act 1978; Tobacco Advertising and Promotions Act 2002; Tobacco and Related Products Regulations 2016; Trade Descriptions Act 1968;	
STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Trading Standards (cont'd)			
	Powers and duties	Statutory Reference	Function Type
4	Cont'd	Trade in Animals & Related Products Regulations 2011; Trade Marks Act 1994; Transmissible Spongiform Encephalopathies (England) Regulations 2010; Transport Act 1968; Unsolicited Goods & Services Act 1971; Unsolicited Goods & Services (Amendment) Act 1975; Video Recordings Act 1984; Vehicle (Crime) Act 2001; Weights & Measures Act 1985 Public Health (Notifiable Diseases) Act 1984	Executive or non-executive depending on the context
5	<p>To consult with a person against whom an enforcement order might be made and to accept an undertaking in respect of any actual or prospective infringement of specified consumer legislation.</p> <p>To co-operate with a community enforcer and to exercise the powers of the council as a general enforcer and CPC enforcer under the Enterprise Act 2002.</p> <p>To carry out all the enforcement powers, investigations and statutory duties of the council under the Enterprise Act 2002 including to institute proceedings in the courts under that Act.</p>	Enterprise Act 2002	Executive

Rights of Way, Traffic Regulation, Planning and Environment			
The following powers and duties are delegated subject to the following provisos:			
<ul style="list-style-type: none"> a. legal proceedings may only be commenced with the consent of the strategic director for resources or their nominees; and b. the strategic director for resources or their nominees are the authorised officer for the purposes of completing the documentation and statutory procedures required to give effect to decisions made in exercise of functions marked *. 			
Rights of Way and Traffic Regulation			
	Powers and duties	Statutory Reference	Function Type
1	To request the traffic commissioner to impose traffic regulation conditions.	Transport Act 2000	Executive
2	Responsibility for providing school crossing patrols.	Part III, Road Traffic Regulation Act 1984	Executive
3	Respond on behalf of the council in relation to any proposal for development, highway works, or traffic management made or to be determined by another body.	Any legislation relevant to the responsibilities of the strategic director	Executive
4*	Exercise the functions of the council under the private street works code and the advance payments code.	Part XI, Highways Act 1980	Executive
5*	To make temporary road traffic orders and to propose the making of orders relating to road traffic, parking places and speed limits and, in the event of no objections being received, <u>or any objections received being withdrawn</u> , to make the orders.	Part I, II, IV and VI, Road Traffic Regulation Act 1984	Executive
6*	Stopping up or diversion of highways by magistrates.	Section 116, Highways Act 1980	Executive
7*	To make Definitive Map Modification Orders, where evidence demonstrates the existence of a public right of way and to confirm any unopposed Definitive Map Modification Order.	Wildlife and Countryside Act 1981	Non-executive
8*	To make order <u>s</u> in relation to cycle tracks and to confirm such orders if they are unopposed.	Section 3, Cycle Tracks Act 1984	Non-executive
9*	To make orders for the stopping up of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 118, 118A and 118B, Highways Act 1980	Non-executive

10*	To make orders for the diversion of public rights of way and, in the event of the orders being unopposed, to confirm them.	Sections 119, 119A and 119B, Highways Act 1980	Non-executive
11*	To make orders for the compulsory creation of footpaths and bridleway and, in the event of the orders being unopposed, to confirm them.	Section 26, Highways Act 1980	Non-executive
12*	To exercise the functions of the council in relation to new roads and street works.	New Road and Street Works Act 1991	Executive
13	To grant extensions of time for making good the surface of footpath and bridleways.	Section 134, Highways Act 1980	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
14	To submit to other public path order making authorities the council's view in respect of proposed public path orders within or adjacent to Warwickshire.	Part III, Highways Act 1980	Executive
15*	To enter public path creation agreements.	Section 25, Highways Act 1980	Non-executive
16	To exercise any powers of enforcement in respect of any unlawful interference with the highway or its users, including powers to remove or remediate interference or to carry out works in default of compliance with any notice or other requirement.	Part IX, Highways Act 1980 and any other enactment or common law provision conferring such powers	Executive or non- executive depending on the context
17	To exercise the functions of the council in relation to the following matters (including fixing and recovering charges):		Executive of non- executive depending on the context
(a)	providing and permitting services, amenities, recreation and refreshment facilities in the highway and related powers;	Part VIIA, Highways Act 1980	Executive
(b)	flagpoles, pylons and other structures on the highway;	Section 144, Highways Act 1980	Non-executive
(c)*	dropped kerbs;	Section 184, Highways Act 1980	Non-executive
(d)	skips;	Section 139, Highways Act 1980	Non-executive
(e)*	the planting of trees, shrub, plants or grass;	Section 142, Highways Act 1980	Non-executive
(f)	scaffolding;	Section 169, Highways Act 1980	Non-executive
(g)	building materials and making of excavations in streets;	Section 171, Highways Act 1980	Executive
(h)	hoardings during building works;	Section 172, Highways Act 1980	Executive
(i)*	the construction, alteration or use of buildings over highways;	Section 177, Highways Act 1980	Non-executive
(j)*	installation of apparatus;	Section 50, New Roads & Street Works Act 1991	Non-executive
(k)*	the placing of rails, beams, pipes, cables, wires or similar apparatus over, along or across the highway;	Section 178, Highways Act 1980	Non-executive
(l)*	the construction of cellars under the street, etc.;	Section 179, Highways Act 1980	Non-executive
(m)*	the control of openings into cellars or vaults under streets and pavements, lights and ventilators.	Section 180, Highways Act 1980	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type
18*	<p>To propose the making of and make orders relating to minor road traffic orders provided that the local member does not object.</p> <p>A “minor traffic order” is one falling into one of the following categories:</p> <ul style="list-style-type: none"> (i) no waiting at any time restrictions at junctions including waiting restrictions required for the safe and efficient operation of traffic signals; (ii) waiting restrictions on one or both sides of a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; (iii) extension to a speed limit order on a length of road extending no greater than 50 metres on a principal road or 100 metres on a non-principal road, when measured along the centreline of the road; and (iv) any other traffic order designated by the strategic director for resources as such following consultation with the relevant overview and scrutiny committee. <p>The maximum lengths of roads which come within the definition of “minor traffic order” apply to each separate proposal and not the total length of road covered by an order which may contain a number of proposals.</p>	Parts I and II, Road Traffic Regulation Act 1984	The definition of a “minor traffic order” will apply to new traffic orders and to amendments to existing traffic orders, including consolidation orders
19	To construct, alter or remove a cycle track provided that the local member does not object.	Section 65, Highways Act 1980	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Rights of Way and Traffic Regulation, (cont'd)			
	Powers and duties	Statutory Reference	Function Type

20	Agree modifications to the Memorandum of Participation in the Parking and Traffic Regulations Outside London Adjudication Joint Committee if, following consultation with the portfolio holder, they are satisfied that doing so has no s Significant policy or budget implications.	Part 6, Traffic Management Act 2004 ("the 2004 Act"); Sections 101(5), 102(1) (b) and 101(5B), The Act of 1972; Section 20, Local Government Act 2000; Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000; Local Authorities (Goods & Services) Act 1970	Executive
21*	To propose the making, amendment and revocation of public spaces protection orders and, in the event of no objections or representations against the proposal being received, to make the orders.	Section 59 Anti-social Behaviour, Crime and Policing Act 2014	Executive
22*	To exercise functions in relation to the transfer of roadway and footway lighting systems from lighting authorities.	Section 270, Highways Act 1980	Executive
23	To give consent to the placing of waste collection receptacles on a highway.	Section 46(5), Environmental Protection Act 1990	Executive
24	In consultation with the relevant cabinet member, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990; Articles 5(3) and 20(31), Town & Country Planning (General Development Procedure) Order 1995	Executive

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)
Planning and Environment

	Powers and duties	Statutory Reference	Function Type
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General – the delegated powers to grant planning permissions and/or determine planning applications include power to:

- i. impose any condition, limitation or other restriction on any permission, approval or consent given in the exercise of those functions and to determine any other terms to which any such permission, approval or consent is subject; and
- ii. do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions;

and are subject to the proviso that an application for planning permission shall be referred to the regulatory committee for determination if the strategic director for communities or their nominee considers that any of the following circumstances apply:

- i. the application is a departure from the development plan which would require referral to the Secretary of State before being granted;
- ii. the application constitutes a major development as defined in Article ~~23~~ of the Town and Country Planning (Development Management Procedure) (England) Order 201~~50~~ and is accompanied by an environmental statement;
- iii. the application is subject to four or more written objections on material planning grounds received during the statutory consultation period (in the case of a petition each signature shall count as one objection);
- iv. the application is subject to an objection from a statutory consultee identified in Schedule ~~45~~ of the Town and Country Planning (Development Management Procedure) (England) Order 201~~50~~;
- v. the application is one which should be refused;
- vi. the strategic director for communities' responsibilities include any aspect of the management of the land or buildings to which the application relates;
- vii. the application is required to be referred because notice of an interest has been given by a county councillor or by a relevant officer in accordance with the council's Planning Code of Practice;
- viii. the application is subject to a request that it be referred to the regulatory committee made by a county councillor within whose constituency the application site or part of it is situated.

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Planning and Environment (cont'd)			
	Powers and duties	Statutory Reference	Function Type
1*	Power to determine applications for planning permission <u>or permission in principle</u> made by a local authority, alone or jointly with another person.	<u>Section 316</u> of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492).	Non-executive
2	To respond to consultations from district councils under the listed provisions.	Article 10, Town & Country Planning (General Development Procedure) Order 1995; Paragraph 7 of Schedule 1, Town & Country Planning Act 1990	Executive
3	Power to determine application for planning permission <u>or permission in principle</u> .	Sections 70(1)(a) and (b) and 72 of the <u>Town & Country Planning Act 1990 (c8)</u>	Non-executive
4	Power to determine applications <u>for planning permission</u> to develop land without compliance with conditions previously attached.	<u>Section 73</u> of the Town & Country Planning Act 1990	Non-executive
5	Power to grant planning permission for development already carried out.	<u>Section 73A</u> of the Town & Country Planning Act 1990	Non-executive
6	Power to decline to determine applications for planning permission <u>or permission in principle</u> .	<u>Section 70A</u> of the Town & Country Planning Act 1990	Non-executive
7	To administer applications under any planning legislation and to take any steps (including any steps <u>and decisions</u> in relation to environmental impact assessment) preparatory or incidental to the determination of any such application.	Part III, Town & Country Planning Act 1990; Town & Country Planning (General Development Procedure) Order 1995; Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999; Town & Country Planning General Regulations 1992; Town & Country Planning (Applications) Regulations 1988; Town & Country Planning (General Permitted Development) Order 1995 and any other relevant enactment	Non-executive
8	Responsibility for the administration of the council's powers relating to the management and disposal of	Sections 45 to 63A, Environmental Protection Act 1990; Section 32, Waste Emissions	Executive

	waste.	Act 2003	
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STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)**Planning and Environment (cont'd)**

	Powers and duties	Statutory Reference	Function Type
9	To make applications: (i) for planning permission for works for the alteration or extension of listed buildings; (ii) for listed building consent to the demolition, alteration or extension of listed buildings; and (iii) for the demolition of unlisted buildings in conservation areas. <u>Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</u>	Section 9E, Local Government Act 2000; Section 82, Planning (Listed Buildings & Conservation Areas) Act 1990 <u>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</u>	Executive <u>Non-executive</u>
10	Duties relating to the making of determinations of planning applications.	<u>Sections 69, 76 and 92 of the Town & Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town & Country Planning (General Development Procedure) Order 1995 (SI1995/419) and directions made thereunder</u>	Non-executive
11	Power to determine application for planning permission made by a local authority, alone or jointly with another person. <u>Power to determine applications for hazardous substances consent, and related powers.</u>	Section 316 of the Town & Country Planning Act 1990 and the Town & Country Planning General Regulations 1992 (SI 1992/1492) <u>Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.</u>	Non-executive
12	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	<u>Paragraph 2(6)(a) of Schedule 2 to the Planning & Compensation Act 1991 (c 34); Paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25); and Paragraph 6(5) of the Schedule 14 to that Act</u>	Non-executive

13	To exercise or authorise any person to exercise any powers to enter land or premises, to require the provision of any information and to carry out any inspection, survey, sampling, testing, recording or other investigation in connection with any of their responsibilities.	Highways Act 1980; Town & Country Planning Act 1990; New Roads & Street Works Act 1990; Countryside & Rights of Way Act 2000 and any other enactment conferring relevant powers	Executive or Non-executive depending on the context
14	Together with the strategic director for resources to authorise the trading of landfill allowances pursuant to the Landfill Allowance Trading Scheme.		
15	In consultation with the relevant Portfolio Holder, to determine and publish local requirements as to the particulars and evidence accompanying planning applications.	Section 62(3), Town & Country Planning Act 1990;	24

STRATEGIC DIRECTOR FOR COMMUNITIES or their nominees (cont'd)			
Other Functions			
	Powers and duties	Statutory Reference	Function Type
1	In relation to Pride in Camp Limited: (i) to arrange for secondments of staff to the company; (ii) to make a loan of £250,000 for the Early Purchase Scheme; (iii) to make operating payments to the Board; (iv) to make provisions for £445,000 capital works for environmental improvements; (v) to approve additional expenditure up to the shortfall amount; (vi) to agree contribution account amounts; (vii) to demand payment of bank guarantee proportions if called upon; (viii) to provide notice that the council will not be attending a general meeting; and (ix) to state in writing to the other partners why consent to any item in Article 15 was not given.	Section 2, Local Government Act 2000	Executive
2	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to give consent to the appointment of directors other than partner directors; (ii) to agree to the WCC director not being on a committee/sub-committee of the company; (iii) to demonstrate best endeavours to obtain the necessary consents for Dev1; and (iv) to arrange for the transfer of freehold of Dev1.	Section 2, Local Government Act 2000	Executive
3	In relation to Pride in Camp Hill Limited, jointly with the strategic director for resources: (i) to receive quarterly the current cash flow, contribution account, minutes of meetings; and (ii) in the event of an early exit notice, attend a resolution meeting.	Section 2, Local Government Act 2000	Executive

SECTION 11 – MEMBERSHIP OF COUNCIL BODIES ¶

Details of Membership of Council Bodies and the political composition can be found on the council's website: <https://democracy.warwickshire.gov.uk/>

SECTION 12 – THE MEMBERS OF THE COUNTY COUNCIL

Details of the current Members of the County Council can be found on the council's website:
<https://democracy.warwickshire.gov.uk/>

SECTION 1-STANDING ORDERS

1. DEFINITIONS

1.1 Definitions

In these standing orders the following definitions will apply:

'Cabinet Members' means those elected members appointed to the cabinet.

'Chair of the Council' means the elected member elected by the council annually to preside over meetings of the council.

'Committees' shall include sub-committees.

'Council' means any formal meeting to which all elected members are summoned to attend.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989.

'Leader' means the elected member appointed by the council to lead the cabinet.

'Leader and Portfolio Holder Sessions' shall mean sessions convened to enable individual cabinet members to take decisions under delegated powers.

'Local Member' shall mean an elected member who takes decisions under delegated powers in respect of their electoral division.

'Meeting' means any formal meeting of the council, cabinet, any committee or sub-committee, any joint committee or joint sub-committee.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy.

'Municipal year' means the period between annual meetings of the council which are usually held in May.

'Vice-Chair' means the elected member elected by the council annually to preside in the chair's absence.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

2. APPOINTMENTS

2.1 Duration - Leader of the Council

The appointment of the leader continues until:

- (i) the person appointed is replaced or removed by the council; or
- (ii) the person appointed ceases to be an elected member; or
- (iii) the person appointed resigns.

Where at a meeting the council has replaced or removed the leader it must appoint a new leader at the same meeting.

2.2 Duration - Cabinet and Deputy Leader

Appointments to the cabinet continue until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is replaced or removed by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

The leader must appoint one of the cabinet members to be the deputy leader. The deputy leader will hold office until:

- (i) the person appointed is replaced or removed by the leader; or
- (ii) the leader is removed or replaced by the council; or
- (iii) the person appointed ceases to be an elected member; or
- (iv) the person appointed resigns.

Should both the leader or deputy leader be unable to act, or their offices be vacant then the cabinet as a collective body must act in the leader's place or arrange for a member of the cabinet to act in their place.

2.3 Duration - Committees

Appointments to committees continue until:

- i. the person appointed is replaced or removed by the council or the appropriate body; or
- ii. the appointment is changed by the relevant political group; or
- iii. the person appointed ceases to be an elected member; or
- iv. the person appointed resigns.

2.4 Changes by Political Groups - Committees

If the appointment of an elected member to any committee is changed by their political group, the change is effective 2 clear days after written notice is received from the secretary or leader of that group by the head of paid service.

2.5 Continuity

After a four-yearly election those elected members who are re-elected shall continue to carry out the tasks of the relevant body until successors are appointed.

2.6 Outside Bodies

Appointments to outside bodies continue until they are:

- i. terminated or replaced by the council or the appropriate body; or
- ii. in the case of an elected member they are disqualified from membership of the council; or
- iii. in the case of another appointee there is a legal requirement to remove them; or
- iv. the appointee resigns.

2.7 Vacancies

A vacancy on the council or any committee or other body cannot invalidate its powers to make decisions or discuss appropriate items.

2.8 Appointment of Chairs

The council must elect a chair of the council and appoint a vice-chair at each annual meeting and when there is any vacancy. The leader shall be the chair of the cabinet. The council may also appoint the chair of the audit and standards committee. Other bodies must elect a chair at their first meeting after each annual council meeting and when there is any vacancy. Overview and scrutiny committee(s) and the regulatory committee may also appoint a vice-chair.

2.9 Duration - Chairs and Vice-Chairs

Every chair and any vice-chair shall remain in office until they resign, is suspended, or ceases to be an elected member or until a successor is appointed. In an election year the chair and vice-chair of the council, even if they have not been re-elected, shall remain in office until their successor is appointed.

3. SPECIAL RULES FOR MEETINGS OF THE COUNCIL

3.1 Annual Meeting

The council shall hold an 'annual meeting' once a year. All elected members are summoned to the annual council meeting, which takes place at Shire Hall, Warwick at 10am or such other time or place as fixed. The dates on which the annual meeting can be held are fixed by statute.

At the annual meeting, the council will:

- i. elect a person to preside if the chair of the council is not present;
- ii. elect the chair of the council.
- iii. elect the vice-chair of the council
- iv. approve the minutes of the last meeting;
- v. receive any declarations of interest from members;

- vi. receive any announcements from the chair of the council and/or the head of paid service;
- vii. appoint the leader (if the leader's four-year term of office has ended or due to circumstances under standing order 2.1);
- viii. appoint at least one overview and scrutiny committee, an audit and standards committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are executive functions; and
- ix. consider any other business set out in the summons to the meeting.

3.2 Ordinary Meetings

Ordinary meetings of the council will take place in accordance with a programme decided by the council. Ordinary meetings will:

- i. elect a person to preside if the chair of the council and vice-chair are not present;
- ii. approve the minutes of the last meeting;
- iii. receive any declarations of interest from members;
- iv. receive any announcements from the chair of the council, leader, cabinet members or the head of paid service;
- v. receive and consider any petitions in accordance with the council's petitions scheme;
- vi. receive any addresses from the public in accordance with the public speaking provision under standing order 34;
- vii. receive any addresses from external speakers invited to address the council;
- viii. receive periodic updates including a 'State of Warwickshire' address from the leader, reports from cabinet portfolio holders, member feedback from external bodies to which they are appointed by the county council;
- ix. consider any reports on policy development areas brought forward for discussion by the leader;
- x. deal with any business from the last council meeting;
- xi. consider any reports from the cabinet, committees, the head of paid service, the Chief Executive or strategic directors;
- xii. consider any reports about joint arrangements and external organisations;
- xiii. consider motions; and
- xiv. consider any other business specified in the summons to the meeting.

3.3 Extraordinary Meetings

The chair of the council may call an extraordinary meeting at any time. The following may also require the chief executive to call such a meeting:

- i. the council by resolution;
- ii. the monitoring officer; or
- iii. any five elected members who have presented a signed written request for an additional meeting to the chair of the council and they have either refused to call the meeting or has failed to call the meeting within 7 days.

3.4 Business

The only business that can be conducted at an extraordinary meeting shall be as specified in the summons to the meeting. Extraordinary meetings shall not consider previous minutes.

4. QUORUM AT COUNCIL

The quorum for a meeting of the council will be one quarter of the total number of members. In the unlikely event of more than one third of elected members being disqualified the quorum for the council shall be determined by reference to the number of elected members remaining.

5. MOTIONS ON NOTICE

5.1 Motions on Notice

At meetings of the council, except for motions which can be moved without notice under standing order 32, written notice of each full motion, signed by at least one elected member and seconded by another elected member, must be delivered to the head of paid service not later than 10 clear working days before the date of the meeting.

5.2 Motions Set Out in Agenda

Motions on notice will be listed on the agenda and taken in the order first received, unless the member giving notice states, in writing, that they propose to defer it to a later meeting or withdraw it.

5.3 Powers of the Chair of the Council

The chair of the council, in consultation with the head of paid service, may refer a resolution to another body before being debated at council.

If the chair, after consultation with the head of paid service, considers it inappropriate to take a motion to council, they, acting reasonably, may provide written reasons for the refusal or take the issue to council for a decision as to whether or not it should be taken.

The proposed mover of the motion (and the proposed seconder if known) will normally be notified before the agenda is printed.

6. SPEECHES AND RULES OF DEBATE AT COUNCIL

6.1 Speeches Generally

Any motion must be moved at the meeting. Before a proposed motion can be considered by a meeting of full council, it must first be seconded by another elected member of full council. No elected member may speak in support of a motion until it has been seconded.

When seconding a motion, an elected member may reserve their speech until later in the debate. An elected member proposing a motion, which has been seconded, has the right to reply at the end of the debate before the motion is put to the vote. (See standing order 32.4 for the order in which rights of reply may be exercised.)

6.2 Standing to Speak

No one shall speak or stand whilst the chair of the council is either speaking or standing. When the chair stands during a debate the meeting, including any elected member speaking at the time, must be silent.

When speaking at council elected members must stand (unless unable) and address the meeting through the chair of the council. Other elected members must remain seated during speeches unless they wish to make a point of order or a point of personal explanation. The chair has the final say where two elected members stand to speak at the same time.

6.3 Speaking More Than Once Upon an Issue

Elected members will normally only be allowed to speak once upon any issue under consideration. Exceptions to this are to exercise a right of reply, to make a point of order, to provide a personal explanation, to speak on a proposed amendment or after proposing or seconding a motion. This list is not exhaustive and other occasions shall be at the discretion of the chair of the council.

6.4 Length of Speeches and Relevancy

Speeches will be limited to five minutes except when specific time limits are issued with the papers for the meeting or with the consent of the chair of the council. Speeches must at all times be relevant to the council business under consideration.

6.5 Length of Debates

With the exception of debates on the annual budget, the chair of the council has discretion to limit debate but not to less than one hour. Any motion to curtail debate shall not be moved less than one hour into any debate.

6.6 Motions that may be Moved during Debate

When a motion is under debate, only the following procedural motions may be moved:

- i. to withdraw the motion;
- ii. to amend the motion;
- iii. to proceed to next business in accordance with standing order 32.3;
- iv. that the question now be put in accordance with standing order 32.3;
- v. to adjourn the debate in accordance with standing order 32.3;
- vi. to adjourn the meeting in accordance with standing order 32.3;
- vii. that the meeting continues beyond 6 hours in duration;
- viii. to exclude the public and press in accordance with standing order 36; and
- ix. to not hear further a member named under standing order 37.1 or to exclude them from the meeting under standing order 37.2.

6.7 Amendments to Motions

The chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the council's business.

Amendments must be relevant to the motion and *must not negate* the motion. The ruling of the chair on the admissibility of an amendment is not open to challenge. Amendments will either be:

- (i) to leave out words; and/or
- (ii) to insert or add words; and/or
- (iii) to refer the matter to another body or person.

Amendments shall be voted on in the order in which they have been seconded.

If an amendment is carried the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

6.8 Point of Order

An elected member may raise a point of order at any time. A point of order may only relate to an alleged breach of these standing orders or the law. The elected member must cite the rule or law and the way in which they consider it has been broken. The ruling of the chair on the matter will be final.

6.9 Personal Explanation

An elected member may at any time make a personal explanation, on a matter relating to some material part of their earlier speech, which appears to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

7. ELECTED MEMBER QUESTION TIME

7.1 At each ordinary council meeting a maximum of forty minutes will be allocated for questions to the leader, cabinet portfolio holders and chairs of overview and scrutiny committees. This is in addition to the normal rights of any elected member to ask a question without notice about an item in any report which is under consideration at the meeting.

Any member may ask one or more questions provided it relates to Warwickshire. Any member may ask a supplementary question. No prior notice of any question is required. However, members are encouraged to provide at least three working days' notice of questions to the head of paid service, in order that an informed answer may be given.

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

All written answers given following the meeting will be circulated to all elected members and, unless the contents would involve disclosure of exempt or confidential information, shall normally be made public.

Questions will normally be taken in the order that they were received but the chair may, at their discretion, group the questions by subject.

At the meeting, the questioner will be invited to put the question and the relevant member will be invited to reply. The chair may impose a time limit subject to a maximum time of five minutes for each question.

A copy of any written answers will be attached as an appendix to the minutes unless the answer would involve disclosure of exempt or confidential information.

7.2 Power to Reject Questions

The chair, after consultation with the head of paid service and acting reasonably, has the power to exclude any question which:

- (i) has already been answered; or
- (ii) is not relevant to council business; or
- (iii) they consider unsuitable.

8. SUSPENSION / AMENDMENT OF STANDING ORDERS

8.1 Suspension

All or any part of these standing orders, subject to any statutory constraints, may only be suspended by the council if at least one half of the whole number of councillors are present and on a majority of two thirds of those voting and then only for such time as is specified in the resolution. The extent and duration of suspension shall be proportionate to the result to be achieved.

8.2 Amendment

Any motion to add to, vary or revoke these standing orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council unless the motion conforms in all material respects with the recommendation in a report of the monitoring officer that is under consideration at the meeting. The decision of the monitoring officer on the conformity of the motion with the recommendation shall be final.

The motion may only be carried on a majority of two thirds of those voting.

9. SPECIAL RULES FOR MEETINGS OF THE CABINET

9.1 Frequency of Meetings

The cabinet will meet at least five times per municipal year at times to be agreed by the leader.

9.2 Calling of Meetings

A cabinet meeting may be called by the leader or by the head of paid service if they consider it necessary or appropriate and must be called if required under standing order 9.4 below.

9.3 Business

At each meeting of the cabinet the following business will be conducted:

- i. consideration of the minutes of the last meeting;
- ii. declarations of interest;
- iii. receive and consider any petitions in accordance with the council's petitions scheme;
- iv. receive any addresses from the public in accordance with the public speaking standing order 34;
- v. matters referred to the cabinet for their reconsideration in accordance with these standing orders;
- vi. consideration of reports from overview and scrutiny committees;
- vii. consideration of officer reports; and
- viii. any other business specified in the agenda for the meeting.

9.4 Agendas for Meetings of the Cabinet

The leader, in consultation with the head of paid service, sets the agenda for meetings of the cabinet and may add any agenda item they wish.

The following may also require the head of paid service to include an item on the agenda of the next available meeting of the cabinet:

- i. the monitoring officer;
- ii. the chief finance officer; or
- iii. the head of paid service.

At the request of any elected member the leader can agree to add up to two additional items to the agenda of the next available meeting of the cabinet. Notice of the meeting will give the name of the member making the request and they may be invited by the leader to attend for that item.

If an item requires a decision before the next scheduled meeting of the cabinet any person(s) entitled to include an item on the agenda may require that a meeting be convened at which the item will be considered.

9.5 Organising the Agenda of Cabinet Meetings

The cabinet will organise its agenda according to the following rules:

- i. any public petitions submitted in accordance with the council's petitions scheme; any matters for consideration at the meeting;
- ii. any decisions which need to have immediate effect; or
- iii. other decisions subject to the call-in procedures and/or referral to the council.

9.6 Officers' Attendance at Cabinet Meetings

The head of paid service, the chief finance officer and the monitoring officer, and their nominees are entitled to attend any meeting of the cabinet, its committees or sub-committees. The cabinet, its committees or sub-committees may not meet unless these officers have been given reasonable notice that a meeting is to take place.

10. SPECIAL RULES FOR EXECUTIVE DECISIONS

10.1 Leader and Portfolio Holder Decisions

10.2 Key Decision Procedure and Call-In to Apply

Any leader or portfolio holder decision shall comply with the procedure for taking key decisions set out in standing orders 16 to 18. This means that advance notice of the proposed decision should be given in the forward plan unless the requirements for a general exception notice or an urgent decision have been met.

Any decision made by the leader or a portfolio holder shall be subject to the call-in procedure under standing order 13 unless the requirements for an urgent decision have been met under standing order 18.

10.3 Reports and Process for Leader and Portfolio Holder Decisions

A report in the standard format for reports to member bodies shall be prepared for each proposed decision in accordance with the council's procedures and consultation requirements for reports.

Once the report has received the appropriate clearances, democratic services will submit the report to the leader or portfolio holder as appropriate for decision together with a draft decision record.

The leader or portfolio holder may confirm agreement with the proposed recommendation and draft decision record by electronic means provided the proposed decision is in accordance with the recommendations in the report.

However, where the leader or portfolio holder intends to make a substantive departure from a recommendation in the report, they shall meet with a representative of democratic services to ensure that an appropriate decision record is produced. The portfolio holder may, in any circumstance, take the decision at a meeting open to other members and the public (subject to the exclusion of the public for any particular item as set out in standing order 36).

10.4 Record of Decisions and Publication

A record of any decision made by the leader or a portfolio holder shall comply with standing order 20.

The decision will normally be published by democratic services within 2 working days of the decision being taken.

No step may be taken to implement the decision until the decision has been published and any relevant call-in period has expired or, if called in, the call-in process has been completed.

11. LOCAL MEMBER DECISIONS

11.1 The leader or the council may delegate powers to local members to make decisions in relation to their electoral divisions provided they relate to local government matters and affect the electoral division of the member concerned.

11.2 At least 2 weeks' notice of an intention to make a local member decision shall be given in the forward plan.

11.3 Standing orders 13 to 15 shall apply to local member executive decisions.

11.4 If a local member executive decision would fall within the definition of a key decision then the decision-making process also must comply with the requirements for key decisions.

11.5 Standing order 20 (record of decisions) shall apply to all local member decisions and, subject to meeting any requirements set out above, no local member decision may take effect until 5 working days after the record of the decision has been published by democratic services.

12. KEY DECISIONS - MEANING

A key decision is -means a decision made in the exercise of an executive function by any person (including officers) or body, which meets one or more of the following conditions:

- i. the decision is likely to result in the local authority incurring expenditure or the making of savings in excess of £1,000,000. Excluded from this are all loans to banks or other financial institutions made in accordance with the treasury management strategy.

Chief officers' delegated powers to make executive decisions are subject to the key decision/call-in regime where it is likely the local authority would incur expenditure or make savings above the threshold of £1,000,000.

In relation to letting contracts the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 to £1,500,000 or 5% for contracts of over £1,500,000.

OR

- ii. the decision is likely to be significant in terms of its effects on communities living or working in any electoral division in Warwickshire.

In considering whether a decision is likely to be significant, a decision-maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.

In making this decision consultation should be undertaken with members whose electoral divisions might be affected in accordance with paragraph 13 of the Protocol on Member/Officer Relations in part 4 section 3 of this constitution.

OR

- iii. the consideration by the executive of any matters which involve proposals or decisions:
 - to change any plan or strategy included in the policy framework; or
 - to develop any major new plan or strategy; or
 - for the annual budget; or
 - which would otherwise be contrary to and not in accordance with the policy framework or budget.

13. CALL-IN

13.1 Subject to standing orders 15 and 18 below call-in applies to the following executive decisions i.e. decisions made by:

- the leader or any portfolio holder;
- the cabinet;
- committees of the cabinet;

- local members making executive decisions; or
- officers making key executive decisions.

13.2 Any such decision shall be published electronically, normally within 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions at the same time.

13.3 The decision will come into force and may then be implemented on the expiry of 5 working days after the date of electronic publication of the decision, unless the monitoring officer receives a written request as set out in 13.4 below.

13.4 During that period if the monitoring officer receives a written request from:

- (i) the chair of the relevant overview and scrutiny committee; or
- (ii) any four members of the council;

they will notify the decision-maker and the chair of the relevant overview and scrutiny committee that the decision has been called in. Any such request must set out the nature of the concern and the reasons for the call-in.

13.5 Where it appears that the decision might reasonably be considered by the monitoring officer to be contrary to the policy framework or budget the monitoring officer may refer the matter for consideration by the full council instead of the overview and scrutiny committee with the agreement of the chair of the relevant overview and scrutiny committee and the chair of the council.

13.6 The relevant overview and scrutiny committee or the council in relation to referrals under standing order 13.5 shall meet to consider the decision no later than 10 working days after receipt of the call-in request.

13.7 Having considered the decision, the relevant overview and scrutiny committee may:

- (i) refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern; or
- (ii) decide to take no action.

The outcome of the overview and scrutiny committee consideration will normally be published electronically within 2 working days of the meeting.

13.8 If the Overview and Scrutiny committee decides to take no action, the decision shall take effect on the date of the overview and scrutiny meeting. If the overview and scrutiny committee refer the decision back to the decision-making person or body, the decision will take effect on the date the decision-maker determines the matter.

13.9 The council may, after considering a decision under standing order 13.5:

- i. make the decision with or without amendment, if it falls within the council's power to do so; or
- ii. decide to take no action.

13.10 If the council decides to take no action or makes the decision itself the decision shall take effect on the date of the council meeting.

13.11 Once the call-in has been considered, either by the relevant overview and scrutiny committee or by the council under standing order 13.5, no further right of call-in may be exercised.

14. CABINET CALL-IN OF LOCAL MEMBER DECISIONS

Any member of the cabinet may call-in an executive decision made by a local member within 5 working days of the publication of the decision.

Where a decision has been called-in under this standing order the decision made by the local member shall be of no effect.

Any call-in by a cabinet member under this standing order shall invalidate any call-in of the local member decision under standing order 13.

The cabinet or leader or portfolio holder shall consider the called-in decision at the next available meeting or session and shall have power to make such decision as it sees fit in respect of the matter provided it falls within its powers to do so.

Nothing in this standing order prevents the decision once made by the cabinet or the leader or portfolio holder being called-in under standing order 13.

15. LIMITATIONS OF CALL-IN

In order to ensure that call-in does not cause unreasonable delay and is not abused, the following limitations shall apply:

The call-in procedure may only be used once in respect of any particular decision.

Where, as a result of call-in, the matter is referred back to the decision-maker for final decision or the decision is otherwise deemed to take effect no further call-in may be exercised.

Only key executive decisions made by officers shall be subject to call-in. There shall be no right of call-in in relation to operational or day-to-day management decisions.

Call-in shall not apply to urgent decisions that comply with standing order 18 below.

16. PROCEDURE BEFORE TAKING KEY DECISIONS

16.1 Subject to standing orders 17 (general exception) and 18 (urgency), a key decision may not be taken by any person or body unless:

- a. notice has been given in the published forward plan in connection with the matter in question; and
- b. at least 5 clear days have elapsed since the publication of the forward plan; and
- c. where the decision is to be taken at a meeting of the cabinet or its committees notice of the meeting has been given in accordance with standing order 28.2 (notice of meetings).

16.2 A copy of any report submitted to an individual decision-taker (member or officer) in connection with a proposal to take a key decision shall be supplied as soon as reasonably practicable to the chair of any relevant overview and scrutiny committee or all members of that committee if there is no chair. Any such report shall be made available for public inspection unless it contains confidential or exempt information and shall include a list of background papers.

17. GENERAL EXCEPTION

Where a matter which is likely to be a key decision has not been included in the forward plan the decision may still be taken if the following conditions are met or the conditions for taking urgent decisions under standing order 18 are met:

- a. it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates; and
- b. the monitoring officer has given written notice to the chair of a relevant overview and scrutiny committee or, if there is no such person, each member of the relevant overview and scrutiny committee of the matter about which the decision is to be made; and
- c. the monitoring officer has made copies of that notice available to the public at the designated officer of the council; and
- d. at least 5 clear days have elapsed since the monitoring officer complied with (b) and (c).

Where such a decision is taken by a member body or by the leader or portfolio holder, it must be taken in public unless it would involve the disclosure of confidential or exempt information.

18. URGENCY

This standing order applies to any key decision and any decisions made by:

- the leader or portfolio holders;
- the cabinet;
- committees of the cabinet;
- local members making executive decisions; or
- officers making key executive decisions.

Where the decision is urgent and it is impracticable to comply with standing orders 16 and/or 17 the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision obtains the consent of the chair of a relevant overview and scrutiny committee or, if no chair of an overview and scrutiny committee is able to act, the consent of the chair of the council or in their absence the vice-chair, in writing that:

- i. the decision cannot reasonably be deferred; and
- ii. the decision should be treated as a matter of urgency; and
- iii. where the proposed decision is contrary to or not wholly in accordance with the policy framework or budget it is not practicable to convene a quorate meeting of the full council.

All group leaders shall be informed in writing before the urgent decision is made. The record of the decision and the notice by which it is made public shall state whether or not the decision is an urgent one.

A decision will be urgent if any delay likely to be caused by call-in would seriously prejudice the council or the public interest.

19. REPORTS TO COUNCIL

19.1 General Requirements

The leader will report to council on an annual basis details of urgent decisions taken under standing order 18 (urgency) containing the details of each decision taken and

the reason for the urgency.

The call-in and urgency procedures shall be monitored annually, and a report submitted to the council by the monitoring officer with proposals for review if necessary.

19.2 When an Overview and Scrutiny Committee can Require a Report

If the relevant overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure (standing order 17); or
- (c) the subject of an agreement under standing order 18;

that committee may require the leader to submit a report to the council in accordance with standing order 19.3 below.

19.3 Leader's Report to Council

Where required under standing order 19.2 the leader will prepare and submit a report to the next available council meeting. The next available council meeting means the next council meeting falling at least 7 clear days after the relevant overview and scrutiny committee meeting. The report to the council will set out the decision and reasons for the decision, the individual or body making the decision and, if the leader is of the opinion that it was not a key decision, the reasons for that opinion.

20. RECORD OF DECISIONS

20.1 After any meeting of the cabinet or any of its committees or sub-committees or leader and portfolio holder decisions under standing order 10 or local member decisions under standing order 11, whether taken in public or private, the monitoring officer will produce a record of every decision taken as soon as practicable. The record will include:

- 1. a record of the decision;
- 2. the reasons for the decision;
- 3. any alternative options considered and rejected;
- 4. any declaration of interest by any member relating to the decision and any dispensation granted by the audit and standards committee;
- 5. a list of any reports considered; and
- 6. a list of any background papers.

20.2 Where any officer takes a key executive decision, they shall produce a written statement in accordance with standing order 20.1. The officer shall forward a copy of that written statement and any reports considered immediately to the monitoring officer.

20.3 The monitoring officer shall make any written record or written statement and any reports considered available for public inspection, unless it would involve the disclosure of confidential or exempt information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to Copies

Subject to standing order 21.2 below, a member of an overview and scrutiny committee (including its sub-committees if any) will be entitled to copies of any document which is in the possession or control of the leader or portfolio holder, cabinet, its committees or sub-committees, local member or an officer and which contains material relating to:

- a. any business transacted at a public or private meeting of the cabinet, its committees or sub-committees; or
- b. a leader or portfolio holder decision under standing order 10;
- c. a local member decision under standing order 11;
- d. any key decision that has been made by an officer of the authority.

21.2 Limit on Rights

A member of an overview and scrutiny committee will not be entitled to:

- a. any document that is in draft form;
- b. any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or relevant to any review contained in any programme of work of such a committee or sub-committee.

22. RIGHTS OF ALL MEMBERS TO INSPECT DOCUMENTS

All members will be entitled to inspect any document which is in the possession or under the control of the cabinet, its committees or sub-committees, the leader or portfolio holder in relation to decisions under standing order 10 or a local member in relation to decisions under standing order 11 and contains material relating to any business previously transacted in private or any key decision made by an officer unless it contains confidential or exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

23. THE FORWARD PLAN

23.1 Annual Notice of the Forward Plan

The monitoring officer will publish a notice once a year stating:

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

23.2 Period of Forward Plan

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

23.3 Publication of the Forward Plan

The forward plan must be published at least 14 days before the start of the period covered.

23.4 Contents of the Forward Plan

The forward plan will contain matters which the council has reason to believe are likely to be the subject of a key decision to be taken by the leader, portfolio holder, cabinet or body or person exercising delegated powers during the period covered by the plan. Any outstanding matters contained in the previous forward plan must be included in the latest forward plan.

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

Subject to the above it will describe the following particulars in so far as the information is available or might reasonably be obtained:

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

24. DEVELOPING THE BUDGET AND POLICY FRAMEWORK

24.1 The council is responsible for agreeing the budget and policy framework as set out in Article 4. Once the budget or policy framework is agreed, the leader is responsible for implementing the agreed policy framework within the set budget.

The leader is also responsible for leading the development of the policy framework and putting forward proposals for the draft budget, plans and strategies for the council to consider.

24.2 Approved Changes to the Budget or Policy Framework

The leader, or person(s) or body nominated by them, are authorised to make changes to the budget by:

- a. approving virements for revenue and capital monies in accordance with the financial regulations approved by the council;
- b. agreeing any increases or reductions in capital starts/payments totals as part of the capital review process;
- c. approving the addition to the capital programme of projects costing less than £2,000,000 which are fully funded from external grants, developer contribution or from revenue; and
- d. approving individual projects within the allocations made by the council.

24.3 The Chief Executive and the Strategic Director for Resources are authorized to exercise those powers set out in the revenue and capital budget resolutions.

24.4 The leader or the cabinet shall have power to amend, modify, vary or revoke the policy framework to the extent that:

- a. it is required for giving effect to the requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy or any part thereof submitted for their approval; or
- b. it is authorised by the council when approving or adopting the plan or strategy; or
- c. it is authorised by the council to update and maintain any action plans supporting a plan or strategy within the policy framework.

24.5 The council, when approving or adopting any plan or strategy, shall consider the extent to which the leader or the cabinet may make changes to the plan or strategy.

24.6 Any other changes to the policy and budgetary framework are reserved to the council.

25. LEADER OR CABINET PROPOSALS FOR THE BUDGET

25.1 The leader or cabinet shall produce an outline budget proposal at the December cabinet meeting in any year. A detailed proposal shall be produced at the January meeting of cabinet. Any opposition proposals shall be produced no later than three clear working days before the council meeting at which the budget is to be considered. These provisions do not restrict any amendments to proposals being made on the day of the budget meeting.

25.2 If the leader fails to make proposals for the draft budget by 8th February preceding the commencement of the financial year to which the budget relates, the council may make a decision that has immediate effect and Standing order 25.3 – 25.9 below shall not apply.

25.3 In reaching a decision, the council may adopt the leader's or the cabinet's proposals, amend them, refer them back to the leader or the cabinet for further consideration, or substitute its own proposals in their place.

25.4 Where the council accepts the recommendation of the leader or the cabinet without amendment, the council may make a decision that has immediate effect. Otherwise, it may only make an in-principle decision.

25.5 The council must inform the leader of any objections it has to the proposals and instruct the leader to reconsider any proposal in the light of those objections within the period specified by the council, which shall not be less than 5 working days beginning with the day after the date the leader receives those instructions.

25.6 An in-principle decision will automatically take effect after the end of the specified period unless the leader informs the head of paid service in writing within that period

that they object to the decision becoming effective and provides reasons why.

25.7 Where an objection from the leader is received the head of paid service will call a council meeting within a further 5 working days. The council must meet to re-consider its decision and the leader's written submission within a further 10 working days.

25.8 After considering the leader's objection and the reasons for it, the council may:

- i. approve the leader's or the cabinet's recommendation by a simple majority of votes cast at the meeting; or
- ii. approve a different decision that does not accord with the recommendation of the leader or the cabinet by a simple majority.

25.9 Any decision made under Standing order 25.6 above has immediate effect.

26. SPECIAL RULES FOR OVERVIEW AND SCRUTINY COMMITTEES

26.1 Frequency of Meetings

There shall be at least four meetings of each overview and scrutiny committee in each municipal year.

26.2 Calling of Meetings

An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, by any five members of the committee or by the head of paid service if they consider it necessary or appropriate.

26.3 Business

Overview and scrutiny committees and sub-committees shall consider the following business:

- i. minutes of the last meeting;
- ii. declarations of interest;
- iii. consideration of any matter referred to the committee for a decision in relation to call-in of a decision under standing order 13 above;
- iv. responses of the leader, portfolio holder or the cabinet to reports of the overview and scrutiny committee; and
- v. any other business specified in the agenda for the meeting.

26.4 Agenda Items for Overview and Scrutiny Committee Meetings

Any person appointed to an overview and scrutiny committee or sub-committee, may require the chief executive to include an item on the agenda of the next available meeting.

Any five members of the council who are not members of the overview and scrutiny committee may give written notice to the head of paid service that they wish an item to be included on the agenda of an overview and scrutiny committee or sub-committee. Notice of the meeting will give the name of the member(s) making the request and the first named member may be invited by the chair to attend for that item.

27. COUNCILLOR CALL FOR ACTION

- 27.1** A member may, in respect of a matter affecting their electoral division, refer the matter to the relevant overview and scrutiny committee for consideration (councillor call for action) by giving notice to the monitoring officer.
- 27.2** The monitoring officer will refer the councillor call for action to the chair of the relevant overview and scrutiny committee unless it relates to an excluded matter.
- 27.3** The monitoring officer will reject a councillor call for action where it deals with excluded matters. A copy of the decision will be sent to the chair of the relevant overview and scrutiny committee.
- 27.4** The relevant chair of the overview and scrutiny committee will either refer the matter back to the member on the basis it is premature and specify what steps the member should take towards resolving the matter OR refer the matter to the next available meeting of the overview and scrutiny committee.
- 27.5** If a councillor calls for action is included on the agenda of an overview and scrutiny committee; any further action is entirely within the discretion of the committee.
- 27.6** Further guidance on the use of the councillor call for action can be found in part 4 section 3 of this constitution.

28. GENERAL RULES FOR ALL MEETINGS

28.1 Time and Place

With the exception of the annual meeting of the council, and meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the time and place of other meetings will be determined by the relevant body, the chair of the relevant body, or the head of paid service as appropriate.

28.2 Notice of and Summons to Meetings

The head of paid service will give at least 5 clear days' notice to the public of the time and place of any meeting by posting details at Shire Hall, Warwick, which is the designated office and by publication on the council's website. Meeting includes for these purposes any leader or portfolio holder session.

At least 5 clear days before a meeting, a summons signed by the head of paid service must be sent by post to every member of the relevant body or decision-makers or left at their usual place of residence or such other alternative address as notified to the head of paid service in writing or by electronic means.

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.

Lack of proper service of a summons upon any member will not invalidate the meeting.

28.3 Agenda Items

With the exception of the annual meeting of the council, meetings of the cabinet, leader and portfolio holder sessions and the overview and scrutiny committees which are dealt with above, the agendas for other meetings will be fixed by the relevant chair in consultation with the head of paid service subject to any legal requirements.

28.4 Public Access to Agenda and Reports

The monitoring officer will make copies of the agenda and accompanying reports available for inspection by the public at the designated office at least 5 clear days before the meeting.

Where a report is not included with the agenda the head of paid service shall make each such report available to the public for inspection as soon as the report is completed and sent to councillors.

Nothing in this rule requires the disclosure of any report containing confidential or exempt information as defined in standing order 40.

28.5 Quorum

With the exception of the council, the quorum at meetings of member bodies shall be one fifth of the number on that body or two, whichever is the greater. Any legal requirements which from time to time specify a particular quorum for any body will be observed.

28.6 No Proper Quorum

If the chair declares there is no quorum, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body.

28.7 Duration of Meetings

Unless the majority of members present vote for the meeting to continue, any council meeting that has lasted for 6 hours and any other meeting of a member body that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair or, if none, at the next meeting of that body. This rule does not apply to council meetings at which the annual budget is being debated.

28.8 Attendance by Elected Members as Observers

Except at meetings dealing with disciplinary matters or staff appointments any elected member can attend any meeting of an elected member body or leader and portfolio holder session as a non-speaking observer. Such an observer may be invited at the chair's, the leader's or relevant portfolio holder's discretion to speak at that meeting but may not vote.

28.9 Record of Attendance

Each member present during the whole or any part of any meeting must sign their name in the relevant attendance book.

29. MINUTES

29.1 Taking Minutes

Minutes will be taken of every meeting to which these standing orders apply.

29.2 Form of Minutes

Minutes will contain all motions and amendments moved at the relevant meeting.

29.3 Approving and Signing the Minutes

Every set of minutes must be taken to the next suitable meeting where the chair will move that they be approved as an accurate record. Once approved the minutes shall be signed by the chair.

An extraordinary meeting shall not be treated as a suitable meeting for the purposes of this standing order.

30. THE CHAIR

30.1 Powers and Duties

It shall be the duty of any chair to conduct the meeting efficiently and effectively and at all times to act reasonably. The chair shall have full power to conduct the meeting in the way that they consider most expedient and to decide upon any points of procedure subject only to statutory requirements (if any) and these standing orders. The decision of the chair shall be final, however, where two or more elected members raise a point about procedure or the conduct of the meeting the chair must seek and take account of the advice of the monitoring officer (or their nominee) before giving any decision.

30.2 Power to Adjourn

If at any meeting there is a general disturbance making orderly conduct of business not reasonably possible, the chair may adjourn the meeting for as long as they think necessary.

30.3 Absent Chair

If at any meeting the relevant chair or vice-chair is not present to preside, another member chosen by those present shall preside for that meeting. In the event that no member is chosen to preside, the head of paid service (or their nominee) may chair the meeting.

30.4 Powers of the Person Presiding

Any person presiding at the meeting has the same powers and duties as the chair with the exception that where the head of paid service presides, they do not have a power to vote.

31. VOTING

31.1 Majority

All issues will be decided by a majority of those present and voting unless the law or these standing orders specifically require otherwise. Unless allowed by law co-opted members will not have the power to vote.

31.2 Chair Casting Vote

In the event of equality of votes the chair, if otherwise eligible to vote, will have a casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

31.3 Show of Hands

Unless a recorded vote is demanded under standing order 31.4, the chair will take the

vote by show of hands or, if there is no dissent, by affirmation of the meeting. Standing order 31.4 applies only to meetings of the council.

31.4 Recorded Vote

There must be a recorded vote at a council meeting when deciding on the annual budget, setting the precept or making requisite calculations. In relation to any other matter at a council meeting before the vote is taken the chair, or three or more elected members present at the meeting, may demand that a poll of the results be recorded in writing and entered into the minutes.

31.5 Right to Require Individual Vote to be Recorded

Immediately after the vote is taken any member at any meeting can require that their individual vote be recorded in the minutes.

31.6 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is no clear majority in favour of one person, the person with the least 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.

32. MOTIONS

32.1 Scope of Motions

All motions (which includes any suggested amendments) must be moved at the meeting and must be about matters for which the council has a responsibility, or which affect the area.

32.2 Procedural Resolutions

At meetings procedural motions may be moved without notice. Procedural motions generally, but not exclusively, relate to:

- a. Procedural matters on the agenda - such as appointing a chair, accuracy of the minutes, changing the order of business, amending or withdrawing a motion, extending the duration of meeting;
- b. General matters of procedure - such as referring an item to an appropriate body or individual, receiving reports or adopting recommendations of the cabinet or committees or officers and any motions or amendments following from them, excluding the public and press in accordance with standing order 36, not to hear further a member named under standing order 37.1 or to exclude them from the meeting under standing order 37.2;
- c. Closure motions - to proceed to the next business, that the question now be put, to adjourn a debate or to adjourn a meeting.

In rare circumstances urgent item resolutions which the chair of the relevant body considers are genuinely urgent and can be dealt with at the meeting may be moved without notice in accordance with these standing orders.

32.3 Closure Motions - Procedure

Closure motions shall be moved without comment by a member who has not spoken on the matter, at the conclusion of the speech of another member.

- i. If a closure motion '**to proceed to the next business**' is seconded the chair, if they consider there has been sufficient discussion about the matter shall, without further discussion, give the mover(s) of the original motion and any amendments a right of reply before the closure motion is put to the vote.
- ii. If a closure motion '**that the question now be put**' is seconded, the chair, if they consider there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without debate. If the closure motion is passed, then without further discussion the mover(s) of the original motion and any amendments will be given a right of reply before the original motion is put to the vote.
- iii. If a closure motion '**to adjourn the debate**' or '**to adjourn the meeting**' is seconded, the chair, if they consider there has been sufficient discussion about the matter, will immediately put the closure motion to the vote without discussion.
- iv. If a closure motion is not carried, the same motion shall not be moved within a period of 30 minutes without leave of the chair.

32.4 Rights of Reply - Order

Rights of reply shall be exercised in the following order:

- a. the mover of an amendment;
- b. where there is more than one amendment the rights of reply shall be exercised in the order the amendments were moved;
- c. the mover of the original (substantive) motion.

A member exercising a right of reply shall confine themselves strictly to answering previous observations and shall not introduce any new matter.

32.5 Motion to Rescind a Previous Decision

No motion or amendment which would have the effect of rescinding a decision made at a council meeting within the previous 6 months can be moved unless the written notice of the proposed motion or amendment is signed by at least four members.

32.6 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a council meeting in the previous 6 months cannot be moved unless the written notice of the proposed motion or amendment is signed by at least four members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for 6 months.

33. RULES OF DEBATE

Subject to legal requirements and to the agreed formats for local authority meetings, it is intended that meetings other than the council have the greatest amount of flexibility to conduct business in the way that they consider most effective.

The conduct of business, including speeches and debates at such meetings, will be at

the discretion of the chair acting reasonably. The chair may impose the limits set out in standing orders 6.1, 6.4, 6.5 and 6.6 above.

34. PUBLIC SPEAKING

34.1 Applicability

This standing order shall apply to council, cabinet and overview and scrutiny committees.

34.2 General

The chair of a meeting shall have power to manage public speaking in a way that facilitates the proper and timely conduct of the meeting including placing a limit on the time allotted for public speakers. The chair has discretion to reject any statement that:

- (i) has already been made at this or a previous meeting; or
- (ii) is not relevant to the business of the body; or
- (iii) they consider unsuitable.

34.3 Eligibility to Speak

Any member of the public who is resident or working in Warwickshire or whom is in receipt of services from the council may speak at meetings of the council, cabinet or an overview and scrutiny committee.

Speakers at cabinet and council meetings may only speak on matters that relate to the agenda of that meeting. Speakers at overview and scrutiny committee meetings may address any matter relevant to the remit of that committee. Any address must not contain any defamatory, frivolous or offensive statements.

A member of the public for the purposes of this standing order does not include:

- any employee of the council in relation to any matter connected with their employment;
- any representative of an employee of the council or group of such employees;
- any person in a contractual relationship with the council in relation to any matter connected with that contract;
- any member of any local authority on a matter concerning that authority;
- any person who is an applicant for a consent, approval, permission, licence or similar decision given by the council;
- any person intending to refer to any confidential or exempt matter on the agenda; or
- a person who is engaged professionally to speak on behalf of another.

34.4 Procedure

Any member of the public who wishes to speak on an item must give notice in writing or by electronic means to the head of paid service at least 2 [clear](#) working days before the meeting.

Any questions should be notified in writing or by electronic means and received by the head of paid service at least 2 [clear](#) working days before the meeting.

Each speaker must give their name and address and the subject upon which they wish to speak.

If more than one person wishes to speak on a subject the first person shall have priority. At the chair's discretion a second person may speak on the subject if it is clear that the area of concern is different and/or it will enable the meeting to receive a balance of views.

Each speaker shall have a maximum of three minutes to speak.

A summary of addresses made by the public will be recorded in the minutes of the meeting.

34.5 Absence of Public Speaker

In the absence of a speaker the chair has discretion over how to deal with the matter and may put the question/statement themselves to the meeting.

34.6 Form of Answers

Answers may take the form of either a direct oral answer or reference to a publication. Where an oral answer cannot immediately be given, a written answer may be given to the questioner as soon as practicable following the meeting.

34.7 Referral of a Matter

The chair has discretion to decide whether discussion will take place on any matter raised by a public speaker, but any member may move that the subject matter be referred to the cabinet or another appropriate committee. Once seconded, such a motion will be voted on without discussion.

34.8 Public Speaking at Regulatory Committee

Standing orders 34.8 and 34.9 apply only to applications for planning permission, and for approvals under planning conditions, decided by the regulatory committee.

A councillor of any local authority (including town and parish councils) representing the area in which the application site is situated, and anyone who has made written representations mentioned in the office report, is eligible to speak at the committee.

If a person speaks against an application, the applicant has a right of reply. Anyone entitled to speak may nominate a representative to speak on their behalf. Speakers may be questioned by officers and members of the committee.

No more than three objectors and three supporters (not counting local councillors with a right to speak) may speak on any one application. If more than three requests to speak in either category, they will be asked to agree a smaller number of representatives. If they fail to agree, the chair shall have discretion to select the representatives.

Anyone wishing to speak to the committee must make a request either by letter or electronic means to the development group at least three working days before the committee meets.

The chair may stop a speaker if what they are saying is irrelevant or offensive or if they attempt to introduce substantial new issues or evidence. Speakers cannot circulate new documents other than photographs and no presentation aids may be used.

Speakers will not be permitted to question any other person and will not be allowed to speak more than once. If it is necessary to make a factual correction after speaking, the information should be supplied to an officer.

If the committee defers an application to obtain further information or to visit the site, speakers will be allowed to speak when the application is next considered only if they spoke at the first meeting and only in order to address any new information which has emerged in the meantime.

34.9 Order of Speaking at Regulatory Committee

Applications on which people have requested to speak will be dealt with before other items on the agenda. Public speaking on each application will take place after the planning officer has introduced the application. Each speaker has a maximum of 3 minutes. The order of speaking will be:

- i. the county councillor;
- ii. other councillors;
- iii. objectors;
- iv. supporters;
- v. applicant.

The chair may exercise discretion to depart from the rules of this scheme in exceptional circumstances.

35. PETITIONS - Public Rights under the Petition Scheme

35.1 Members of the public have a right to petition the council in accordance with the petitions scheme approved by the full council.

35.2 On receipt of a petition which meets the requirements of the scheme the democratic services manager will notify the appropriate portfolio holder, strategic director and, if appropriate, the local member of the receipt of the petition and its subject matter.

35.3 The democratic services manager will make arrangements for the petition to be included on the agenda of the next available meeting of the body concerned. The petition organiser or a person they nominate will have a right to speak for up to five minutes in support of the petition at that meeting. A petition may only be presented once.

35.4 Following presentation of the petition to the meeting the petition will normally be referred to the relevant strategic director or chief officer for consideration and response. The strategic director will normally advise the petitions organiser within 10 working days of the meeting of the action proposed to be taken in response to the petition.

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

36. ACCESS BY THE PUBLIC TO MEETINGS

Members of the public may attend all meetings including leader and portfolio holder sessions subject only to the exceptions in these standing orders.

36.1 Confidential Information - Requirement to Exclude Public

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

36.2 Meaning of Confidential Information

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

36.3 Exempt Information - Discretion to Exclude Public

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

36.4 Meaning of Exempt Information

Subject to (i) and (ii) below exempt information means information falling within the seven categories set out in column 1 of the table at the end of these standing orders subject to any qualification in column 2 for that category:

- i. Exempt information is only exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- ii. Information is not exempt if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

36.5 Removal of a Member of the Public

Any member of the public who interrupts proceedings or acts improperly shall firstly be warned by the chair that, if their conduct continues, the chair will request that they leave or order them to be removed from the meeting.

36.6 Clearance of Part of the Meeting Room

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

37. DISORDERLY CONDUCT BY MEMBERS

37.1 Member Not to be Heard Further

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

37.2 Member to Leave the Meeting

If at any meeting the member continues to behave improperly after such a motion is carried, the chair 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.

38. THE PARTY WHIP

38.1 It will not normally be appropriate for the party whip to operate in relation to overview and scrutiny functions.

38.2 When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

38.3 A party whip shall not be applied in any situation where members are considering planning applications, appeals of any sort or acting as a tribunal.

39. PROBITY AND ETHICS

a. Members will abide by any ethical rules or guidance set out in any of the following:

- i. as stipulated by law (whether common law, statute, subsidiary legislation, statutory code or guidance);
- ii. as issued by any other organisation/body if such rules or guidance are adopted by the local authority;
- iii. as set out in the council's code of conduct for members in part 4 of this constitution;
- iv. any other rules or guidance issued by the local authority itself.

b. A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation) leave the meeting room until the matter has been dealt with.

40. ACCESS TO INFORMATION AND CONFIDENTIALITY

Any confidential or exempt information and documentation shall be kept confidential by all members.

Any disputes relating to the rights of access of any person under these standing orders or any statutory provision or common law rights shall be referred to the monitoring officer of the council.

These standing orders do not affect any more specific rights to information contained elsewhere in this constitution or the law.

41. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the monitoring officer thinks fit, the council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with standing order 36, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

42. ACCESS TO MINUTES ETC. AFTER THE MEETING

The council will retain copies of the following for public inspection for six years after the date of the meeting or the date of the decision:

- a. the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the council, the cabinet or any committees and any leader and portfolio holder sessions excluding any part of the minutes or record when the meeting was not open to the public which disclose exempt or confidential information;
- b. a summary of any proceedings not open to the public where the minutes or record of the decision open to inspection would not provide a reasonably fair and coherent record;
- c. the agenda for the meeting or session;
- d. reports relating to items when the meeting or session was open to the public;
- e. local member decisions under standing order 11 and officer key decision records excluding any part of the record which would disclose exempt or confidential information.

43. BACKGROUND PAPERS

43.1 List of Background Papers

The chief officer originating the report, or in the case of a joint report the first named chief officer, shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

- a. disclose any facts or matters on which the report or an important part of the report is based; and
- b. which have been relied on to a material extent in preparing the report; except published works or those which would disclose exempt or confidential information (as defined in standing order 36).

43.2 Public Inspection of Background Papers

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

44. FILMING AND USE OF SOCIAL MEDIA AT MEETINGS

44.1 General

The chair of any meeting has powers to deal with issues relating to the conduct of those present to ensure the due and orderly dispatch of business.

The purpose of this standing order is to provide guidance on the conduct within meetings which is acceptable, particularly in the context of the use of modern media tools (e.g. blogging and tweeting) and filming and recording at meetings.

The principle is that the proceedings of the meeting concerned should not be impaired or handicapped by the use of media tools and that it is a matter for the chair to determine on the day, in the particular circumstances, what he or she regards as not appropriate.

The standing order attempts to recognize the different obligations which rest on elected members, representatives of the media and members of the public respectively.

44.2 Recording of meetings

The council shall use audio visual equipment to record all full council and overview and scrutiny meetings and make these available online for a period of at least one year.

44.3 Press and public recording of meetings

Any member of the public (including press or individuals) may report on the meeting using any communication method (including filming, audio recording and social media).

Any person who wishes to film or record a meeting is encouraged to contact Democratic Services at least 24 hours before the meeting so that arrangements can be made to accommodate them at the meeting, and so that notice can be given to other attendees before/at the start of the meeting that they will be/are being recorded.

Any recording must respect the wishes of members of the public who reasonably do not wish to be recorded.

The chair will have discretion to terminate or suspend recording at any time if the chair considers continuation would prejudice the conduct of the meeting.

Recordings should be of sufficient quality so that listeners or viewers cannot misunderstand, misconstrue or be misinformed as a result of a poor-quality broadcast.

44.4 Councillor responsibilities

Councillors are in a different position to members of the public and their actions affect the reputation of the council. Councillors have an obligation to pay close attention to the proceedings of meetings they attend and demonstrate that they are playing an active part. This is in addition to the general point of showing respect and courtesy to other participants. Any use of modern media tools by councillors in meetings should be considered in this context.

Councillors should also ensure that their use of social media does not misrepresent council proceedings, misinform the public or show a lack of respect for other councillors. Councillors must also respect confidentiality

45. SUPPLY OF COPIES

The council will supply copies of:

- a. any agenda and reports which are open to public inspection;
- b. any local member decision under standing order 11 or officer key decision record which is open to public inspection;
- c. any further statements or particulars necessary to indicate the nature of the items on the agenda; and
- d. if the monitoring officer thinks fit, copies of any other documents supplied to councillors in connection with an item; to any person on payment of a charge for postage and any other costs.

46. SUMMARY OF PUBLIC'S RIGHTS

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

47. DELEGATION OF POWERS

The council's scheme of delegation setting out the local authority's decision-making functions is set out in part 2 of the constitution as issued and approved from time to time.

48. PROTOCOLS AS FURTHER GUIDANCE

The council may approve 'protocols' from time to time, which will stand as further guidance.

APPENDIX: TABLE OF EXEMPT INFORMATION ~ STANDING ORDER 36

	Category of Exempt Information	Qualifications
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).	Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act, Building Societies Act.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a minister of the crown and employees of, or office holders under, the authority.	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	
7.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
<i>The following additional categories apply only to a committee or sub-committee exercising the functions of a standards committee under section 58(1)(c), 60(2) or (3), 64(2), 70(4) or (5) or 71(2) Local Government Act 2000 or considering any matter under Regulation 13 or 16 to 20 Standards Committee (England) Regulations 2008</i>		
7A.	Information which is subject to any obligation of confidentiality.	
7B.	Information which relates in any way to matters concerning national security.	

7C.	The deliberations of a standards committee or sub- committee in reaching any finding on a matter referred.	
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SECTION 2 – OFFICER EMPLOYMENT STANDING ORDERS

1. RECRUITMENT AND APPOINTMENT

(a) Declarations

- i. The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council, or of the partner of such persons.
- ii. No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

(b) Seeking support for appointment

- i. The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- ii. No councillor will seek support for any person for any appointment with the council.

2. RECRUITMENT OF HEAD OF PAID SERVICE, STRATEGIC DIRECTORS, CHIEF OFFICERS AND ASSISTANT DIRECTORS

Where the council proposes to appoint the head of paid service, strategic director, chief officer or Assistant Director and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

- i. draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought;
- ii. 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
- iii. make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

Except in the case of the head of paid service, a longlist of qualified applicants will be prepared for a panel of appropriate officers. The officer panel will interview the longlist candidates and draw up a shortlist of candidates for interviews by an appropriate member body. Where no qualified person has applied, the council will make arrangements for the post to be re-advertised.

The selection of an appropriate officer panel to interview candidates will be made by:

- The head of paid service (or monitoring officer if the former is unavailable) in relation to the appointment of strategic directors or chief officers.
- The appropriate strategic director for the group or chief officer in relation to the appointment of Assistant Directors.

Appointments Sub-Committee

Composition:

At least three elected members drawn from a pool of members agreed by the Staff and Pensions Committee to sit as and when required. The chief executive will make arrangements for the sub-committee with membership being proportionate to the representation of the political groups and individual members on the council and nominated by the leaders of the political groups.

Role:

1. To deal with the appointment of strategic directors and chief officers, Assistant Directors and other statutory officers appointed by the council.
2. To make recommendations to council regarding the appointment of the head of paid service.

3. APPOINTMENT OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

1. An appointments sub-committee of the council will carry out the function of interviewing qualified applicants and making recommendations to council. The sub-committee must include at least one cabinet member.
2. The full council must approve the appointment of the head of paid service before an offer of employment is made.
3. The full council may only make or approve the appointment of the head of paid service, monitoring officer and chief finance officer where no well-founded objection has been made by any cabinet member.

4. APPOINTMENT OF STRATEGIC DIRECTORS AND ASSISTANT DIRECTORS

1. A longlist of qualified applicants will be interviewed by an officer panel in accordance with 2 above and a shortlist of candidates produced for interview by an appropriate member body.
2. An appointments sub-committee of the council will carry out the function of interviewing qualified applicants from the shortlist and appointing strategic directors or Assistant Directors. The appointments sub-committee must be politically balanced and must include at least one cabinet member.
3. An offer of employment as a strategic director or Assistant Director

shall only be made where no well-founded objection from any cabinet member has been received.

5. OTHER APPOINTMENTS

Appointment of officers below strategic director or Assistant Directors (other than political assistants to the groups) is the responsibility of the head of paid service or their nominee and may not be made by councillors.

6. DISCIPLINARY ACTION

- a. With the statutory exceptions set out below, disciplinary action in relation to officers is governed by the council's agreed procedures.
- b. In relation to the head of paid service, monitoring officer and chief finance officer ("statutory officers") the following restrictions apply: -
 - *Statutory officers can be suspended on full pay whilst an investigation into alleged misconduct takes place, such suspension to be reviewed after two months and every month thereafter.*
 - *In an emergency, the head of paid service or the monitoring officer may suspend a statutory officer. In other cases, only the Disciplinary Sub-Committee may suspend a statutory officer.*
 - *No other disciplinary action may be taken in respect of statutory officers except in accordance with a recommendation in a report made by a designated independent investigator.*
- c. Councillors will not be involved in disciplinary action against any officer below strategic director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where the council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to members in respect of disciplinary action.

7. DISMISSAL OF STATUTORY OFFICERS

Where the Disciplinary Sub-Committee is carrying out the function of dismissing the statutory officer, it must include at least one cabinet member.

Notice of dismissal of the statutory officer shall only be given where no well-founded objection has been received from any cabinet member.

No notice of dismissal of a statutory officer may be given by the council before the proposal has been considered by an independent panel of at least two members appointed under section 28(7) Localism Act 2011.

No notice of dismissal may be given without the prior approval of the council.

8. DISMISSAL OF STRATEGIC DIRECTORS

Where a committee or sub-committee of the council is carrying out the function of dismissing a strategic director it must include at least one cabinet member.

Notice of dismissal of a strategic director shall only be given where no well-founded objection has been received from any cabinet member.

9. OTHER DISMISSALS

Councillors will not be involved in the dismissal of any officer below strategic director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, or where the council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to members in respect of dismissals.

SECTION 3 – CONTRACT STANDING ORDERS**NEW VERSION AT APPENDIX 2B TO REPORT TO BE SUBSTITUTED**

~~Council rules for buying and supplying goods, works, or services and for disposing of assets
Effective from 1 April 2019~~

~~For clarity and pursuant to the Constitution of the County Council, the role of Chief Finance Officer is executed by the Strategic Director for Resources and the role of Monitoring Officer is exercised by the Assistant Director for Governance & Policy.~~

SECTION A**1. ~~SCOPE AND PURPOSE~~**

~~1.1 Contract standing orders (CSOs) aim to promote good procurement practice, public accountability, deter corruption and provide protection for staff against allegations of impropriety.~~

~~1.2 All procurement and disposal procedures must:~~

- ~~• Achieve best value for money;~~
- ~~• Be consistent with the highest standards of integrity;~~
- ~~• Ensure fairness;~~
- ~~• Comply with all legal requirements;~~
- ~~• Support the council's corporate aims and policies;~~
- ~~• Comply with corporate policies and strategies and with the decisions of corporate board (or other officer boards authorised by corporate board), and with any other of the council's properly constituted boards and committees acting within their jurisdiction; and~~
- ~~• In relation to procurement of IT equipment, hardware and software specifically must comply with the digital and ICT strategy and decisions taken by the digital by design board.~~

~~1.3 A relevant contract for the purposes of CSOs is any arrangement made by, or on behalf of, the council for the carrying out of works or for the supply of goods, materials or services, for example:~~

- ~~• the supply or disposal of goods;~~
- ~~• hire, rental or lease of goods or equipment; and~~
- ~~• the delivery of services.~~

~~1.4 "Contract" also includes arrangements where the council is supplying goods, works or services.~~

~~1.5 Contracts must comply with these CSOs, irrespective of the method of funding (e.g. capital, revenue, sponsorship, donations or grants from a third party).~~

~~1.6 The following contracts are excluded from CSOs:~~

- ~~a. Contracts of employment which make an individual a direct employee of the council;~~
- ~~b. Agreements for the acquisition, disposal, or transfer of land;~~

- ~~c. Contracts entered into by or on behalf of the monitoring officer for the appointment of counsel and/or experts; or~~
- ~~d. Loans to banks or other financial institutions and investments made in accordance with the treasury management strategy.~~

~~2. GENERAL REQUIREMENTS~~

~~2.1 Classification and Valuation of Contracts~~

~~The following classifications apply for the purposes of CSOs:~~

- ~~○ Minor contract — total value less than £100,000~~
- ~~○ Ordinary contract — total value of £100,000 or more but below £1,000,000~~
- ~~○ Major contract — total value of £1,000,000 or more~~

~~The total value of the contract should be calculated in accordance with the most appropriate of the following:~~

- ~~a. fixed term contracts — the total price expected to be paid during the whole of the contract period, including possible extensions; or~~
- ~~b. where the contract period is uncertain, multiply the price expected to be paid each month by 48.~~
- ~~c. if the purchase involves a series of separate transactions for the same type of item, the ‘total value’ is the expected aggregate value of all of those transactions in the coming 12 months.~~
- ~~d. for feasibility studies, it is the value of the scheme or contracts which may be awarded as a result.~~

~~An officer **must not** select a method of calculating the *total value* in order to void the requirements of these CSOs.~~

~~2.2 Guiding Principles~~

- ~~a. All contracts must be let through a competitive process which meets the requirements of **Section C** unless an exemption has been granted or the arrangement is permitted by these CSOs.~~
- ~~b. Adequate resources should be identified to manage the procurement and any contracts awarded.~~
- ~~c. Any contract which exceeds the relevant EU threshold (or replacement threshold set by the UK government) must comply with any legal requirements in the Public Contract Regulations or any replacement regulations approved by the UK government.~~
- ~~d. There must be a procurement plan for all major contracts **and** any contract which exceeds the relevant EU threshold or UK equivalent. The procurement plan must be submitted to the chief finance officer and approved before the procurement process commences.~~
- ~~e. Only approved E-Systems should be used, and advice should be sought from the head of procurement on their use. The use of e-procurement technology does not negate the requirement to comply with all elements of these CSOs.~~

- ~~f. The following are excluded from the requirement for competition:~~
- ~~i. Purchases made via a purchasing consortium (e.g. ESPO) accessible to local authorities, however, purchases above the *EU Threshold* will only be excluded if the consortium has let their contract in accordance with *EU Procedures*.~~
 - ~~ii. Contracts entered into through sub-regional working or collaboration with other local authorities or public bodies, where a competitive process has been followed that complies with the CSOs of the lead organisation provided the collaboration has let their contract in accordance with *EU Procedures* (where applicable).~~
 - ~~iii. Collaborative proposals for joint working or shared services with other public bodies which the monitoring officer has approved as meeting the following conditions i.e.:~~
 - ~~• The principal activity of the collaborative arrangement is the provision of services back to the participating bodies;~~
 - ~~• The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in-house service; **and**~~
 - ~~• There is no independent or private sector partner involved in the collaborative arrangement.~~
 - ~~iv. residential placements for an individual with a registered care provider of their choice under the Care Act 2014, or~~
 - ~~v. *personal care services* where, in the opinion of the appropriate assistant director, the particular needs of an individual require a specific social care package which is only available from one provider.~~
 - ~~vi. In relation to (iv) and (v) above the assistant director responsible for the delivery of the services must ensure that adequate records are maintained to demonstrate:~~
 - ~~• The contractor meets the relevant national minimum standards;~~
 - ~~• The contract is effectively managed in accordance with the council's contract management framework;~~
 - ~~• The reasons for the choice of contractor; and~~
 - ~~• Why these were best possible terms for the council in the circumstances.~~

~~2.3 Approvals~~

- ~~a. All contracts must be appropriately authorised in accordance with the council's scheme of delegation before a procurement process (whether to be undertaken by negotiation or competition) is begun or a contract awarded.~~
- ~~b. Any proposal to let a contract with an estimated total value of £1,000,000 or more up to £3,000,000 can only be approved by the deputy leader (finance & property), the leader or cabinet (see table below).~~
- ~~c. Any proposal to let a contract with an estimated total value of more than £3,000,000 can only be approved by either the cabinet or the leader (see table~~

below).

- d. All contracts should be in written form and once the terms and conditions are agreed should be submitted to the appropriate person for signature. The written formalities should be completed **before** the contract is due to start.
- e. The table below sets out in more detail the approvals required. They apply equally to contracts that may be awarded through negotiation as they do to those awarded through competition. They also apply to contracts awarded from framework arrangements including those let using an ESPO framework.
- f. Any *major contract* **must** comply with the key decision regime. When commissioning *major contracts*, the key decision is the proposal to begin a procurement process for a particular contract.
- g. The subsequent decision to award the *major contract* to a specific contractor will not be a key decision provided the value of the contract does not vary above the original estimated value by 10% or more.

Total Contract Value	Column 1: Authority to start process	Column 2: Contract Terms	Column 3: Authority to award contract	Column 4: Contract Signing
Major Contracts More than £3,000,000	Cabinet or leader. This will be a key decision. This authority will also generally give the strategic director delegated authority to award the contract.	Monitoring officer unless standard terms and conditions have already been approved.	Generally covered by column 1. If bids exceed the original estimates by 10% or more then <u>you must</u> report back to leader or cabinet before award.	Send to monitoring officer for signing / sealing by designated officers. The relevant authority must be provided at the same time.
Major Contracts £1,000,000 or more up to £3,000,000	Leader, deputy leader or cabinet. This will be a key decision. This authority will also generally give the strategic director delegated authority to award the contract.	Monitoring officer unless standard terms and conditions have already been approved.	Generally covered by column 1. If bids exceed original estimates by 10% or more then report back to leader, deputy leader or cabinet before award.	Send to monitoring officer for signing / sealing by designated officers. The relevant authority must be provided at the same time.

Total Contract Value (Cont'd)	Column 1:	Column 2:	Column 3:	Column 4:
	Authority to start process	Contract Terms	Authority to award contract	Contract Signing
Ordinary Contracts £500,000 or more but below £1,000,000	Strategic director or person authorised in writing by them	Monitoring officer unless standard terms and conditions have already been approved.	Same as column 1.	Strategic director or above.
Ordinary Contracts £100,000 or more but below £500,000	Assistant director or third tier manager or person authorised in writing by them.	Monitoring officer unless standard terms and conditions have already been approved.	Line manager or above of person who gave authority to start the process (column 1).	Assistant director or above.
Minor Contracts Below £100,000	Cost centre manager or above.	Purchase order terms can be used unless the contract is for works, software or the services of a consultant, in which case legal or procurement advice must be taken.	Line manager or above of person who gave authority to start the process (column 1).	Third tier manager or cost centre manager or above.

~~2.4 Exemptions from CSOs~~

~~2.4.1 Any requirement of CSOs may be waived with the consent of both the chief finance officer and the monitoring officer subject to any legal restraints.~~

~~2.4.2 An application for a waiver (exemption) shall be:~~

- ~~a. submitted on the approved 'exemption form';~~
- ~~b. set out the reason for requiring the waiver; and~~
- ~~c. show how the proposal complies with any applicable law, demonstrates propriety, value for money and supports the council's objectives.~~

~~2.4.3 Where an exemption from competition is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services the relevant strategic director and assistant director must submit a report to the *chief finance officer and the monitoring officer as soon as practicable following the event.* Any contract entered into for these purposes should be the minimum required to remove the immediate risk to persons or property or to reduce the disruption to council services to a manageable level.~~

~~2.4.4 In cases of urgency if the contract is likely to exceed £1,000,000 then the urgent key decision regime must be complied with **before** any contract is entered into.~~

~~2.5 Contract Formalities and Sealing – Minimum Requirements~~

~~2.5.1 Contracts shall be signed by the council as follows:~~

~~*Major Contracts*~~

~~By affixing the common seal of the council and witnessed (signed) by one designated officer OR where there is no seal affixed, signed by at least two designated officers.~~

~~*Ordinary Contracts*~~

~~By affixing the common seal of the council and witnessed (signed) by one designated officer OR where there is no seal affixed, signed by a strategic director or above between £500,000 and £999,999 OR by an assistant director or above if between £100,000 and £499,999.~~

~~*Minor Contracts*~~

~~Signed by third tier manager, cost centre manager or above.~~

~~2.5.2 A contract must be sealed where:~~

~~The council wishes to enforce the contract more than six years after its end; and the price paid or received under the contract is nominal and does not reflect the value of the goods or services.~~

~~2.5.3 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the monitoring officer.~~

~~2.5.4 The *authorised officer* is responsible for securing signature of the contract and must ensure that the person signing for the other contracting party has authority to enter into a legal agreement.~~

~~2.6 Contract Documents~~

~~2.6.1 All contracts, irrespective of value, shall clearly specify:~~

- ~~• What is to be supplied – the specification;~~
- ~~• The price to be paid and when;~~
- ~~• Appropriate performance indicators;~~
- ~~• Clear dates and times for performance; and~~
- ~~• Liquidated damages and termination provisions.~~

~~2.6.2 The terms and conditions of all contracts must have been approved by the monitoring officer either as a standard form contract for particular types of matters or through a specific approval.~~

~~2.7 Record Keeping~~

~~2.7.1 The *authorised officer* shall ensure that the following records are kept in the council's contract management system:~~

- ~~a. **Successful tenders / quotes** – The contract and any relevant correspondence and records (e.g. any documents which might have a bearing on the way the contract is interpreted) for at least 6 years after contract comes to an end. If made as a deed / under seal, they must be kept forever.~~
- ~~b. **Un-successful tenders / quotes** – for at least 2 years from the date the contract starts.~~

~~2.8 Contract Management, Evaluation and Review~~

~~2.8.1 For all ordinary and major contracts:~~

- ~~• An up to date risk register should be maintained throughout the procurement process and during the life of the contract;~~
- ~~• For identified risks, appropriate actions should be put in place to manage them.~~

~~There should be regular monitoring and reports during the contract period on:~~

- ~~• performance;~~
- ~~• compliance with programme, specification terms and conditions;~~
- ~~• estimated final cost compared to budgets;~~
- ~~• any value for money requirements; and~~
- ~~• user satisfaction and risk management.~~

~~2.8.2 Before commencing any procurement for a major contract or a contract above EU thresholds, the following steps must be completed:~~

- ~~• A 'lessons learnt' report should be considered to inform the tendering process;~~
- ~~• A business case must be approved; and~~

~~— A procurement plan must be approved by the *chief finance officer*.~~

SECTION B

3. OFFICERS' RESPONSIBILITIES

3.1 General

~~3.1.1 All **officers** and any agents or consultants acting on their behalf must comply with these CSOs, financial regulations, the Code of Conduct and with all legal requirements. They must also comply with codes of practice, guidance and instructions regarding contractual arrangements issued by the chief finance officer and the monitoring officer.~~

~~3.1.2 All **officers** must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to show that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal. Gifts and hospitality should only be accepted in accordance with the gifts and hospitality policy.~~

~~3.1.3. **Authorised officers (those responsible for conducting a procurement process) must:**~~

- ~~a. ensure they have all appropriate approvals before seeking any quotes; commencing any procurement process or awarding a contract;~~
- ~~b. seek all necessary legal, procurement, financial, risk management and technical advice in good time;~~
- ~~c. ensure there is sufficient budgetary provision before awarding any contract;~~
- ~~d. comply with the requirements of these CSOs and observe any codes of practice guidance or instructions relating to contracting matters issued by the chief finance officer and the monitoring officer;~~
- ~~e. ensure there is a procurement plan approved by the chief finance officer for major contracts and contracts above the applicable EU threshold;~~
- ~~f. check whether a suitable corporate contract exists before seeking to let a new contract. Where a suitable corporate contract exists, that contract must be used;~~
- ~~g. ensure council suppliers have sufficient insurance cover appropriate to the contract in accordance with the council's insurance guidance;~~
- ~~h. maintain details of all contracts they are responsible for in the contracts management system;~~
- ~~i. ensure a record is kept for every contract; any contracting decision and the reasons for it; any exemption from CSOs together with the reasons for it; and the award criteria;~~
- ~~j. ensure that where an employee of the council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting tenders or quotations.~~

~~3.2 — Contract managers must, in relation to the contracts responsible for, carry out their responsibilities in accordance with the contract management framework.~~

~~3.3 — Assistant Directors must in relation to their service:~~

- ~~a. — Ensure all officers:
 - ~~• — Comply with CSOs;~~
 - ~~• — Are sufficiently skilled in procurement matters to fulfil the duties of their post;~~
 - ~~• — Complete any required learning and development.~~~~
- ~~b. — Ensure there are effective systems in place to control budgets properly;~~
- ~~c. — Ensure there are effective contract management arrangements in place for all contracts; and~~
- ~~d. — Provide any information requested by the chief finance officer or the monitoring officer about their contracts.~~

~~3.4 — Strategic Directors must in relation to their directorate:~~

- ~~a. — Nominate at least one member of their staff as contracts co-ordinator;~~
- ~~b. — Submit the scheme of delegation for their respective directorate, including details of contract managers and their contracts co-ordinators, to the chief finance officer and monitoring officer for approval;~~
- ~~c. — Any delegation made does not prevent the strategic director from exercising those delegated powers them;~~
- ~~d. — Approve any proposals by their directorate to provide services to external organisations; and~~
- ~~e. — Ensure all assistant directors and contract co-ordinators within their directorate are sufficiently skilled in procurement matters to fulfil the duties of their post.~~

~~3.5 — Chief Finance Officer and Monitoring Officer~~

~~3.5.1 The chief finance officer and monitoring officer may:~~

- ~~a. — with the consent of each other waive any provision of these CSOs subject to any legal constraints and may nominate other officers to exercise all or part of these powers on their behalf.~~
- ~~b. — Issue codes of practice, guidance and instructions on any matters which are relevant to contracting arrangements.~~
- ~~c. — Specify the approved learning and development requirements in procurement matters that officers must complete to meet the minimum competency standards to fulfil their duties under CSOs.~~

3.5.2 ~~The *chief finance officer* shall:~~

~~Approve procurement plans for major contracts and contracts above the applicable EU threshold.~~

3.5.3 ~~The *monitoring officer* shall:~~

- ~~a. Approve the form of contract to be used;~~
- ~~b. Maintain central registers of all major contracts and all contracts completed under seal and arrange for the safekeeping of such contracts on council premises; and~~
- ~~c. Maintain a central register of all exemption applications relating to contracts of
£100,000 or more.~~

3.6 ~~Contract co-ordinators shall, on behalf of their directorate:~~

- ~~a. Ensure details of *all contracts* are accurately recorded and maintained in the contracts management system;~~
- ~~b. Be authorised to approve exemptions from undertaking a competitive process for minor contracts;~~
- ~~c. Submit an annual report by 31 March each year to the *monitoring officer* detailing any exemptions that they have approved.~~

SECTION C

The Contracting Process

This section sets out in more detail the requirements to be met when dealing with a specific contract.

4. STEPS PRIOR TO PURCHASE

4.1 Before beginning a purchase, *authorised officer* must:

- a. Assess the need for the expenditure;
- b. Define the objectives of the purchase;
- c. Calculate the *total value*;
- d. Make sure that the appropriate approval is in place to start the process and that the budget covers the whole-life financial commitment being made (including any consultant's or other external charges or fees);
- e. Make sure the *forward plan* requirements have been followed where the purchase is a *key decision*;
- f. Ensure sufficient legal, procurement, finance, risk management and technical support is available throughout the entire procurement process;
- g. Ensure sufficient resources will be available (i.e. people with sufficient skills and capacity) to manage the contract once it has been let;
- h. Ensure the council's requirements for data security and the General Data Protection Regulations are met;
- i. Consider, when commissioning services, whether these could improve the economic, social and environmental wellbeing of the area (social value).

4.2 For major contracts or contract above the relevant EU threshold:

- i. Consider a lesson learnt report from the last tender process;
- ii. Produce a business case for approval by the appropriate body;
- iii. Submit a fully completed procurement plan for approval by the chief finance officer;
- iv. Carry out an options appraisal to decide the best way to achieve the purchasing objectives, including internal or external sourcing, partnering, and collaborative procurement arrangements with another public authority or government department;
- v. Consult users where appropriate about the proposed procurement, contract standards, performance and user satisfaction monitoring;
- vi. Consult the market where appropriate in accordance with CSO 4.3;

- vii. ~~Assess the risks and how to manage them;~~
- viii. ~~Agree with the monitoring officer, the approved form of contract to be used or if none the terms and conditions that are to apply to the proposed contract.~~

~~Pre-Tender Market Research and Consultation~~

- 4.3 ~~Authorised officers may consult potential suppliers prior to the issue of an invitation to tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.~~
- 4.4 ~~Authorised officers must not, once any consultation period under 4.3 has ended, seek or accept technical advice on the preparation of the actual invitation to tender or quotation from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential tenderers and distort competition.~~

~~Prevention of Corruption~~

4.5 ~~The following clause must be included in every 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. ~~Offers, gives or agrees 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. ~~Commits an offence under the Bribery Act 2010 or s117(2) of the Local Government Act 1972; or~~
- c. ~~Commits 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".~~

~~1. CONDUCTING A PURCHASE OR DISPOSAL~~

~~1.1 Purchasing – Competition Requirements~~

~~5.1.1 Where the total value for a purchase is within the values in the first column below, the award procedure in the second column must be followed as a minimum.~~

Total Value	Award Procedure
Minor – up to £10,000	One quotation confirmed in writing.
Minor – £10,000 to below £100,000	Three written quotations of which at least one should be local if appropriate. Local means has a place of business in Warwickshire.
Ordinary & Major – £100,000 or more	Invitation to tender to at least three tenderers. If the contract value exceeds the applicable EU threshold the procedure must also be EU compliant.

~~5.1.2 Where an EU compliant procedure (or UK replacement procedure) is required the authorised officer shall consult the head of procurement to determine the method of conducting the purchase.~~

~~5.2 The Appointment of Consultants to Provide Services~~

~~5.2.1 Professional consultants are subject to the same competition requirements as any other type of contract and must be selected and commissions awarded in accordance with these CSOs.~~

~~5.2.2 The engagement of a consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract of appointment. Self-employed consultants must not fall within the off-payroll working rules i.e. IR35.~~

~~5.2.3 Records of consultancy appointments shall be maintained in accordance with these CSOs and entered on the contract management system.~~

~~5.2.4 Consultants shall be required to provide evidence of and maintain professional indemnity insurance policies to the satisfaction of the council's insurance manager for the periods specified in the respective agreement.~~

~~6.0 Advertising and Framework Agreements~~

~~6.1 Advertising the Opportunity~~

~~6.1.1 The minimum advertising requirements are:~~

- ~~i. All contracts with an estimated aggregate value above £100,000 must be published on the council's website and in contracts finder.~~
- ~~ii. In addition to the above all contracts exceeding the applicable EU threshold must be published in the Official Journal of the European Union (OJEU) or meet any replacement UK requirement.~~
- ~~iii. Advertisements for contracts exceeding the relevant EU threshold should not appear on the council's website or in contracts finder until after they have appeared in the OJEU.~~
- ~~iv. If you choose to advertise contracts below £100,000 you must also advertise on contracts finder.~~

~~6.2 Framework Agreements~~

~~6.2.1 The term of a framework agreement must not exceed four years without the written consent of the *monitoring officer*.~~

~~6.2.2 Contracts based on framework agreements may be awarded by either:~~

- ~~a. Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or~~
- ~~b. Where the terms laid down in the framework agreement are not precise enough by holding a mini competition in accordance with the following procedure:~~
 - ~~i. Inviting the organisations within the framework agreement who are capable of delivering the contract to submit written tenders;~~

- ii. ~~Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract; and~~
- iii. ~~Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the framework agreement.~~
- iv. ~~Observing a standstill period before finalising the award for contracts above the EU threshold.~~

7. Collaborative and Partnership Arrangements

7.1 ~~In order to secure value for money the council may enter into collaborative procurement arrangements. The authorised officer must consult the monitoring officer and the head of procurement where the purchase is to be made using collaborative procurement arrangements.~~

7.2 ~~Collaborative and partnership arrangements include joint working where one partner takes the lead and awards contracts on behalf of the other partners, long term collaborative partnerships, pooled budgets and joint commissioning.~~

7.3 ~~Collaborative arrangements between public bodies for shared services where the aim of the arrangement is for the participating bodies to be provided with services by each other or through a Teckal company rather than by an external provider may fall outside the need for competition if the conditions in CSO 2.2(e)(iii) can be met.~~

8.0 Setting Standards and Award Criteria

8.1 Overview

8.1.1 ~~The authorised officer must, before seeking bids, define the selection and award criteria that are appropriate to the purchase and designed to secure an outcome giving value for money for the council.~~

8.1.2 ~~Authorised officers are responsible for ensuring that all tenderers for a contract are suitably assessed. The assessment process shall establish that all potential tenderers have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the council.~~

8.1.3 ~~The criterion for award of a contract shall be the "most economically advantageous". This must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, 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, social value and any other relevant matters.~~

8.2 ~~Selection and award criteria must not include:~~

- ~~Non-commercial considerations; or~~
- ~~matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.~~

8.3 ~~Any shortlisting exercise must have regard to the financial and technical standards relevant to the contract and the selection and award criteria.~~

~~9. Invitations to Tender / Quotations~~

~~9.1 All invitations to tender or quotation must:~~

- ~~a. Specify the goods, service or works that are required, together with the terms and conditions of contract that will apply; and~~
- ~~b. State that the council is not bound to accept any quotation or tender.~~

~~9.2 All tenderers 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.~~

~~9.3 All invitations to *tender* shall include:~~

- ~~a. Clear instructions on how and where tenders are to be submitted, together with the date and time by which they are to be received;~~
- ~~b. A specification that describes the council's requirements in sufficient detail to enable the submission of competitive offers;~~
- ~~c. A description of the *award procedure*;~~
- ~~d. Full details about how the bids will be assessed, including any weighting and sub-criteria that apply and any "pass mark" for any stage of the procurement;~~
- ~~e. Information on the council's policies as appropriate, e.g.:~~
 - ~~i. Equalities;~~
 - ~~ii. Complaints;~~
 - ~~iii. Sustainability~~

~~9.4 All *invitations to tender* shall state that any *tender* received after the date and time stipulated in the *invitation to tender* might be rejected and not considered.~~

~~9.5 All invitations to tender shall include requirements for tenderers to:~~

- ~~a. Declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose e.g. legal, financial advice etc); and~~
- ~~b. Complete fully and sign a form of tender and certificates relating to canvassing and non-collusion.~~
- ~~c. Submit tenders to the council on the basis that they are compiled at the tenderer's expense.~~

~~9.6 The council's approved E-tendering system must be used for all competitive procurement activity unless agreed otherwise by the head of procurement or otherwise approve by these CSOs.~~

~~9.7 No tender will be considered unless submitted in accordance with the conditions of participation included within the invitation to tender / quote.~~

10. Submission, Receipt and Opening of Tenders

- 10.1 ~~Tenderers must be given an adequate period in which to prepare and submit a tender, consistent with the complexity of the contract. The EU Procedure lays down specific time periods.~~
- 10.2 ~~All tenders must be returned in accordance with the system requirements of the council's E-tendering system.~~
- 10.3 ~~Tenders received by fax or other electronic means (e.g. email) must be rejected. Quotations for minor contracts under £10,000 may be received by email.~~
- 10.4 ~~All tenders are opened at the same session after the period for their submission has ended. Tenders must be opened in the presence of at least two officers.~~
- 10.5 ~~The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm their tender.~~

11. Clarification Procedures and Post-Tender Negotiations

- 11.1 ~~Providing clarification of an invitation to tender to potential or actual tenderers or seeking clarification of a tender whether in writing or by way of a meeting is permitted.~~
- 11.2 ~~However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e. post tender negotiations) **must be the exception** rather than the rule. In particular, such negotiations must not be conducted during an EU Procedure (other than within the provisions of the EU Competitive with Negotiation (CWN) and Competitive Dialogue (CD) procedures) without the agreement of the monitoring officer.~~
- 11.3 ~~If post tender negotiations appear necessary after a single stage tender or after the second stage of a two-stage tender then you should take legal advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those who have met the selection criteria in the original process. During negotiations, the council's requirements set out in the original procedure should not be substantially altered. The prior approval of the monitoring officer is required to any proposal to negotiate in other circumstances.~~

12. Evaluation, Award of Contract and Debriefing Tenderers

- 12.1 ~~Apart from the debriefing required or permitted by these CSOs, the confidentiality of quotations, tenders and the identity of tenderers must be preserved at all times and information about one tenderer's response must not be given to another during the evaluation process.~~
- 12.2 ~~Quotations and tenders must be evaluated in accordance with the award criteria. During this process, authorised officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any significant differences are examined and resolved satisfactorily.~~
- 12.3 ~~For ordinary and major contracts authorised officers must advise all tenderers in writing of their award decisions. For contracts that are subject to the EU Procedure or~~

~~UK replacement procedure, this must be in the form of intention to award letters (award notification letters) that are issued simultaneously to all tenderers advising them of the intention to award the contract to the successful tenderer and providing them with a 'standstill period' of at least 15 days (10 days if notification letters are sent by the council's approved E-tendering system) in which to challenge the decision before the contract award is confirmed.~~

~~12.4 For contracts that are subject to the EU Procedure or UK replacement procedure, the council's 'intention to award notification letter' standard template must be used, which includes the following debriefing information:~~

- ~~i. How the award criteria were applied;~~
- ~~ii. The name of the successful tenderer(s);~~
- ~~iii. The score of the tenderer, together with the score of the successful tenderer;~~
- ~~iv. Details of the reason for the decision, including the characteristics and relative advantages of the successful tender; and~~
- ~~v. Confirmation of the date before which the council will not enter into the contract (i.e. the date after the end of the 'standstill period').~~

~~12.5 If a decision is challenged by an unsuccessful tenderer, after the issue of an intention to award notification letter, then the authorised officer shall immediately inform the chief finance officer and seek the advice of the monitoring officer on next steps. No contract may be awarded until the chief finance officer and the monitoring officer are satisfied that the matter has been resolved.~~

~~12.6 Authorised officers shall ensure that the contract formalities are completed following the award of the contract (see CSO 2.5).~~

~~13. Publication of Contract Awards.~~

~~13.1 The award of all contracts over £5,000 must be published via the council's contract management system.~~

~~13.2 In addition the award of all contracts over £25,000 must be published on contracts finder.~~

~~13.3 In addition the award of contracts above the relevant EU threshold must be published in OJEU.~~

~~14. The Council as a Supplier – Providing Works, Goods or Services to External Organisations~~

~~14.1 The chief finance officer and the monitoring officer must be consulted where work for an external organisation is contemplated.~~

~~14.2 Any proposals to work for an external organisation must be approved by the strategic director responsible for the service, wither through a business plan or otherwise.~~

~~14.3 Authorised officers shall produce robust business cases for the council acting as a supplier which fully takes into account the costs to the council of delivering the goods, works or services concerned. The financial viability of such business cases must be approved by the chief finance officer.~~

~~14.4—Authorised officers shall liaise with the council’s insurance manager to ensure any potential liabilities are sufficiently covered by the council’s insurance policies.~~

~~14.5—Where the total value of the proposed contract is likely to be £1,000,000 or more the key decision regime applies and before tenders are prepared the chief finance officer and the monitoring officer must jointly approve the business case, including:~~

- ~~a. Confirming the council can legally enter into the contract;~~
- ~~b. Accepting the legality of the charging arrangements; and~~
- ~~c. Approving the terms and conditions of the proposed contract.~~

~~15.— Disposals~~

~~15.1—Assets for disposal must be sent to public auction except where:~~

- ~~a. Better value for money is likely to be obtained by inviting quotations or tenders; or~~
- ~~b. The prior approval of the chief finance officer and the monitoring officer has been obtained to the selling of specified items on an auction website such as eBay; or~~
- ~~c. Specific disposal procedures have been agreed by the council for certain types of assets.~~

~~16.— Approved Scheme for Sale of Assets/Goods via Public Auction~~

~~16.1—Goods or assets may be disposed of via public auction, whether through electronic auctions such as eBay or otherwise, without further specific consent being sought provided the following conditions are met;~~

- ~~a. The council owns the item and has the right to sell it;~~
- ~~b. Appropriate market research has been carried out to establish the estimated value of the item;~~
- ~~c. The estimated value of the item to be auctioned does not exceed £10,000;~~
- ~~d. A reasonable reserve price is set for the item based on the estimated value;~~
- ~~e. The item is withdrawn from sale if it does not reach its reserve price;~~
- ~~f. The item is in good working condition and fit for purpose, and complies with relevant legislation, in particular:
 - ~~i. any electrical item bears a valid Electrical Safety Check label, completed by a registered electrician who is registered on the Kite Mark Scheme, the Electrical Safety Register or the Electric Safe Register. The date of the inspection on the label must not be more than 12 months prior to the date of sale.~~
 - ~~ii. any item of furniture complies with the Furniture and Furnishings (Fire Safety) Regulations 2010. Any item of furniture, with the exception of mattresses and bed bases, will have a permanent label in compliance with the regulations.~~
 - ~~iii. any computer or data storage device is adequately wiped of data, to ensure that no information, particularly personal data, remains on the device.~~~~
- ~~g. When an item is disposed of, any listing or description of it must NOT give any indication that the council provides any guarantee for the product or any~~

~~promise to make good any defects. All items are to be carefully and truthfully described in detail and any known defects highlighted.~~

~~ITEM IS SOLD AS IS: THE SELLER DISCLAIMS ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR DESIGN~~

~~h. A record of the steps taken under a) to g) is kept for a period of 2 years.~~

~~16.2 Applications for approval of the disposal of goods / assets by auction which do not meet the above conditions should be made using the relevant exemption form, i.e.:~~

- ~~a. an item with an estimated value of up to £100,000 to the directorate contract co-ordinator;~~
- ~~b. an item with an estimated value of £100,000 or more to the chief finance officer and the monitoring officer.~~

GUIDANCE NOTES

~~An individual purchasing goods at auction without the opportunity to inspect the goods may still have consumer rights, i.e. that the goods:~~

- ~~• Are of a satisfactory quality~~
- ~~• Do what they are designed to do~~
- ~~• Are as described, matching any pictures or description of them~~
- ~~• Are safe, under the Consumer Protection Act 1987~~

~~Other matters to be aware of:~~

~~Misrepresentation of goods – A customer is entitled to a refund on goods that have been misrepresented, for example, goods sold on the basis of features they do not have. Prosecution can also follow, if the misrepresentation is reported to Trading Standards.~~

~~Faulty goods – It is the council's responsibility to arrange for the collection of faulty goods, particularly large items. If a customer returns faulty goods within a reasonable time, the council is obliged to give a refund, and not a credit note. If a repair of a faulty good is unsatisfactory, a customer is still entitled to a refund.~~

~~Time to check goods – on-line auctions – Customers have the right to the time to check they are satisfied with their goods, though this can be just a week.~~

Appendix: Definitions

Agent	A person or organisation acting on behalf of the council.
Authorised- Officer	An officer responsible for conducting a procurement.
Award Criteria	The criteria by which the successful quotation or tender is to be selected. (see further CSO 12).
Award- Procedure	The procedure for awarding a contract as specified in CSO 14.
Chief- Finance- Officer	The officer to whom the statutory role is delegated (currently Strategic Director for Resources or nominee specified in writing).
Code of Conduct	The 'Officers' Code of Conduct' (see part 4 of the council's constitution).

Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.	
Contract Managers	Those officers carrying out post award management of the contract in accordance with the contract management framework.	
Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> • withdrawal of invitation to tender • whom to invite to submit a quotation or tender • shortlisting • award of contract • any decision to terminate a contract. 	
Contracts Co-ordinator	Officers nominated by the strategic directors in accordance with CSO 3.7 as the point of contact within their directorate for matters relating to procurement and contracting, and who are authorised to grant exemptions from competition for minor contracts.	
Corporate Contract	A contract entered into directly by the council that can be utilised by all assistant directors for the supply of the goods, works or services specified within its terms. Also, a contract which the chief finance officer has confirmed may be legally utilised by the council either through a sub-regional collaborative arrangement, or through purchasing organisations such as the Crown Commercial Services (CSS), ESPO, SCAPE, etc.:	
Designated Officer	The chief executive, the strategic director for resources and any other officer authorised by either of them.	
ESPO	The Eastern Shires' Purchasing Organisation.	
EU Procedure	The procedure required by the EU or UK replacement where the total value exceeds the EU threshold or any UK replacement threshold.	
EU Threshold	The contract value at which the EU public procurement directives or UK replacement procedure must be applied.	
Forward Plan	The forward plan, which is prepared on a rolling basis and contains matters which the council has reason to believe are likely to be the subject of key decisions during the following four months.	
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period.	
Invitation to Tender	An invitation to tender sent to tenderers inviting bids for works goods or services.	
Key Decision	Decisions that are defined as key decisions in the constitution. In relation to letting contracts, the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 or more.	
Major Contract	A contract that has a total value of £1,000,000 or more.	
Minor Contract	A contract where the total value is less than £100,000.	
Monitoring Officer	The officer to whom the statutory role is delegated (currently Assistant Director for Governance & Policy or nominee specified in writing).	
Non-Commercial Considerations	(a)	the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ("workforce matters");
	(b)	whether the terms on which contractors' contract with their sub-contractors constitute, in the case of contracts with individuals,

		contracts for the provision by them as self-employed persons of their services only;
	(e)	any involvement of the business activities or interests of contractors with irrelevant fields of government policy;
	(d)	the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);
	(e)	the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors;
	(f)	any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees;
	(g)	financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;
	(h)	use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.
		Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations for the purposes of s17(5) Local Government Act (LGA) 1988 and part 1 of the LGA 1999 (Best Value); or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply.
Officer		A person employed by the council.
OJEU		The Official Journal of the European Union, or any alternative location for advertisement of tender opportunities specified by government for use after 29 March 2019.
Ordinary Contract		A contract where the total value is £100,000 or more but is less than £1,000,000.
Pecuniary Interest		Any direct or indirect financial interest. An indirect interest is distinct from a direct interest in as much as it is not a contract to which the member or employee is directly a party. 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 greater) is not a pecuniary interest for the purposes of these CSOs.
Personal Care Services		Services provided to people who have personal care needs as assessed by the strategic director for people. As such these services can be provided to people of all ages whose needs may result from old age, physical disability, sensory loss, mental illness or learning disability.
Quotation		A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).
Relevant Contract ²		A contract to which these contract standing orders apply (see CSO 1).
Selection Criteria		The criteria by which tenderers are chosen to be invited to submit quotations or tenders.
Shortlisting		The process of selecting tenderers who are to be invited to submit quotations or tenders or to proceed to final evaluation as part of a Restricted, Competitive with Negotiation or Competitive Dialogue Procedure.
Teckal company		A company which meets particular legal requirements relating to its ownership and activities i.e. wholly public sector owned and its main business is providing services to its members. Take legal advice on whether or not a proposal meets the requirements.

Tender	A tenderer's proposal submitted in response to an invitation to tender.
Tenderer	Any person who asks or is invited to submit a quotation or tender.
Total Value	As defined in CSO 2.1.
TUPE	<p>Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246]</p> <p>Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the council are transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a 'contracting-out' or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>

SECTION 4 – FINANCIAL REGULATIONS**NEW VERSION AT APPENDIX 3 TO REPORT TO BE SUBSTITUTED****1. INTRODUCTION****1.1 — What are Financial Regulations?**

~~1.1.1 The county council is responsible for providing a wide range of services for its citizens which involve receiving and spending large sums of money each year. Financial regulations aim to ensure that the county council makes the best use of the money it has available to spend.~~

~~1.1.2 The financial regulations are very much a strategic document and at the highest level sets out the financial responsibilities of members, and some of the most senior officers, strategic directors, assistant directors (including the chief fire officer), and the chief finance officer (also known as the Section 151 officer) of the county council.~~

~~1.1.3 The financial regulations form a part of the means by which the county council manages its business. They clarify roles and responsibilities and provide a framework for financial decision-making. Where there are specific statutory powers and duties the financial regulations seek to ensure these are duly complied with, as well as reflecting best professional practice and decision-making of the county council, cabinet and committees. In summary the financial regulations are the regulatory framework within which the financial affairs of the county council operate.~~

~~1.1.4 Supporting the financial regulations are detailed finance rules which deal with the day to day work of the county council. All members and all officers of the county council must abide by both the financial regulations and the financial procedure rules.~~

~~1.1.5 The finance rules are found on the WCC website. It is the responsibility of the chief finance officer to ensure that financial regulations and finance rules are kept under review and fit for purpose in accordance with the constitution.~~

1.2 — Why are Financial Regulations important?

~~1.2.1 To conduct its business effectively, the county council needs to ensure that sound financial management arrangements are in place and they are strictly adhered to in practice. In particular financial regulations:~~

- ~~• Provide a framework for all members and officers for the proper and efficient administration of the council's financial affairs;~~
- ~~• Encourage all members and officers to abide by the highest standards of probity and integrity with clear standards which need to be continually maintained and there are controls to ensure that these standards are met;~~
- ~~• Ensure that there are clear roles, responsibilities and accountabilities for members and officers in order to protect the council's money and assets; and~~
- ~~• Ensure that the use of resources is legal, properly authorised and gives value for money.~~

~~1.2.2 In seeking to achieve value for money all members and officers shall give due consideration to:~~

- ~~• How each service fits within the corporate activities;~~
- ~~• Acquiring resources at an appropriate quality and minimum cost;~~

- Ensuring that the maximum benefit is obtained from the resources used;
- Ensuring that the benefit from providing a service is achieving the desired result or predefined target; and
- How performance can be assessed objectively and what evidence needs to be provided to allow this to be evaluated by the community we serve.

1.2.3 The financial regulations should be read in conjunction with other documents and sections of the constitution, in particular:

- The Budget and policy framework
- Contract standing orders
- The General scheme of delegation

1.3 Who do Financial Regulations apply to?

1.3.1 Financial regulations apply to all members and officers of the county council and anyone acting on its behalf. All members and officers have a responsibility for ensuring any resources or assets under their control are kept securely and used for council business only.

1.3.2 The county council is the administering authority for the Local Government Pensions Scheme in Warwickshire. These financial regulations apply to the administration of the Local Government Pension Scheme in Warwickshire.

1.3.3 The financial regulations will also apply to any joint commissioning or partnership arrangement where the county council is the accountable body, unless full council expressly agrees otherwise.

1.4 Who is responsible for ensuring Financial Regulations are adhered to?

1.4.1 The chief executive's ultimately responsible for ensuring financial regulations are adhered to. Strategic directors and assistant directors are responsible for ensuring financial regulations are applied and observed by staff and contractors, providing services on behalf of the council, at all times. In addition, all members and officers have a responsibility for reporting any breaches of these financial regulations to the chief finance officer as soon as they come to light.

1.4.2 The chief finance officer in turn is responsible for reporting any breaches of these financial regulations to elected members and advising members on alternative causes of action which may be taken.

1.4.3 The chief finance officer is responsible for keeping the financial regulations under continued review ensuring any changes or additions are submitted to full council for approval.

1.4.4 The chief finance officer is also responsible for issuing the finance rules on specific issues that underpin the financial regulations.

1.4.5 All officers of the council must act in a way which they believe achieves value for money and is in the best interests of the council.

1.5 What may happen if you do not comply with Financial Regulations?

1.5.1 Failure to comply with financial regulations and financial procedure rules may have the following consequences:

- For officers, these regulations supplement the Employer and Employee Responsibilities code and therefore a breach may be considered a disciplinary matter and could lead to dismissal.
- For members, these regulations supplement the Members' Code of Conduct and therefore a breach may be reported to the Audit and Standards Committee for them to take appropriate action.

2. GENERAL ROLES AND RESPONSIBILITIES

2.1 Introduction

2.1.1 The county council is a single entity with certain devolved accountabilities but the overall responsibility for financial administration of the county council remains with the chief finance officer. Members and senior officers also have responsibilities and accountabilities for financial administration which are outlined in this section. All officers are responsible for ensuring that they abide by the constitution, including these financial regulations, contract standing orders and the finance rules.

2.2 Members

2.2.1 Members have a number of roles and responsibilities which are discharged collectively through the audit and standards committee, the cabinet or full council, in particular members must:

- Approve the financial regulations at full council.
- Set the authority's financial strategy, including budget setting and capital expenditure.
- Set the authority's budget and policy framework through full council.
- Ensure proper control is exercised over the authority's expenditure through scrutiny of periodic financial reports comparing expenditure and income with the level of budgetary provision through cabinet.
- Ensure a balanced budget is set by full council at its meeting in February each year.
- Scrutinise financial probity through the audit and standards committee, scrutiny committees and, if necessary, cabinet.
- Agree financial allocations to ensure the finance function is suitably resourced to support management in securing effective financial control through full council.

2.3 The Chief Finance Officer

2.3.1 The chief finance officer must discharge the statutory duties defined in the following legislation and codes:

- The Local Government Act 1972, section 151;
- The Local Government Finance Act 1988, sections 112-114;
- The Local Government and Housing Act 1989;
- The Local Government Act 2003;
- The Accounts and Audit (England) Regulations 2011;
- The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
- The Prudential Code for Capital Finance in Local Authorities; and
- Any CIPFA statements defining best practice.

2.3.2 One of the most significant pieces of legislation is Section 151 of The Local Government Act 1972 which states:

~~'.....every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs.'~~

~~2.3.3 The county council has designated the chief finance officer as the officer responsible for the administration of its financial affairs and that is why the chief finance officer is sometimes referred to as the 'Section 151 officer'.~~

~~2.3.4 To fulfil the statutory responsibilities the chief finance officer must:~~

- ~~• Nominate a named officer as the deputy Section 151 officer to act in this role in the absence of the chief finance officer;~~
- ~~• Provide financial advice to members to support the strategic planning and policy making processes and service development to ensure efficient and effective use of resources;~~
- ~~• Provide advice and financial information to members, strategic directors and assistant directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets;~~
- ~~• Establish the county council's accounting records and control systems including:

 - ~~○ Approving any changes to be made to existing financial systems, or new systems introduced within the county council, ensuring that all the county council's financial systems help cost centre managers achieve value for money by providing accurate, relevant and timely information for decision making;~~
 - ~~○ Ensure the maintenance of proper accounting records;~~
 - ~~○ Formulate measures to prevent and detect inaccuracies and potential fraud and corruption and the ability to reconstitute primary records in the event of them being lost;~~
 - ~~○ Define the procedures used by members and strategic directors for the write-off of assets, including obsolete items;~~
 - ~~○ Define the procedures used by members and strategic directors for the write-off of debts owed to the county council;~~
 - ~~○ Publish an annual statement of accounts in the prescribed format.~~~~

~~2.4 The Monitoring Officer (currently the Assistant Director for Governance & Policy)~~

~~2.4.1 The monitoring officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the audit and standards committee. The monitoring officer is also responsible for reporting any actual or potential breaches of the law or maladministration to cabinet and/or full council and for ensuring that the procedures for recording and reporting key decisions are operated effectively.~~

~~2.4.2 The monitoring officer is responsible for:~~

- ~~• Ensuring that reports encompass the statutory obligations with regard to their legal and financial advice and content;~~
- ~~• Ensuring member decisions and the reasons for them are made public;~~
- ~~• Advising both members and officers about who has authority to take a particular decision;~~
- ~~• Advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the county council's budget and policy framework;~~
- ~~• Maintaining an up to date constitution; and~~
- ~~• Maintaining a register of members' and officers' interests.~~

~~2.4.3 The monitoring officer together with the chief finance officer is responsible for advising members about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget or budget setting process and may include:~~

- ~~• Initiating a new policy outside the budget setting process;~~
- ~~• Incurring inter directorate/business unit budget transfers between business units above virement limits;~~
- ~~• Committing expenditure during the year which is above the approved revenue or capital budget; or~~
- ~~• Committing expenditure in future years which is above the approved revenue or capital budget.~~

~~2.5 Strategic Directors~~

~~2.5.1 Strategic directors have overall responsibility for ensuring the assistant directors within their directorate manage their resources within the revenue and capital budget limits set by full council each year and can take any action necessary to ensure resources are managed appropriately. Assistant directors are responsible for budget control and probity on a day to day basis and for ensuring that they act within their delegated powers and comply with all constitutional requirements when doing so.~~

~~2.5.2 Strategic directors must act within the budget and policy framework, promote probity and sound financial control. Assistant directors must do the same.~~

~~2.5.3 Strategic directors must report to the chief finance officer on any matter which may result in a failure of their directorate's financial control processes or any other matter which could adversely affect the financial standing of their directorate.~~

~~2.5.4 Specifically strategic directors must report to the chief finance officer if at any time during the financial year:~~

- ~~• There are any unplanned or previously unreported variances to capital and revenue income and/or expenditure;~~
- ~~• The directorate is not going to meet any savings or efficiency targets;~~
- ~~• There are proposed variations to policy which will have financial implications; or~~
- ~~• There are organisational changes which might impact on the demand for financial support services.~~

~~2.6 Assistant Directors~~

~~2.6.1 Assistant directors have responsibility for articulating their services plans into the annual budget cycle ensuring strategic directors are fully aware of any planned or future service delivery issues.~~

~~2.6.2 Assistant directors are responsible for managing expenditure and income against revenue and capital budgets and must provide information to strategic directors or the chief finance officer of any issue where corrective action needs to be taken to keep expenditure within budget.~~

~~2.6.3 Assistant directors are responsible for monitoring the budgetary position of their service and for keeping strategic directors informed of this position.~~

~~2.6.4 Assistant directors must ensure that their strategic director is kept regularly informed~~

of the financial position of each service.

3. STRATEGIC FINANCIAL MANAGEMENT

3.1 The financial roles and responsibilities of the chief executive, strategic directors, chief finance officer and assistant directors can be grouped under a number of critical functions.

3.2 There are four key strategic financial management processes covered by financial regulations:

- Financial decision making
- Planning for the use of resources
- Controlling the use of resources
- Accounting for the use of resources

3.3 Each of these is taken in turn, explaining why they are important to ensure sound strategic financial management and detailing the additional responsibilities of the most senior officers.

3.4 FINANCIAL DECISION MAKING

Why is this important?

3.4.1 In making financial decisions, members take account of the information and advice given to them by officers and, in particular, the chief finance officer. The chief finance officer also has delegated financial responsibilities which require them to take financial decisions, usually in consultation with the monitoring officer. These decisions can have major financial and legal implications, and it is therefore important that they are soundly based on accurate and appropriate information.

The Chief Finance Officer must:

3.4.2 Provide advice and financial information to members, strategic directors and assistant directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets. In particular, this should:

- take account of all relevant corporate and directorate considerations;
- take account of both long and short term costs and benefits;
- take account of professional advice, for example legal or financial advice;
- be compiled in accordance with best professional practices by suitable staff;
- be appropriate and provide a sound basis for financial decision making; and
- be presented at the most appropriate time to allow effective decisions to be made.

3.4.3 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by both members and officers.

The Monitoring Officer must:

3.4.4 Ensure that all legal advice given to members or used by officers to make decisions with financial implications:

- takes account of all relevant directorate and corporate considerations;
- is compiled in accordance with best professional practice by suitable staff;

- is appropriate and provides a sound basis for decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.5 These requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Strategic Directors must:

3.4.6 Ensure that all financial information given to members or officers in order for them to make decisions with financial implications:

- takes account of all relevant directorate and corporate considerations;
- takes account of both long and short-term costs and benefits;
- takes account of financial advice and any financial implications (the chief finance officer should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the monitoring officer should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.4.7 Strategic directors are reminded that these requirements extend to the legal reasonableness and financial prudence of all decisions taken by either members or officers.

Assistant Directors must:

3.4.8 Ensure that all financial information given to strategic directors and cost centre managers or other officers within their directorates:

- takes account of all relevant directorate and corporate considerations;
- takes account of both long and short-term costs and benefits;
- takes account of financial advice and any financial implication (the chief finance officer should be consulted when drafting committee or other reports which contain proposals which have financial implications);
- takes account of legal advice and any legal implications (the monitoring officer should be consulted when drafting committee or other reports which contain proposals which have legal implications);
- takes account of other professional advice, where appropriate;
- is compiled in accordance with best professional practices by suitable staff;
- is appropriate and provides a sound basis for financial decision-making; and
- is presented at the most appropriate time to allow effective decisions to be made.

3.5 PLANNING FOR THE USE OF RESOURCES

Why is this important?

3.5.1 The county council is a large complex organisation providing a multitude of different services, and like any organisation of this scale it needs to plan effectively and develop systems to ensure that scarce resources are allocated in accordance with carefully weighed priorities. All decisions on the revenue budget are taken by full

~~council except those that relate to the current year's approved budget and the use of any earmarked reserves which have been delegated to the cabinet.~~

~~3.5.2 All items of income and expenditure of the county council are classified as either revenue or capital.~~

~~3.5.3 The revenue budget is the expression in financial terms of individual service's plans. It is concerned with the day to day spending required to provide a service, for example, employee pay, supplies and services, energy costs, etc.~~

~~3.5.4 The capital programme is the expression in financial terms of individual service's plans to purchase, construct or improve assets with a lasting value, for example, land, buildings and large items of equipment.~~

~~3.5.5 The process for preparing and setting the budget should ensure that it reflects each service's aims and objectives in financial terms for the period ahead. Budgets must be based on projections about pay and inflation and all cost savings should be identified, assessed for achievability and planned in advance. Known developments should be anticipated and full cost implications should be determined. Revenue and capital budgets should be integrated and presented as such to members.~~

~~3.5.6 It is important to ensure that the full revenue consequence of capital expenditure is reflected in the revenue budget and the options of either a revenue or capital approach to service delivery is considered.~~

The Chief Finance Officer must:

~~3.5.7 In consultation with corporate board prepare and submit reports to the cabinet outlining likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the county council.~~

~~3.5.8 Also in consultation with corporate board prepare and submit reports to the cabinet summarising the budget proposals and, where appropriate, identify the implications for the level of precept to be levied by the county council and the impact on local taxpayers.~~

~~3.5.9 Establish formal procedures and timetables for planning the budget by:~~

- ~~• providing assistant directors with a framework and timetable for reporting anticipated savings and spending pressures; and~~
- ~~• providing assistant directors with preliminary budget targets for the following year in time for them to prepare business/service plans, and a final budget by 31 March.~~

~~3.5.10 Produce an annual treasury management policy statement and strategy setting out the arrangements for the operation, management and performance assessment of the treasury management function and gain full member approval for the policy statement and strategy.~~

Strategic Directors must:

~~3.5.11 Ensure that each business unit within their directorate prepares a written statement of the service's aims and objectives which is used as the basis for constructing budget plans.~~

~~3.5.12 Prepare and submit, with the chief finance officer, joint reports to the cabinet outlining~~

~~likely developments, including resource constraints set by the government and changing demands on services, which will have an influence upon the revenue and capital budgets of the county council.~~

~~**3.5.13** Comply with guidance concerning capital expenditure, issued by the chief finance officer.~~

~~**3.5.14** Ensure that their directorate maintains an asset register, as defined by the chief finance officer, for the purpose of calculating notional capital charges.~~

~~**Assistant Directors must:**~~

~~**3.5.15** Comply with the formal procedures and timetable for planning their budget by:~~

- ~~• identifying, costing and reporting spending pressures and any anticipated savings, in accordance with the published budget framework and timetable; and~~
- ~~• preparing detailed revenue estimates of planned spending and income for the year ahead within the budget targets set by their strategic director.~~
- ~~• providing all information to the strategic directors as requested and in a timely fashion to enable the strategic directors to achieve their obligations under these financial regulations.~~

~~**3.5.16** Notify their strategic director of the continuing potential financial impact in future years of decisions they are taking in the current financial year. These need to be done so as to be taken into account when producing next year's budget.~~

~~**3.5.17** Fully comply with capital expenditure rules issued by the chief finance officer.~~

~~**3.6 CONTROLLING THE USE OF RESOURCES**~~

~~**Why is this important?**~~

~~**3.6.1** Budgetary control is the process by which services monitor, review and adjust financial targets during the financial year. The identification and explanation of variances against budgetary targets provides a mechanism by which the county council can identify changes in trends and resource requirements at the earliest opportunity.~~

~~**3.6.2** There is also an additional pressure to monitor capital schemes carefully, to ensure that the county council's capital financing capacity, governed by the Prudential Code for Capital Finance, including other internal funds and external grants and receipts, is fully utilised, but not exceeded.~~

~~**The Chief Finance Officer must:**~~

~~**3.6.3** Administer and keep under review the county council's scheme of virement as set out in the finance rules.~~

~~**3.6.4** Ensure assistant directors and cost centre managers have access to regular and frequent reports on spending, including sums committed, but not yet paid, against the approved budget.~~

~~**3.6.5** Prepare and submit, with strategic directors, joint reports to the cabinet in respect of any revenue expenditure for which the strategic director concerned is unable to identify appropriate resourcing from within the existing approved budget.~~

- ~~3.6.6 Prepare and submit reports to the cabinet in respect of any planned or actual expenditure which the chief finance officer (in consultation with the monitoring officer) believes to be unlawful; and during the time between the possibility of unlawful expenditure coming to light and its consideration by cabinet, prevent any payments other than those which are contractual commitments (this applies equally to revenue and capital expenditure).~~
- ~~3.6.7 Prepare and submit regular reports to the cabinet on progress against the approved capital programme, highlighting any slippage and detailing any requests for amendments to approved programmes.~~
- ~~3.6.8 Administer the authorisation of capital schemes approved by full council as detailed in the finance rules.~~
- ~~3.6.9 Provide strategic directors, assistant directors and cost centre managers with appropriate guidance and finance rules.~~
- ~~3.6.10 Administer the county council's arrangements for under and overspendings to be carried forward to the following financial year as outlined in the financial procedure rules.~~
- ~~3.6.11 Prepare and submit a report to the relevant overview and scrutiny committee by 30 September each year comparing actual treasury management performance against the approved strategy, for the previous financial year.~~

Strategic Directors must:

- ~~3.6.12 Ensure that their assistant directors comply with the county council's scheme of virement and notify the chief finance officer of any additional authorisation limits/reporting arrangements they may wish to set.~~
- ~~3.6.13 Recommend to members the level of their directorate's carry forward underspends from one financial year to the next.~~
- ~~3.6.14 Inform the chief finance officer immediately of any planned or actual expenditure that the strategic director believes to be illegal. During the time between informing the chief finance officer and receiving his response, ensure that no payments are incurred other than those required to meet contractual commitments (this applies equally to revenue and capital expenditure).~~

Assistant Directors must:

Revenue Expenditure:

- ~~3.6.15 Prepare and submit, with the input of the chief finance officer and their strategic director, joint reports to the cabinet in respect of any revenue expenditure for which the assistant director concerned is unable to identify appropriate resourcing from within the existing approved budget.~~
- ~~3.6.16 Make sure that expenditure for each financial year does not exceed the available budget.~~
- ~~3.6.17 Make sure that all income and expenditure, including forecasts of future income and expenditure, are entered on the general ledger.~~
- ~~3.6.18 Seek cabinet approval (to be sought only with the approval of their strategic director)~~

~~in advance for all virements within their service which exceed the lower of £500,000 or 5% of the service's net revenue budget (this applies both to an individual transaction and where the cumulative total of virements in their service exceeds this limit in any financial year).~~

~~**3.6.19** Seek cabinet approval (to be sought only with the approval of their strategic director) in advance for all virements between services irrespective of the amount of the virement.~~

~~**3.6.20** Ensure that, when budgets are delegated, responsibility for financial control is clearly defined and ensure that they have sufficient controls in place to meet their obligations under finance regulations.~~

~~**3.6.21** Ensure that cost centre managers are notified of any virements affecting their cost centre and that the reason for the virement is explained.~~

Capital Expenditure:

~~**3.6.22** Ensure a project manager is allocated to all capital projects.~~

~~**3.6.23** Ensure that all project managers comply with all the rules relating to capital expenditure and financing.~~

~~**3.6.24** Ensure all appropriate approvals have been granted before committing to any capital expenditure.~~

~~**3.6.25** Ensure adequate funding is in place for all capital expenditure over the lifetime of a project and that accurate phasing of capital expenditure over financial years is undertaken at the same time.~~

~~**3.6.26** Record capital income and capital expenditure separately.~~

~~**3.6.27** Ensure capital expenditure does not exceed the approved budget limit.~~

~~**3.6.28** Ensure that capital expenditure is not moved between schemes without member approval.~~

~~**3.6.29** Ensure that adequate information is kept to ensure accurate capital accounting rules are maintained.~~

~~**3.6.30** Ensure members, their strategic director and the chief finance officer are kept informed of progress and latest cost estimates for all capital projects.~~

~~**3.6.31** Provide financial and performance information on capital projects when requested by members, their strategic director or the chief finance officer.~~

~~**3.7 ACCOUNTING FOR THE USE OF RESOURCES**~~

~~**Why is this area important?**~~

~~**3.7.1** The county council has a statutory responsibility to prepare its annual accounts to fairly represent its operations during the year. Full council is responsible for approving the annual accounts. These are subject to external audit scrutiny before publication. External audit scrutiny provides assurance that all expenditure is legal, the accounts are properly prepared and appropriate accounting practices have been followed.~~

The Chief Finance Officer must:

- ~~3.7.2 Provide assistant directors and strategic directors with guidance and a timetable for closing their accounts, to ensure compliance with the statutory timetables.~~
- ~~3.7.3 Prepare and submit reports to the cabinet outlining, firstly, probable and, subsequently, the actual income and expenditure of the county council, for each financial year.~~
- ~~3.7.4 Prepare and publish the audited accounts of the county council for each financial year in accordance with the accounts and audit regulations, in particular:
 - ~~• make appropriate arrangements for the external audit of the county council's accounts;~~
 - ~~• publish the statement of accounts, with the auditor's certificate or report, within 4 months of the financial year end.~~~~
- ~~3.7.5 Provide assistant directors and strategic directors with a detailed closedown timetable in order to meet the deadlines specified by the chief finance officer.~~

Assistant Directors must:

- ~~3.7.6 Ensure that all expenditure and income is coded to appropriate areas of their budget to accurately reflect service activity in the financial year.~~
- ~~3.7.7 Make sure that they comply with the procedures and timetable for closing the accounts at the end of the financial year.~~
- ~~3.7.8 Maintain suitable accounting records and make these records available for inspection by external auditors when requested.~~

4. FINANCIAL ADMINISTRATION

Why is this area important?

- ~~4.1.1 The county council, being a public body, has a responsibility to the local community to ensure that its financial affairs are properly managed, and its assets safeguarded. The public is entitled to expect the highest standards of financial conduct and integrity. It is the chief finance officer's responsibility to ensure that appropriate systems and controls are in place to satisfy these expectations.~~
- ~~4.1.2 The county council has a statutory responsibility to make arrangements for the proper administration of its financial affairs. This includes determining the accounting systems and procedures, the form of accounts and supporting financial records.~~

The Chief Finance Officer must:

- ~~4.1.3 Produce detailed finance rules outlining the roles and responsibilities of officers for the financial administration of services under their control.~~
- ~~4.1.4 Ensure that both members and officers comply fully with the finance rules as they have equal importance along with the financial regulations and non-compliance will be dealt with in the same way as non-compliance with the financial regulations.~~
- ~~4.1.5 In consultation with the monitoring officer, review the adequacy of the financial~~

~~regulations annually and, where necessary, recommend amendments to either the financial regulations or the finance rules.~~

MEMBER ROLE PROFILES

'Leading for Warwickshire'

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- 2. Leader and Deputy Leader of the Council**
- 3. Cabinet Member**
- 4. Leader and Deputy Leader of an Opposition Group**
- 5. Committee Chair**
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Introduction

The member profiles have been developed by the member development steering group and set out the expectations of elected members and the roles they undertake.

The profiles seek to demonstrate the differing complexity of the roles and forms the basis of the *'Leading for Warwickshire'* member development programme.

Each member will be supported in assessing their strengths against the role profiles and identify any areas for development. The profiles will also serve to explain the role of councillors both within the organisation and externally with our partners and public.

1. Elected Member Role Profile

This role profile applies to all councillors and forms the foundation for all other role profiles within this document.

Overall Purpose

To provide effective community leadership and representation for the people and area to which they are elected. To take part in the development of policies and services for the people of the county as a whole.

Roles and Responsibilities

Community Leadership and Representation:

- To offer a vision and direction for the community and build support for that vision.
- To represent the interest of constituents and the area in which they live by actively seeking out their views, taking these into account when considering policy and taking decisions, and feeding back to constituents the decision that impact upon them.
- To undertake casework for constituents fairly and impartially and act as an advocate in resolving local concerns and grievances pertaining to the council

and its partners.

- To support and promote citizenship locally and empower the community to actively participate in the governance of the local area.

Partnership Working:

- To work in partnership and build effective alliances with other local public, private, voluntary and community sector agencies and bodies, which impact on the local community.
- To work with local organisations and interests in shaping a long-term vision for the area.
- To develop effective working relationships with officers within the council and externally.

Policy Development:

- To contribute to the formation and review of the council's policies, strategies and service delivery.
- To participate in the scrutiny and monitoring of council decisions, the performance of council services and their effectiveness in meeting the priorities and strategic objectives of the council and the needs of its residents.
- To effectively represent the council on outside organisations to which they are appointed, reporting back to the appropriate council body on relevant issues.

Other:

- To fulfil all the legal and constitutional responsibilities required of elected members, including codes of conduct and probity issues.
- To be accessible to constituents, partner organisations and officers of the council using the information technology available (including electronic mail for internal and external communications).
- To participate in appropriate training and development to ensure that the role of elected member is undertaken effectively.

Key Skill Sets:

- Leadership Skills
- Communication Skills
- Partnership Working
- Scrutiny and Challenge
- Performance Management
- Personal Management

Key Knowledge Sets:

- The council's key priorities and related policies and plans.
- The organisation of the council – its services, key officers and key partners.
- Council's policy and decision-making processes, code of conduct, protocols and corporate responsibilities (for example as corporate parent).
- Detailed knowledge and understanding of their electoral division, localities and communities.
- Understanding of the purpose and priorities of any external organization to which the member is appointed by the council, including an understanding of

their role on the organisation.

- Knowledge of the structure and working of local government.
- National policies and their impact on the public sector, local government and the council.

2. Leader and Deputy Leader of the Council

2.1 Leader of the Council

This identifies the responsibilities, skills and knowledge specific to the role of leader of the council and should be read in conjunction with those set out for a cabinet member.

Overall Purpose

To provide visible strategic leadership and direction for the council and take overall responsibility for the political management of the council and delivery of the council's strategic objectives and priorities, ensuring continuous improvement for the county and its residents at all times.

Roles and Responsibilities

Leadership:

- To provide cohesive, corporate and strategic leadership and direction for the council.
- To build a vision for Warwickshire and lead the council and its partners towards that vision.
- To represent the council and provide leadership on the Warwickshire Public Service Board and other key local partnerships.
- To develop and maintain effective relationships with partners across Warwickshire and within the sub-region and region as appropriate.
- To act as spokesperson for the council and for the Warwickshire community as a whole.
- To lead cabinet and a political group and administration.

Policy:

- To undertake political executive responsibility and accountability for proposing and directing the council's overall strategy, budget and policy framework, and service reviews.
- To lead on performance improvement throughout the organisation and with partners.
- To work with members of the cabinet to ensure the effective delivery of services within the remit of their portfolios against the agreed policies of the council.
- To promote and demonstrate effective, consistent and accountable decision making.
- To represent the council, and be accountable for discussions and negotiations with county-wide, sub-regional, regional, national and international organisations and bodies, as appropriate.
- To develop and maintain an effective working relationship with the leaders of other political groups within the council and with the overview and scrutiny committee chairs.

Other:

- To lead and manage a political group within the council.
- To ensure that group members are performing effectively, particularly those with special responsibilities.
- To champion member development and ensure that group members and members of the cabinet benefit from appropriate training and development to deal effectively with the cabinet's business.

Key Skill Sets:

- Strategic Leadership
- Partnership Working
- Strategic Thinking, Policy and Decision-Making
- Performance Management and Improvement
- Communication and Media
- Chairing

Knowledge:

- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision.
- An understanding of the key challenges facing local government and the public sector.
- An understanding of the national policy framework and impact on local policy development.
- An understanding of the key challenges and opportunities facing Warwickshire, the sub-region and region.
- Knowledge of the work of county-wide, sub-regional, regional and national bodies, and the role of the council within them.
- Detailed knowledge of the role of local partners and the services they deliver.

2.2 Deputy Leader of the Council

This identifies the responsibilities, skills and knowledge specific to the role of deputy leader of the council and should be read in conjunction with those set out for a cabinet member.

Overall Purpose

To assist the leader of the council and deputise in their absence.

Roles and Responsibilities:

- To support and assist the leader in the formal processes and matters of leadership of the council as set out in the role profile for the leader of the council.
- To work with the leader on proposing and directing the council's overall strategy, budget and policy framework, performance improvement programme and service reviews.
- To assist the leader in coordinating the work of the cabinet and of the political group.
- To deputise for the leader in their absence, undertaking the duties as set out in the role profile for the leader of the council.

Key Skill and Knowledge Sets:

As set out for the leader of the council.

3. Cabinet Member

Overall Purpose

To provide strategic leadership and direction in relation to their allocated portfolio and contribute to the collective decision-making function of the council.

Roles and Responsibilities

Leadership:

- To provide strategic leadership and direction in relation to their allocated portfolio functions and responsibilities.
- To ensure continuous improvement within these areas.
- To represent the council in relation to their portfolio at county-wide, sub-regional, regional, national and international events or conferences.
- To develop and take a lead role in key partnerships relevant to their portfolio.
- To act as the principal spokesperson for their portfolio.

Policy Development:

- To bring forward policy and budget proposals for consideration by the cabinet.
- To liaise effectively with other cabinet members to ensure that policies and service delivery are integrated across all services.
- To work constructively with overview and scrutiny committees in developing policy.
- To consult interested parties, citizens and other members as part of the development and review of policy.

Decision-Making:

- To make recommendations as a member of the cabinet on the council's policy framework, plans and budget, under the leadership of the leader and deputy leader of the council.
- To take collective and personal responsibility and accountability for the decisions and recommendations reached by the cabinet.
- To take responsibility, with appropriate service managers, for the performance of services and functions within their portfolio.
- To ensure that approved policies and strategies are implemented and delivered effectively.
- To provide evidence in relation to decisions taken and the performance of services within their portfolio, including being held to account at committees as appropriate.

Other:

- To establish and maintain effective working relationships with other cabinet members, group members, partners, overview and scrutiny committee chairs/spokespersons, and officers as appropriate.

- To participate in appropriate training and development to ensure that the role of cabinet member is undertaken effectively.

Key Skill Sets:

- Strategic Leadership
- Partnership Working
- Strategic Thinking, Policy and Decision-Making
- Performance Management and Improvement
- Communication and Media
- Chairing

Key Knowledge Sets:

- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision and those of the public service board.
- Detailed understanding of the corporate objectives, plans and performance issues in relation to their portfolio.
- An understanding of the key challenges and opportunities, and any national, regional or sub-regional issues that impact on their portfolio.
- An understanding of the key challenges facing local government and the public sector, particularly in the area of their portfolio.
- An understanding of the national policy framework and impact on local policy development within their portfolio.
- Knowledge of the work of county-wide, sub-regional, regional, national and international bodies that impact on their portfolio.
- Knowledge of the role of local partners and the services they deliver, particularly those in relation to their portfolio.

4. Leader and Deputy Leader of an Opposition Group

4.1 Leader of an Opposition Group

Overall Purpose

To lead and coordinate the work of an opposition group within the council, and effectively scrutinise and hold to account the leader of the council and the cabinet.

Roles and Responsibilities:

- To lead and manage a political group within the council.
- To ensure that group members are performing effectively, particularly those with special responsibilities.
- To champion member development and ensure that group members benefit from appropriate training and development.
- To comment, challenge and review the performance of the council's administration in the co-ordination and implementation of its policies and procedures.
- To develop opposition group policies and proposals that are credible and could be implemented by the council.
- To maintain effective liaison with the leaders of other political groups, cabinet members, overview and scrutiny committee chairs, and other members.

Key Skill Sets:

- Leadership

- Strategic Thinking and Policy Development
- Partnership Working
- Communications and Media
- Chairing

Key Knowledge Sets:

- Knowledge of the council's key priorities, and related policies and plans.
- An understanding of the key challenges facing local government and the public sector.
- An understanding of the national policy framework and impact on local policy development.
- An understanding of the key challenges and opportunities facing Warwickshire, the sub-region and region.
- Knowledge of the work of county-wide, sub-regional, regional, national and international bodies, and the role of the council within them.
- Knowledge of the role of local partners and the services they deliver.

4.2 Deputy Leader of an Opposition Group

Overall Purpose

To support and assist the opposition group leader and deputise in their absence.

Roles and Responsibilities:

- To support and assist the group leader in their role as set out in the role profile for the leader of an opposition group.
- To work with the group leader on the development of credible policy and budget proposals.
- To assist the group leader in coordinating the work of the group.
- To deputise for the group leader in their absence, undertaking the duties as set out in the role profile for the leader of an opposition group.
- To participate in appropriate training and development to ensure that this role is undertaken effectively.

Key Skill and Knowledge Sets:

As set out for the leader of an opposition group.

5. Committee Chair

Overall Purpose

To chair and manage meetings, ensuring pro-active and positive contributions and that the objectives of the committee/meeting are met.

Roles and Responsibilities:

- To ensure effective management of the committee's deliberations.
- To direct and monitor the committee's work programme/progress against objectives.
- To encourage involvement from all members of the committee.
- To ensure that reports are drafted to a high standard, are focused, relevant and timely.
- To act as the lead spokesperson in respect of the committee's activities.

- To liaise and communicate with relevant officers, partners and specialists to ensure the receipt of appropriate advice, evidence and information to inform the committee's deliberations.
- To engage and develop effective working relationships with the vice-chair of the committee and other members and partners as appropriate.
- To ensure that members of the committee benefit from appropriate training and development to deal effectively with the committee's business.

Key Skill Sets:

- Leadership and Chairing
- Partnership and Team Working
- Communication
- Project and Time Management

Key Knowledge Set:

- Detailed knowledge of objectives and powers of the committee/body and any codes or protocols under which the body operates.

6. Chair of the County Council

Overall Purpose

To undertake the role of civic head of the county council, presiding over meetings of the full council, and effectively representing the council at ceremonial, civic and other functions inside and outside of Warwickshire.

Roles and Responsibilities:

- To preside over meetings of the county council, ensuring that the procedures, rules and standing orders set out in the council's constitution are followed.
- To encourage and ensure that all members have the opportunity to contribute to debates.
- To uphold and promote the purposes of the constitution, interpreting it when necessary.
- To establish and maintain effective working relations with the leaders of the political groups, the cabinet, chairs of other committees, and other members and officers as appropriate.
- To undertake the role of civic head of the county council, representing the council at ceremonial, civic and other functions both inside and outside of Warwickshire.
- To receive civic guests, delegations, host civic occasions and provide civic hospitality as required.
- To act as an ambassador for the council both within and outside of Warwickshire.
- To positively promote the image of the council at all occasions both locally, regionally and nationally.

Key Skill Sets:

- Leadership – representing and promoting the council.
- Relationship Building – in particular networking.
- Communication and Public Speaking.
- Chairing.

Key Knowledge Sets:

- Detailed understanding of the civic role played by the chairman of the council.
- Detailed understanding of the council's key priorities and related policies and plans that support the council's vision.
- Knowledge of the key challenges facing local government and the public sector.

SECTION 1 - MEMBERS' CODE OF CONDUCT

This Code applies to all elected and co-opted members of the Warwickshire County Council. The term 'councillor' in this Code means both elected and co-opted members. This Code of Conduct applies when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

As a Councillor:

1. I will represent the interests of the whole community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
2. **As a holder of public office** and as required by law I will behave in a manner that is consistent with the following principles to achieve best value for all our residents and maintain public confidence in the council, any other body to which I am appointed by the council and the office of councillor:
 - a. **SELFLESSNESS:** I will act solely in terms of the public interest. I will not act in such a way as to gain financial or other material benefits for myself, my family, or my friends.
 - b. **INTEGRITY:** I will not place myself under any financial or other obligation to outside individuals or organisations that might seek to influence me in the performance of my official duties.
 - c. **OBJECTIVITY:** I will make choices on merit, in carrying out public business, including when making public appointments, awarding contracts, or recommending individuals for rewards and benefits
 - d. **ACCOUNTABILITY:** I will be accountable for my decisions and actions to the public and to the Council and must submit myself to whatever scrutiny is appropriate to my office.
 - e. **OPENNESS:** I will be as open as possible about all the decisions and actions I take. I will give reasons for my decisions and restrict information only when the wider public interest or the law clearly demands.
 - f. **HONESTY: I will be truthful and** I will declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interests.
 - g. **LEADERSHIP:** I will promote and support these principles by leadership and example.
3. **As a Councillor**, I will act in accordance with the principles in paragraph 2 and, in particular, I will:
 - a. Champion the needs of the whole community and all my constituents, including those who did not vote for me and put the public interest first.

- b. Deal with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- c. Not bully, harass or unlawfully discriminate against anyone or seek to compromise the impartiality of the officers
- d. Not allow other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the council or the good governance of the council in a proper manner.
- e. Exercise independent judgement and not compromise 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 Councillor. This includes not accepting gifts or hospitality which could give rise to a perception of influence over the way I perform my duties.
- f. Take account of all relevant information, including advice from statutory and other professional officers. I will remain objective and make decisions on merit.
- g. Be accountable for my decisions and cooperate when scrutinised internally and externally, including by local residents.
- h. Contribute to ensuring that decision-making processes are as open and transparent as possible to make sure the community understands the reasoning behind decisions and are informed when holding me and other councillors to account.
- i. Behave in accordance with all my legal obligations, alongside any requirements contained within the council's policies, protocols and procedures, including on the use of the council's resources.
- j. I will not disclose confidential information (be that confidential by virtue of legislation or otherwise) without express authority and/or unless the law requires it.
- k. Not prevent people gaining access to information to which they are lawfully entitled
- l. Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- m. Always treat people with respect, including the organisations and public i engage with, fellow members and those i work alongside.
- n. Undertake Code of Conduct training provided by my local authority, cooperate with any Code of Conduct investigation and/or determination.
- o. Not intimidate or attempt to intimidate any person which is likely to be involved with any investigation or proceedings
- p. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as

within this council.

4. I will register and disclose those interests that I am required by law to declare. I will complete and submit a signed declaration of my interests to the monitoring officer. I will keep the register updated and acknowledge that its contents are open to the public to inspect.
5. I will register any gifts and hospitality I am offered (even if declined) with an estimated value of £50 or more within 28 days of receipt with the Monitoring Officer

SECTION 2 – PLANNING CODE OF PRACTICE

A. The Purpose of this Code

Planning requires the exercise of judgment when applying policies to circumstances, evaluating evidence and weighing competing considerations. Planning decisions are contentious because they affect the daily lives of individuals and can have profound economic, social and environmental consequences. These decisions are well publicised, often complex and constrained by sometimes arcane procedures.

It is important, therefore, that the council should make planning decisions openly, impartially, with sound judgment and for justifiable reasons. The processes should leave no grounds for suggesting that a decision has been partial, unfair or not well-founded in any way. This code aims to assist in achieving these objectives and thus to protect human rights and promote public confidence in the planning system.

B. The Application of this Code

This code applies to any member or officer who is involved at any stage in the process of making a planning decision. Whilst much of it concerns only members who are members of the Regulatory Committee, important parts concern all members. In addition, all members need to be aware of this code in its entirety so that they can understand and respect the obligations of the committee members.

C. Relationship with Other Codes

This code extends and applies the principles of the Members' Code of Conduct and is intended to be consistent with the expected contents of the statutory Officers' Code of Conduct. However, it is a supplement to and not a substitute for those codes and in the event of conflict those codes must prevail.

The main thrust of the Members' Code of Conduct and the Officers' Code of Conduct is the separation of private interests and public duties. This code is also concerned with reinforcing that separation, so that decisions are made and seen to be made in the interests of the community as a whole but is equally concerned to encourage high quality in decision-making.

D. The Consequences of Breaching this Code

A breach of this code may also constitute a breach of the Members' Code of Conduct and its underlying general principles, the Officers' Code of Conduct and the professional ethical codes of officers. Breaches may be taken into account when a political group or the council decides on membership of the Regulatory Committee or in disciplinary procedures.

A breach does not only have consequences for the perpetrator. Any breach damages the reputation of the authority and may do an injustice to a person affected by the planning decision concerned. A breach might also:

- be the subject of an investigation into a complaint of maladministration by the Ombudsman or under the council's complaints procedure;
- lead to action by the monitoring officer; and/or
- expose the council to legal challenge in the courts or prejudice the council's prospects at an inquiry.

Because misconduct or irresponsibility on the part of one member might have these consequences and might even taint the decision of the whole committee so as to invalidate it, the chair of the Regulatory Committee is entitled to intervene in a meeting to prevent or end a breach.

E. Departure from this Code

The strategic director for resources may sanction a departure from this code and shall keep a written record of any such sanctions.

The Code

1. *The Overriding Principle*

To make planning decisions which are in the interests of the whole community and which earn its confidence.

2. *Training for Members*

Planning is a complex and constantly changing field inhabited by trained and experienced practitioners and characterised by the very high expectations of the courts and other stakeholders. In order that members can deliver sound and fair decisions and test the advice of their officer in an effective way, it is essential that they have certain competencies and an up to date working knowledge of the planning system.

With effect from the start of the municipal year 2005-06, any new member of the Regulatory Committee must undergo or have undergone an induction course approved by the strategic director for resources.

With effect from the start of the municipal year 2006-07, no member may be re-appointed to the Regulatory Committee unless they have in the previous 24 months undertaken at least 12 hours of training recognised as eligible for this purpose by the strategic director for resources or training provided by other authorities or external providers which the strategic director for resources has recognised as being of equivalent relevance and value.

It shall be the responsibility of the strategic director for resources to deliver a programme of reports, briefings and seminars which enable members to comply with this requirement. These reports, briefings and seminars shall inform members about new legal and policy developments as well as addressing established principles of decision-making and aspects of the planning system of particular relevance to county planning authorities. So far as practicable, these learning opportunities shall be made available to all members of the council.

3. *The Relationship between Officers and Members*

The integrity of the planning process depends on mutual trust and respect between officers and members. Officers and members have different but complementary roles.

Officers advise members and implement their decisions. However, they are responsible to the council as a whole and not to any individual member or group of members. It is their duty to ensure that applications are properly processed, that the law is observed and that members are equipped with the advice and information they

need to arrive at sound and fair decisions which pay regard to relevant council policies.

Officers should be ready to give unwelcome advice when necessary, whether or not solicited, and members should accept that the officers are duty bound to do so.

Although officers should wherever possible make a recommendation as to the decision to be made by the Regulatory Committee, they should recognise and give even-handed advice on any alternatives reasonably open to the committee. Where the committee properly reach a lawful decision other than that recommended, the officers should give the committee their unstinting support in refining, explaining, defending and implementing that decision.

For their part, members should respect the impartiality and the professional obligations and expertise of officers. Members should also be mindful, particularly when communicating with officers outside committee meetings, of the seniority of the officer with whom they are dealing and avoid any risk of creating the impression of misusing their authority. Whilst members may express their views on an application robustly in writing, they should when speaking to a case officer confine themselves to seeking information or reporting concerns.

Members and officers should treat each other with courtesy on all occasions and in all circumstances.

4. *Applications in which Members are Interested*

A member who make or has a prejudicial interest in an application for any other reason shall notify the strategic director for resources. The member shall play no part in the processing of the application and the application shall be decided by the Regulatory Committee.

Because the member will be excluded from the committee meeting, they can use the public speaking scheme only through a representative. In addition, the member should not use their position as a member improperly to influence the decision. They can make written representations to the officers in the usual way, provided that the existence and nature of the interest is disclosed. However, to limit the scope for suspicion, the member should not communicate directly with any other member about the application and should confine oral communications with officers to dealing with the administration of the application and answering questions.

5. *Applications in which Officers are Interested*

Applications by or in which the following officers are interested:

- a strategic director;
- a planning officer or the manager of a planning officer;
- a legal officer responsible for planning matters;

shall be notified to the strategic director for resources and decided by the Regulatory Committee. The officer shall play no part in the processing of the application.

An officer shall be regarded as interested in an application for this purpose if they would have a prejudicial interest under the Members' Code of Conduct were they a member.

If an officer who is a senior manager, or who works regularly with development control officers, makes or is interested in an application the strategic director

responsible for development control shall be notified.

6. *Applications in which the Council is Interested*

An application on behalf of or for the development of land in which the council or the police and crime commissioner or a district or borough council within Warwickshire have an interest shall be decided by the Regulatory Committee if there are any objections.

7. *Members and Officers Acting as Agents or Advisers*

Any member or officer acting as an agent or adviser, other than in their capacity as a member or officer, for an applicant or objector or other person interested in a planning application shall always regard themselves as having a prejudicial interest.

Planning and legal officers shall not accept any remuneration for acting as an agent for or adviser to a person making a planning application to the council.

8. *Membership of the Regulatory Committee*

A member whose professional occupation regularly involves acting as an agent for or an adviser to people making or objecting to planning applications in Warwickshire should not be a member of the Regulatory Committee.

A member whose business or property interests would require them to make frequent declarations of interest should not be a member of the Regulatory Committee.

A member of the cabinet should accept membership of the Regulatory Committee only after careful consideration of the potential for apparent conflict with the demands of their particular portfolio.

9. *Officers' Ethics*

All planning officers shall observe the Code of Professional Conduct of the Royal Town Planning Institute, whether or not they are members of the institute, and legal and other professional officers shall observe their respective professional ethical codes at all times.

10. *Interests, Bias and Predetermination*

The Standards Board advises that members who make planning decisions should adopt a particularly cautious approach when deciding whether they have a prejudicial interest under the code of conduct. In its view, a reasonable member of the public is more likely to think that the judgment of a member is prejudiced when dealing with regulatory matters than when carrying out executive and scrutiny functions. In other words, a member of the Regulatory Committee may be required to treat an interest as prejudicial even though they would not be required to do so when acting as a member of another council body.

The Standards Board also advises that a prejudicial interest in a planning decision might arise through membership of a campaign, or other behaviour which closely identifies a member with a desired outcome, even though they might have no

financial or other personal interest.

This approach seeks to align the code of conduct with the law on bias as developed by the courts, and in most cases compliance with the code will ensure compliance with the law. However, the requirements of the law on bias are wider and stricter than the code and bias may exist even though a member has no personal interest to declare under the code and even though they act selflessly or for reasons of public duty. Bias can take two forms, which are capable of overlapping.

The first form of bias is **prejudice** against a particular point of view for a reason unconnected with the planning merits of the issue. This might be because a member has a financial interest (however small) or some other direct or indirect personal stake in the outcome. However, a member might also be prejudiced because of a strong moral conviction or by forming bonds of personal allegiance with a party or indicating partisanship in some other way.

The second form of bias is where a member has **predetermined** an issue by surrendering independent judgment, or by adopting an inflexible policy or by closing their mind to further debate. This might arise where a member makes a commitment as to their voting intentions, or defers to the opinion of another body, or has formed a judgment about an issue which is so firm that they are no longer receptive to information and argument.

The test applied by the courts is whether there is a real danger of bias. This means that a member must not only avoid *actual* prejudice or predetermination but also avoid its *appearance*. Bias may be perceived to exist even where it does not. Members of the Regulatory Committee who make statements or engage in conduct capable of giving rise to a reasonable perception of bias by the public should not participate in deciding a planning application even if they are personally satisfied that they could do so in a proper manner.

It is natural and permissible for a member of the Regulatory Committee to begin to form a view about an application or certain aspects of it before the meeting at which they vote upon it. It is also expected and accepted that members will hold views on general matters of political and public interest that might predispose them towards a particular point of view. However, they are expected to maintain their impartiality and to avoid reaching any final conclusion until they have heard all evidence and argument and are called upon to vote. It is equally important that the member is seen to be so acting.

A member of the Regulatory Committee will not automatically be regarded as biased because they have supported a proposal when carrying out executive or scrutiny functions. However, members in this position should consider carefully whether their other responsibilities, and the way in which they have carried them out and expressed themselves, would lead a reasonable observer to doubt whether they can approach the application fairly and impartially.

Breaching the law on bias does not only have personal consequences for a member but can taint the whole committee so that the high court cancels its decision. A member of the Regulatory Committee who may reasonably be perceived as biased in relation to a matter should neither speak nor vote on it at a meeting. In addition, the member should normally withdraw from the meeting room whilst the matter is being considered. The only exception to this is where a member wishes to use the public speaking scheme in a case where they are disqualified solely because of predetermination. In such a case, provided that the strategic director for resources agrees in advance that there is no other objection to doing so, the member may

address the committee in accordance with the public speaking scheme. However, they should explain why they are disabled and physically withdraw from the part of the room occupied by the committee.

Further advice on avoiding bias and its appearance is given in sections 4, 11, 12, 14, 17, 25 and 26.

11. *Lobbying of Members*

Lobbying is a normal and proper part of the political process. However, such lobbying can, unless care and common sense is exercised by all the parties involved, lead to the impartiality and integrity of officer and members being called into question.

Members of the Regulatory Committee cannot avoid receiving both written and oral representations from supporters and opponents of applications and it is legitimate to enter into dialogue with interested parties. However, caution must be exercised to avoid bias or predetermination or their appearance.

It is not possible to set out firm rules governing all the situations which can arise before an application is decided but the following guidelines should generally be observed by a member who wishes to participate in deciding the application:

- meet applicants or their representatives only at meetings arranged and attended by officers (see section 26 below);
- keep copies of written representations and make a written note of any significant oral contacts;
- resist meetings with lobby groups if the sole or main purpose is to discuss planning applications;
- confine advice to procedural information;
- encourage a lobbyist to make representations direct to officers or through the public speaking scheme;
- refuse to endorse the viewpoint of any faction or to engage in campaigning or lobbying activity of any kind;
- avoid statements which suggest a closed mind on any issue;
- qualify any expression of opinion as a preliminary view; and
- avoid social contacts with developers and their agents when an application is imminent or has been submitted but not finally decided.

12. *Lobbying by Members*

No member should put improper pressure on an officer for a particular recommendation and a member who is actively supporting or opposing an application should not seek to persuade a member of the Regulatory Committee towards a particular viewpoint through private channels of communication.

A member of the Regulatory Committee who lobbies for or against an application will almost inevitably be excluded for bias. A member of the committee may identify concerns and ask questions in communications with planning officers prior to a meeting but should, if they wish to participate in the decision, avoid statements which indicate that they support or object to the application.

13. *Contacts*

It is not necessary and frequently not practicable for a member of the Regulatory Committee to declare at a meeting all the contacts which they have had concerning a planning application. However, openness helps to allay suspicion, and any

consideration which might influence how a member votes, and which is not already before the committee, should be shared and exposed to comment.

A member should disclose at the meeting any contacts with the applicant or their representatives. Whether to disclose other contacts is a matter for their decision.

Members of the committee should not allow anyone who is not a member of the committee or an officer to communicate with them privately by any means during a committee meeting.

Planning officers will keep a full written note of any contact from a member about an application on the planning file and report all such contacts to the meeting of the Regulatory Committee considering the application.

14. *The Divisional Member*

Whilst a member of the Regulatory Committee might report local views on an application, they cannot act as an advocate for any particular interest and claim with credibility to be able to participate with impartiality in making the decision. As a result, members of the Regulatory Committee will sometimes be presented with a choice between participating in a decision and freeing themselves to campaign for or against an application, particularly when they feel that the interests of their constituents cannot otherwise be effectively represented.

They are in these circumstances entitled to choose to campaign if they are satisfied that this best serves the public interest. To avoid any misunderstanding, they may wish to notify the strategic director for resources of their decision before beginning to campaign.

Any member who joins a campaign should remain alert to the possibility that the nature and extent of their involvement might give rise to a prejudicial interest affecting the ways in which they can lobby on behalf of the campaign.

15. *Political Group Expectations*

Political meetings should not be used to discuss how a member of the Regulatory Committee should vote and political groups should not use the whip or seek to exert any other group discipline to influence a decision. Deference to the expectations of political colleagues both fetters the discretion of a member of the committee and introduces an immaterial consideration. Political group pre-meetings to discuss applications should be avoided.

16. *Declaring Interests*

Any member who has a prejudicial interest in an application should, whether or not they are a member of the Regulatory Committee, withdraw from a meeting of the committee when the application is considered. They can use the public speaking system only through a representative and should not use avenues of influence, which are not equally open to the general public (see also sections 4 and 10 above).

17. *Members with Dual Public Roles*

Paragraph 10 of the Members' Code of Conduct allows a member to regard themselves as not having a prejudicial interest in certain cases where an interest arises from their involvement in another body as part of their public duties. Members should not take advantage of these exemptions automatically but should always exercise their

discretion according to the particular circumstances of the case.

The exemption cannot be relied upon where the body with which a member is involved is the applicant or stands to benefit or suffer in some significant way from a development proposal (e.g. when a member is the governor of a school where the development will take place).

On the other hand, it is permissible for a “double-hatted” member of the Regulatory Committee to rely upon the exemption where the other council is merely a consultee, or spokesperson for its community, provided that they:

- made it clear at any meeting in which they participated that they had not formed a final opinion and would decide the application independently on its merits alone;
- has no other reason for declaring a prejudicial interest; and
- is satisfied that they are free of bias or predetermination or its appearance.

18. *Officer Reports*

Whilst each report should be appropriate to the nature of the decision to be taken, a report on an application to be considered by the Regulatory Committee can normally be expected to include:

- a description of the site and surroundings;
- the proposals and any relevant planning history;
- extracts from application plans and drawings;
- a location plan;
- relevant national and local policies;
- material considerations;
- the views of consultees and the substance of objections;
- evaluation of key issues setting out the pros and cons of the development;
- a reasoned statement whether or not the proposal is in accordance with the local development documents;
- a conclusion and a clear recommendation;
- the substance of conditions and legal agreements; and the text of any reasons required by statute.

Reports should, so far as is practicable, include details of all consultation responses received before the publication of the agenda.

19. *Meetings of the Regulatory Committee*

Full scale copies of application plans and drawings will be displayed at the meeting and visual projections will be used to show plans, drawings and photographs of the site.

Members will be given copies or summaries of representations received after the reports were finalised and any late material will be noted in the minutes.

Copies of any documents provided for members will be available to members of the public.

Where the committee is required to identify conditions or obligations or give reasons required by statutes that are not set out in the relevant report, the conditions/obligations and reasons shall either be agreed in substance at the meeting or submitted in writing to a subsequent meeting for approval.

Members of the Regulatory Committee should not vote unless and until they have heard all the evidence, advice and argument presented at the meeting. Therefore, a member who leaves the room during the consideration of an application should not vote on it.

20. Public Speaking

A public speaking scheme will operate. The initial scheme is set out in the appendix to this code, but the details of its operation may be amended by the Regulatory Committee.

21. Officer Support

Pre-meeting briefings between officers and the chair and group spokespersons will take place, to anticipate and consider procedural matters.

All meetings of the Regulatory Committee (including site visits) shall be attended by a solicitor or barrister of suitable seniority on behalf of the strategic director for resources and also by the development manager or another suitable planning officer nominated by the development manager.

22. Officer Advice

The Regulatory Committee should never decide an application without giving the officers an opportunity to provide information and advice additional to that in the report and to respond to any representations from the public. If new issues or evidence are mentioned in discussion, the officers should be invited to comment. The chair should check whether the legal and planning officers wish to offer any further advice immediately before proceeding to a vote.

Where the committee disagree with professional advice, particularly advice on a technical matter, they should not reject it unless they can identify clear and cogent reasons for doing so.

If the committee are minded to make a decision in conflict with that recommended by the officers, they should first seek specific advice from the officers as to the implications. Having made such a decision, the committee should articulate their reasons in order that they can be minuted before proceeding to the next agenda item. Officers may advise on but should not be asked to devise reasons for the committee.

23. Deferrals

Applicants are entitled to prompt decisions and delay can be costly and harmful. Therefore, an application should not be deferred unless it is:

- a procedural requirement;
- demanded by the duty of fairness;
- for a site visit; or
- to obtain important information.

In all cases, an application should be deferred only if it is necessary to do so in order to reach a properly informed and lawful decision.

A site visit is only likely to be necessary if the impact of the development is difficult to visualise from the presentation materials available at the meeting or if there is good reason why the comments of interested parties cannot be expressed adequately in writing.

A deferral must take place where potentially significant new evidence or issues have emerged at the meeting which require verification and analysis.

The reasons for a deferral must be agreed before proceeding to the next agenda item and minuted.

24. Site Visits

A site visit is for fact finding purposes only. They must be carefully managed in order to dispel any suspicion they have been used as an opportunity for covert lobbying and to ensure that any significant information obtained on the visit is available to all.

Site visits will be conducted in accordance with the following rules:

- the visit is for the purpose of visual inspection only;
- representations will not be entertained from any party;
- applicants and objectors will accompany the committee only in order to facilitate access, point out physical features and answer factual questions; and
- members of the committee will communicate with interested parties only through their officers.

Members should not make private inspections of sites unless they can do so unaccompanied and without making contact with applicants or other interested parties.

A site visit may exceptionally be followed by a factual presentation on behalf of the applicant (see section 26). At least one representative of any objectors should be invited to observe the presentation.

Members should avoid expressing opinions on the application during a site visit.

25. Discussions with Applicants

In exceptional cases, and with the approval of the Regulatory Committee, a meeting might be arranged with applicants (or prospective applicants) to enable members to improve their understanding of major, complex or contentious applications. Although this might also give applicants an insight into the concerns of members, discussions must not slide into negotiation. Such a meeting might be combined with a site visit.

The following rules should be observed:

- presentations should be limited to the development proposal and factual questions and answers;
- the meeting should be organised and attended by officers of appropriate seniority, including a legal officer;
- members from each political group should be invited;
- members should adopt an impartial listening role and avoid expressing views on the proposal;
- if requested, preliminary views on the proposal may be supplied by the officers in writing after the meeting;
- the legal officer shall make a note of the presentation, which will be appended to the written report on the application;
- objectors should be given a proper opportunity to express their views on any information obtained at the meeting; and
- no gifts or hospitality shall be accepted from an applicant other than modest refreshments.

26. *Reviewing Decisions*

The Regulatory Committee will review a selection of decisions by visiting sites where development has taken place.

27. *Hospitality and Gifts*

Members should not accept any hospitality or a gift of any value from anyone with an interest in a development proposal, other than modest refreshments on a site visit.

Any offer to fund a fact-finding trip will also be rejected.

28. *Complaints*

Complaints concerning the conduct of officers will be dealt with under our complaints procedure whilst complaints concerning members will be dealt with by the strategic director for resources as monitoring officer.

In neither case should complaints be used as a means to challenge the merits of decisions properly taken.

The chief executive and the strategic director for communities shall submit an annual report to the Audit and Standards Committee and the Regulatory Committee summarising complaints received and any lessons to be learned.

SECTION 3 – PROTOCOLS ON MEMBER/OFFICER RELATIONS

1. *Underlying Principles*

1.1 The following general principles apply to all relations involving members and officers.

1.2 All relations shall be conducted:

- With respect for others and in a way, which promotes equality.
- With honesty and integrity.
- Acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public.
- In a way that promotes objectivity, accountability and openness.
- Acknowledging the duty of confidentiality that exists in relation to information given in confidence and information which the council is entitled by law to treat as confidential.
- With a view to establishing and promoting positive working relationships.

2. *Roles of Members*

2.1 All members will have important roles including representing the views of their constituents, acting together as full council, and membership of committees and sub-committees.

2.2 Elected member role profiles are attached as an appendix to these protocols. In carrying out their roles, members should respect the political neutrality and integrity of all officers employed by the council.

3. *Roles of Officers*

3.1 The role of officers is to work for and serve the council as a whole. They are responsible for the day-to-day managerial activities and operational decisions which the council takes and should provide support to all members in their several roles. Officers should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members.

3.2 The chief executive, strategic directors and Assistant Directors shall be entitled to offer advice at meetings of all member bodies if they think it is necessary to ensure that all relevant matters are taken into account.

3.3 Where an officer feels that their political neutrality or integrity is being compromised in any way, they shall notify their Assistant Director and strategic director.

4. *The Leader and the Cabinet*

4.1 *Procedural Matters*

4.1.1 The leaders of political groups representing over 10% of the membership of the council or their representatives may attend cabinet meetings as non-voting invitees. Standing orders give any member the right to attend any meetings as non-speaking observers.

4.1.2 Draft minutes of cabinet meetings and leader or portfolio holder decision-making sessions will be placed on the electronic information system by 5.00pm on the second clear working day after the meeting/session.

4.1.3 The leader and the cabinet can and should consult with whoever it thinks appropriate and should take an inclusive approach to its work by consulting others, including partner bodies as well as members of the wider community.

4.1.4 The leader and the cabinet are responsible for policy development. Overview and scrutiny committees have a role in assisting the leader and the cabinet to develop policy. Cabinet portfolio holders should maintain an effective two-way dialogue with the relevant overview and scrutiny committees. Regular communication between portfolio holders and committees, chairs, and spokespersons aids effective policy development.

4.1.5 If the cabinet establishes a policy panel it should be chaired by the relevant portfolio holder and should be time limited.

4.2 Relationship between the Leader, Portfolio Holders, Cabinet and Officers

4.2.1 The leader, portfolio holders and the cabinet shall seek advice from relevant officers before taking decisions. It may also invite them to attend its meetings as necessary.

4.2.2 Reports are prepared by officers and contain professional views and advice for all members. Whilst members may be invited to comment on reports, attempts should not be made by members to change the advice given in reports.

4.2.3 Officers shall consult the relevant portfolio holders on draft reports to be presented to meetings of the cabinet or for decision by the leader or portfolio holder and circulate a copy of the draft report to the following:

- Relevant spokespersons for information; and
- Local members where the decision would have a specific impact on certain electoral divisions – ‘for comment’

4.2.4 Officers shall consult portfolio holders and the relevant chair on draft reports to overview and scrutiny committees and circulate a copy to:

- The vice-chair and other relevant spokespersons on the overview and scrutiny committee for information; and
- Local members where the decision would have a specific impact on certain electoral divisions – ‘for comment’

4.2.5 The current convention is that there is no consultation with members on officer reports to the other non-executive bodies i.e. full council, Audit and Standards Committee, Regulatory Committee, Staff and Pensions Committee and sub-committees.

5. Overview and Scrutiny Committees

5.1 Procedural Matters

5.1.1 Unless otherwise stated, each overview and scrutiny committee shall set its own programme of work. Any member of an overview and scrutiny committee, including co-opted members, can propose items for consideration. The chair’s decision is final in deciding the agenda for any particular meeting.

5.1.2 Officer reports to overview and scrutiny committees should be presented in a way which encourages free-flowing debate. Officers should consider shorter briefing

papers with options for the committee to receive further information, through presentations, visits, questions at the meeting etc. as opposed to traditional reports.

- 5.1.3** Only in exceptional circumstances should there be urgent or unplanned reports to overview and scrutiny committees, as they are not decision-making bodies and items of this nature would ordinarily be routed to the leader or cabinet or the appropriate decision-making person or body.
- 5.1.4** Briefings for chairs, vice-chairs and spokespersons prior to the committee meetings will be focused on the management of the meeting and the work programme of the committee not on the content of reports/items on the agenda.
- 5.1.5** The chair, vice-chair and spokespersons will be given an opportunity to meet to consider the work programme of the committee.
- 5.1.6** Regular briefing meetings will be arranged between the relevant cabinet portfolio holder(s) and overview and scrutiny chairs and spokespersons. The strategic director and/or appropriate Assistant Directors will attend. The meeting will identify any key issues for dissemination to the wide council membership, which will form a bulletin to be issued to all members as soon as possible after the meeting. The meeting will also be provided with an overview of overview and scrutiny, cabinet and council work programmes to enable overview and scrutiny members to consider whether they wish to make any changes to their work programme. (These meetings should assist in ensuring the programmes progress in year and that any other important strategic issues that arise in year are accommodated). The aim should be to have these meetings every two months to ensure timely exchange of information and onward briefing of members.
- 5.1.7** The overview and scrutiny committees should report to full council once a year on the work undertaken.
- 5.1.8** Where matters fall within the remit of more than one overview and scrutiny committee, the relevant chairs shall decide which of them will assume responsibility for that particular issue. Joint meetings of overview and scrutiny committees should be avoided, as these are generally too large to carry out effective scrutiny. Alternatively, the relevant overview and scrutiny committees may decide to form a small joint scrutiny panel to examine cross-cutting issues.
- 5.1.9** Reports from overview and scrutiny committees to the cabinet/portfolio holders and/or full council shall be in the name of the chair. Where the professional advice of the chief executive or strategic director or other statutory officer does not support the content or recommendation in the report, this will be made clear in the report.
- 5.1.10** An overview and scrutiny committee shall be entitled to invite any person to address its meetings, to discuss issues of concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector.
- 5.1.11** An overview and scrutiny committee will normally invite members who have called- in an executive decision to attend the meeting to explain the reasons for the call-in.
- 5.1.12** If an Overview and Scrutiny committee establish a task and finish group it should be time limited.

5.2 *Scrutiny Role*

5.2.1 Overview and scrutiny should be evidence based, constructive and focused on outcomes which make a positive difference to people living and working in Warwickshire. Overview and scrutiny committees should not normally scrutinise individual decisions made by committees or officers, particularly in respect of development control, licensing, registration, consents and other permissions. Scrutiny should not be viewed as an alternative to normal appeal procedures. Nor should it be used as a vehicle to pursue issues relating to matters concerning individual electoral divisions.

5.2.2 The overall purpose of a scrutiny review is to:

- Assist the council to achieve its corporate aims and objectives; and
- Deliver positive outcomes for local people.

5.2.3 Overview and scrutiny committees should take the following matters into account when deciding whether to conduct a particular scrutiny:

- Would the issue have a significant impact on Warwickshire?
- Is it a matter which would be of general public concern?
- Does the issue relate to a key deliverable of a strategic and/or partnership plan?
- Does it relate to a key performance area where the council needs to improve?
- Are there adequate resources available to do the activity well?
- Is the overview and scrutiny activity timely?
- Is there a clear objective for scrutinising this topic?
- Is there evidence to support the need for overview and scrutiny?
- What are the likely benefits to the council and its customers?
- Are we likely to achieve the desired outcome?
- What are the potential risks?

5.2.4 Overview and scrutiny committees should consider rejecting a scrutiny review for the following reasons:

- The issue is already being addressed/examined elsewhere and change is imminent;
- The issue is not relevant to all or large parts of the council;
- There is little evidence to support the need for a review;
- The issue is the subject of current consultation by the council;
- The topic would be better addressed somewhere else (and will be referred there);
- Scrutiny involvement would have limited/no impact upon outcomes for local people;
- The topics may be sub-judice or prejudicial to the council's interest;
- The topic is too broad to make a realistic review;
- New legislation or guidance relating to the topic is expected within the next year;
- The topic area is currently subject to inspection or had recently undergone substantial change.

5.2.5 Overview and scrutiny committees or sub-committees may question the leader, members of the cabinet or other committees, strategic directors, Assistant Directors or their nominee, about their decisions and performance of services. The member or officer concerned will be given at least 10 working days written notice of the meeting, which will include details of the item and whether there is any background information.

5.2.6 Where, in exceptional circumstances, the relevant person or their nominee is unable to attend on the required date, an alternative date shall be arranged in consultation with them.

- 5.2.7** Overview and scrutiny committees should always bear in mind that when officers appear to answer questions their contribution should, as far as is possible, be confined to questions of fact and explanation relating to policies and decisions.
- 5.2.8** Officers may explain what the policies are, the extent to which those objectives may have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 5.2.9** Officers may be asked to explain the advice they have given to the leader, portfolio holder or cabinet prior to decisions being taken and they may also be asked to explain the decisions they have taken themselves under delegated authority.
- 5.2.10** As far as possible, officers should avoid being drawn into discussion about the merits of alternative policies where this is politically contentious. Any comment by officers on the policies and actions of the leader, portfolio holder or cabinet should always be consistent with the requirement for officers to be politically impartial.
- 5.2.11** Where an Overview and Scrutiny committee conducts investigations (e.g. with a view to policy development) and asks people to attend meetings to give evidence, such meetings are to be conducted in accordance with the following principles:
- the investigation is conducted fairly and all members of the committee shall be given the opportunity to ask questions, contribute and speak;
 - those assisting the committee by giving evidence are treated with respect and courtesy; and
 - the investigation is conducted to maximise the efficiency of the investigation or analysis.

5.3 Relationship between Overview and Scrutiny Committees and Officers

- 5.3.1** Overview and scrutiny committees shall seek advice from relevant officers when considering any report or matter.
- 5.3.2** Where an overview and scrutiny committee considers that there is doubt about whether an executive decision is contrary to the budget and/or the policy framework they shall seek the advice of the monitoring officer and other relevant officers.

5.4 Councillor Call for Action

- 5.4.1** A councillor call for action should not be seen as the first step in resolving a matter. The member should talk to relevant officers and the portfolio holder(s) before using this process
- 5.4.2** Steps which a councillor could take before using the councillor call for action process include:
- Contact with the local office or body concerned to attempt to resolve the matter;
 - Contact with the relevant portfolio holder;
 - Use of appropriate complaint procedures; and/or
 - Use of an appropriate locality forum where the issue has a multiagency dimension.
- 5.4.3** The notice to the monitoring officer should set out clearly what the issue is about, what resolution is being sought, what steps have already been taken and the outcome. The member should enclose any relevant papers and copies of any

relevant correspondence.

5.4.4 The following are excluded matters:

- issues where there are clear appeal processes such as planning;
- issues where the action being suggested would be unlawful;
- individual staff matters;
- issues which would be dealt with under the council's or another body's complaints procedures;
- litigation/court processes;
- vexatious/repetitive complaints.

5.4.5 In deciding whether or not to conduct any particular scrutiny arising from a councillor call for action the overview and scrutiny committees should apply the same considerations as it would to any other suggested topic for scrutiny.

6. *Relationship between Other Committees and Officers*

Committees shall seek advice from relevant officers before taking decisions and when considering any report or matter.

7. *Chairing Meetings*

Vice-chairs shall be appointed for overview and scrutiny committees, Regulatory Committee and Staff and Pensions Committee. In the absence of the chair, the vice-chair will chair the meeting. In the absence of both the chair and vice-chair, those present shall choose another member from the same political group as the chair to chair the meeting.

8. *Appointments and Disciplinary Appeals*

Any meeting of a sub-committee shall include elected members from at least two political groups. Each sub-committee shall elect a person to chair the meeting.

9. *Agenda Management*

Unless otherwise stated, the monitoring officer will determine whether a particular agenda item is within the remit of a particular member body.

10. *Committee Management Information System ([modern.govCMIS](#))*

10.1 Draft reports for comment or information will be circulated electronically via [modern.govCMIS](#). This will be the principal method of circulation to ensure a proper audit trail is maintained. [Modern.gov will also be the primary system for updating and viewing the forward plan for each committee.](#)

10.2 Agendas and public reports are normally published at least 5 working days before the meeting. All members will be notified of the publication of reports by email with a link to the relevant papers.

10.3 The minutes of cabinet meetings will normally be published within 2 working days of the meeting and for other bodies the minutes will normally be published within 5 working days of the meeting. All members will be notified of the publication of minutes by email with a link to the relevant minutes.

11. *General Principles of Support from Officers to Members*

11.1 Officers should provide support and information to the leader, cabinet, the overview and scrutiny committees, other committees and individual members in order to meet reasonable requests to enable the relevant member or body to carry out their role(s) as elected representatives.

11.2 Officers should not be requested to provide support and information to members in pursuit of political activities of any kind.

12. ***Party Group Meetings***

12.1 Meetings of party groups shall not be deemed to be meetings for the purposes of this constitution.

12.2 The underlying principles as set out above shall apply to officer relations with party groups. Additionally, where officers are required to attend political group meetings, members present should be particularly mindful of the political neutrality of officers.

12.3 Members should avoid making any comments, which would compromise the integrity and impartiality of the officer's present. They should also avoid situations which involve conflicts between the interests of the political group and the interests of the council.

13. ***Members in their Local Role and Officers***

13.1 Officers should notify members of any significant issues which particularly affect the member(s) electoral division(s). This should include any changes to services in the area, such as opening times and use of buildings, including any temporary changes or temporary closures. This requirement does not normally apply to details relating to individual recipients of council services.

13.2 Officers should endeavour to ensure members are kept informed of progress of projects within their division, including capital projects and highway works.

13.3 Officers should seek the comments of the local elected members on reports which particularly affect their electoral division(s) and where appropriate indicate their comments in the text of the report. There may be occasions when the impact of proposals is wider than the local member. On these occasions the other members within the relevant areas should be consulted.

13.4 Where officers are uncertain whether a particular decision is a key decision because of its effect on an area they should consult the member(s) whose electoral division(s) is particularly affected [and the monitoring officer](#).

13.5 Local members shall seek advice from relevant officers before taking decisions under delegated powers and when considering any report or matter.

14. ***Councillor access to documents and information***

14.1 Members have certain statutory rights to access documents and information arising out of their role as councillor (e.g. the right to see documents relating to business to be transacted by the council, the right to inspect accounts and take copies and the right to inspect books, deeds, contracts, bills, vouchers and receipts).

14.2 In the absence of a specific statutory right, members can access council documents and information if it is reasonably necessary for the purposes of performing their

duties as a councillor. There is no automatic right of access and the need to know must be demonstrated by the member concerned. Any matters of dispute are to be resolved by the monitoring officer.

- 14.3** Confidential or exempt information should not be shared with anyone outside the council. [Members should have due regard to any restrictions notified to them by officers in relation to information disclosed to them.](#)

15. *Members on Outside Bodies – Reporting Back*

The nominees appointed to the listed outside bodies will report back at least half yearly to the appropriate council body on the key issues for the outside body and any potential impact for the council. The outside bodies are:

- Local Enterprise Partnership
- Eastern Shires Purchasing Organisation Management Committee
- Local Transport Board
- LGA General Assembly
- County Councils Network
- LGA Urban Commission
- Rural Commission
- Fire Commission
- Warwickshire Waste Partnership
- Any others which may be added from time to time

16. *Other Individuals who are Members of Council Bodies*

- 16.1** Other individuals who are members of council bodies shall follow and shall be treated in accordance with the underlying principles set out at 1 above. Additionally, any duties of confidentiality which they owe to the body they are representing shall be respected.

- 16.2** Such individuals have the right to advice from officers on council related matters.

- 16.3** Conflicts of interest between a person's personal, professional or business interests and those of the council may arise from time to time. Such conflicts shall be declared and dealt with in accordance with 18 below.

17. *Press and Media*

Officers dealing with the press and media, and any press/media releases that are issued, should not seek to further the interests of a political party or a particular member other than as a representative of the council.

The council will follow such national codes and guidance on press and publicity as are in force from time to time.

18. *Conflicts*

All members have undertaken to comply with the Members' Code of Conduct. The monitoring officer is there to provide advice on the interpretation of the code and assist members to decide whether or not they may have a conflict of interest. Members are encouraged to seek early advice whenever they feel there is the potential for a conflict of interest to arise.

Where conflicts arise in member/officer relations these should either be dealt with under the relevant code of conduct under part 4 of this constitution or referred to the chief executive who, in consultation with the leader, and/or other group leaders as necessary, shall decide on the most appropriate course of action.

SECTION 4 – OFFICERS’ CODE OF CONDUCT

1. EMPLOYER AND EMPLOYEE RESPONSIBILITIES

1.1 Introduction

This code is designed to help all employees understand the working relationship between themselves, their managers, colleagues, members of the council and above all members of the public to whom we deliver a service. It is intended to be a short reference guide for staff, but greater detail on many of these issues is included in ‘the manager’s guide’. The manager’s guide is a comprehensive manual of information on all staff related matters and a copy is available for general inspection within each directorate.

The code recognises the unique position of governing bodies in the employment process, and the adoption of this code within the people directorate will be subject to agreement by governing bodies and due consultation with the relevant teacher associations. The council is also mindful of future guidance on these matters from the General Teaching Council.

Warwickshire County Council is committed to the principle of best value and seeks to continually strive for improvement in all that it does. It is publicly accountable and frequently working in partnership with other organisations, both in the public and private sector. It is therefore vital that all staff conduct themselves in an exemplary manner in all aspects of their work and show no bias whatever their personal views may be.

This code sets out some of the areas where issues can arise. The code is designed to protect you, but where you break it, we may take disciplinary action resulting in you losing your job and potentially being prosecuted.

The council is committed to the achievement of the Investors In People award across the whole organisation, and as a part of that recognises the value of the workforce. The organisation values individual and organisational learning and seeks to develop every individual to their full potential.

There are 3 key points to remember in all that you do:

- Ensure your conduct is never influenced by personal gain
- Ensure your conduct could not give anyone reason to question your motives
- Ensure your conduct is in line with our policies

Now read on and if you have any queries, discuss these with your line manager.

2. What the County Council Expects of its Employees

2.1 Standards of Service

You must provide the highest standards of service at all times. You must treat the public, councillors and colleagues fairly, efficiently, politely and in line with our policies. You must not allow your personal or political opinions to interfere with your work. You must use our equipment and money responsibly, and always give value for money. If you know of someone who is not maintaining these standards or has not followed the code, you must report this to your supervisor or manager.

All members of the public have the right to be treated equally by you and should not be discriminated against on the grounds of race, gender, disability, age or any other factor. You have a responsibility to ensure that the council's equal opportunities policies are adhered to in all your work activities and that diversity is recognised.

2.2 Personal Interests

You must declare to the manager of your directorate any interest which you have which could conflict with our interests or affect your judgement as our employee. Such interests may be financial, business related, ownership of property, family interests, membership of external bodies or any other factor that could be construed as a personal interest. This register is held centrally within the county human resource service and is subject to rigorous review by audit. Failure to disclose such an interest could result in disciplinary action being taken against you.

2.3 Relationships

Your personal relationships with councillors, colleagues and members of the public and other organisations must not lead to any suspicion that could affect your work. You should not be involved in the recruitment, promotion, pay, benefits, training or discipline of anyone who is a relation or with whom you have a close personal relationship outside of work. If the situation is unavoidable, you should declare such an interest to your manager and ensure that you are seen to be fair.

All officers of the council are required to be politically neutral and more senior posts (scp 44 and above and some other specified posts) are politically restricted in that they may not participate in any formal political activity. Do remember that the controlling political group may change during the course of your employment, and it is important that you show no bias or personal preference, whatever your personal beliefs may be.

2.4 Commitments Outside Work

You must not be involved in any outside activity or work that could cause a conflict of interests with your responsibilities to us, or which makes use of material to which you have access because of your position.

If you are in any doubt at all, you should not engage in other outside work without seeking the express permission of your manager.

You must not do outside work of any sort in our premises or by using our equipment or materials. Any product or material which you design in the course of your employment remains with us as our property and we claim copyright over such material.

Apart from the above, your off-duty hours are not our concern unless by your activities you bring the reputation of the council into disrepute. However, you must not put yourself in a position where your duty and private interests' conflict, or where public confidence would be weakened.

From time to time, you may be asked to take part in voluntary activity or offered a role in a voluntary organisation. It is important that you clarify the role expected of you and whether you are expected to act in your own right or as the voice of the council. Liability can arise from formal membership of external organisations, and you should seek further advice from your line manager if you have reason to believe that any

liability may arise.

In any event, you should not accept any appointment, be it on a school governing body or with any other public organisation without the express permission of your strategic director.

2.5 Proper Use of County Council Resources

The council is responsible for the efficient use of the public resources it holds. That includes financial resources, equipment and the staff who work for the council. There are legal requirements in place concerning the use of resources and you should ensure that you comply with all legal requirements and standards set down in the 'cost centre managers guide', 'contract standing orders' and 'financial regulations'. Your line manager can tell you more about these.

2.6 Improper Use of Equipment and Information

You must respect the confidentiality of the information to which you have access at work. This includes respecting the interests of your colleagues and of the general public who you serve. If you do not, you may lose your job.

You must not use any information to which you have access at work for personal gain or pass it on to others who might use it in this way.

You should not tell anyone outside the council what goes on at council meetings held in private or the contents of any confidential council document.

You must not give confidential information about our clients to anyone unless they need it to help the client or prevent serious harm to the client or others. If possible, you should get the client's permission before giving information about them to others.

2.7 Accepting Gifts and Hospitality

Your conduct should never lead anyone to question your interests. So, you must be careful not to show by your behaviour that you may be influenced by any gifts or hospitality. This is important because of our reputation and because you could be prosecuted.

It is a criminal offence to demand or accept a gift or reward in return for allowing yourself to be influenced as a local government employee. If you are accused of this offence, you will have to prove that you did not favour or discriminate against anyone.

You should not accept gifts unless they are small gestures or adverts such as calendars or diaries. It would not be proper for you to do so, even if the gifts are not intended to influence you.

Think carefully before offering or accepting hospitality. Consider how it could affect your relationship with the other person and how it might be viewed by councillors, the public and other employees.

Entertaining clients and customers is now accepted business practice, so it would be unrealistic to forbid employees from accepting offers of hospitality. However, it becomes difficult to tell what a proper and acceptable level is and what is not, and what puts you under some influence and what does not. Equally, it is wise to consider the impact of any gifts or hospitality. An invitation to a cultural event may well be perceived by the general public to be in the interests of the council, however

attendance at a major sporting event may be perceived to be improper use of council time. It is the perceptions of the general public which are paramount when deciding whether a gift or offer of hospitality is reasonable. Entertainment or hospitality can be a proper way of doing business as long as it is not extravagant. As a general rule, make sure that you justify any hospitality you receive in connection with your work as being in the public interest. Any gift or invitation for hospitality should be recorded in your directorate's hospitality record. Any refusal of hospitality should also be recorded.

Other offerings may be more disguised. Avoid any arrangement where goods or services are offered to you free of charge or below the market price and which could be seen as a means of gaining our approval. It is especially important that all offers of gifts and hospitality are courteously refused where they come from a potential supplier who is currently engaged in the tendering/contract process.

You must not take personal advantage of any discount arrangements we have with our suppliers unless we have made special arrangements for all our employees. You should not accept any offers to benefit personally from those arrangements that may have been made as result of your position.

There are also occasions when as an officer of the council you wish to offer hospitality. Such offers should follow the same sensible rules in considering the perceptions of the general public, especially where that hospitality includes other employees of the council, e.g. small celebrations of success for team achievement. Where council hospitality is extended to employees of the council, it should not normally be further extended to the partners of such employees. However, there may be occasions where the inclusion of partners is justified and under such circumstances, the approval of your strategic director should be obtained. Occasions such as long service awards or other appreciations of service, where partners are invited to share the celebrations are a good example of where hospitality can be further extended.

If in doubt, always speak to your strategic director.

2.8 Legacies

Staff involved in personal care are often remembered in the wills of the people they have looked after.

A legacy may be small and may be left to you because the elderly person has no relations or close friends and genuinely wants to say thank you to someone who has looked after them for a number of years. On the other hand, these gestures may be misunderstood, particularly if large sums of money are involved.

If you are offered a legacy as a result of your job you must get your strategic director's approval before accepting it. If you do not, you could lose your job.

2.9 Relations with Contractors or Suppliers

You must award contracts or orders on merit and in line with our procedures.

Tell your manager about any relationship you have with a contractor or supplier with whom you are also involved at work. You must not try to influence the awarding of contracts or orders to any contractor or supplier.

You must not favour current or past employees or their partners, close relatives or

associates when awarding contracts or orders to businesses for which they work.

If you are employed in a contractor or client unit, you must be fair when dealing with all customers, suppliers, other contractors and sub-contractors.

If you, or you and your colleagues are considering a management buy-out you should tell your strategic director immediately. You must not then take part in any relevant contract awarding process.

2.10 Sponsorship

If an outside organisation wants to sponsor one of our activities, follow the rules about accepting gifts and hospitality set out above. Be particularly careful when dealing with contractors or possible contractors.

If we provide support to the community or an organisation, make sure that there is no conflict of interest involved. You must not try to influence any sponsorship decision in favour of yourself, your partners or any other relative.

2.11 Procurement and Partnership Arrangements

Many of the council's objectives are delivered by developing partnership arrangements with one or more organisations. These organisations may be other public sector organisations, private sector companies, voluntary organisations or community groups. It is important that were you to participate in such a group, you are clear as to the authority invested in you by the council and other partner organisations. Where you are approached by an external source to join such a group, you should always check with your line manager as to the extent of your participation.

You may also be asked to buy in services for the council. In such cases, it is important that you show no bias towards friends, family or previous employees of the council and that all decisions are based on achieving best value for the council. If friends or family are involved as potential suppliers, you should not be involved in the selection process.

2.12 Using Information Technology

We provide computer facilities for our work only. You must not use unapproved software in any circumstances.

Computers are an important part of most employees' duties. You must use the equipment in line with our practice and the law. This includes the Data Protection Act 1984, Data Protection Act 1998, the Computer Misuse Act 1990 and the Copyright, Designs and Patent Act 1988.

2.12.1 Computer Misuse Act 1999

The Computer Misuse Act introduces penalties for using computers without permission. If you have a right to use a computer and the information on it, and you use both only for their intended purposes, you are unlikely to have any problems. However, if you use someone else's security ID and password to gain access to a computer, you will be breaking the law. Switching in a computer when you know you should not be using it could be an offence.

2.12.2 Computer Viruses

You must follow your directorate's policy and procedures on virus protection. A virus is a set of computer instructions maliciously hidden in a programme which can corrupt and damage computer files and disks. If you knowingly introduce a computer virus you are breaking the law.

2.12.3 Data Protection

Data protection laws cover information which relates to a living person. Basically, the Data Protection Acts give people certain rights and gives us (and you as our employee) responsibilities for personal information. These responsibilities relate to:

- Getting information fairly
- Registering new uses of the information
- Making sure there are enough details but not too many, and that details are accurate, up to date and not kept for longer than necessary
- Allowing people whose details we hold access to their files and the right to correct or delete incorrect information: and
- Security measures to protect personal information

The legislation not only provides for data held on computer systems, but also that which is held on "relevant filing systems". Such systems are where systems are structured by reference to individuals or criteria relating to individuals. As such, a manual personnel filing system will be included by the act, but a collection of names for the purposes of identifying who has attended a particular training course will not.

You and we may be prosecuted if we break this law. So, if you suspect there is a problem, or you need advice please consult your manager or your data protection officer.

2.12.4 Copyright

The Copyright, Designs and Patents Act 1988 makes it an offence to copy computer programmes (software) and other literature without proper approval from the owner of the copyright. The penalties for breaching copyright regulations can be severe for you as well as us.

2.12.5 Use of Telephones, Internet and E-mail

Staff may make personal telephone calls whilst at work, but such calls should be limited as much as possible. A computer print-out will be provided to all telephone extension users each month. You should record your personal calls and make the appropriate payment to the finance section on receipt of the print out.

The council does allow for personal use of e-mail and the internet (if you have reasons to be connected for work purposes), providing that it is not excessive, does not interfere with your normal activities and it is made clear that any message sent is not on behalf of the council.

3. What Can You Expect from Warwickshire County Council as Your Employer?

3.1 Valuing Staff

Warwickshire County Council recognises the value that staff add to the organisation and the services that it delivers. Best value can only be achieved by developing staff to their full potential and providing them with the relevant knowledge, equipment and

authority to carry out their duties. The council values all forms of learning, and as well as providing formal induction and training for staff, will provide for appropriate development opportunities by way of secondment, on the job learning, special projects, acting up arrangements and mentoring.

It is important that the council builds in the capacity to meet training needs and each directorate is responsible for developing an overall training plan. You will agree your own individual training plan with your line manager.

The council is systematically working towards the achievement of the Investors in People award and the development of staff is a key component to this work.

3.2 Business and Service Planning

The council is committed to a systematic approach to performance management and this is expressed by a real commitment to best value and the use of the excellence model to express this. The objectives of the council are set out in a range of documents, particularly 'Our County' and the 'Best Value Performance Plan'. These corporate documents are additionally supported by directorate plans, and your line manager will be able to tell you more about these.

3.3 The Appraisal Process

All staff are entitled to participate in a formal appraisal process, whereby work targets are set at the beginning of the cycle and reviewed mid-way and at the end of the cycle. Training needs are also assessed during the appraisal process to ensure you have the relevant skills to carry out the duties required of you and to identify further areas of learning that will benefit both you and the organisation. The appraisal process may vary according to the demands of the business and in some cases will be a one to one process, whilst other areas of the organisation will be best served by a group exercise. The level of formality will also depend on organisational demands. For more information on this, you should ask your line manager.

3.4 Management and Direction

Managers and supervisors will provide leadership and guidance to staff in order to jointly deliver quality services to the public. This means setting clear work goals that reflect directorate and council objectives, providing regular and timely feedback on performance to ensure staff fully understand what is expected of them.

3.5 Communications

Quality services are dependent on staff understanding their role within the council and effective communication. We must listen to what the public say and to each other to secure appropriate quality services. The council will ensure you are kept fully informed of major issues likely to affect you and your work and will take every opportunity to listen and consider your views.

3.6 Recruitment and Selection

Job vacancies within the council are open to internal and external advertisement, except in specific circumstances such as re-organisation resulting in potential redundancy situations. Interview panels are properly trained and will give full feedback to all candidates. The code of practice relating to recruitment is included in the manager's guide, a copy of which is available in your directorate.

3.7 Terms and Conditions of Employment

Warwickshire County Council is a single employer and abides by national terms and conditions. Where local practice has been negotiated, details will be made available to you by your line manager.

The main groups of employees are:

- Management, administration and front-line staff under the NJC terms for local government
- Teachers
- Youth Workers
- Soulbury
- Firefighters

Your contract of employment will confirm your terms and conditions.

3.8 Job Descriptions

You will be provided with a job description and person specification which sets out your principal accountabilities and skills needs. This is intended as a guide to your role and is not an exclusive list of tasks. Additionally, you will have work related targets to meet each year. You should do all that you can to meet the expectations of the organisation and in return expect management support in developing your ability to do this.

3.9 Trade Union Membership

The council, as your employer, supports the system of collective bargaining in every way and believes in the principle of solving employee relations problems by discussion and agreement. For practical purposes, this can only be conducted by representatives of the employers and employees. If collective bargaining of this kind is to continue and improve for the benefit of both, it is essential that the employees' organisations should be fully representative. The council is associated with other local authorities represented on the National and Provincial Council dealing with local authorities' services. It is equally sensible for you to join a trade union representing you on the appropriate negotiating body and you are encouraged to do so if you feel it is appropriate.

The council recognises the following trade union(s) and professional associations as representing staff within their field of operation:

- Unison
- GMB
- Transport and General Workers Union (TGWU)
- Community Youth Workers Union (CYWU)
- National Association of Schoolmasters and Women Teachers (NASUWT)
- National Union of Teachers (NUT)
- National Association of Head Teachers (NAHT)
- Association of Teachers and Lecturers (ATL)
- Secondary Heads Association (SHA)
- Professional Association of Teachers (PAT)
- Fire Brigade Union (FBU)
- Retained Firefighters Union (RFU)

3.10 Health and Safety

The council, as your employer, has a duty under the law to ensure, so far as is reasonably practicable, your health, safety and welfare at work. This responsibility is delegated to strategic directors, who in turn are supported by directorate representatives and central support on standards and expectations from the resource's directorate. As an employee, you have legal duties as well relating to the correct use of work equipment, co-operating with the council on health and safety and taking reasonable care of your own health and safety and others who are affected by what you do. Posters detailing the key points of Health and Safety Law are on staff notice boards within each directorate.

You must report all accidents and dangerous occurrences that occur within your area of responsibility immediately. Failure to do so can result in formal action by the Health and Safety Executive.

3.11 Equality of Opportunity

The council is committed to equality of opportunity for all staff in employment and seeking employment with the council. Consideration for employment and opportunity for promotion will be dependent on ability alone and will take no account of gender, race, disability or age as contributory factors. Indeed, specific attention will be given to positive action to ensure the community we serve is reflected within the workforce.

The council extends that recognition within service delivery and is committed to equal treatment of all its service users.

3.11.1 Gender

The council complies with the Sex Discrimination Act 1975. No account will be taken of gender in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular gender is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.2 Race

The council complies with the Race Relations Act 1976. No account will be taken of race in relation to employment or promotion. Where a Genuine Occupational Qualification prevails (i.e. a particular race is essential due to the personal services to be delivered) this will be made clear in the advertisement and supporting documentation.

3.11.3 Disability

The council complies with the Disability Discrimination Act 1995. The council has a positive attitude to the employment of disabled people and in making employment or promotion decisions will make 'reasonable adjustments' to accommodate particular needs. Indeed, the council operates a policy of guaranteed interview to those disabled people who meet the person specification.

3.11.4 Age

The council operates a policy of normal retirement at age 65 which provides an opportunity for employees to pursue their personal interests. However, the council

recognises the guidance in relation to age discrimination and is committed to equal opportunity to people of all ages within the accepted span of a working life. Subject to the normal retirement age of 65, no account of age will be taken in relation to employment or promotion. We will seek to introduce flexible policies to retain older workers.

The council will not tolerate discrimination or harassment in any form and will take disciplinary action against those employees engaged in any form of discrimination or harassment or bullying. The council has a range of policies and procedures in support of this commitment including:

- Equal Opportunities statement
- Code of Practice – Equal Opportunities
- Harassment Code
- Bullying Code
- Confidential Reporting Code
- Guaranteed Interview Scheme – Disability
- Race Equality Policy

All documents are available from your human resources section.

3.12 Working Time

The council operates in a customer-orientated market and working hours will need adjustment from time to time to meet the needs of those customers. Where this is necessary, full consultation will be undertaken with staff. The council also recognises that flexible working patterns and practices that recognise the work/life balance are essential to those employees with care responsibilities and those people with disabilities. Details of maternity, paternity, special leave, job sharing, and flexible hours are available from your human resources directorate.

3.13 Redeployment

Where organisation changes are proposed, employment issues will be the subject of consultation with individual members of staff and the recognised representing trade unions or professional associations. The council will take all reasonable steps to find alternative employment for anyone who is displaced from their job in the process of such change. Full details of support available are included in the manager's guide and are available from your line manager.

3.14 Differences and Concerns

The council has a range of objective policies, agreed with the trade unions to resolve any differences that may arise between employer and employee or employee and other employees. All such procedures are included in the manager's guide and examples are grievance procedure, disciplinary procedure, confidential reporting code and harassment code.

PART 5 - MEMBERS' ALLOWANCES SCHEME

Approved by council 20 March 2018, reviewed every four years and updated annually April 2019 in line with the basic annual NJC pay award.

Any enquiries about the operation of this scheme or about the duties of councillors should be addressed to The Assistant Director of Governance & Policy, Shire Hall, Warwick CV34 4RL

~~• Any enquiries about the duties of councillors should be addressed to the Strategic Director (Resources), Shire Hall, Warwick CV34 4RL~~

1. This scheme is made under the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.
2. **Basic Allowance**

Each elected member of the county council is entitled to receive a basic allowance of £9,637.

As a matter of principle, the basic allowance recognises that there is a voluntary element to the work undertaken by elected members and therefore does not set out to fully recompense all work undertaken.
3. The basic allowance is a contribution to the time spent by elected members in performing their duties and to cover any other incidental costs.
4. Elected members who hold one of the appointments listed in the following table are entitled to receive a **special responsibility allowance** at the rate shown per annum. Members holding more than one post attracting a special responsibility allowance may only claim one special responsibility allowance. (The monitoring officer will apply the higher special responsibility allowance, unless advised otherwise.)
5. On appointment elected members are required to confirm in writing to the Chief Executive (resources) whether they wish to receive the basic allowance and any special responsibility allowance. A member (including a co-opted member) may elect at any time by notice in writing to the Monitoring Officer to forgo any part of their entitlement to an allowance under the scheme.
6. Entitlements to basic, special responsibility and co-optees allowances will be calculated pro-rata taking into account the day on which a member takes office and/or is appointed to a post attracting a special responsibility or co-optees allowance and the day such office or appointment ends. Such allowances are normally paid monthly in arrears.
7. The basic, special responsibility and co-optees allowances will be increased in line with the basic annual NJC pay award increase (excluding the National Living Wage).

8. Special Responsibility Allowances (SRAs)

SRAs are payable from the date of appointment to office.

	£
Leader of the Council	24,137
Deputy Leader of the Council	14,482
Cabinet Member	10,763
Chair of the Council	5,783
Vice-Chair of the Council	2,893
Overview and Scrutiny Committee Chair	5,783
Overview and Scrutiny Committee Vice-Chair	2,147
Regulatory Committee Chair	5,783
Regulatory Committee Vice-chair	2,920
Audit and Standards Committee Chair	4,494
Pension Fund Investment Sub-Committee Chair	4,494
Adoption Panel Member (County Councillor)	1,020
Fostering Panel Member (County Councillor)	1,020
Chair of Warwickshire Police and Crime Panel when the Chair is a nominated County Councillor representative on the Panel	3,060
Leader of an Opposition Group* representing at least 10% of the membership of the council	8,376
Deputy Leader of an Opposition Group* representing at least 10% of the membership of the council	5,011
Leader of an Opposition Group* representing less than 10% of the membership of the council	536

Conservative group spokespersons to be determined by the group leader and notified to the council from a total allocation of £14,000.

Liberal Democrat group spokespersons and Labour group spokespersons have an allocation of £1,000 x number in their group to be allocated as determined by the group leader and notified to the council.

** An opposition group is defined as a group not represented on the cabinet.*

9. Co-optees Allowance

A co-optee is a non-elected member of the council who is a member of a committee or sub- committee of the council.

An allowance of £1,238 is payable to any co-optee who is not paid by or in receipt of allowances from their nominating body.

10. Travelling allowances

These may be claimed by members for the duties listed in the appendix in accordance with the provisions set out below. Claims must be made within two months from the date of the event for which the allowance is claimed.

Public Transport

- i. Reimbursement for travel by public transport will not exceed the amount of the standard fare. In the case of rail travel, this will include the cost of a seat reservation.
- ii. Members may also claim for the cost of disability railcards or senior railcards where these are used to the council's advantage to reduce fares incurred on council business.
- iii. For the avoidance of doubt, the cost of first-class rail travel will not be reimbursed.
- iv. Receipts for all travel must be provided.
- v. Members should, wherever feasible, take advantage of the countywide travel pass scheme for residents over 60 which allows free travel on local bus services within the county.

Taxi Cab

Taxi cab fares (including a reasonable gratuity) may be reimbursed in cases of urgency or when no public service is reasonably available. Receipts must be provided.

Air or Sea

Air or sea fare may be reimbursed if the rate compares reasonably with the cost of alternative means of travel and/or having regard to the likely savings in time. In respect of travel by air or sea, this must be agreed in advance with the democratic services manager. Receipts must be provided.

Insurance

It is essential that a member's own motor vehicle insurance policy covers them when using their own vehicle on county council approved duties.

Member's Private Vehicle

The rates for travel by motor vehicle (excluding motorcycle) are 40p per mile. Claims should be based on travel from the member's home address or from the actual starting point, whichever is the shorter. The monitoring officer will agree a standard mileage from the member's home to Shire Hall for each member. If a passenger is carried on any journey, an additional 10p per mile may be paid in respect of each passenger, provided it is economical to so do. The name of any passenger(s) must be entered on the claim form for that journey.

VAT Receipts

Claims for mileage should be accompanied by a VAT receipt issued in the month of the claim.

Motorcycle or Bicycle

The rate for motorcycle or bicycle is 20p per mile.

Hired vehicle

The rate for travel by a hired motor vehicle other than a taxi cab shall not exceed the

rate which would have been applicable had the vehicle belonged to the member who hired it.

11. Subsistence allowances

These may be claimed by members for the duties listed in the appendix subject to the following provisions:

The council will reimburse actual costs up to the maximum subsistence rates agreed for officers. Receipts must be provided with all claims and the claim for subsistence must be made within two months from the date of the event for which the allowance is claimed.

Subsistence will not be paid when lunch or tea is provided – for example on days of full council.

Subsistence will not be paid for alcoholic beverages.

The rate of subsistence shall not exceed figures shown below without the prior agreement of the strategic director for resources.

1. In the case of an absence, not involving an absence overnight, from the usual place of residence:
 - a. of more than 4 hours including the period between 12noon and 2pm (lunch allowance), £6.50.
 - b. of more than 4 hours ending after 7 pm (evening meal allowance), £8.00.
2. In the case of an absence overnight from the usual place of residence the cost of accommodation (including breakfast) ***should not exceed £80 outside of London, or £100 in London.*** These rates shall be deemed to cover a continuous period of absence of 24 hours.
3. The rates at (2) can only be exceeded if there are exceptional circumstances and members should consult the democratic services manager for approval or may be required to pay any excess above the rates.

12. Dependant carer's allowance

may be claimed by members who incur expenditure on the care of children or other dependants for the duties listed in the Appendix in accordance with the following provisions.

The event requires the member to provide care for a person who normally lives with the member as part of the member's family

A carer is any responsible mature person who does not normally live with the member as part of the member's household.

Receipts must be provided with all claims for the allowance and the claim must be made within 2 months from the date of the event for which the allowance is claimed.

The sum claimed is the lower of the actual paid or the applicable maximum hourly rate below, updated as appropriate following the annual review of rates undertaken by the Strategic Director for People.

Dependant	R Rate per hour
A child below school age or a child under 14 years of age outside school hours	£5.50 *
An elderly, sick or disabled dependant requiring constant care	£18*

*This rate can only be exceeded if there are exceptional circumstances and members have prior approval of the Democratic Services Manager.

Members' Allowances Scheme

Appendix: Duties of councillors for which travel expenses may be claimed

1. All formal meetings arranged by the county council for the conduct of county council business.
2. All consultation meetings arranged by the county council for which the member's attendance is required or where the business directly affects the member's electoral division.
3. All meetings of bodies to which the member has been appointed as the county council's representative by the council, cabinet, Regulatory Committee or area committee, including meetings of companies in which the county council has an interest as the nominated director. (Note: this does not include acting as a representative of the council on a school governing body.)
4. Participation in delegations or attendance at conferences approved by committees.
5. Seminars and training sessions arranged by the county council which are open to all members or open to all members of a particular committee and any individual training or development sessions approved by the democratic services manager.
6. Pre-agenda briefing meetings with officers, taking place before committees, etc. and to which all parties are invited.
7. Consultation and briefing meetings with officers by members of the cabinet or others with special responsibility holding appointed or elected positions.
8. Group meetings.
9. Surgeries.
10. Meetings of a parish or town council in the member's own division.
11. The carrying out of any other duty approved by the authority or any duty of a class so approved, for the purpose of, or in connection with the discharge of the functions of the authority, its committees or sub-committees.

PART 6 - MANAGEMENT STRUCTURE

1. The Council's Staff

The council has people working for it (called officers) to give advice, implement decisions and manage the day-to-day delivery of its services. A code of practice governs the relationships between officers and councillors. Some officers have specific roles to help the council act within the law and use its resources wisely.

- The chief executive is **the head of paid service**, who leads the council's staff and advises on policies, staffing, service delivery and the effective use of resources.
- The strategic director for resources is **the chief finance officer**, who advises on the effective management of the council's finances in accordance with appropriate standards and conduct.
- The assistant director for governance & policy is **the monitoring officer**, who advises on issues relating to the law, the constitution and conduct.

2. Departmental Management

The council staff are organised into three directorates: -

Communities Directorate
People Directorate
Resources Directorate

Each directorate is headed by a strategic director. They are each supported by a management team of assistant directors. Each assistant director is responsible for particular areas of work carried out by their directorate or service.

3. Corporate Management

The chief executive is responsible for the overall management of the council and is supported by the corporate board consisting of the three strategic directors.

A chart showing the overall management structure can be found via this link:

[Organisational Chart](#)

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~~Part~~ Part 3(3)

SECTION 3 – CONTRACT STANDING ORDERS

Council rules for buying and supplying goods, works, or services and for disposing of assets other than property.

Effective from 1 ~~April 2019~~ January 2022

For clarity, and pursuant to the Constitution of the County Council, the role of ~~Chief Finance Officer~~ S.151 officer is exercised by the Strategic Director for Resources and the role of Monitoring Officer is exercised by the Assistant Director for Governance & Policy.

SECTION A

1. SCOPE AND PURPOSE

1.1. As a body using public resources, the Council must set and follow the highest standards of financial control and stewardship. Contract Standing Orders (CSOs) provide Officers and Members with procedures to follow to ensure that the required standards are met.

1.2. CSOs are consistent with procurement legislation and the Council's Code of Corporate Governance and are considered by Audit & Standards Committee annually as part of the approval of the Annual Governance Statement.

1.3. CSOs set out procedures designed to ensure that the Council achieves value for money and social value, that it complies with statutory requirements, that its affairs are prudently managed and properly controlled.

1.4. ~~Non~~Contract standing orders (CSOs) aim compliance with these rules could result in a legal challenge and may also constitute a disciplinary offence.

1.5. Prior to commencing a procurement /sale /contracting process on behalf of the Council, Officers should ensure that they have the authority to do so. Failure to do so may result in delay and/or the cancelling of procurement activity. Officers should check with Legal and Democratic Services if they are unsure of their authority.

~~1.1.~~1.6. The purpose of CSOs is to promote good procurement practice, public accountability, deter corruption and provide protection for the Council and its staff against allegations of impropriety. These CSOs set out and explain the Council's minimum requirements when contracting for goods, services and works.

1.7. ~~All~~CSOs must be read in conjunction with the Council's Financial Standing Orders. They apply to all spend with external suppliers regardless of type and regardless of the source of funding (e.g. capital, revenue, sponsorship, donations or grants from a third party). They apply to contracts let by the Council on its own behalf and when it is acting

as a purchasing authority on behalf of others. Where the Council is taking part in procurement activity controlled by a partner authority, officers should satisfy themselves that any proposed process meets the Council's legal obligations and should speak to procurement and legal colleagues where they are unsure.

1.2.1.8. CSO's are designed to ensure that all procurement and disposal procedures must activity:

- Achieve~~Achieves~~ best value for money;
- Be~~Is~~ consistent with the highest standards of integrity;
- Ensure fairness;
 - Comply~~Generates~~ market competition with a transparent, fair, and consistent approach;
 - Complies with all legal requirements;
 - Support~~Supports and complies with~~ the council's corporate aims and policies; and
- Comply with corporate policies and strategies and with the decisions of corporate board (or other officer boards authorised by corporate board), and with any other of the council's properly constituted boards and committees acting within their jurisdiction; and
 - In relation to procurement of IT equipment, hardware and software~~Meets our~~ diversity and sustainability objectives and ensures equality of treatment

2. WHEN DO CSO'S APPLY?

- CSO's apply to all contractual arrangements entered into by the Council except for those specifically must comply with the digital and ICT strategy and decisions taken by the digital by design board.

1.3. A relevant contract for the purposes of CSOs is any arrangement made by, or on behalf of, excluded at paragraphs 2.2 and 2.3 below. They apply to contracts where the council for the carrying out of works or for the supply of is receiving goods, materials or services, for example:

- the supply or disposal of goods;
- hire, rental or lease of goods or equipment; and
- the delivery of services.

1.4. "Contract" also includes arrangements and to contracts where the council is supplying goods, works or services.

1.5.2.1. Contracts must comply with these CSOs, CSO's irrespective of the method of funding (e.g. capital, revenue, sponsorship, donations or grants from a third party). how they are funded. Procurement legislation covers contracts for services, works and supplies. This includes contracts for the provision of works (including design and execution of works), for the purchase, lease rental or hire of products (including installation) and for the provision of services generally, (subject to exemptions and relaxations for specific types of service activity that procurement can advise upon.

1.6.2.2. The CSO's do not apply to the following activities or contracts which are excluded from CSOs: covered by separate policies and procedures

- ~~a. Contracts of employment which make an individual a direct employee of the council;~~
- a. Contracts for fixed term or permanent appointments where individuals become employees of the Council (NB they will apply to contracts for services even if those services are supplied by a named individual and to contracts with employment agencies for the provision of staff) see HR Policies at [_____];
- b. Agreements for the acquisition, disposal, or transfer of land; see Property Policies at [_____];

- c. Works placed with utility companies where there is no competition required or achievable
- d. Services to be delivered to the Council by the Council's in-house services (i.e. legal/payroll etc)
- e. Direct payments to customers see Social Care policies at [_____]
- f. Non trade payments to third parties – i.e. insurance claims payments, pension payment, statutory payments to public bodies, compensation payments ordered by a court or tribunal speak to Legal at [_____]
- g. Contracts entered into by or on behalf of the ~~monitoring officer~~ Monitoring Officer for the appointment of counsel, solicitors and/or experts; in relation to or in contemplation of proceedings, or where procurement thresholds are not met; or
- ~~e.h.~~ Loans to banks or other financial institutions and investments made in accordance with the treasury management strategy; speak to Finance at [_____].

~~1.7.~~

~~1.8.~~

~~2.~~ **GENERAL REQUIREMENTS**

~~2.1.~~ **Classification and Valuation of Contracts**

~~The following classifications apply for the purposes of CSOs:~~

- ~~○ Minor contract – total value less than £100,000~~
- ~~○ Ordinary contract – total value of £100,000 or more but below £1,000,000~~
- ~~○ Major contract – total value of £1,000,000 or more~~

~~The total value of the contract should be calculated in accordance with the most appropriate of the following:~~

- ~~a. fixed term contracts – the total price expected to be paid during the whole of the contract period, including possible extensions; or~~
- ~~b. where the contract period is uncertain, multiply the price expected to be paid each month by 48.~~
- ~~c. if the purchase involves a series of separate transactions for the same type of item,~~

the 'total value' is the expected aggregate value of all of those transactions in the coming 12 months.

The following activities

~~d. for feasibility studies, it is the value of the scheme or contracts which may be awarded as a result.~~

~~An officer **must not** select a method of calculating the total value in order to void the requirements of these CSOs.~~

2.2. ~~Guiding Principles~~

~~All contracts must be let through a competitive process which meets the requirements of **Section C** unless an exemption has been granted or the arrangement is permitted by these CSOs.~~

~~Adequate resources should be identified to manage the procurement and any contracts awarded.~~

~~Any contract which exceeds the relevant EU threshold (or replacement threshold set by the UK government) must comply with any legal requirements in the Public Contract Regulations or any replacement regulations approved by the UK government.~~

~~There must be a procurement plan for all major contracts and any contract which exceeds the relevant EU threshold or UK equivalent. The procurement plan must be submitted to the chief finance officer and approved before the procurement process commences.~~

~~Only approved E-systems should be used, and advice should be sought from the head of procurement on their use. The use of e-procurement technology does not negate the requirement to comply with all elements of these CSOs.~~

2.3. ~~The following~~ are also excluded from the requirement for competition:

- a. Purchases made via a purchasing consortium (e.g. ESPO) accessible to local authorities, ~~however. However,~~ purchases above ~~the EU Threshold~~thresholds set in Procurement Legislation will only be excluded if the consortium has let their contract lawfully and in accordance with EU Procedures~~requirements in force at the time.~~
- b. Contracts entered into through sub-regional working or collaboration with other local authorities or public bodies, where a competitive process has been followed that complies with the CSOs of the lead organisation, provided always that the collaboration has let their contract lawfully and in accordance with EU Procedures ~~(where applicable)-procurement procedures in force at the time.~~
- c. Collaborative proposals for joint working or shared services with other public bodies which the ~~monitoring officer~~Monitoring Officer has approved as meeting the following conditions ~~i.e.:~~

- The principal activity of the collaborative arrangement is the provision of services back to the participating bodies;
 - The collaborating public bodies when acting together exercise the same kind of control over the service as they would over an in-house service; and
 - There is no independent or private sector partner involved in the collaborative arrangement.
- d. residential placements for an individual with a registered care provider of their choice under the Care Act 2014, or
- e. personal care services where, in the opinion of the appropriate assistant director, the particular needs of an individual require a specific social care package which is only available from one provider.
- f. In relation to (iv) and (v) above the assistant director responsible for the delivery of the services must ensure that adequate records are maintained to demonstrate:
- The contractor meets the relevant national minimum standards;
 - The contract is effectively managed in accordance with the council's contract management framework;
 - The reasons for the choice of contractor; and
 - Why these were best possible terms for the council in the circumstances.

2.4. Approvals

2.4. If the contract is subject to the Public Contracts Regulations 2015 (PCR2015), or the Utilities Contracts Regulations 2015 (UCR2015), or the Concession Contracts Regulations 2016 (CCR2016) those regulations will apply in addition to CSO's. In the event of a conflict, the regulations will take precedence. Advice should be taken from Procurement and Legal as to whether the regulations apply before any procurement activity is commenced or contract awards are made.

3. OFFICER RESPONSIBILITIES

3.1. Officers in Procurement and Legal are available to advise and assist officers with compliance with these CSO's.

3.2. All Officers and any agents, consultants or partners acting on their behalf MUST:

- Comply with these CSOs
- Comply with Financial Standing Orders
- Obtain necessary internal approvals in line with the Councils policies and procedures as published from time to time to ensure delegated authority is in place **before** commencing activity and ensure that there is budgetary provision before awarding any contract
- Take all necessary legal, financial, procurement or other professional advice **before** commencing activity and as required throughout the process

- Comply with the Code of Conduct for Officers
- Comply with all procurement legislation and any other legally binding requirements specific to their activity
- Comply with all codes of practice, guidance and instructions regarding contractual arrangements issued by the s.151 officer and the Monitoring Officer
- Ensure that any agents, consultants, or partners acting with or on behalf of the Council as also compliant
- Check with procurement whether a suitable Council contract or Framework Agreement already exists before seeking to let another contract
- Ensure council suppliers have sufficient insurance cover appropriate to the contract in accordance with the council's insurance guidance
- Ensure that where an employee of the council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting tenders or quotations
- Keep all required records in accordance with CSO's and Contract Management Framework
- Ensure there is a procurement plan approved by the s.151 officer for major contracts and contracts above the applicable legislative threshold

3.3. Assistant Directors must:

- Ensure their staff comply with CSOs
- Ensure their staff are sufficiently skilled in procurement matters to fulfil the duties of their post and complete any required learning and development
- Ensure all records are kept as required by these CSOs
- Ensure contracts are executed in accordance with CSOs and constitutional delegations and that a copy is retained for safekeeping on the approved Council systems
- Ensure all exemptions requested and approved are recorded in accordance with CSO's

3.4. Strategic Directors must:

- Ensure that any scheme of delegation within their directorate is clear about responsibilities in respect of CSOs and is lodged with the Monitoring Officer
- Approve any proposals by their directorate to provide services to external organisations
- Ensure all Assistant Directors within their directorate are sufficiently skilled in procurement matters to fulfil the duties of their post

3.5. The S.151 officer shall

- approve procurement plans for major contracts and contracts above procurement thresholds

3.6. The S.151 officer and Monitoring Officer may

- With the consent of each other (and only as permitted by these CSOs) waive any provision of CSOs provided the same does not contravene any legal, financial, or regulatory rules
- Delegate their powers under CSOs to another suitably qualified officer
- Issue codes of practice, guidance, and instructions on any matters relevant to these CSOs
- Specify the approved learning and development requirements in procurement matters that officers must complete to meet the minimum competency standards to fulfil their duties under CSOs

3.7. The Monitoring Officer shall

- Approve contract terms and the form of contract to be used
- Ensure that a central register of all major contracts and contracts under seal is maintained
- Arrange for the safekeeping of original copies of contracts on council premises
- Ensure that a central register is maintained of all exemption applications relating to contracts of £100,000 or more

3.8. All officers must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to prove that any gift or benefit received was received or approved in line with the Council's policy on gifts and hospitality which can be found at [LINK]. Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal.

3.9. Officers must comply with s117 of the Local Government Act 1972 in relation to the declaration of any interest in any contracts and with the provisions of the Bribery Act.

4. GENERAL REQUIREMENTS

4.1. Classification of Contracts

The following classifications apply for the purposes of CSOs:

- Minor contract – total value less than £100,000
- Ordinary contract – total value of £100,000 or more but below £1,000,000
- Major contract – total value of £1,000,000 or more

4.2. Valuation of Contracts

The estimated value of a procurement is the total amount payable, net of VAT, including any form of option and any renewals of the contracts as explicitly set out in the procurement documents.

The estimated value of the contract should be calculated in accordance with the most appropriate of the following:

- fixed term contracts - the total price expected to be paid during the whole of the contract period, including possible extensions; or
- where the contract period is uncertain, multiply the price expected to be paid each month by 48; or
- if the purchase involves a series of separate transactions for the same type of item, the 'total value' is the expected aggregate value of all of those transactions
- for feasibility studies, it is the value of the scheme or contracts which may ultimately be awarded as a result

An officer must not select a method of calculating the value in order to avoid the

requirements of these CSOs or procurement legislation.

A procurement **must not** be subdivided with the intention of preventing it from falling within CSO's or procurement legislation. The subdivision of contracts into smaller contracts or lots is only permitted where justified by objective reasons.

Where a procurement will result in contracts being let in "lots" or as a series of separate contracts that are similar or connected, advice **must be** taken from procurement and legal. The general rule is that the value in such cases is the total estimated value of all the related lots or contracts.

4.3. What must I do?

All contracts must be let through a competitive process that meets the requirements of Section C unless an exemption has been granted or the arrangement is permitted by these CSOs. The level of competition and the process required is determined by Procurement Legislation and the Council's Code of Corporate Governance.

Adequate resources must be identified to manage the procurement and any contracts awarded.

There must be a procurement plan for all major contracts and any contract that exceeds the thresholds set by Procurement Legislation
. s.151 officer No procurement may commence until the procurement plan has been submitted to and approved by the S.151 Officer or their nominated representative.

All references to value within CSOs are to value excluding any Value Added Tax applicable to the contract levied by government.

4.4. How do I start a procurement?

As the Authorised Officer you should familiarise yourself with the requirements of CSO's and ensure you have the approvals required by paragraph 3.5 below. The Council must advertise, procure, and award contracts in accordance with all procurement legislation and statutory guidance in force from time to time.

Additional rules will apply to any procurement subject to funding by EU or central government bodies. Where grant funding of any kind is used to fund a procurement advice must be taken from Legal Services to ensure compliance of proposed activity.

If during the course of a procurement an issue arises upon which these CSO's are silent the matter shall be reported to the Monitoring Officer or their nominated representative for determination.

Procurements above the Procurement Threshold will always be conducted

electronically using the Council's approved e-tendering portal by the Procurement Team unless the Service Manager – Contract Management and Quality Assurance or their nominated representative(s) give(s) prior consent in writing. Procurements below the Procurement Threshold will be conducted using an appropriately robust process in line with the provisions of CSO's and confirmed as acceptable by the Procurement Team.

In order to commence the process, you must be the Authorised Officer and you must take advice from Procurement on the following:

- Pre-procurement;
 - Options appraisal
 - Market engagement and
 - Procurement strategy
- Strategic sourcing
- Spend and supplier intelligence and development and management of opportunities for innovation in supply chain
- Transactional, operational, and administrative procurement activity and the use of the electronic tendering system

The Authorised Officer must also take advice from Legal Services on

- All legal, regulatory, and constitutional aspects of the procurement process; and
- The content and form of any contract before it is made available to bidders (whether or not a formal tender is being carried out) and/or to be entered into on behalf of the Council

4.5. Necessary Approvals

- a. Before a procurement is commenced and/or a contract is awarded, all contracts and activity must be appropriately authorised in accordance with the council's scheme of delegation before a procurement process (whether to be undertaken by negotiation or competition) is begun or a contract awarded and project governance framework (where applicable) and in line with the table below.
- b. Any proposal to let a contract with an estimated total value of between £1,000,000 or more up to and £3,000,000 can only be approved by the deputy leader (finance & property), the leader or cabinet (see table below). Authority must be obtained before a procurement commences.
- c. Any proposal to let a contract with an estimated total value of more than £3,000,000 can **only** be approved by ~~either~~ the cabinet or the leader (see table below).

~~All contracts should~~ Authority must ~~be in written form and once the terms and conditions are agreed should be submitted to the appropriate person for signature. The written formalities should be completed~~ obtained ~~before the contract is due to start~~ a procurement commences.

- d. ~~The table below sets out in more detail the~~ The approvals required, are set out in the table below. They apply ~~equally to contracts that may be awarded through negotiation as they do to those awarded through competition~~ to all contracts regardless of the procurement process followed. They also apply to contracts awarded from framework arrangements including those let using an ESPO framework or an internal council procured framework. Where proposing to use a framework arrangement you must check with Legal Services and/or Procurement whether (a) the framework is valid and properly procured, (b) able to be utilised for the purpose proposed and (c) that your proposed process meets the requirements of the framework in question. Failure to do so may leave the Council at risk of a challenge and lead to delays and failures in service provision.
- e. Any *major contract* **must** comply with the key decision regime. When commissioning *major contracts*, the key decision is the proposal to begin a procurement process for a particular contract. Appropriate approvals must be obtained at that stage and not wait until award.
- f. The subsequent decision to award the *major contract* to a specific contractor will not be a key decision provided the value of the contract does not vary above the original estimated value by 10% or more.
- g. All contracts should be in writing.
- h. The terms and conditions of any contract must be approved in accordance with the table below.
- i. All contracts must be submitted to the appropriate person for signature in accordance with the table below.
- j. The written formalities should be completed before the contract is due to start.
- k. Letters of intent will only be used in exceptional circumstances and where approved by the s151 Officer in consultation with the Monitoring Officer

Total Contract Value	Column 1:	Column 2:	Column 3:	Column 4:
	Authority to start process	<u>Approval of Contract Terms</u>	Authority to award contract	Contract Signing
Major Contracts More than £3,000,000	Cabinet or leader. This will be a key decision. This authority will also generally give the strategic director delegated authority to award	Monitoring officer <u>Officer</u> unless standard terms and conditions have already been approved <u>as suitable by legal services.</u>	Generally covered by column 1. If bids exceed the original estimates by 10% or more then <u>you must</u> report back to leader or cabinet before award.	Send to monitoring officer <u>Monitoring Officer</u> for signing / sealing by designated officers. The relevant authority must be provided at the same time.

	the contract.			
Major Contracts £1,000,000 or more up to £3,000,000	<p>Leader, deputy leader or cabinet.</p> <p>This will be a key decision.</p> <p>This authority will also generally give the strategic director delegated authority to award the contract.</p>	<p>Monitoring officer<u>Officer</u> unless standard terms and conditions have already been approved <u>as suitable by legal services.</u></p>	<p>Generally covered by column 1. If bids exceed original estimates by 10% or more then report back to leader, deputy leader or cabinet before award.</p>	<p>Send to monitoring officer<u>Monitoring Officer</u> for signing /sealing by designated officers. The relevant authority must be provided at the same time.</p>
Ordinary Contracts £500,000 or more but below £1,000,000	<p>Strategic director or person authorised in writing by him/her.</p>	<p>Monitoring officer<u>Officer</u> unless standard terms and conditions have already been approved <u>as suitable by legal services.</u></p>	<p>Same as column 1.</p>	<p>Strategic director or above.</p>
Ordinary Contracts £100,000 or more but below £500,000	<p>Assistant director or third tier manager or person authorised in writing by him/her.</p>	<p>Monitoring officer<u>Officer</u> unless standard terms and conditions have already been approved <u>as suitable by legal services.</u></p>	<p>Line manager or above of person who gave authority to start the process (column 1).</p>	<p>Assistant director or above.</p>
Minor Contracts Below £100,000	<p>Cost centre manager or above.</p>	<p>Purchase order terms can be used unless the contract is for works, software, or the services of a consultant, in which case legal or procurement advice must be taken.</p>	<p>Line manager or above of person who gave authority to start the process (column 1).</p>	<p>Third tier manager or cost centre manager or above.</p>

4.6. What if I want to change my contract?

- You must take advice from Legal Services if:
 - You wish to amend a contract;
 - you wish to assign or novate a contract; or
 - you wish to terminate a contract before the expiry of the contractual term
- Where a variation means that the value of a contract would exceed the threshold set in Procurement Legislation, or where there is any material change to the contract, the contract must be treated as a new procurement under CSO's
- A change will not be deemed material if the value of the modification is both below the threshold set by procurement legislation and below 10% of the original contract value after indexation, or if permitted by the terms of the contract originally procured
- The authorisation needed for any change will be dependent upon the value of that change in line with financial delegations
- Officers must be satisfied that they have sufficient budget to cover any variation and that the variation is lawful, reasonable in all the circumstances and will achieve value for money
- A copy of all variations must be kept with the original contract and provided to procurement for inclusion on CSW-jets.

2.5.4.7. Exemptions from CSOs

- a. Any requirement of CSOs may be waived with the consent of both the ~~chief~~ chief finances.151 officer and the ~~monitoring officer~~ Monitoring Officer subject to any legal restraints.
- b. Where a proposed contract is likely to exceed any legislatively binding procurement threshold in force at that time, no exemption can be authorised if such an exemption would result in a breach of procurement legislation.
- ~~b.c.~~ An application for a waiver (exemption) shall be:
 - submitted on the approved 'exemption form'; [INSERT LINK];
 - set out the reason for requiring the waiver; and
 - show how the proposal complies with any applicable law, demonstrates propriety, value for money and supports the council's objectives.
- ~~e.d.~~ Where an exemption from competition is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to council services the relevant strategic director and assistant director must submit a report to the ~~chief~~ chief finances.151 officer and the ~~monitoring officer~~ Monitoring Officer as soon as practicable following the event. Any contract entered into for these purposes should be the minimum required to remove the immediate risk to persons or property or to reduce the disruption to council services to a

manageable level.

d.e. In cases of urgency if the contract is likely to exceed £1,000,000 then the urgent key decision regime **must** be complied with before any contract is entered into.

2.6.4.8. **Contract Formalities, Signing and Sealing – Minimum Requirements**

a. Contracts shall be signed by the council as follows:

Major Contracts:	By affixing the common seal of the council and witnessed (signed) by one designated officer OR where there is no seal affixed, signed by at least two designated officers.
Ordinary Contracts:	By affixing the common seal of the council and witnessed (signed) by on designated officer OR where the contract value is between £500,000 and £999,999 and there is no seal affixed, signed by a strategic director or above OR where the contract value is between £100,000 and £499,999 and there is no seal affixed, by an assistant director or above.
Minor Contracts:	By affixing the common seal of the council and witnessed (signed) by one designated officer OR Signed by third tier manager, cost centre manager or above.

b. A contract **must** be sealed where:

- The council wishes to enforce the contract more than six years after its end; and

Or

- The price paid or received under the contract is nominal and does not reflect the value of the goods or services.
- c. All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the ~~monitoring officer~~ Monitoring Officer.
- d. The *authorised officer* is responsible for securing signature of the contract and must ensure that the person signing for the other contracting party has authority to enter into a legal agreement.
- e. The Council will undertake signing of contracts via docusign where practicable. Sealing must be done physically, and seals witnessed by an appropriately authorised officer. Legal Services maintains the record of authorised officers. All documents sealed must be recorded within the register held by Legal Services

2.7.4.9. Contract Documents

- a. All *contracts*, irrespective of value, shall clearly specify:
 - What is to be supplied;
 - The price to be paid and when;
 - Appropriate performance indicators;
 - Clear dates and times for performance; ~~and~~
 - Liquidated damages (where relevant); and
 - termination provisions.
- b. ~~e The~~ The Monitoring Officer must approve the terms and conditions of all contracts ~~must have been approved by the monitoring officer~~ either as a standard form contract for particular types of matters or through a specific approval. This clause is complied with by taking appropriate advice from Warwickshire Legal Services on the terms that are acceptable.

2.8.4.10. Record Keeping

- a. *The authorised officer* shall ensure that the following records in relation to successful tenders and awarded contracts are kept in the council's contract management system for at least 7 years following the end of the contract if the contract is signed and 15 years if the contract is under seal:
 - ~~Successful tenders / quotes~~ The A copy of the executed contract and any Any relevant correspondence ~~and records (e.g. any or~~ documents which ~~might~~ may have a bearing on ~~the way how~~ the contract is interpreted) ~~for at least 6 years after contract comes to an end. If made as a deed / under seal, they must be kept forever.~~

- ~~Un-successful~~ A record of any exemptions exercised and the reasons for them
 - A copy of the tender documents and responses received (including award criteria and evaluation criteria)
 - A copy of the Contract Signature Form
 - Confirmation of authority to award
 - Procurement documentation confirming tender and award as required to be published in line with any relevant procurement legislation from time to time in force
- b. The authorised officer shall ensure that unsuccessful tenders ~~and~~ quotes ~~—for~~ are kept in the council’s contract management system for a period of at least ~~2~~two years from the ~~date~~commencement of the contract starts, to which they relate.
- c. Originals of signed contracts or deeds should be returned to Legal for secure storage unless otherwise agreed with the Strategy and Commissioning Manager for Legal and Democratic. Certified copies of contracts or deeds will be provided to the relevant service areas once executed.

2.9.4.11. Contract Management, Evaluation and Review

- a. All contracts must be managed in accordance with the council’s contract management framework, which can be found at [LINK]
- b. ~~For~~As a minimum and subject any additional requirements within the contract management framework for all *ordinary* and *major* contracts:
- An up to date risk register should be maintained throughout the procurement process and during the life of the contract;
 - For identified risks, appropriate actions should be put in place to manage them.
 - There should be regular monitoring and reports during the contract period on:
 - performance;
 - compliance with programme, specification terms and conditions;
 - estimated final cost compared to budgets;
 - any value for money requirements; and
 - user satisfaction and risk management.

- c. Before commencing any procurement for a *major* contract or a contract above EU thresholds, the following steps must be completed:
- A 'lessons learnt' report should be considered to inform the tendering process;
 - A business case must be approved; and
- d. A procurement plan must be approved by the *chief finance officer*.

SECTION B

~~3. OFFICERS' RESPONSIBILITIES~~

~~3.1. General~~

- ~~All s.151 officers and any agents or consultants acting on their behalf must comply with these CSOs, financial regulations, the Code of Conduct and with all legal requirements. They must also comply with codes of practice, guidance and instructions regarding contractual arrangements issued by the chief finance officer and the monitoring officer.~~

~~3.1.1 All officers must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the officer to show that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour is a crime and will lead to disciplinary proceedings and possible dismissal. Gifts and hospitality should only be accepted in accordance with the gifts and hospitality policy.~~

~~3.1.3. Authorised officers (those responsible for conducting a procurement process) must:~~

- ~~a. ensure they have all appropriate approvals before seeking any quotes, commencing any procurement process or awarding a contract;~~
- ~~b. seek all necessary legal, procurement, financial, risk management and technical advice in good time;~~
- ~~c. ensure there is sufficient budgetary provision before awarding any contract;~~
- ~~d. comply with the requirements of these CSOs and observe any codes of practice guidance or instructions relating to contracting matters issued by the chief finance officer and the monitoring officer;~~
- ~~e. ensure there is a procurement plan approved by the chief finance officer for major contracts and contracts above the applicable EU threshold;~~
- ~~f. check whether a suitable corporate contract exists before seeking to let a new~~

~~contract. Where a suitable *corporate contract* exists, that contract must be used;~~

~~g. ensure council suppliers have sufficient insurance cover appropriate to the contract in accordance with the council's insurance guidance;~~

~~h. maintain details of all contracts they are responsible for in the contracts management system;~~

~~i. ensure a record is kept for every contract; any *contracting decision* and the reasons for it; any exemption from CSOs together with the reasons for it; and the *award criteria*;~~

~~j. ensure that where an employee of the council or its contractor may be affected by any transfer arrangement TUPE and related issues are considered before proceeding with inviting *tenders* or quotations.~~

~~3.2 — Contract managers must, in relation to the contracts responsible for, carry out their responsibilities in accordance with the contract management framework.~~

~~3.3 — Assistant Directors must in relation to their service:~~

~~a. Ensure all *officers*:~~

- ~~• Comply with CSOs;~~
- ~~• Are sufficiently skilled in procurement matters to fulfil the duties of their post;~~
- ~~• Complete any required learning and development.~~

~~b. Ensure there are effective systems in place to control budgets properly;~~

~~c. Ensure there are effective contract management arrangements in place for all contracts; and~~

~~d. Provide any information requested by the chief finance officer or the monitoring officer about their contracts.~~

~~3.4 — Strategic Directors must in relation to their directorate:~~

~~a. — Nominate at least one member of their staff as contracts co-ordinator;~~

~~b. — Submit the scheme of delegation for their respective directorate, including details of contract managers and their contracts co-ordinators, to the chief finance officer and monitoring officer for approval;~~

~~c. Any delegation made does not prevent the strategic director from exercising those delegated powers him/herself.~~

- d. ~~Approve any proposals by their directorate to provide services to external organisations; and~~
- e. ~~Ensure all assistant directors and contract co-ordinators within their directorate are sufficiently skilled in procurement matters to fulfil the duties of their post.~~

3.5 ~~Chief Finance Officer and Monitoring Officer~~

3.5.1 ~~The chief finance officer and monitoring officer may:~~

- a. ~~with the consent of each other waive any provision of these CSOs subject to any legal constraints and may nominate other officers to exercise all or part of these powers on their behalf.~~
- b. ~~Issue codes of practice, guidance and instructions on any matters which are relevant to contracting arrangements.~~
- c. ~~Specify the approved learning and development requirements in procurement matters that officers must complete to meet the minimum competency standards to fulfil their duties under CSOs.~~

3.5.2 ~~The chief finance officer shall:~~

~~Approve procurement plans for major contracts and contracts above the applicable EU threshold.~~

3.5.3 ~~The monitoring officer shall:~~

- a. ~~Approve the form of contract to be used;~~
- b. ~~Maintain central registers of all major contracts and all contracts completed under seal and arrange for the safekeeping of such contracts on council premises; and~~
- c. ~~Maintain a central register of all exemption applications relating to contracts of £100,000 or more.~~

3.6 ~~Contract co-ordinators shall, on behalf of their directorate:~~

- a. ~~Ensure details of all contracts are accurately recorded and maintained in the contracts management system;~~
- b. ~~Be authorised to approve exemptions from undertaking a competitive process for minor contracts;~~
- c. ~~Submit an annual report by 31 March each year to the monitoring officer detailing~~

~~any exemptions that they have approved.~~

SECTION C

The Contracting Process

~~This section sets out in more detail the requirements to be met when dealing with a specific contract.~~

4.5. STEPS PRIOR TO PURCHASE

The Contracting Process

5.1. This section sets out in more detail the requirements to be met and steps to be followed when dealing with a specific contract.

4.1.5.2. Before beginning a purchase, authorised officer must:

- a. Assess the need for the expenditure;
- b. Define the objectives of the purchase;
- c. Calculate the *total value*;
- d. Make sure that the appropriate approval is in place to start the process ~~and including adherence to the requirements of the Capital Project framework or Change Programme framework~~
- e. Where necessary make sure that a procurement plan is in place
- d.f. Make sure that the budget ~~covers~~ is available and approved to cover the **whole-life financial commitment** being made (including any ~~consultant's or other~~ internal and external charges or fees);
- e.g. Make sure the *forward plan* requirements have been followed where the purchase is a *key decision*;
- f.h. Ensure sufficient legal, procurement, finance, risk management and technical support is available throughout the entire procurement process;
- g.i. Ensure sufficient resources will be available (i.e. people with sufficient skills and capacity) to manage the contract once it has been let;
- h.j. Ensure the council's requirements for data security and information governance (including but not limited to the General Data Protection Regulations Regulation) are met;
- i.k. Consider, when commissioning services, whether these could improve the economic, social, and environmental wellbeing of the area (social value).

4.2.5.3. For major contracts or contract above the ~~relevant EU threshold~~ Procurement Threshold:

- a. ~~h.~~ Ensure that the matters at 4.1 have been complied with; and
- b. Engage with procurement before any activity is undertaken to ensure compliance with procurement legislation
- c. Consider ~~a lesson~~ any lessons learnt report from ~~the last previous relevant~~ tender

- ~~process;~~ ii. processes;
- ~~a.d.~~ Produce a business case for approval by the appropriate body;
 - ~~b.e.~~ Submit a fully completed procurement plan for approval by the ~~chief finances.151~~ officer;
 - ~~c.f.~~ Carry out an options appraisal in conjunction with legal and procurement to decide the best way to achieve the purchasing objectives, including internal or external sourcing, partnering, and collaborative procurement arrangements with another public authority or government department;
 - ~~d.g.~~ Consult users where appropriate about the proposed procurement, contract standards, performance, and user satisfaction monitoring;
 - ~~h.~~ Consult the market where appropriate and permitted by legislation in accordance with ~~CSO 4.3;~~ vii. these CSOs and the advice of procurement
 - ~~e.i.~~ Assess the risks and how to manage them;
 - ~~f.j.~~ viii. Agree with the ~~monitoring officer~~ Monitoring Officer, the approved form of contract to be used or if none the terms and conditions that are to apply to the proposed contract.

5.4. The Public Services (Social Value) Act 2012 requires the Council to consider at the pre-procurement stage:

- How the proposed procurement might improve the economic, social, and environmental well-being of the area;
- How the Council may act with a view to securing that improvement in conducting the process of the procurement; and
- Whether it should undertake any community consultation on the above.

Officers must consult the Procurement Team for advice on specifying requirements under Social Value and how to evaluate this as a part of any bids received.

Pre-Tender Market Research and Consultation

~~4.3.5.5.~~ 4.5.5. Authorised ~~officers~~ Officers may consult potential suppliers prior to the issue of an invitation to tender about the nature, level and standard of the supply, contract packaging and other relevant matters. Records must be kept of this consultation.

5.6. Advice should be taken from procurement and/or legal services before any market engagement activity

~~4.4.5.7.~~ 4.5.7. Authorised ~~officers~~ Officers must not, once any pre-tender market research or consultation period ~~under 4.3~~ has ended, seek or accept technical advice on the preparation of the actual invitation to tender or quotation from anyone who may have a commercial interest in bidding for the contract as this may prejudice the equal treatment of all potential tenderers and distort competition.

Prevention of Corruption

~~4.5.5.8.~~ 4.5.8. The following clause (or suitable equivalent wording approved by Legal Services) must be included in every 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. Offers, gives, or agrees 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. Commits an offence under the Bribery Act 2010 or s117(2) of the Local Government Act 1972; or
- c. Commits 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".

5.6. CONDUCTING A PURCHASE OR DISPOSAL

5.1.6.1. Purchasing – Competition Requirements

5.1.1—Where the total value for a purchase is within the values in the first column below, the 6.1.1 award procedure in the second column must be followed as a minimum.

Total Value	Award Procedure
Minor – £0 to below £25,000 up to £10,000	One quotation confirmed in writing.
Minor - £10,000–25,000 to below £100,000	Three written quotations of which at least one should be local if appropriate. Local means has a place of business in Warwickshire.
Ordinary & Major - £100,000 or more	Invitation to tender to at least three tenderers. If the contract value exceeds the applicable EU threshold the procedure must also be EU compliant

6.1.2 ~~Where an EU compliant procedure (or UK replacement procedure) is required the~~ The authorised officer shall ~~consult the head of~~ take appropriate advice from procurement to determine the method of conducting ~~the any~~ purchase ~~that exceeds threshold set within Procurement Legislation in force from time to time.~~

5.2.6.2. The Appointment of Consultants to Provide Services

6.1.3 ~~Professional consultants~~ A Consultant is someone engaged for a specific length of time to work (or provide a service) to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role. A consultant is not an employee, a fixed term employee, a locum, an agency, or a temporary worker or someone engaged to provide general day to day activities within a service.

~~6.1.36.1.4~~ Contracts for consultancy services are subject to the same competition requirements as any other type of contract and must be ~~selected and commissions awarded~~ procured in accordance with these CSOs.

~~6.1.46.1.5~~ The engagement of a consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided, the total cost to be paid and any stage payment arrangements. The engagement shall also be subject to completion of a contract ~~of appointment. Self-employed consultants must not fall within the off-payroll working rules i.e. IR35.~~

~~6.1.6~~ Self-employed consultants must not fall within the off-payroll working rules i.e. IR35. It is the responsibility of the authorised officer to ensure that all tax and legal advice regarding the terms of any consultancy appointment is taken in advance of the procurement activity and actioned.

~~6.1.56.1.7~~ Records of consultancy appointments shall be maintained in accordance with these CSOs and entered on the contract management system as for any other contract.

~~6.1.66.1.8~~ Consultants shall be required to provide evidence of and maintain professional indemnity insurance policies to the satisfaction of the council's insurance ~~manager~~ team for the periods specified in the respective agreement.

~~6. Advertising and Framework Agreements~~

~~6.1 Advertising the Opportunity~~

7. Transparency

~~6.1.1~~ The minimum advertising requirements are:

All ~~contracts with an estimated aggregate value above £100,000~~ spend in excess of £500 must be published on the council's website and in ~~contracts finder.~~

- ~~In addition to the above all contracts exceeding the applicable EU threshold must be published in the Official Journal of the European Union (OJEU) or meet any replacement UK requirement.~~

~~Advertisements for contracts exceeding the relevant EU threshold should not appear on the council's website or in contracts finder until after they have appeared in the OJEU, contracts over £5000~~

~~7.1. If you choose to advertise contracts below £100,000 you~~ must also ~~advertise on contracts finder.~~ be published on the council's website.

~~7.8. Framework Agreements~~

~~7.1.8.1.~~ The term of a framework agreement must not exceed four years without the written consent of the ~~monitoring officer~~ Monitoring Officer. Such consent will only be given where there is a legally permissible justification for a framework in excess of four years.

~~7.2.8.2.~~ Contracts based on framework agreements may be awarded by either:

- Applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off) and permit it this may be done without reopening competition;); or
- Where the terms laid down in the framework agreement are not precise enough (or do not permit direct awards) by holding a mini competition in accordance with the terms of the particular framework or in accordance with the following procedure where the framework terms are unclear:
 - Inviting the organisations within the framework agreement who are capable of delivering the contract to submit written tenders;
 - Fixing a time limit which is sufficiently long to allow tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract; and
 - Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the framework agreement.
 - Observing a standstill period before finalising the award ~~for contracts above the EU threshold~~ where applicable

8.9. Collaborative and Partnership Arrangements

8.1-9.1. In order to secure value for money the council may enter into collaborative procurement arrangements. The authorised officer must consult the monitoring officer Monitoring Officer and the head of procurement Service Manager, Contract Management and Assurance where the purchase is to be made using collaborative procurement arrangements to ensure that all legal requirements are met and the Council has vires to undertake the arrangement.

8.2-9.2. Collaborative and partnership arrangements include but are not limited to examples of joint working where one partner takes the lead and awards contracts on behalf of the other partners, long-term collaborative partnerships, pooled budgets, and joint commissioning.

8.3-9.3. Collaborative arrangements between public bodies for shared services where the aim of the arrangement is for the participating bodies to be provided with services by each other or through a Teckal company rather than by an external provider may fall outside the need for competition if the conditions in CSO 2.2(e)(iii) can be met.

9.10. Setting Standards and Award Criteria

9.1. Overview

The

9.2-10.1. Before seeking bids or commencing any procurement activity, the authorised officer must, ~~before seeking bids,~~ define the selection and award criteria that are appropriate to the purchase and ensuring that they are designed to secure an outcome giving value for money for the council.

9.3-10.2. Authorised officers are responsible for ensuring that all tenderers for a contract are suitably assessed. The assessment process shall establish that all potential tenderers

have sound economic and financial standing and sufficient technical ability and capacity to fulfil the requirements of the council.

~~9.4.10.3.~~ The criterion for award of a contract shall be the “most economically advantageous”. This must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, 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, social value and any other relevant matters.

~~6.2~~

~~6.3~~ Selection and award criteria must not include:

non

- ~~• Non-commercial considerations; or~~
- ~~• matters which discriminate against suppliers from and must comply with procurement legislation at the *European Economic Area*~~

~~9.5.10.4.~~ ~~or signatories to~~ the ~~Government Procurement Agreement.~~ procurement commences

~~6.4~~

~~9.6.10.5.~~ Any shortlisting exercise must be carried out in accordance with the published terms of tender and have regard to the financial and technical standards relevant to the contract and the published selection and award criteria.

~~10.11.~~ **Invitations to Tender / Quotations**

~~10.1.11.1.~~ All invitations to tender or quotation must:

- Specify the goods, service or works that are required, together with the terms and conditions of contract that will apply; and
- State that the council is not bound to accept any quotation or tender.

~~10.2.11.2.~~ **All tenderers 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.** All invitations to tender shall include:

~~6.5~~

~~6.6~~ ~~All invitations to tender shall include:~~

- Clear instructions on how and where tenders are to be submitted, together with the date and time by which they are to be received;
- A specification that describes the council’s requirements in sufficient detail to enable the submission of competitive offers;

- A description of the award procedure;
- Full details about how the bids will be assessed, including any weighting and sub-criteria that apply and any “pass mark” for any stage of the procurement;
- Information on the council’s policies as appropriate, e.g.:
 - i. Equalities;
 - ii. Complaints;
 - iii. Sustainability

~~10.3.11.3.~~ 11.3. All invitations to tender shall state that any tender received after the date and time stipulated in the invitation to tender ~~might~~may be rejected and not considered.

~~10.4.11.4.~~ 11.4. All invitations to tender shall include requirements for tenderers to:

- Declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose e.g. legal, financial advice etc); and
- Complete fully and sign a form of tender and certificates relating to canvassing and non-collusion.
- Submit tenders to the council on the basis that they are compiled at the tenderer’s expense.

~~10.5.11.5.~~ 11.5. The council’s approved E-tendering system must be used for all competitive procurement activity unless agreed otherwise by the ~~head of procurement~~Service Manager, Contract Management and Assurance or otherwise approve by these CSOs.

~~10.6.11.6.~~ 11.6. No tender will be considered unless submitted in accordance with the conditions of participation included within the invitation to tender / quote.

~~11.12.~~ 11.12. **Submission, Receipt and Opening of Tenders**

~~11.1.12.1.~~ 12.1. Tenderers must be given an adequate period in which to prepare and submit a tender, consistent with the complexity of the contract. ~~The EU Procedure lays down specific time periods.~~Procurement legislation lays down specific time periods and processes that must be followed for procurements above the published thresholds at the time the procurement commences. Below thresholds contracts must still be treated in accordance with this clause 12.1

~~11.2.12.2.~~ All tenders must be returned in accordance with the system requirements of the council's E-tendering system and/or as required in any specific documentation published.

~~6.7~~

~~11.3.12.3.~~ Tenders received by fax or ~~other~~ electronic means outside of the council's e-tendering system (e.g. email) must be rejected. Quotations, save that quotations for minor contracts under £10,000 may be received by email.

~~6.8~~

~~11.4.12.4.~~ All tenders are to be opened at the same session after the period for their submission has ended. Tenders must be opened in the presence of at least two officers.

~~11.5.12.5.~~ The arithmetic in compliant tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm their tender.

~~12.13.~~ Clarification Procedures and Post-Tender Negotiations

~~12.1.13.1.~~ Providing clarification of an invitation to tender to potential or actual tenderers or seeking clarification of a tender prior to the closing date whether in writing or by way of a meeting is permitted.

~~12.2.13.2.~~ However, discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery, or content (i.e. post tender negotiations) must be the exception rather than the rule. In particular, such negotiations must not be conducted ~~during an EU Procedure (other than within the provisions of the EU Competitive with Negotiation (CWN) and Competitive Dialogue (CD) procedures)~~ without the agreement of the ~~monitoring officer~~ Monitoring Officer.

~~12.3.13.3.~~ If post tender negotiations appear necessary after a single stage tender or after the second stage of a two-stage tender, then you should take legal advice on whether negotiations are permissible. Normally such negotiations should be undertaken with all those who have met the selection criteria in the original process. During negotiations, the council's requirements set out in the original procedure should not be substantially altered. and no material change should be made to the risk profile of the contract. The prior approval of the ~~monitoring officer~~ Monitoring Officer is required to any proposal to negotiate in other circumstances.

~~13.14.~~ Evaluation, Award of Contract and Debriefing Tenderers

~~13.1.14.1.~~ Apart from the debriefing required or permitted by these CSOs, the confidentiality

of quotations, tenders and the identity of tenderers must be preserved at all times and information about one tenderer's response must not be given to another during the evaluation process.

~~13.2.14.2.~~ Quotations and tenders must be evaluated in accordance with the award criteria. During this process, authorised officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any significant differences are examined and resolved satisfactorily.

~~13.3.14.3.~~ For ordinary and major contracts authorised officers must advise all tenderers in writing of their award decisions. For contracts that are subject to ~~the EU Procedure~~ Public Contract Regulations or other UK replacement procedure, applicable procurement legislation this must be in the form of intention to award letters (award notification letters) that are issued simultaneously to all tenderers advising them of the intention to award the contract to the successful tenderer and providing them with a 'standstill period' of at least 15 days (10 days if notification letters are sent by the council's approved E-tendering system) in which to challenge the decision before the contract award is confirmed.

~~6.9~~

~~13.4.14.4.~~ For contracts that are subject to ~~the EU Procedure or UK replacement procedure~~ advertising and publication requirements within Procurement Legislation, the council's 'intention to award notification letter' standard template must be used, which includes the following debriefing information:

- How the award criteria were applied
- The name of the successful tenderer(s);
- ~~The score of the tenderer, together with the score of the successful tenderer; ~~iv~~~~
 - ~~Details of the reason for the decision, including the characteristics and relative~~
- ~~advantages of the successful tender; and~~
- ~~Confirmation of the date before which the council will not enter into the contract (i.e. the date after the end of the 'standstill period').~~

~~13.5.14.5.~~ If a decision is challenged by an unsuccessful tenderer, after the issue of an intention to award notification letter, then the authorised officer shall immediately inform the ~~chief finances.151~~ officer and seek the advice of the ~~monitoring officer~~ Monitoring Officer on next steps. No contract may be awarded until the ~~chief finances.151~~ officer and the ~~monitoring officer~~ Monitoring Officer are satisfied that the matter has been resolved.

~~13.6.14.6.~~ Authorised officers shall ensure that the contract formalities are completed following the award of the contract (see CSO 2.5).

14.15. Publication of Contract Awards

~~14.1.15.1.~~ The award of all contracts over £5,000 must be published via the council's contract management system.

~~6.10~~

~~14.2.15.2.~~ ~~In addition the~~The award of all contracts over £25,000 must be published on contracts finder. Publication will be undertaken by the Procurement Team.

~~6.11~~

~~14.3.15.3.~~ ~~In addition the~~The award of contracts above the relevant ~~EU~~published procurement threshold applicable at the time of the commencement of procurement must be published ~~in OJEU~~as required by Procurement Legislation.

15.16. The Council as a Supplier - Providing Works, Goods or Services to External Organisations

~~15.1.16.1.~~ The ~~chief finances.151~~ officer and the ~~monitoring officer~~Monitoring Officer must be consulted where work for an external organisation is contemplated.

~~15.2.16.2.~~ Any proposals to work for an external organisation must be approved by the strategic director responsible for the service, ~~with through a business plan or otherwise.~~ and the approval recorded in writing in accordance with the Councils Standing Orders and Delegations.

~~6.12~~ ~~Authorised officers shall produce~~A robust business ~~cases for~~case must be produced and approved by Commercial Delivery Group and Corporate Board before any arrangement is entered into where the council ~~acting~~acts as a supplier ~~which fully takes.~~ That business case must have input from Finance and take into account the full, whole life costs to the council of delivering the goods, works or services concerned, and that appropriate insurance and contract terms can be agreed. The financial viability of such business cases must be approved by the ~~chief finances.151~~ officer.

~~6.13~~ ~~Authorised officers shall liaise with the council's insurance manager to ensure any potential liabilities are sufficiently covered by the council's insurance policies.~~

~~6.14~~ ~~Where the total value of the proposed contract is likely to be £1,000,000 or more the~~ The key decision regime applies ~~and before tenders are prepared the chief finance officer and the monitoring officer must jointly approve the business case, including:~~

~~15.3.16.3.~~ Confirming to the council ~~can legally enter into the contract;~~ providing services over £1,000,000 as well as to purchasing services over £1,000,000.

- ~~• Accepting the legality of the charging arrangements; and~~

- ~~• Approving the terms and conditions of the proposed contract.~~

~~16.17.~~ Disposals

~~16.1.17.1.~~ Assets for disposal must be sent to public auction except where:

- Better value for money is likely to be obtained by inviting quotations or tenders; or
- The prior approval of the ~~chief finances.151~~ officer and the ~~monitoring officer~~ Monitoring Officer has been obtained to the selling of specified items on an auction website such as eBay; or
- Specific disposal procedures have been agreed by the council for certain types of assets.

~~7~~ Approved Scheme for Sale of Assets/Goods via Public Auction

~~16.2.17.2.~~ Goods or assets may be disposed of via public auction, ~~whether through~~ including electronic auctions ~~such as eBay or otherwise~~, without further specific consent being sought provided the following conditions are met;

- The council owns the item and has the right to sell it;
- Appropriate market research has been carried out to establish the estimated value of the item and verified by procurement officers;
- The estimated value of the item to be auctioned does not exceed £10,000;
- A reasonable reserve price is set for the item based on the estimated value;
- The item is withdrawn from sale if it does not reach its reserve price;
- The item is in good working condition and fit for purpose, and complies with relevant legislation, in particular:
 - any electrical item bears a valid Electrical Safety Check label, completed by a registered electrician who is registered on the Kite Mark Scheme, the Electrical Safety Register, or the Electric Safe Register. The date of the inspection on the label must not be more than 12 months prior to the date of sale.
 - any item of furniture complies with the Furniture and Furnishings (Fire Safety) Regulations 2010. Any item of furniture, with the exception of mattresses and bed bases, will have a permanent label in compliance with the regulations.

- any computer or data storage device is adequately wiped of data, to ensure that no information, particularly personal data, remains on the device.

- g. When an item is disposed of, any listing or description of it must NOT give any indication that the council provides any guarantee for the product or any promise to make good any defects. All items are to be carefully and truthfully described in detail and any known defects highlighted. The following or similar wording must be prominent within the listing or description

ITEM IS SOLD AS IS: THE SELLER DISCLAIMS ANY WARRANTY AS TO MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR DESIGN

- h. A record of the steps taken under a) to g) is kept for a period of 2 years.

~~16.3.17.3.~~ Applications for approval of the disposal of goods / assets by auction which do not meet the above conditions should be made using the relevant exemption form, i.e. to the Exemption Panel who will liaise with the Monitoring Officer and s151 Officer as required.

- ~~a. an item with an estimated value of up to £100,000 to the directorate contract co-ordinator;~~
- ~~b. an item with an estimated value of £100,000 or more to the chief finance officer and the monitoring officer.~~

GUIDANCE NOTES

~~16.4.17.4.~~ An individual purchasing goods at auction without the opportunity to inspect the goods may still have consumer rights, i.e. that the goods:

- Are of a satisfactory quality
- Do what they are designed to do
- Are as described, matching any pictures or description of them
- Are safe, under the Consumer Protection Act 1987

~~16.5.17.5.~~ Other matters to be aware of:

- Misrepresentation of goods - A customer is entitled to a refund on goods that have been misrepresented, for example, goods sold on the basis of features they do not have. Prosecution can also follow, if the misrepresentation is reported to Trading Standards.
- Faulty goods - It is the council's responsibility to arrange for the collection of faulty goods, particularly large items. If a customer returns faulty goods within a reasonable time, the council is obliged to give a refund, and not a credit note. If a repair of a faulty good is unsatisfactory, a customer is still entitled to a refund.
- Time to check goods - on-line auctions - Customers have the right to the time to

check they are satisfied with their goods, though this can be just a week.

Appendix: Definitions

Agent	A person or organisation acting on behalf of the council.
Authorised Officer	An officer responsible for conduction conducting a procurement.
Award Criteria	The criteria by which the successful <i>quotation</i> or <i>tender</i> is to be selected. (see further CSO 12).
Award Procedure	The procedure for awarding a contract as specified in CSO 14.
Chief Finance Officer S.151 officer	The officer to whom the statutory role is delegated (currently Strategic Director for Resources or nominee specified in writing) <u>under the constitution</u>
Code of Conduct	The 'Officers' Code of Conduct' (see part 4 of the council's constitution).
Consultant	Someone engaged for a specific length of time to work to a defined project brief with clear outcomes to be delivered, and who brings specialist skills or knowledge to the role.
Contract Managers	• Those officers carrying out post award management of the contract in accordance with the contract management framework.
Contracting Decision	Any of the following decisions: • withdrawal of invitation to tender • whom to invite to submit a quotation or tender • shortlisting • award of contract any decision to terminate a contract.
Contracts Co-ordinator	Officers nominated by the strategic directors in accordance with CSO 3.7 as the point of contact within their directorate for matters relating to procurement and contracting, and who are authorised to grant exemptions from competition for minor contracts.
Corporate Contract	A contract entered into directly by the council that can be utilised by all assistant directors for the supply of the goods, works or services specified within its terms. Also, a contract which the <i>chief finance officer</i> has confirmed may be legally utilised by the council either through a sub-regional collaborative arrangement, or through purchasing organisations such as the Crown Commercial Services (CSS), ESPO, SCAPE, etc..
Designated Officer	The chief executive, the strategic director for resources and any other officer authorised by either of them.
ESPO	The Eastern Shires' Purchasing Organisation.

EU Procedure	The procedure required by the EU or UK replacement where the total value exceeds the EU threshold or any UK replacement threshold.
EU Threshold	The contract value at which the EU public procurement directives or UK replacement procedure must be applied.
Forward Plan	The forward plan, which is prepared on a rolling basis and contains matters which the council has reason to believe are likely to be the subject of key decisions during the following four months.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period.
Invitation to Tender	An invitation to tender sent to tenderers inviting bids for works goods or services.
Key Decision	Decisions that are defined as key decisions in the constitution. In relation to letting contracts, the key decision is the proposal to let a contract for a particular type of work. The subsequent decision to award the contract to a specific contractor will not be a key decision provided the value of the contract does not vary above the estimated amount by more than 10% for contracts with a value of £1,000,000 or more.
Major Contract	A contract that has a total value of £1,000,000 or more.
Minor Contract	A contract where the total value is less than £100,000.
Monitoring Officer	The officer to whom the statutory role is delegated (currently Assistant Director for Governance & Policy or nominee specified in writing) <u>under the council's constitution</u>

Non-Commercial Considerations	<p>the terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer, or training of or the other opportunities afforded to, their workforces (“workforce matters”);</p> <p>whether the terms on which contractors’ contract with their sub- contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only;</p> <p>any involvement of the business activities or interests of contractors with irrelevant fields of government policy;</p> <p>the conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (“industrial disputes”);</p> <p>the country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors; any political, industrial, or sectarian affiliations or interests of contractors or their directors, partners, or employees;</p> <p>financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support;</p> <p>use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations for the purposes of s17(5) Local Government Act (LGA) 1988 and part 1 of the LGA 1999 (Best Value); or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) may apply.</p>
Officer	A person employed by the council.
OJEU	The Official Journal of the European Union, or any alternative location for advertisement of tender opportunities specified by government for use after 29 March 2019.
Ordinary Contract	A contract where the total value is £100,000 or more but is less than £1,000,000.
Pecuniary Interest	Any direct or indirect financial interest. An indirect interest is distinct from a direct interest in as much as it is not a contract to which the member or employee is directly a party. 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 greater) is not a pecuniary interest for the purposes of these CSOs.
Personal Care Services	Services provided to people who have personal care needs as assessed by the strategic director for people. As such these services can be provided to people of all ages whose needs may result from old age, physical disability, sensory loss, mental illness or learning disability.
<u>Procurement Legislation</u>	<u>The requirements of any and all relevant public procurement legislation in force within England from time to time including but not limited to the Public Contracts Regulations, the Concession Contracts Regulations, the Utilities Contracts Regulations (all as amended or replaced from time to time) together</u>

	<u>with any relevant codes of practice and/or statutory guidance</u>
<u>Procurement Threshold</u>	<u>The contract value at which the Procurement Legislation must be applied</u>
Quotation	A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).
Relevant Contract"	A contract to which these contract standing orders apply (see CSO 1).
Selection <u>Criteria</u>	The criteria by which tenderers are chosen to be invited to submit <u>quotations or tenders</u>
<u>Criteria</u>	<u>quotations or tenders.</u>
Shortlisting	The process of selecting tenderers who are to be invited to submit quotations or tenders or to proceed to final evaluation as part of a Restricted, Competitive with Negotiation or Competitive Dialogue Procedure.
Teckal company	A company which meets particular legal requirements relating to its ownership and activities i.e. wholly public sector owned and its main business is providing services to its members.
Tender	A tenderer's proposal submitted in response to an invitation to tender.
Tenderer	Any person who asks or is invited to submit a quotation or tender.
Total Value	As defined in CSO 2.1.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 [SI2006 No.246]

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Warwickshire County Council

**Financial
Regulations**

VERSION 3

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INTRODUCTION

What are Financial Regulations?

The County Council is responsible for providing a wide range of services for the residents, visitors and businesses of Warwickshire which involve receiving and spending large sums of money each year. Financial Regulations aim to ensure that the County Council protects and makes the best use of the money it receives and spends.

The Financial Regulations are very much a strategic document and, at the highest level, set out the financial responsibilities of Members, and some of the most Senior Officers, the Chief Executive, Strategic Directors, Assistant Directors (including the Chief Fire Officer) and the Chief Finance Officer (also known as the Section 151 Officer) of the County Council.

The Financial Regulations form a part of the means by which the County Council manages its business. They clarify roles and responsibilities and provide a framework for financial decision-making. Where there are specific statutory powers and duties the Financial Regulations seek to ensure these are set out and complied with, as well as reflecting best professional practice and decision-making of the County Council, Cabinet and Committees. In summary Financial Regulations are the regulatory framework within which the financial affairs of the County Council are operated.

Supporting the Financial Regulations are a detailed set of Finance Rules, which prescribe the procedures to be followed in the day to day work of the County Council. While these rules are not contained within these financial regulations, they are issued under their authority and have the same status as if they were included in the body of these regulations.

All Members and all Officers of the County Council must abide by both the Financial Regulations and the Financial Rules.

The Financial Regulations should be read in conjunction with other documents and sections of the constitution, in particular:

- The Budget and Policy Framework;
- Contract Standing Orders; and
- The General Scheme of Delegation.

Why are Financial Regulations important?

The County Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards. It must ensure that public money is safeguarded, properly accounted for, and used economically, efficiently, effectively, equitably and ethically. The Council's activities are furthermore guided by a set of underlying principles and responsibilities fostering openness, integrity and accountability.

In discharging these responsibilities, Members and Senior Officers are responsible for implementing effective arrangements for governing the Council's affairs and facilitating the effective exercising of its functions, including arrangements for managing risk.

As a consequence of these responsibilities, the Council must require the actions taken on its behalf, that carry financial implications, to provide assurance of their propriety and consistency. It is furthermore a requirement of these regulations that all financial transactions are within the legal powers of the Council.

These financial regulations thus form a key element of the maintenance of a robust, clear and accountable governance framework for the Council. In particular Financial Regulations:

- Provide a framework for all Members and Officers for the proper and efficient administration of the Council's financial affairs;
- Encourage all Members and Officers to abide by the highest standards of probity and integrity with clear standards which need to be continually maintained and there are controls to ensure that these standards are met;
- Ensure that there are clear roles, responsibilities and accountabilities for Members and Officers in order to protect the Council's money and assets; and
- Ensure that the use of resources is legal, properly authorised and gives value for money.

In seeking to achieve value for money all Members and Officers shall give due consideration to:

- The sustainable delivery of our strategic and statutory priorities;
- Planning and managing our resources to ensure we can continue to deliver services;
- Making informed decisions and properly managing risks to our financial resilience;
- Ensuring the appropriate scrutiny, challenge, and transparency of decision-making;
- Using information about costs and performance to improve the way we manage and deliver services; and
- Ensuring that the maximum value is obtained from both the resources used and how they are organised to achieve the desired result or predefined target.

Who do Financial Regulations apply to?

Financial Regulations apply to all Members and Officers (staff and contractors) of the County Council and anyone acting on its behalf. All Members and Officers have a responsibility for ensuring any resources or assets under their control are kept securely and used for Council business only.

The County Council is the Administering Authority for the Local Government Pension Scheme and Fire Pension Scheme in Warwickshire. These Financial Regulations also apply to the administration of the Local Government Pension Scheme and the Fire Pension Scheme in Warwickshire.

The Financial Regulations will also apply to any joint commissioning or partnership arrangement where the County Council is the Accountable Body, unless Full Council expressly agrees otherwise.

Who is responsible for ensuring Financial Regulations are adhered to?

The Chief Executive, Strategic Directors and Assistant Directors, are ultimately responsible for ensuring Financial Regulations are applied and observed by staff and contractors providing services on behalf of the Council. In addition, all Members and Officers have a responsibility for reporting any breaches of these Financial Regulations to the Chief Finance Officer as soon as they come to light.

The Chief Finance Officer in turn is responsible for reporting any breaches of these Financial Regulations to Elected Members and advising Members on alternative causes of action which may be taken.

The Chief Finance Officer is responsible for keeping the Financial Regulations under continued review, ensuring any changes are submitted to Full Council for approval.

The Chief Finance Officer is also responsible for issuing the Finance Rules on specific issues that underpin the Financial Regulations and establishing a programme of review for all relevant documents. Strategic Directors may seek the issue, amendment and clarification of the Regulations and Finance Rules for any areas of responsibility not previously addressed.

If a Senior Officer of the County Council believes that complying with Financial Regulations would either not achieve value for money or would not be in the best interest of the County Council, then this should be raised with the Chief Finance Officer. The Chief Finance Officer would then need to consider whether to seek Council approval to waive compliance with Financial Regulations or an amendment to the Financial Regulations is required.

What may happen if you do not comply with Financial Regulations?

Failure to comply with Financial Regulations and Financial Rules may have the following consequences:

- For Officers, these regulations supplement the Employer and Employee Responsibilities code and therefore a breach may be considered a disciplinary matter and could lead to dismissal; and
- For Members, these regulations supplement the Member's Code of Conduct and therefore a breach may be reported to the Audit and Standards Committee for them to take appropriate action.

What functions are covered by the Financial Regulations?

The roles and responsibilities of the most Senior Officers of the County Council (the Chief Executive, Strategic Directors, the Chief Finance Officer and Assistant Directors) can be grouped under a number of critical functions.

As well as the General Roles and Responsibilities, there are five key strategic financial management processes covered by these Financial Regulations and a range of specialist financial activities:

- Planning for the use of resources;
- Financial decision making;
- Controlling the use of resources;
- Accounting for the use of resources;
- Financial administration; and
- Specialist financial activities.

Each of these is taken in turn, explaining why they are important to ensuring sound strategic financial management and detailing the additional responsibilities of the most Senior Officers.

GENERAL ROLES AND RESPONSIBILITIES

Introduction

The County Council is a single entity with certain devolved accountabilities but the overall responsibility for financial administration of the County Council remains with the Chief Finance Officer. Members and Senior Officers also have responsibilities and accountabilities for financial administration which are outlined in this section.

Members

Members have a number of roles and responsibilities which are discharged collectively through the Audit and Standards Committee, the Cabinet or Full Council, in particular Members must:

- Approve the Financial Regulations through Full Council;
- Set the Authority's medium term financial strategy, including setting a balanced budget by the end of February for the following financial year through Full Council;
- Set the Authority's strategic direction and oversee arrangements for securing (and demonstrating) best value through Full Council;
- Set the Authority's framework for the control and management of cash resources and investments, by agreeing the treasury management and investment strategies by the end of March for the following financial year through Full Council;
- Ensure proper control is exercised over the Authority's spending, borrowing and cash management through scrutiny of periodic financial reports comparing expenditure and income with the level of budgetary provision and planning expectations through Cabinet;
- Hold senior officers to account about discharging all relevant financial responsibilities within their control through Cabinet;
- Scrutinise financial probity through the Audit and Standards Committee, Scrutiny Committees and, if necessary, Cabinet;
- Agree financial allocations to ensure the finance function is suitably resourced to support management in securing effective financial control through Full Council; and
- Encourage the development of service targets/performance measurements of a financial/non-financial nature to monitor service achievements through Cabinet.

The Head of the Paid Service (Chief Executive)

The Chief Executive has authority over all officers and is authorised to discharge any function or exercise any power delegated to any officer under the Council's Scheme of Delegation. As the officer charged with overall responsibility for the corporate management and operational

functions of the Council, this includes putting in place suitable arrangements to ensure the efficient use of resources.

The Chief Finance Officer (Strategic Director for Resources)

The Chief Finance Officer is responsible for advising the Council on all financial matters and monitoring and reporting on its financial performance and position.

The Chief Finance Officer must discharge the statutory duties defined in the following legislation and codes:

- The Local Government Act 1972, section 151;
- The Local Government Finance Act 1988, sections 112-114;
- The Local Government Act 2000;
- The Local Government Act 2003 including the Local Authorities (Capital Finance and Accounting) Regulations made under the Act;
- The Accounts and Audit (England) Regulations 2015 including amendments;
- The Code of Practice on Local Authority Accounting in the United Kingdom (based on International Financial Reporting Standards);
- The Prudential Code for Capital Finance in Local Authorities; and
- Any CIPFA statements defining best practice.

One of the most significant pieces of legislation is section 151 of The Local Government Act 1972 which states:

'.....every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their Officers has the responsibility for the administration of those affairs.'

The County Council has designated the Chief Finance Officer as the Officer responsible for the administration of its financial affairs and that is why the Chief Finance Officer is sometimes referred to as the 'Section 151 Officer'.

To fulfil the statutory responsibilities the Chief Finance Officer must:

- Help develop and implement strategy, and resource and deliver the Authority's strategic objectives sustainably and in the public interest;
- Be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer-term implications, opportunities and risks are fully considered and aligned with the Authority's overall financial strategy;
- Provide financial advice to Members to support the strategic planning and policy making processes and service development to ensure efficient and effective use of resources;

- Provide advice and financial information to Members, Strategic Directors and Assistant Directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets;
- Lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently, and effectively;
- Establish and monitor the compliance with the County Council's accounting records and control systems;
- Lead and direct a finance function that is resourced to be fit for purpose;
- Be professionally qualified and suitably experienced; and
- Nominate a named Officer as the Deputy Section 151 to act in this role in the absence of the Chief Finance Officer.

Monitoring Officer (Assistant Director – Governance and Policy)

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Audit and Standards Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to Cabinet and/or Full Council and for ensuring that the procedures for recording and reporting key decisions are operated effectively.

The Monitoring Officer is responsible for:

- Ensuring that reports encompass the statutory obligations with regard to their legal and financial advice and content;
- Ensuring Member decisions and the reasons for them are made public;
- Advising both Members and Officers about who has authority to take a particular decision;
- Advising Members about whether a decision is likely to be considered contrary or not wholly in accordance with the County Council's budget and policy framework;
- Maintaining an up to date Constitution; and
- Maintaining a register of Members and Officers interests.

The Monitoring Officer together with the Chief Finance Officer is responsible for advising Members about whether a decision is likely to be considered contrary or not wholly in accordance with the approved budget or budget setting process and may include:

- Initiating a new policy outside the budget setting process;
- Incurring inter Directorate/Service budget transfers above virement limits;
- Committing expenditure during the year which is above the approved revenue or capital budget; or
- Committing expenditure in future years which is above the approved revenue or capital budget.

Internal Audit and Risk Management

The Strategic Director for Resources, through the Internal Audit Manager, shall arrange for a continuous internal audit function, to carry out an examination of accounting, financial and other operations of the Council, through undertaking a risk-based audit plan, complying with the Public Sector Internal Audit Standards (PSIAS).

The Assistant Director – Finance and the Assistant Director – Governance and Policy will put in place appropriate arrangements to provide the Chief Executive, Chief Finance Officer, Corporate Leadership Team and Elected Members with an annual assurance statement on compliance with Financial Regulations and the Local Code of Corporate Governance.

The Strategic Commissioning Manager (Treasury, Pensions, Audit and Risk) will oversee the development and implementation of an appropriate risk management strategy.

Strategic Directors

Strategic Directors are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and meeting associated financial targets. In doing so they should also have regard to sustainability and equalities considerations.

Strategic Directors are fully accountable for the financial performance of their service area against the budget allocated. They may incur revenue expenditure in furtherance of agreed Council policies only to the extent that budgetary provision has been made.

As part of ensuring the overall sustainability of the Council's financial planning and management arrangements, Strategic Directors also have a responsibility to review their respective budgets on an on-going basis. This includes the active monitoring and management of service pressures, delivery of approved budget reductions and application of approved service investment, particularly in cases where this investment is targeted towards delivery of longer-term savings. The Chief Finance Officer may request that Strategic Directors report to Council during the year on measures being taken to ensure expenditure is contained within approved levels.

Strategic Directors are further charged with the implementation of the risk management strategy in their service areas and for ensuring its effectiveness and review.

Strategic Directors have overall responsibility for ensuring the Assistant Directors within their Directorate manage their resources within the revenue and capital budget limits set by Full Council each year.

Strategic Directors must act within the budget and policy framework, promote probity and sound financial control.

Strategic Directors must report, at the earliest opportunity, to the Chief Finance Officer on any matter which may result in a failure of their Directorate's financial control processes or any other matter which could adversely affect the financial standing of their Directorate.

Specifically, Strategic Directors must report to the Chief Finance Officer if:

- There are potential budget pressures and/or overspends;
- The Directorate is not going to meet any savings or efficiency targets;
- Proposed variations to policy will have financial implications; or
- Organisational changes might impact on the demand for financial support services.

Assistant Directors

Assistant Directors have responsibility for developing their service plans in line with agreed strategies and policies, having due regard for any financial planning considerations or constraints agreed organisationally. Assistant Directors should also clearly articulate their Service's plans for the annual budget cycle ensuring Strategic Directors are fully aware of any planned or future service delivery issues or opportunities.

Assistant Directors are responsible for managing expenditure and income against revenue and capital budgets and must provide information to Strategic Directors and the Chief Finance Officer, at the earliest stage, of any issue where corrective action needs to be taken to keep expenditure within their approved budget.

In managing their Service, Assistant Directors are also responsible for:

- Ensuring appropriate controls and management structures in place and actively operating throughout their Service in order to safeguard all assets and finances and fulfil their responsibilities as outlined in these financial rules and regulations.
- Monitoring and accurately forecasting the budgetary position of their Service and for keeping Strategic Directors informed of this position.

External Audit

The external audit of the Council seeks to assess the extent to which the stewardship of its financial affairs is subject to a regime of accountability where monies are properly accounted for, safeguarded and used economically, efficiently and effectively. The scope of this audit is wider than that of the private sector equivalent, encompassing coverage of the financial statements, regularity, propriety and best value, including the securing of value for money.

PLANNING FOR THE USE OF RESOURCES

Why is this important?

The County Council is a large complex organisation providing a wide range of different services and, like any organisation of this scale, it needs to plan effectively and develop systems to ensure that scarce resources are allocated in accordance with carefully weighed priorities as set out in the Council Plan.

All items of income and expenditure of the County Council are classified as either revenue or capital.

The revenue budget is the expression in financial terms of individual service's plans. It is concerned with the day to day spending required to provide a service, for example, employee pay, supplies and services, energy costs, etc. All decisions on the revenue budget are taken by Full Council except those that relate to the current year's approved budget and the use of any earmarked reserves, which have been delegated to the Cabinet.

The capital programme is the expression in financial terms of individual service's plans to purchase, construct or improve assets with a lasting value, for example, land, buildings and large items of equipment. Decisions on the capital programme are taken by Full Council, except where the cost of a project is below £2 million and no additional use of borrowing or capital receipts is required, which have been delegated to Cabinet and/or the Portfolio Holder for Finance and Property.

The process for preparing and setting the budget should ensure that it reflects the Authority's aims and objectives in financial terms for the period ahead. Budgets should be based on projections about pay, inflation and demand and all budget reductions should be identified, assessed for achievability and planned in advance. Known developments should be anticipated and full cost implications should be determined. Revenue and capital budgets should be integrated and presented as such to Members.

It is important to ensure that the full revenue consequence of capital expenditure is reflected in the revenue budget and options of either a revenue or capital approach to service delivery are considered.

The Chief Finance Officer must:

- In consultation with Corporate Board prepare and submit reports to the Cabinet outlining likely developments, including resource constraints set by the Government and changing demands on services, which will have an influence upon the revenue and capital budgets of the County Council;
- In consultation with Corporate Board prepare and submit reports to the Cabinet summarising the budget proposals and, where appropriate, identify the implications for the level of precept to be levied by the County Council and the impact on local taxpayers;
- In consultation with Corporate Board prepare and submit reports to the Cabinet on the proposals for the Authority's capital strategy and capital programme and, where appropriate, identify the implications for the level of borrowing the Council will need and the implications of financing this borrowing on the revenue budget;
- Establish formal procedures and timetables for planning the budget by:
 - Providing Assistant Directors with a framework and timetable for reporting anticipated budget reductions, spending pressures and service improvements; and
 - Providing Assistant Directors with preliminary budget targets for the following year in time for them to prepare business/service plans, and a final budget by 31 March; and
- Produce an annual treasury management policy statement and strategy and an annual investment strategy setting out the arrangements for the operation, management and performance assessment of the treasury management function, the Authority's appetite for investment risk and gain full Member approval for the policy statement and strategies.

Strategic Directors must:

- Ensure that each Service within their Directorate prepares a written statement of the Service's aims and objectives, consistent with the Council Plan, which is used as the basis for constructing budget plans;
- Prepare and submit with the Chief Finance Officer, joint reports to the Cabinet outlining likely developments, including resource constraints set by the Government and changing demands on services, which will have an influence upon the revenue and capital budgets of the County Council;

- Comply with guidance concerning capital expenditure, issued by the Chief Finance Officer; and
- Ensure that their Directorate maintains an Asset Register, as defined by the Chief Finance Officer, for the purpose of calculating notional capital charges.

Assistant Directors must:

- Comply with the formal procedures and timetable for planning their budget by:
 - Identifying, costing and reporting spending pressures and any anticipated savings, including where initial investment may be required, in accordance with the published budget framework and timetable; and
 - Preparing detailed revenue estimates of planned spending and income for the year ahead within the budget targets set by their Strategic Director;
- Notify their Strategic Director of the continuing potential financial impact in future years of decisions they are taking in the current financial year. This needs to be done so as to be taken into account when producing next year's budget; and
- Comply with capital expenditure rules issued by the Chief Finance Officer.

FINANCIAL DECISION MAKING

Why is this important?

In making financial decisions, Members take account of the information and advice given to them by Officers and, in particular, the Chief Finance Officer. The Chief Finance Officer also has delegated financial responsibilities which require him to take financial decisions, usually in consultation with the Monitoring Officer. These decisions can have major financial and legal implications, and it is therefore important that they are soundly based on accurate and appropriate information.

The Chief Finance Officer must:

Provide advice and financial information to Members, Strategic Directors and Assistant Directors on the optimum use and adequacy of available resources and management of both capital and revenue budgets. In particular this should:

- Take account of all relevant corporate and Directorate considerations;
- Take account of both long and short term costs and benefits;
- Take account of professional advice, for example legal or financial advice;
- Be compiled in accordance with best professional practices by suitable staff;
- Be appropriate and provide a sound basis for financial decision making; and
- Be presented at the most appropriate time to allow effective decisions to be made.

These requirements extend to the legal reasonableness and financial prudence of all decisions taken by both Members and Officers.

The Monitoring Officer must:

Ensure that all legal advice given to Members or used by Officers to make decisions with financial implications:

- Takes account of all relevant Directorate and corporate considerations;
- Is compiled in accordance with best professional practice by suitable staff;
- Is appropriate and provides a sound basis for decision-making; and
- Is presented at the most appropriate time to allow effective decisions to be made.

These requirements extend to the legal reasonableness and financial prudence of all decisions taken by either Members or Officers.

Strategic Directors and Assistant Directors must:

Ensure that all financial information given to Members or Officers in order for them to make decisions with financial implications:

- Takes account of all relevant Directorate and corporate considerations;
- Takes account of both long and short term costs and benefits;
- Takes account of financial advice and any financial implications (the Chief Finance Officer should be consulted, in a timely manner, when drafting Committee or other reports which contain proposals which have financial implications);
- Takes account of legal advice and any legal implications (the Monitoring Officer should be consulted, in a timely manner, when drafting Committee or other reports which contain proposals which have legal implications);
- Takes account of other professional advice, where appropriate;
- Is compiled in accordance with best professional practices by suitable staff;
- Is appropriate and provides a sound basis for financial decision-making; and
- Is presented at the most appropriate time to allow effective decisions to be made.

Strategic Directors and Assistant Directors are reminded that these requirements extend to the legal reasonableness and financial prudence of all decisions taken by either Members or Officers.

CONTROLLING THE USE OF RESOURCES

Why is this important?

Budgetary control is the process by which services' monitor, review and adjust financial targets during the financial year. The identification and explanation of variances against budgetary targets provides a mechanism by which the County Council can identify changes in trends and resource requirements at the earliest opportunity.

There is also an additional pressure to monitor capital schemes carefully, to ensure that the Council's capital financing capacity, governed by the Prudential Code for Capital Finance, including other internal funds and external grants and receipts, is fully utilised, but not exceeded.

The Chief Finance Officer must:

- Administer the County Council's scheme of Virement as set out in the Finance Rules;
- Ensure Assistant Directors and Cost Centre Managers have access to regular and frequent reports on spending, including sums committed, but not yet paid, against the approved budget;
- Prepare and submit, with Strategic Directors, joint reports to the Cabinet in respect of any revenue expenditure for which the Strategic Director concerned is unable to identify appropriate resourcing from within the existing approved budget;
- Prepare and submit reports to the Cabinet in respect of any planned or actual expenditure which the Chief Finance Officer (in consultation with the Monitoring Officer) believes to be unlawful; and during the time between the possibility of unlawful expenditure coming to light and its consideration by Cabinet, prevent any payments other than those which are contractual commitments (this applies equally to revenue and capital expenditure);
- Prepare and submit regular reports to the Cabinet on progress against the approved capital programme, highlighting any variances and detailing any requests for amendments to approved programmes;
- Administer the authorisation of capital schemes approved by Full Council as detailed in the Finance Rules;

- Provide Strategic Directors, Assistant Directors and Cost Centre Managers with appropriate guidance and Finance Rules;
- In consultation with Corporate Board, administer the Council's arrangements for under and overspendings to be carried forward to the following financial year as outlined in the Finance Rules and the reserves strategy approved as part of the annual revenue budget; and
- Prepare and submit a report to the Cabinet by 30 June each year comparing actual treasury management performance against the approved strategy, for the previous financial year.

Strategic Directors must:

- Ensure that their Assistant Directors comply with the County Council's Scheme of Virement and notify the Chief Finance Officer of any additional authorisation limits/reporting arrangements they may wish to set; and
- Inform the Chief Finance Officer immediately of any planned or actual expenditure that the Strategic Director believes to be illegal. During the time between informing the Chief Finance Officer and receiving his response, ensure that no payments are incurred other than those required to meet contractual commitments (this applies equally to revenue and capital expenditure).

Assistant Directors must:

Revenue Expenditure

- Prepare and submit with the Chief Finance Officer and their Strategic Director, joint reports to the Cabinet in respect of any revenue expenditure for which the Assistant Directors concerned is unable to identify appropriate resourcing from within their existing approved budget;
- Make sure that expenditure for each financial year does not exceed the available budget;
- Do everything reasonably possible, report and make aware any action/strategy in place to correct;
- Make sure that all income and expenditure, including forecasts of future income and expenditure and variations from the approved budget, are accurate and timely and entered on the general ledger;

- Seek Cabinet approval for all virements within their Service which exceed the lower of £500,000 or 5% of the Service's net revenue budget (whether individual or as part of a cumulative total) where this is as a result of a change in policy;
- Seek Cabinet approval for all virements between Services irrespective of the amount of the virement, except where virements do not change the approved use of the resource;
- Ensure that, when budgets are delegated, responsibility for financial control is clearly defined and seek prior Finance approval for any changes; and
- Ensure that Cost Centre Managers are notified of any virements affecting their cost centre and that the reason for the virement is explained.

Capital Expenditure

- Ensure a Project Manager is allocated to all capital projects;
- Ensure that all Project Managers comply with all the rules relating to capital expenditure and financing;
- Ensure all appropriate approvals have been granted before committing to any capital expenditure, recognising any pre-approval work is a revenue cost until approval is received;
- Ensure adequate funding is in place for all capital expenditure over the lifetime of a project and that accurate phasing of capital expenditure over financial years is undertaken at the same time;
- Record capital income and capital expenditure separately;
- Ensure capital expenditure does not exceed the approved budget limit;
- Ensure that capital expenditure is not moved between programmes or stand-alone projects without Member approval;
- Ensure that adequate information is kept that delivers accurate capital accounting;
- Ensure Members, their Strategic Director and the Chief Finance Officer are kept informed of progress and latest cost estimates for all capital projects; and

- Provide financial and performance information on capital projects when requested by Members, their Strategic Director or the Chief Finance Officer.

ACCOUNTING FOR THE USE OF RESOURCES

Why is this area important?

The County Council has a statutory responsibility to prepare its annual accounts to fairly represent its operations during the year. Full Council is responsible for approving the annual accounts. The accounts are subject to external audit scrutiny before publication. External audit scrutiny provides assurance that all expenditure is legal, the accounts are properly prepared and appropriate accounting practices have been followed.

The Chief Finance Officer must:

- Provide Assistant Directors with guidance and a timetable for closing their accounts, to ensure compliance with the statutory timetables;
- Prepare and submit reports to the Cabinet outlining, firstly, probable and, subsequently, the actual income and expenditure of the County Council, for each financial year;
- Prepare and publish the audited accounts of the County Council for each financial year in accordance with the Accounts and Audit Regulations 2015 (as amended), in particular:
 - Make appropriate arrangements for the external audit of the County Council's accounts;
 - Publish the draft statement of accounts in accordance with the statutory within four months of the end of the financial year; and
 - Publish the statement of accounts, with the auditor's certificate or report, within six months of the financial year end.

Assistant Directors must:

- Ensure that all expenditure and income is coded to appropriate areas of their budget to accurately reflect service activity in the financial year;
- Make sure that they comply with the procedures and timetable for closing the accounts at the end of the financial year; and
- Maintain suitable accounting records and make these records available for inspection by external auditors when requested.

FINANCIAL ADMINISTRATION

Why is this area important?

The County Council, being a public body, has a responsibility to the local community to ensure that its financial affairs are properly managed, and its assets safeguarded. The public is entitled to expect the highest standards of financial conduct and integrity. It is the Chief Finance Officer's responsibility to ensure that appropriate systems and controls are in place to satisfy these expectations.

The County Council has a statutory responsibility to make arrangements for the proper administration of its financial affairs. This includes determining the accounting systems and procedures, the form of accounts and supporting financial records.

The Chief Finance Officer must:

- Produce detailed Finance Rules outlining the roles and responsibilities of officers for the financial administration of services under their control;
- Ensure that both Members and Officers comply fully with the Finance Rules as they have equal importance along with the Financial Regulations and non-compliance will be dealt with in the same way as non-compliance with the Financial Regulations;
- In consultation with the Monitoring Officer, review the adequacy of the Financial Regulations annually and where necessary recommend amendments to either the Financial Regulations or the Finance Rules; and
- Ensure arrangements are in place to maintain and promote the financial literacy of the organisation and provide all staff with access to the skills and tools needed to meet their roles and responsibilities under the Financial Regulations and Finance Rules.

Strategic Directors and Assistant Directors must:

- Comply with the Finance Rules put in place by the Chief Finance Officer; and
- Ensure appropriate arrangements are in place and actively operating throughout their Service to ensure compliance with the Finance Rules.

List of Financial Rules

Planning	Decision-making	Control	Accounting	Administration	Other
<ul style="list-style-type: none"> •Medium Term Financial Strategy •Budgeting •Treasury Management •Reserves •Financing Capital Projects •Charging Policy •Role of Budget Holders •Capital Budget •Reporting and Approval Process •Investments 	<ul style="list-style-type: none"> •Financial Risk •Subsidy control/compliance •Loans •Financial Guarentees •Due Diligence and Assurance •Investment Appraisal •Financial Implications Paragraphs •Procurement •Section 106 contributions •Grants to third parties 	<ul style="list-style-type: none"> •Cost Centre Management •Virements •Financial Management •Restructuring 	<ul style="list-style-type: none"> •Tax •Work for Third Parties •Pooled Budgets •Unofficial Funds •Accounting Records and Returns •Statement of Accounts •Capital Accounting •Accounting to Statutory Bodies •Maintenance of Accounts •Group Accounts 	<ul style="list-style-type: none"> •Assets •External Funding and Grants •Income •Money Laundering •Bank Accounts •Financial Systems and Procedures •Payments to Employees and Ex-Employees •Debt Collection •Scheme of Financial Delegation •Stocks and Stores •Purchase Cards •Petty Cash/Imprest Accounts •IT Security and Data •Leasing •Payment for Goods and Services 	<ul style="list-style-type: none"> •Pensions •Insurance •Traded Services •Joint Commissioning •Partnerships •Intellectual Property •Interests in Companie •Internal Market •Member Payments •Audit •Deterring Fraud and Corruption •Gifts and Hospitality

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County Council

14 December 2021

Appointment of Independent Member to Audit and Standards Committee

Recommendation(s)

That Council approves the appointment of Mr Robert Edwards Zara as an Independent Member of the Audit and Standards Committee

1. Executive Summary

- 1.1 Following a successful recruitment campaign and interview process, Mr Robert Edwards Zara has been identified as the successful candidate for appointment to the post of Independent Member of the Audit and Standards Committee.
- 1.2 The process comprised an application stage via the Council's recruitment portal and an interview by members of the Audit and Standards Committee.
- 1.3 This appointment requires ratification by Council in accordance with the Constitution.

2. Financial Implications

- 2.1 The post attracts a co-opted members allowance which is provided for within the Members Allowances Scheme.

3. Environmental Implications

- 3.1 None

4. Supporting Information

- 4.1 The Responsibilities of the Audit and Standards Committee are contained within Part 2(7) of the Constitution, and the Composition and Functions are set out in the Articles to the Constitution.

- 4.2 The Committee is composed of six councillors and up to four other persons (the independent members) who are not councillors or officers of the council or any other body prescribed by regulations. It has been the Council's practice to appoint two independent members to the Audit and Standards Committee, one of whom is the Independent Chair. The appointment of Mr Edwards Zara will bring the complement of Independent Members back up to two.
- 4.3 Mr Edwards Zara was until his retirement in 2019 a Deputy District Judge of the Family Court.

5. Timescales associated with the decision and next steps

- 5.1 The appointment will take effect from 1 January 2022 to enable Mr Edwards Zara to receive induction and training in advance of the first meeting of Audit and Standards in March 2022.

Appendices

None

Background Papers

None

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The report was circulated to the following members prior to publication:

Local Member(s):

Other members:

County Council

14 December 2021

Appointment of Representatives to the Local Pension Board and Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme

Recommendations

1. That Council approves the appointment of Mr Jeffrey Carruthers, Director of Finance at Warwickshire Police, as a scheme member representative on the Local Pension Board.
2. That Council approves the appointment of Councillor John Horner to the Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme.

1. Executive Summary

- 1.1 Following a call for expressions of interest to members within the fund, Mr Jeffrey Carruthers, Director of Finance at Warwickshire Police, has been identified as the new Scheme member representative on the LGPS Local Pension Board. This appointment requires ratification by Council in accordance with the terms of reference of the Local Pension Board
- 1.2 This report also seeks approval to the appointment to a vacancy on Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme.

2. Financial Implications

None.

3. Environmental Implications

None.

4. Supporting Information

Local Pension Board

- 4.1 The Public Services Pensions Act 2013 requires the establishment of a Local Pension Board with responsibility for assisting the Scheme Manager in securing compliance with all relevant pensions laws, regulations and directions and the Pension Regulator's codes of practice.
- 4.2 The Local Pension Board was set up in 2015 to assist the Warwickshire Pension Fund in ensuring that it is complying with relevant laws and regulations in the governance and operation of the Fund. The operations of the Local Pension Board are guided by a Terms of Reference which are approved by Council.
- 4.3 Pursuant to those Terms of Reference, the membership of the Local Pension Board is to consist of seven (7) members to include –
- i. Scheme Member Representatives x 3
 - ii. Employer Representatives x 3
 - iii. Independent Representative x 1
- 4.4 There is a current vacancy in the Local Pension Board for a scheme member representative. Mr Carruthers has previously served on the Board as an employer representative. His current appointment as a Scheme Member representative arises after a campaign to invite applications to the vacancy was unsuccessful and Mr Carruthers subsequently offered to take up the vacancy. Mr Carruthers' appointment has been endorsed by the Chairman of the Board and his appointment will mean that the Board is fully constituted.

Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme

- 4.5 The Fire and Rescue Local Pension Board of the Firefighter's Pension Scheme is a statutory board and the terms of reference specify that the tenure of membership (up to a maximum of nine years) is three years. An independent Chair is also appointed for a three-year term. If a member resigns during their term of office the replacement is appointed for three years. Confirmation of re-appointments is for the Scheme Manager (the County Council as the administering authority).
- 4.6 A vacancy exists for an Employer representative on the Fire and Rescue Local Pension Board. Employer representatives on the Fire & Rescue Board should be either members or officers of the Council and it is proposed that Council make an appointment to this vacancy for a term of three years.
- 4.7 Councillor John Horner has been nominated to fill the vacancy.

5. Timescales associated with the decision and next steps

5.1 If agreed the decision would have immediate effect.

Background Papers

None.

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The report was not circulated to members prior to publication.

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