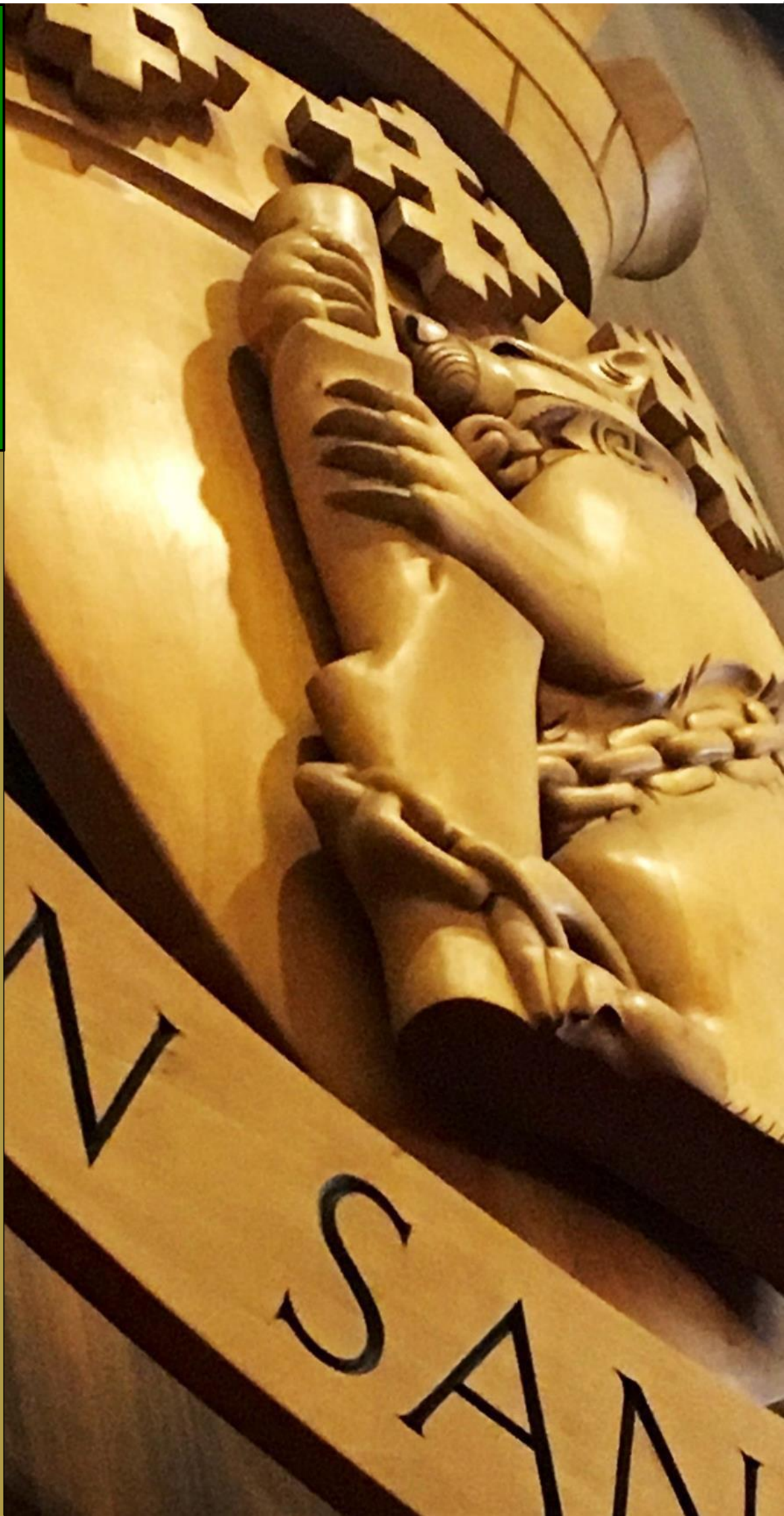


Warwickshire County Council Constitution

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.

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6. Part 6 - Management Structure

Describes our management structure

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 ~~of~~ 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

meeting date), the day of that event.

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 t 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 <u>Section 9F</u> , Local Government Act 2000
245 .	Requests for single member electoral areas.	Section 14A(1), Local Government Act 1992 <u>Section 57 Local Democracy, Economic Development and Construction Act 2009</u>
256 .	Deciding whether to make proposals for a change in governance arrangements.	Sections 33A and 33B <u>Section 9K – 9KC</u> , 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) <u>9KC</u> , and <u>9M</u> , Local Government Act 2000

278.	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
2939.	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	(to be drafted)
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 1991	
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

<p>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.</p>	
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 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 bids for external funding</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"> • <u>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.</u> • 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<u>£100,000</u> 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	<p>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.</p> <p>Oversight of the arrangements for commissioning adult social care services.</p>	<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 <u>in appropriate circumstances.</u>

	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 £10,000 and below £50,000. • To make payments over £10,000 and below £50,000 to support a child in need in appropriate <u>exceptional</u> circumstances. • To make "exceptional needs" payments over £1000 and below £25,000 to local authority foster parents of Children-children in <u>Carecare</u> • 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 regulation
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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.

6.2 REGULATORY COMMITTEE

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
<i>Functions relating to planning development control and conservation</i>		
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, are 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 Buildings 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
<i>Functions relating to elections</i>		
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
<i>Functions relating to appeals</i>		
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
<i>Miscellaneous Functions</i>		
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
<p>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:</p> <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.

8.4.28.5.2 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](#)people;
- 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)

9.11.19.12.1 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.

9.11.29.12.2 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

9.129.13 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

9.139.14 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

9.149.15 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 ~~will~~ 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

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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.	<u>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</u> <u>Regulations 145 and 204, Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 Local Authorities- (Executive Arrangements)- (Access to Information)- (England)- Regulations 2000</u>	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.	<u>Local Authorities- (Executive Arrangements)- (Access to Information)- (England)- Regulations 2000 as amended Local Authorities (Executive Arrangements)</u>	Executive

		<u>(Meetings and Access to Information) (England) Regulations 2012</u>	
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.	<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; <u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>;</p> <p>Local Authorities (Functions and Responsibilities) (England) Regulations 2000</p>	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 <u>for which another person has not been appointed as proper officer except those functions expressly delegated to other officers</u>	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.	<u>Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</u>	Executive

		Local Authorities- (Executive- Arrangements)- (Access to Information) (England)- Regulations 2000_	
10	To receive and deal with documents relating to elections.	<u>Local Elections (Principal Areas) (England and Wales) Rules 2006</u> Local (Principal Election Areas)- Rules 1986	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 44, 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) <u>Regulations 11 and 21, Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 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

		<p>New Roads and Street Works Act 1991;</p> <p>Clean Neighbourhoods & Environment Act 2005;</p> <p>and any other enactment conferring functions on the council</p>	
15	To enter agreements in relation to the execution of highway works or improvements and agreements regulating development or use of land.	<p>Sections 184 and 278, Highways Act 1980;</p> <p>Section 106, Town & Country Planning Act 1990</p>	Non-executive
16	To enter into agreements for the future maintenance of roads <u>including those</u> 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 <u>and applications for injunctions to restrain breaches of planning control.</u>	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 £32 5,000.	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 <u>licence</u> provisions.	Sections 111 and 123, The Act of 1972 and any applicable statutory consents	Executive
6	To seek <u>and enter into</u> 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; 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 <u>enter into and</u> sign agricultural tenancy agreements in respect of the smallholding's 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 <u>-relevant Portfolio Holderpanel of members established for this purpose.</u>	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 £ 400,000 <u>250,000</u> .	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 <u>25</u> ,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 <u>or</u> 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 <u>25</u> ,000.	Sections 120, 122 and 123, The Act of 1972 and applicable statutory consents	Executive
<u>7</u>	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 for 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 a 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:</p> <p>(i) the expenditure can be met from within the earmarked reserves of the directorate concerned; and</p> <p>(ii) 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 <u>1998-2018</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; <u>Section 2, Local Government Act 2000</u>	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	<p>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.</p> <p>In exercising these powers, they are required to observe all policy decisions taken by the council and its relevant bodies.</p>	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: (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(24 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 section 23 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>	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	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>	European Communities Act 1972; Animal Feed (Hygiene, Sampling, etc. and Enforcement) (England) Regulations 2015; Feed (Hygiene and Enforcement) (England) Regulations 2005	Non-executive
3	To issue, vary, suspend and revoke any animal movement licence, permit or authorisation, on behalf of the council under the Act and Regulations listed.	Animal Health Act 1971 - Disease Control (England) Order 2003	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 statutory powers and statutory duties of the council to appoint designate, nominate or otherwise authorise suitably qualified and competent officers and persons (whether or not employees of the council), including a chief inspector of weights and measures and other – inspectors, authorised officers and authorised persons to enforce all or any part of the listed legislation.</p> <p>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</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>	Executive or non-executive depending on the context

	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	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)	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:

- legal proceedings may only be commenced with the consent of the strategic director for resources or their nominees; and
- 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 orders 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 <u>make orders relating to</u> 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.	Section 316 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.	Section 73 of the Town & Country Planning Act 1990	Non-executive
5	Power to grant planning permission for development already carried out.	Section 73A 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> .	Section 70A 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 <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 <i>total value</i> exceeds the <i>EU threshold</i> 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;
	(c)	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"		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**
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- 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 do so. 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 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](#)