



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

CONSTITUTION

Re-adopted, 31 January 2024

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Part One – The Council and Local People

1. The Council, Councillor and Elections

1.01 The Borough is situated in inner west London. It was created in 1965 with the merging of the Metropolitan Borough of Chelsea and the Royal Borough of Kensington. It is bordered to the north by the London Borough of Brent, to the west by the London Borough of Hammersmith & Fulham, to the east by the City of Westminster and to the south, across the River Thames, by the London Borough of Wandsworth.

1.02 The Borough is divided into 18 electoral wards – please see map at Appendix A. At the Borough Elections every four years, registered electors in each ward choose who will represent them for the coming four years. The Borough Elections are usually held on the first Thursday in May every four years. The most recent Borough Election was on 3 May 2018 and the next will be on 5 May 2022. The terms of office of Councillors start on the fourth day after being elected and finish on the fourth day after the date of the next regular election.

1.03 To be able to stand as a candidate at a local government election in England and Wales* a person must be at least 18 years old; be a British citizen, an eligible Commonwealth citizen or a citizen of any member state of the European Union; and meet at least one of the following four qualifications:

- (i) That person is, and will continue to be, registered as a local government elector for the local authority area in which they wish to stand from the day of their nomination onwards.
- (ii) That person has occupied, as owner or tenant, any land or other premises in the local authority area during the whole of the 12 months before the day of their nomination and the day of election.
- (iii) That person's main or only place of work during the 12 months prior to the day of their nomination and the day of election has been in the local authority area.
- (iv) That person has lived in the local authority area during the whole of the 12 months before the day of their nomination and the day of election.

* For the latest guidance on elections matters please see the - [Electoral Commission website](#)

1.04 The Borough has 50 Councillors in total and each electoral ward returns two or three Councillors – please find a list of wards and serving Councillors at Appendix B. Each Councillor is required by law to sign an Acceptance of Office declaration, following their election, before they can act as a Councillor.

- 1.05 Every Councillor represents the residents of their Ward - including those who may not have voted for them. Councillors are elected to the Council to serve the interests of the entire Borough and all who live or work there or visit it.
- 1.06 Councillors, and any other people the Council invites to serve on Council committees, are required to adhere to high ethical standards and these expectations are set out in the *Councillor Code of Conduct*, the *Code of Conduct on Planning* and the *Protocol on Councillor/Officer Relations* elsewhere in this Constitution, [available on the Council website](#).
- 1.07 Councillors are entitled to receive allowances under the *Councillors' Allowances Scheme*, which is reviewed and re-adopted each year and the current version of which is set out in full elsewhere in this Constitution (Part Two, Section Three: The Councillors' Allowances Scheme). Full details of the current Scheme and payments made under the previous year's Scheme (1 April to 31 March) are published on the Council website.

2. The Role of Councillors

- 2.01 The Council has adopted the following role description which sets out the principal responsibilities of a Ward Councillor.
- 2.02 Ward Councillors are community leaders and should:

Leadership at Ward and Borough Level

- (i) be the main point of contact with local communities, which includes residents as well as businesses and other organisations
- (ii) develop a deep understanding of the local community - its issues, needs and concerns - so that these can be fully represented
- (iii) support others to empower themselves and find ways to strengthen the capacity of communities to take action on their own behalf to tackle things that are important to them
- (iv) lead and champion the interests of local communities and effectively represent the interests of the ward and its constituents, to deliver outcomes that make a difference
- (v) act as ambassador and advocate for the Council as a whole
- (vi) meet face to face and liaise regularly with local interested individuals and groups to listen and support their involvement in key Council decisions
- (vii) undertake casework for constituents and act as an advocate in resolving concerns or grievances, in a timely way
- (viii) ensure that constituents receive feedback on consultations in which they have participated and help them to understand the reasons why the Council has made its decisions

- (ix) participate constructively in the good governance of the ward and borough
- (x) use influence as a Councillor to develop links between groups and communities in the ward and local area
- (xi) work with communities to help with local service delivery, including encouraging volunteers

Representation

- (i) inform the debate at full Council meetings and contribute to the effectiveness of the Council meeting
- (ii) contribute to the development of the Council's policies, budget, strategies and service delivery, and to the scrutiny of their implementation and review
- (iii) develop and maintain knowledge of how the Council works, its objectives and develop working relationships with its officers as appropriate and relevant to their casework
- (iv) keep constituents informed about what they have been doing, using relevant and appropriate communication channels
- (v) represent the Council to local communities, and local communities to the Council
- (vi) participate in the activities of any political group of which the Councillor is a member
- (vii) represent the Council on outside bodies where so appointed and, where appropriate, represent those bodies within Kensington and Chelsea

Other duties

- (i) fulfil the legal and local requirements placed on a Councillor (in accordance with the *Councillor Code of Conduct*)
- (ii) take responsibility for their own personal training, development and continuous improvement for any role undertaken
- (iii) behave in a professional manner towards residents and other stakeholders, officers, and other Councillors

2.03 The Council will provide logistical and clerking support to Ward Councillors to enable them to convene discussions with constituents to identify and address local priorities.

2.04 In addition to these Ward Councillor responsibilities, a number of our Councillors also have leadership roles, for example as a member of the Council's executive (the 'Leadership Team'), as a Committee Chair or within their Party Group on the Council.

3. The Council's Values and Behaviours, and the Twelve Principles of Good Governance

Values and Behaviours

3.01 In September 2018 the Council adopted new Values and Behaviours which underpin our approach to public service and drive change and service delivery throughout the organization.

Putting communities first

- We put local people at the heart of decision making in everything we do.
- We seek to include and involve: all voices matter.
- We provide quality services that are responsive, effective and efficient

Respect

- We listen to everyone and value the personal experiences of people in our communities and of each other
- We adopt a fair, and involving approach regardless of any way in which an individual is different to us

Integrity

- We act with openness, honesty, compassion, responsibility and humility.
- We let people know what we are doing and communicate why and how decisions have been made.

Working together

- We work together and in partnership with everyone that has an impact on the lives of our residents.
- We want to understand, learn from each other and continually adapt.

The Twelve Principles of Good Governance

3.02 These Values and Behaviours above build on the Twelve Principles of Good Governance adopted by the Council in July 2018 as the basis upon which the Council will be run and decisions made. These principles underpin this Constitution and everything the Council and its councillors do in serving, and delivering services to, local people.

- Connecting with residents
- Listening to many voices
- Inviting residents to take part
- Involving before deciding
- Responding fairly to everyone's needs
- Focusing on what matters
- Working as a team
- Managing responsibly

- Having the support we need
- Acting with integrity
- Communicating what we're doing
- Being clearly accountable

4. Charter for Public Participation

Introduction

- 4.01 Healthy local democracy goes well beyond people voting in Borough Elections every four years. Local people rightly expect to have a say on things that affect their communities, to help shape the decisions made by the Council and to contribute to the development of services, plans and programmes alongside Council officers and local councillors. Furthermore they want some confidence that their contributions can and will influence these things.
- 4.02 The Council delivers a wide range of services and takes many decisions, most of which are quite routine and don't impact local people in any significant way. A few, however, have a potentially significant impact in one way and another. The Council is keen to hear how local people wish to be engaged or involved and are eager to listen to local people and other stakeholders before reaching a decision. It acknowledges that such public participation can often deliver more sustainable outcomes: local people, after all, are more likely to support decisions on which they've had an input.
- 4.03 That said, it's the Council that has the legal responsibility for the provision of local authority services. It can and will listen, hear, engage, and involve – but ultimately it's the democratically-elected Council which has to, by law, weigh up all relevant considerations and take these decisions. In many instances, these decisions will clearly reflect the wishes of local people, but at times the Council may have to take difficult decisions that will not satisfy everybody. However, it will always take account of local views and make decisions that it considers are in the best interests of the Borough as a whole.
- 4.04 The diagram at Appendix D shows a range of ways that can and will be used to facilitate public participation, each of which the Council will use as and when appropriate (see examples provided).

Our Values and Behaviours

- 4.05 In 2018 the Council adopted the *Twelve Principles of Good Governance* (now incorporated into [Part One of the Council's Constitution](#)) and in 2019 adopted new organisational Values and Behaviours which include commitments to:
- put local people at the heart of decision making in everything we do;
 - listen to others and value the personal experiences of people in our communities and each other; and

- let people know how we are doing and communicate why and how decisions have been made

Involving local people in issues that impact on the community

4.06 In terms of public participation, our Values and Behaviours mean that we:

- accept the principle that those impacted upon by major proposals or actions should be given an opportunity to be involved in advance;
- will listen to views and opinions and, where there is clear local consensus, take this into account in Council decisions;
- acknowledge that the community is a valuable, often untapped, resource, and that drawing upon this resource through public participation can drive more sustainable outcomes;
- value public participation so that we can hear from those most impacted by decisions etc.;
- will investigate, and remain keen to hear at any time about, those things in which local people wish to be involved (and where they want to be consulted or to co-design or co-produce something with the Council) and will thereafter facilitate that involvement where possible;
- where local people do wish to be involved, will do our utmost to ensure they are well informed;
- will include a section in Key Decision reports where we explain involvement from local people and other relevant stakeholders in advance of the decision and state clearly what influence this has had on the decision being taken; and
- will continue to review the way that we have engaged with local people and consider how we might improve.

4.07 When involving local people we will:

- give people a chance to be involved at the earliest possible opportunity and allow enough time to engage with them and for them to make a genuine contribution;
- use a variety of approaches so we're hearing from a range of voices which reflect the whole community, and we understand that not everyone wants to engage with us in the same way;
- be honest about what can or can't be changed and any other limitations;
- ensure that all Council departments keep Ward Councillors informed of issues and developments that have a particular impact on their Wards and alert them well in advance to decisions that have a significant effect on their constituents; and
- review engagement activity and share learning across the Council.

- 4.08 We will do all we possibly can not to ask people for information they have already given us, and we will not overstate what we can offer.

Major plans, policies and projects

- 4.09 When we are developing significant plans, policies and projects we will:
- (i) seek views from local people at an early stage, before a Council policy has been formulated, so as to gather ideas and opinions;
 - (ii) take account of this input in formulating a draft Council proposal;
 - (iii) put the draft Council proposal out to consultation, using appropriate means of communication and give people enough time to comment – usually at least six weeks;
 - (iv) publish a full list of consultations underway in a single place on the Council website;
 - (v) make a clear statement on the Council website of our approach to consultation on new plans, policies and projects.

Getting involved in Council meetings

- 4.10 To achieve our aim, we will:
- give at least 5 clear working days' notice of Council, committee and Leadership Team meetings and help people to find agenda papers, reports, minutes and any background papers used in preparing reports;
 - welcome interested local people to our meetings and provide reasonable opportunities for them to speak and to film or record the public part of any meeting;
 - routinely explore and provide opportunities for interested local people to get involved in the Council's Scrutiny activities, ensuring Scrutiny activity focuses above all on the things that matter most to local people;
 - give at the very least 28 calendar days notice*, on the published [Forward Plan of Decisions](#), of all 'key decisions' and 'executive decisions' we intend to take (as defined in Part 4 of the Constitution) ; and
 - welcome and respond efficiently to petitions in line with our [Petitions Guidance](#).

*[*other those occasional circumstances where statutory urgency procedures are used]*

and additionally local people

- may complain to the Council itself under its Complaints Scheme; to the Ombudsman after exhausting the provisions of the Council's Complaints Scheme; to the Council's Monitoring Officer about a breach of the [Councillor Code of Conduct](#); and to the [Information Commissioner](#) where applicable;
- may [inspect the Council's accounts](#) and make their views known to the external auditor; and
- may, where they use a specific Council service (for example as a parent of a school pupil or as a Council tenant), have additional legal rights which are not covered here.

Openness and transparency

- 4.11 We will make it easy for people to find out whom to contact about any particular issue and will publish on the Council website Councillor and senior officer email addresses. However where people want to make a complaint or have a routine enquiry they should pursue this via the complaints form on the ['Complaints, Comments and Compliments' page on the Council website](#) so as to ensure a timely response to the issue in question and to make sure the Council captures and learns from all complaints.
- 4.12 We will make it easy to find information, as well as responding in a timely way to specific requests for information.

A two-way relationship

- 4.13 If it's to function effectively the relationship between the Council and local people has to be a two-way, reciprocal, one. Whilst the Council will continue to explore ways to better communicate with, to empower, and to maintain the trust of, local people, if the Council is to represent, and speak or act with authority on behalf of, local people then there is an onus on local people to feed back to, and communicate openly and constructively with councillors and council staff.
- 4.14 So we encourage local people:
- wherever they can to access Council services and other information via our website in the first instance;
 - to vote in elections and, more generally, to participate in public life;
 - to take part in consultations, giving their views and feedback local services and holding the Council to account – telling the Council if and when it 'gets it wrong'; and
 - to do what they can, individually or with others, to make the Borough a better place to live.

Accessibility

- 4.15 We want to ensure that there are no barriers preventing local people from accessing Council services, facilities and meetings.
- 4.16 We are keen that local people feel welcome at our meetings so will ensure these are held in accessible rooms, with facilities available for those requiring additional assistance. Requests for information in alternative formats will be accommodated wherever possible.

Accountability for our Charter commitments

- 4.17 It is important that the Charter is not purely aspirational but, rather, is the catalyst for and reflection of real culture change. All departments of the Council, and all staff, will need to deliver consistently to the standards set out in this document. However, there may be occasions where local people feel we have fallen short. If and when this happens we want to hear about it - via the [‘Complaints, Comments and Compliments’ page on the Council website](#) - so that we can apologise when we’ve not lived up to our commitments and, as far as possible, put things right.
- 4.18 The overarching principles in this Charter will feed into, and be supplemented by, more specific or service-based commitments contained other documents such as the Community Engagement Strategy, the Statement of Community Involvement in Planning and the Resident Charter for Housing Tenants.

5. The Constitution

- 5.01 This document you are reading, entitled ‘The Council and Local People’, is the introductory Part of the Council’s Constitution. The Constitution is a series of documents outlining how the Council is run, something the Council is required by law to have and to keep up-to-date. The Council must make copies available at its main offices for inspection by members of the public and be prepared to supply copies at a reasonable charge, though in practice most people look at, and can download, the Constitution [here on the Council website](#).
- 5.02 The Constitution sets out how Council decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.

Review and Revision of the Constitution

- 5.03 The Council is required by law to appoint a ‘Monitoring Officer’ who monitors and reviews to keep it up to date and to ensure that the aims and principles of the Constitution are achieved. He or she will make periodic reports to the Administration Committee.

- 5.04 Changes to this Constitution will only be made by full Council following consideration of the proposal by the Administration Committee, provided that the Monitoring Officer may from time to time make the following changes:
- (a) changes which reflect any decision made by Council, one of its committees, the Leadership Team or any other person or body with the authority to delegate or sub-delegate powers to exercise executive or non-executive functions;
 - (b) changes which reflect any changes made to the allocation of functions or responsibilities to, or between, officers;
 - (c) such changes as may be necessary to comply with or give effect to any legislative requirements; and
 - (d) such other changes of an editorial nature as may seem appropriate to make the Constitution internally consistent, up-to-date and readily understandable.

Suspension and Interpretation of the Constitution

- 5.05 The provisions of this Constitution may not be suspended, except for 'Limitation on Chairs and Vice-Chairs of Committees in Part 5 of this Constitution. The rules specified below may be suspended by the full Council to the extent permitted within those rules and the law.
- 5.06 A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.
- 5.07 The following rules may be suspended:
- Council Standing Orders (in Part 3 of the Constitution);
 - Contract Regulations (in Part 8 of the Constitution)
- 5.08 The ruling of the Monitoring Officer as to the interpretation of this Constitution, or of the Mayor as to any proceedings of the Council, cannot be challenged at any meeting of the Council. Such interpretation will have regard to the overarching purposes of this Constitution.

6. How Decisions are Taken - Overview

- 6.01 A structure chart of the Council's governance arrangements, showing how Council, the Leadership Team, Scrutiny Committees and other committees relate to each other, is set out at Appendix C.

Full Council

- 6.02 Full Council meetings, which take place at least eight times each year, provide an opportunity for all 50 of our local councillors to meet together to

discuss issues of importance to local people. Full Council meetings are chaired by the Mayor and are run in accordance with Standing Orders, procedures set out in Part 3, Section 3 of the Council's Constitution.

- 6.03 Full Council meetings are a forum to debate policy issues and are also the place where a small number of the Council's most significant decisions are taken such as:
- the Council Budget and Council Tax level;
 - Planning and Licensing policies;
 - changes to the Constitution; and
 - the election of Mayor (each May), the appointment of the Leader of the Council (after the Borough Elections every four years) and, annually, appointments to Council Committees and outside bodies.
- 6.04 Full Council meetings are open to the public and anyone can watch live online from the Council meeting webcasts page. If you live, work or go to school in the Borough you can also register to speak at a Full Council meeting via the Council website.

Leadership Team (the Council's 'executive')

- 6.05 The Leadership Team makes the most significant and sensitive policy, financial and service decisions. The Council gives at least 28 days' notice of such decisions via the Forward Plan of Key Decisions available on the Council website, and the agenda and reports for Leadership Team meetings are published a full week beforehand.
- 6.06 Leadership Team meetings are open to the public and anyone can watch live online from the Council meeting webcasts page. It is also possible to sign-up via the Council website to receive e-alerts via MyRBKC when Key Decisions are added to the Forward Plan.

Planning and Licensing Committees

- 6.07 The Planning Committee and Planning Applications Committee take decisions on the most sensitive planning applications, those which have received objections from several members of the public or where a Councillor has asked for the application to be considered by Committee.
- 6.08 Licensing Sub-Committees take decisions on licensing applications which have received objections from a ward councillor, the public or a Council department (e.g. the Noise and Nuisance Team).
- 6.09 Planning and Licensing Committee meetings are open to the public and the agenda and reports for meetings are published a full week beforehand.

Council Officers

- 6.10 Most of the Council's more routine decisions are delegated to Council officers. These are taken within policy and financial guidelines set by councillors. The Scheme of Delegation (in Part 7 of the Constitution) sets out those matters delegated to officers.

The role of Scrutiny

- 6.11 Scrutiny Committees are made up of councillors not currently serving on the Leadership Team, known as 'non-executive' councillors. Scrutiny Committees do not make decisions, rather they:
- hold decision-makers (including the NHS, Police and utility companies) to account on behalf of local people; and
 - make recommendations to the Leadership Team and senior officers to help develop policies and services.
- 6.12 Scrutiny Committee meetings are open to the public and more information on how to get involved is included in section 5 of the Constitution.
- 6.13 Scrutiny committee activity complements the work of the Leadership Team and provides a 'check and balance' to executive authority (see paragraph 6.5 above). In particular, scrutiny committees are free to inquire into matters of local concern. This could lead to recommendations for changes to policies and services. Scrutiny committees also monitor the decisions of the Leadership Team and can 'call-in' a decision that has been made but not yet implemented and ask that it be reconsidered. They may also be invited by Lead Members or senior officers to input into policy or service review issues well in advance of proposals being developed for consideration by the Leadership Team.

The overarching principles of local authority decision-making

- 6.14 All decisions are made in accordance with the law, taking into account relevant considerations, and following advice from professional officers. Furthermore in taking all decisions there should be:
- (a) clarity of aims and desired outcomes;
 - (b) a presumption in favour of openness;
 - (c) proportionality - the action to be taken is proportionate to the desired outcome; and
 - (d) clarity about the options considered and rejected, with reasons.

7. Council Staff

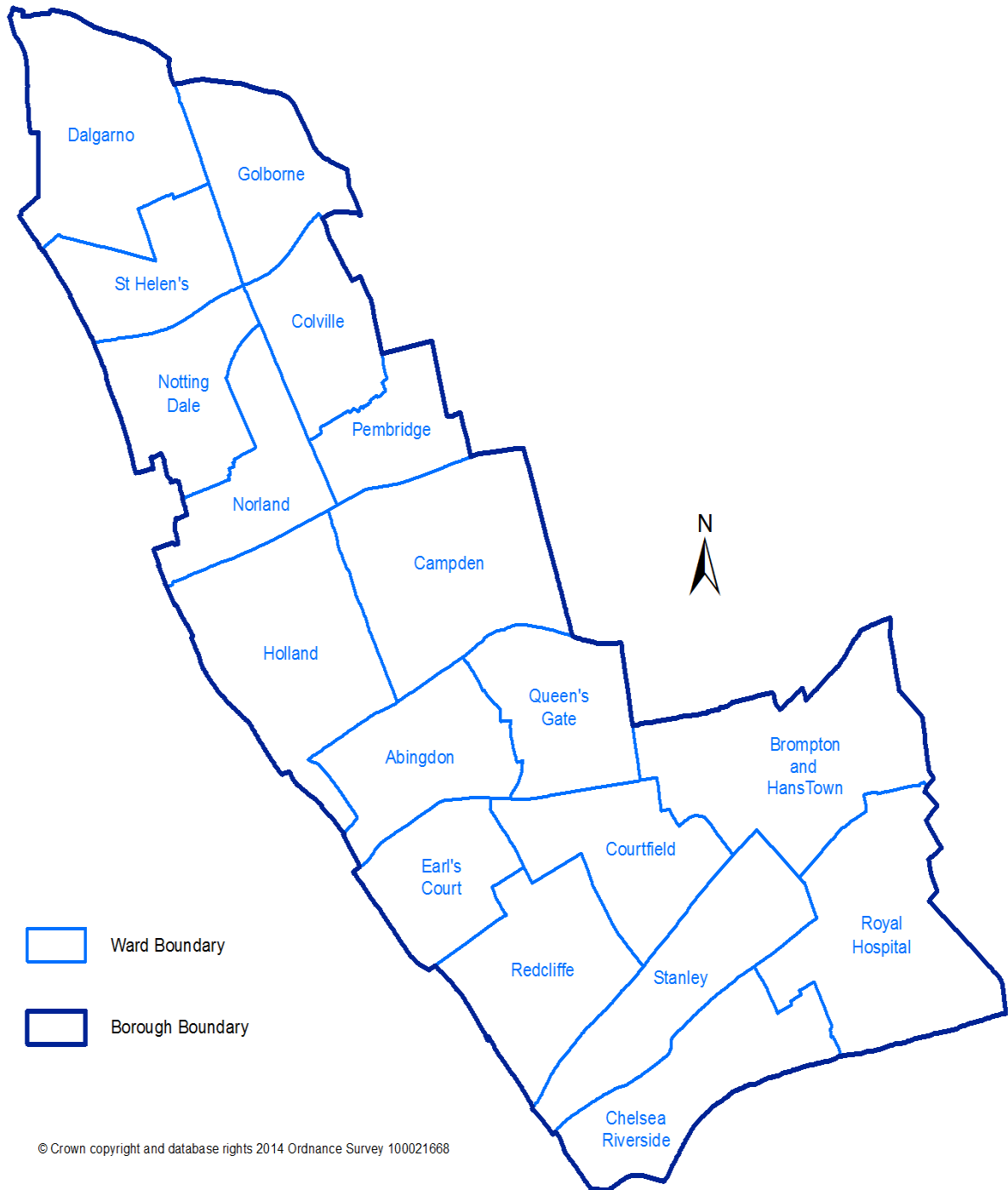
- 7.01 The Council employs staff (often called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Officers have a specific duty to ensure that the Council acts within the law and uses its

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resources wisely and a *Protocol on Councillor/Officer Relations* elsewhere in this Constitution governs the relationships between officers and Councillors.

APPENDIX A

The Royal Borough of Kensington and Chelsea – Electoral Ward Boundaries

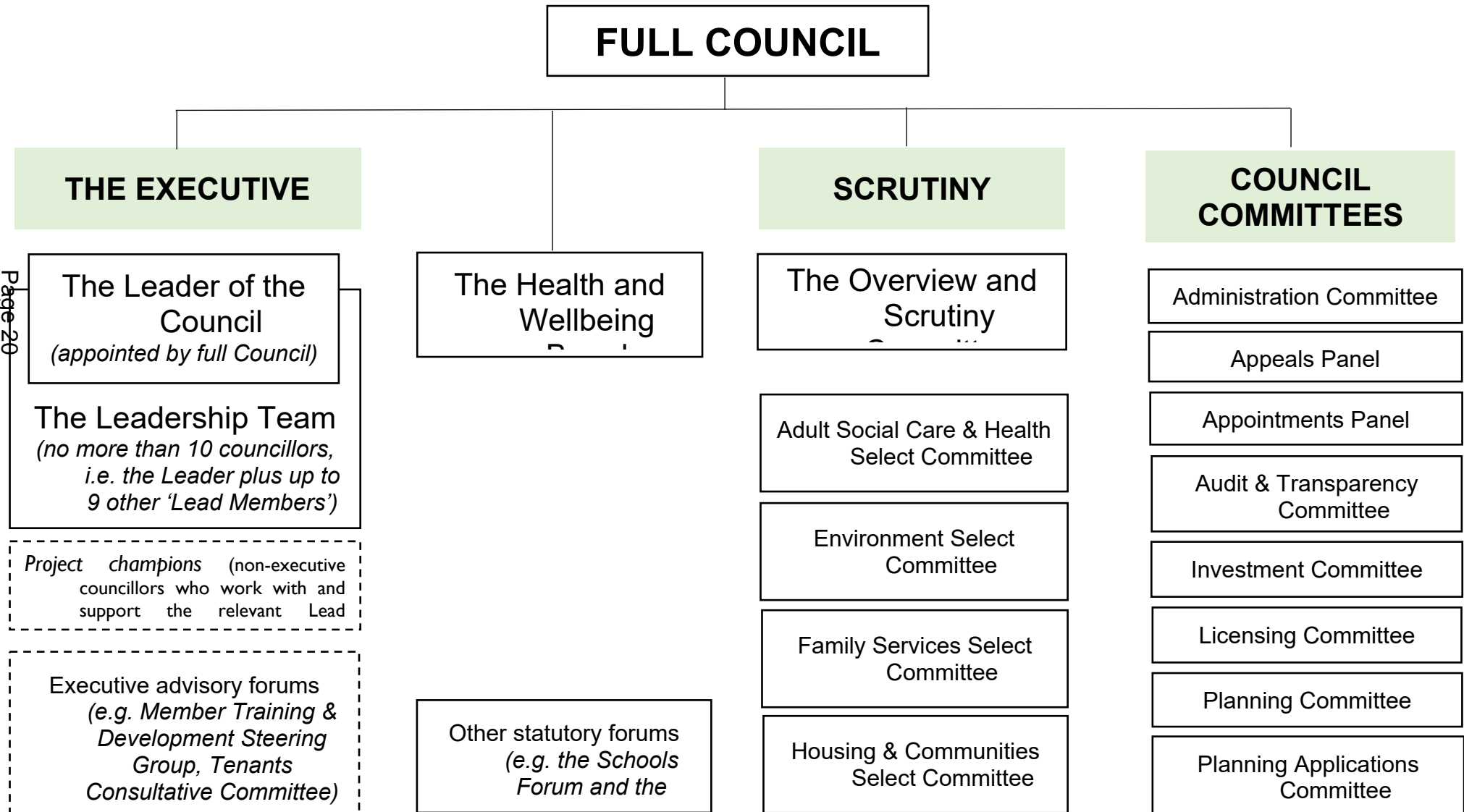


APPENDIX B

Ward	No. of Cllrs	Councillor names
Abingdon	3	Sarah Addenbrooke, Anne Cyron and James Husband
Brompton & Hans Town	3	Walaa Idris, Sof McVeigh and Mary Weale
Campden	3	Catherine Faulks, Preety Hudd and Lloyd North
Chelsea Riverside	3	Laura Burns, Gerard Hargreaves and Sonia Zvedeniuk
Colville	3	Mohammed Bakhtiar, Toby Benton and Dahabo Isse
Courtfield	3	Janet Evans, Gregory Hammond and Quentin Marshall
Dalgarno	2	Kasim Ali and Eva Jedut
Earl's Court	3	Hamish Adourian, Tim Verboven and Linda Wade
Golborne	3	Mona Adam, Sina Lari and Abdullahi Nur
Holland	3	Aarien Areti, Lucy Knight, Johnny Thalassites
Norland	2	Stuart Graham and David Lindsay
Notting Dale	3	Mona Ahmed, Marwan Elnaghi, and Claire Simmons
Pembridge	2	Joanna Gardner and Dori Schmetterling
Queen's Gate	3	Will Lane, Sam Mackover and Roberto Weeden-Sanz
Redcliffe	3	Tom Bennett, Marie-Therese Rossi and Sidney Yankson
Royal Hospital	3	Elizabeth Campbell, Cem Kemahli and Emma Will
Stanley	3	Will Pascall, Josh Rendall and Kim Taylor-Smith
St. Helen's	2	Emma Dent Coad and Portia Thaxter

APPENDIX C

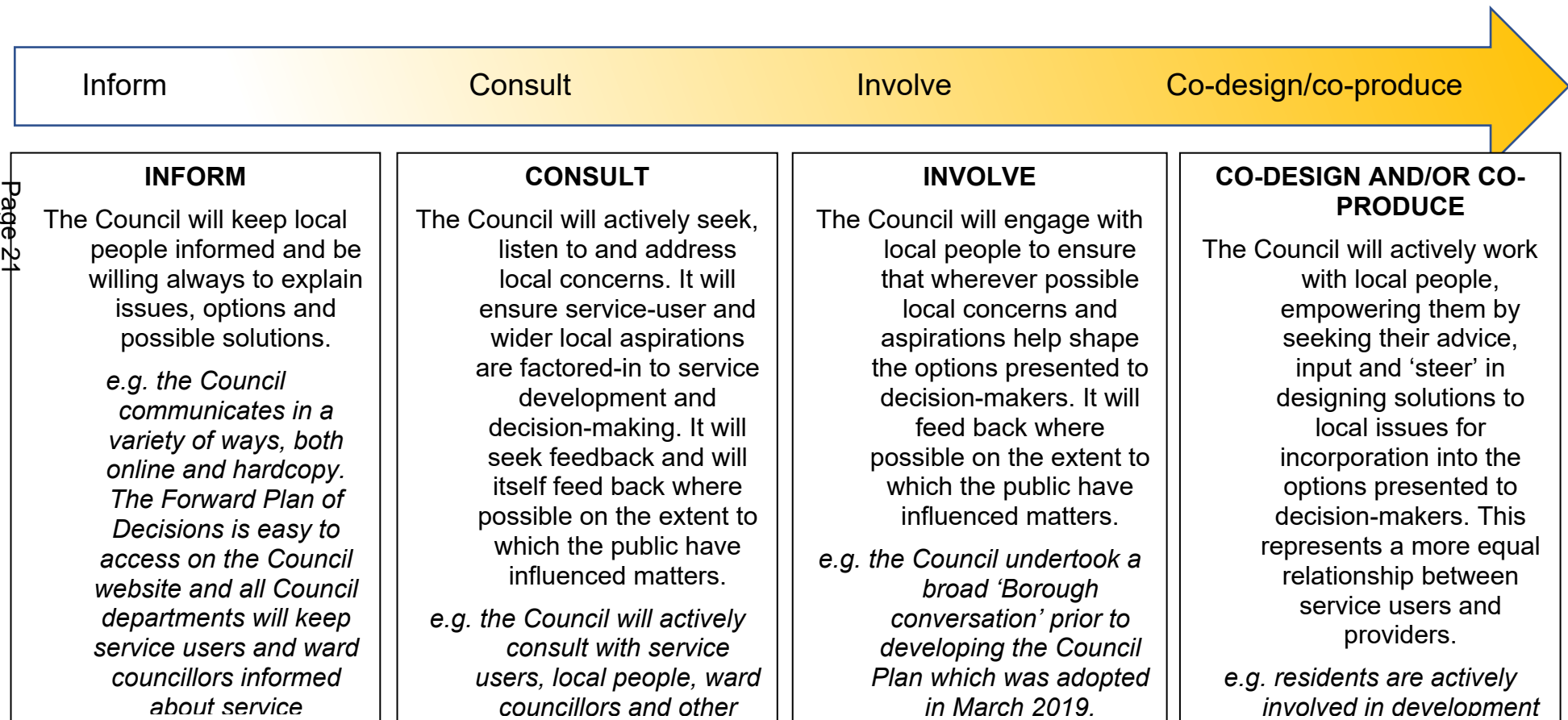
Councillor-level governance arrangements



APPENDIX D

Grasping Opportunities to Increase Public Participation

The Council will continue to engage with local people, and facilitate participation, on a number of levels, looking for opportunities where possible to push engagement and participation towards the right hand of the scale below.



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Part Two – Councillors

Section One – The Councillor Code of Conduct

1. The Code and its Purpose

- 1.01 As a member or co-opted member (together referred to as ‘member’ in this Code) of The Royal Borough of Kensington and Chelsea (the Council) I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 1.02 In accordance with the provisions of the Localism Act 2011, when acting in this capacity I am committed to behaving in a manner that is consistent with the ‘Seven Principles of Conduct in Public Life’, which can be found in full at Appendix C.
- 1.03 I understand that this Code applies to me whenever I am acting in my capacity as a member of the Council, including:
- (i) at formal meetings of the Council, its Committees and Sub-Committees, its Executive meetings
 - (ii) when acting as a representative of the Council
 - (iii) in taking any decision as an Executive member
 - (iv) in discharging my functions as a ward councillor
 - (v) at meetings with officers
 - (vi) at site visits
 - (vii) when corresponding or speaking with Council members, officers or others, including face-to face interactions and via social media other than in my personal capacity
 - (viii) any occasion when I might be seen by a reasonable person to be speaking as a member of the Council
- 1.04 As a member of the Council I will promote and support high standards of conduct and my conduct will in particular address the statutory principles of the code of conduct by:
- (i) Having a continual dialogue with residents to understand their needs and views. Championing the needs of residents – the whole community, including those who did not vote for me - and putting their interests first.
 - (ii) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

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- (iii) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Council's area or the good governance of the Council in a proper manner but using my position as member in the public interest and not for personal advantage.
- (iv) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority but taking decisions for good and substantial reasons and attaching appropriate weight to all relevant considerations.
- (v) Listening to the interests of all parties, paying due regard to relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- (vi) Being accountable for my decisions, stating the reasons for my decisions where those reasons are not otherwise apparent, co-operating when scrutinised internally and externally, including by local residents and not obstructing others' legal rights of access to information.
- (vii) Contributing to making the Council's decision-making processes as open and transparent as possible to enable residents and others to understand the reasoning behind those decisions and to be informed when holding me and other members to account but respecting the confidentiality of information which I receive as a member by not disclosing confidential information to third parties unless required by law or where there is a clear and overriding public interest in doing so.
- (viii) Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's IT systems and other resources.
- (ix) Respecting and valuing all members and officers and engaging with them, both in public and private, in a way which demonstrates the mutual respect between us that is essential to good governance while recognising that officers (other than political assistants) are employed by and serve the whole Council and are impartial.
- (x) Treating people with respect, including the organisations and public I engage with and those I work alongside, and paying particular attention to the commitments made in the Charter for Families Bereaved through Public Tragedy.
- (xi) Not conducting myself in a manner which is likely to bring the Council into disrepute.

- (xii) Promoting equality and not discriminating unlawfully against any person.
- (xiii) Promoting and supporting high standards of conduct through leadership and example.
- (xiv) Upholding the Council's commitment to this Code of Conduct by offering my full co-operation in responding to allegations of breaches of the standards set out here.

1.05 I understand that the Localism Act further provides for registration and disclosure of interests and I will comply with the following requirements addressed to me in my capacity as a member:

2. The Registration and Disclosure of Interests

- 2.01 You must, within 28 days of becoming a member, notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time.
- 2.02 A 'disclosable pecuniary interest' is as prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and set out in Appendix A to the Code.
- 2.03 A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:
- (a) it is an interest of yourself, or
 - (b) it is an interest of your spouse or civil partner; a person with whom you are living as husband and wife; or a person with whom you are living as if they were civil partners,

and you are aware that that other person has the interest.

Other Interests

In addition, you must, within 28 days of becoming a member and thereafter on an ongoing basis notify the Monitoring Officer of any non-pecuniary interests which should be included in your Register of Interests. The non-pecuniary interests which should be registered are set out in Appendix B to the Code.

Keeping the Register Up to Date

Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.

- 2.04 You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests and other interests within 28 days of the change occurring, or of you becoming aware of the change.

Gifts and hospitality

- 2.05 You are also required to notify the Monitoring Officer of any gifts or hospitality accepted with an estimated value of at least £20 which you receive in your role as a Member or co-opted member of the Council.¹ You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.

Sensitive interests

- 2.06 If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection. Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011. If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

Disclosure of disclosable pecuniary interests at meetings etc

- 2.07 The following provisions apply if you are present at a meeting of the authority the Leadership Team or of any committee, sub-committee, joint committee or joint sub-committee of the authority or you are a Executive Member exercising an executive function and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting or which is the subject of the executive decision.
- 2.08 If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 2.09 If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- 2.10 Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 2.11 You may not:

¹ This does not include civic gifts or hospitality received by the Mayor whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Mayor's office.

- (a) participate, or participate further, in any discussion of the matter at the meeting or in the case of an executive decision you must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with by someone else)
 - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless you have requested and been granted a relevant dispensation by Audit and Transparency Committee), or
 - (c) remain in the room during the discussion or vote on the matter.
- 2.12 Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

Disclosure of other interests at meetings

- 2.13 Where you are present at a meeting of the authority, Leadership Team or any committee, sub-committee, joint committee or joint sub-committee of the authority, or you are an Executive Member exercising an executive function, and identify any other significant interests whether registered or not which are relevant to the matter being considered and which you feel should be declared in the public interest, such interests should be declared to the meeting or, in the case of an Executive Member exercising an executive function, prior to taking a decision.
- 2.14 Where you have declared an interest you must consider whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision making. If so you should comply with the requirements of paragraphs 2.11 and 2.12 above.

3. Register of Disclosable Pecuniary and Other Interests

- 2.15 Each Councillor's Declaration of Disclosable Pecuniary and Other Interests can be found under their record [here on the Council website](#) and so is available for public inspection at all times. Declarations of Gifts and Hospitality are also shown under an individual Councillor's profile.
- 2.16 All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

APPENDIX A

Disclosable Pecuniary Interests

A 'disclosable pecuniary interest' is an interest of yourself or an interest (which you are aware of) of your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions of interests.

'M' refers to you and 'the relevant person' to you and those people described above.

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the Royal Borough of Kensington and Chelsea) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Royal Borough of Kensington and Chelsea</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the Royal Borough of Kensington and Chelsea
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Royal Borough of Kensington and Chelsea for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the Royal Borough of Kensington and Chelsea; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>

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- Securities Any beneficial interest in securities of a body where—
- (a) that body (to M's knowledge) has a place of business or land in the area of the Royal Borough of Kensington and Chelsea; and
 - (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Notes: These descriptions of interests are subject to the following definitions;

- (i) *“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*
- (ii) *“director” includes a member of the committee of management of an industrial and provident society;*
- (iii) *“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*
- (iv) *“relevant period” means the period of 12 months ending with the day on which you notify the Monitoring Officer of the interest;*

APPENDIX B

Other Interests

1. Trusteeships or membership of the management board of a charity or body directed to a charitable purpose; and
2. Membership of any organisation, one of whose principal purposes includes the influence of public opinion or policy, and which is likely to seek to affect the policy of the Council or which may have an impact on its services or those it serves.

APPENDIX C

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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Part Two – Councillors

Section Two – Protocol on Councillors’ Rights of Access to Information

1. Introduction

- 1.01 The public has rights of access to documents. These are set out in Part Eight of the Constitution. This protocol concerns the additional rights of Councillors (and co-opted members of Council committees) to obtain information held by the Council, its officers, agents and contractors in order to undertake their role.
- 1.02 This protocol should be read in conjunction with the Councillor and officer codes of conduct, the Access to Information Procedure Rules and the Council’s Standing Orders.
- 1.03 This protocol does not affect Councillors’ rights to obtain information held by the Council and which is publicly available under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or any other statutory entitlement to information or public register.

2. Access to information

- 2.01 Councillors may require information for a variety of reasons to undertake their role which includes:
- representing their constituents
 - carrying out official council duties; for example as committee members, Lead Members or Council representatives on outside bodies.

3. Additional rights of access to documents for Members

- 3.01 These rights apply to documents in the possession of or under the control of the Leadership Team (the Council’s executive) which contain material relating to any business to be transacted at a public meeting. Such documents must be available for inspection by any Councillor at least five clear working days before the meeting. Where a meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and where an item is added to an agenda at shorter notice, such a document must be available for inspection when the item is added to the agenda.
- 3.02 These rights do not apply to documents which disclose exempt information other than information which

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- (i) relates to the financial or business affairs of any person (except to the extent that the information relates to any proposed terms of a Council contract) or
- (ii) reveals that the Council proposes to serve a statutory notice or make a statutory order or direction.

Additional rights of access to documents for Members of Scrutiny Committees

- 3.03 Scrutiny committee members are entitled to a copy of any document which contains material relating to any business that has been considered at a Leadership Team meeting or a meeting of any other decision-making executive body; and/or any executive decision that has been made by an individual Lead Member or officer.
- 3.04 Where a Scrutiny member requests such a document the executive must provide it as soon as reasonably practicable and in any case no later than 10 clear days after the request is received. Where a Scrutiny member is denied a copy of a document or part of any such document, the Leadership Team or Lead Member must provide Scrutiny with a written statement setting out its reasons for that decision.
- 3.05 The above entitlement to documents does not apply to any document or part of a document which contains exempt or confidential information unless that information is relevant to:
 - (i) an action or decision that that member is reviewing or scrutinising; or
 - (ii) any review contained in any programme of work of such a committee (or sub-committee).

4. Presumption of openness

- 4.01 In addition to the complying with the above specific rights of members, the Council operates under a presumption in favour of openness and allowing Councillors (and co-opted members of Council committees) to have access to information wherever possible.
- 4.02 There may be some occasions however when it will not be appropriate to provide members with certain information. Examples of such circumstances are:
 - Confidential information that has been given to the Council
 - Personal information about an individual
 - Exempt information (on committee documents)
 - Information that includes legal advice

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- 4.03 This is not an exhaustive list. The Council is obliged to take particular care when dealing with confidential information relating to the financial and business affairs of the Council and third parties and when dealing with personal data. Personal data can only be given to members where to do so is consistent with the Data Protection Act and the requirements of GDPR.
- 4.04 In circumstances where it does not seem to be appropriate to allow access to information or documents under the general principle of openness, a Councillor must demonstrate that he or she has the right to the information before it will be released. A Councillor has the right to information if he or she requires it in order to accomplish his or her work as a member. This is referred to as the 'need to know'. The legal position is that whilst a Councillor does not have a roving commission to access any and every piece of information held by the Council they will have extensive rights where they can demonstrate a need to know in order to carry out their duties as a Councillor.
- 4.05 Usually, a Councillor will be able to show that he or she 'needs to know' something if the information involves that Councillor's official council duties. It is less likely that a Councillor can prove a 'need to know' in relation to their activities as part of a political group or party. Generally speaking a need to know will arise where the information sought relates to a committee upon which the Councillor sits or where it is reasonably required in order to deal with a ward matter.
- 4.06 Where a Councillor's 'need to know' is not obviously apparent that Councillor may be asked to explain why they want the information and the uses to which it will be put. Councillors are requested to co-operate with such requests.

5. Confidentiality and restrictions on the use of information

- 5.01 Councillors who receive information from the Council have a responsibility to deal with the information in a responsible manner. Councillors must be alert to whether the information is confidential and whether it retains the quality of confidentiality.
- 5.02 Councillors should not use information obtained in the course of their official duties and which is not public information, apart from for the specific purpose of fulfilling their work as a member.
- 5.03 There are detailed provisions concerning the use of personal data by elected representatives contained in the Data Protection Act and General Data Protection Regulations (GDPR), and advice is included on the Council's website.

6. Procedure

- 6.01 Where a Councillor wishes to have access to Council information or documents a request may be made to officers in the appropriate Council service.
- 6.02 If the officer who is dealing with the request has any doubts as to whether or not information should be disclosed the matter should be referred to a senior manager for advice. Further advice to assist in the resolution of issues about access to information is available to Councillors and officers from the Information Management Team and/or from Legal Services.
- 6.03 In the event of a dispute as to a Councillor's 'need to know' the decision of the Chief Executive or the Monitoring Officer shall be final.

Part Two – Councillors

Section Three – The Councillors' Allowances Scheme

(1 April 2023 - 31 March 2024)

1. Introduction

1.01 This Councillors' Allowances Scheme is made under and in accordance with the Local Government and Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003. It is set with reference to the occasional report of the Independent Remuneration Panel established by London Councils. The term 'Members' in this Scheme includes elected Councillors and co-opted Members.

2. Entitlement to allowances

2.01 Councillors' entitlement to allowances shall be determined and paid in accordance with this Scheme.

2.02 There are five different types of allowances that may be paid to Councillors:

- Basic allowance
- Special responsibility allowance
- Dependants' carers' allowance
- Travel and subsistence allowance
- Co-optees' allowance

2.03 Where a Councillor is also a member of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.

2.04 Councillors may, by notice in writing given to the Chief Executive, elect to forgo his or her entitlement or any part of his or her entitlement to allowances.

3. Basic Allowance

3.01 A Basic Allowance is an annual allowance paid equally to all Councillors. It is calculated on the basis of an hourly rate for a reasonable commitment of time, discounted appropriately to reflect councillors' commitment to providing a significant element of their public service on a voluntary basis. The Basic Allowance covers all intra-Borough travel costs (except those of the Leader and Deputy Leader and the congestion charge) and subsistence.

3.02 Annex A sets out the amount of the entitlement by way of Basic Allowance.

- 3.03 Where the term of office of a Councillor begins or ends during a year, the entitlement to the basic allowance or co-optee allowance will be calculated in proportion to the number of days as a Councillor.

4. Special Responsibility Allowance

- 4.01 A Special Responsibility Allowance is an allowance paid to those Councillors who have special responsibilities in relation to the Authority. A Councillor is only entitled to claim one Special Responsibility Allowance. Where a Councillor would have been entitled to receive two Special Responsibility Allowances they may claim the higher of the two (unless this relates to allowances associated with the role of Chair of the Western Riverside Waste Authority in which case both allowances will be payable).
- 4.02 Annex B lists the special responsibilities for which a Special Responsibility Allowance is payable and the entitlement for each responsibility.
- 4.03 Where a Councillor does not have special responsibilities throughout the whole of a year, the Special Responsibility Allowance entitlement will be calculated in proportion to the number of days the Councillor has special responsibilities.
- 4.04 Where Councillors of the Authority are divided into at least two political groups a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group but who has special responsibilities for which an allowance is payable.

5. Dependants' Carers' Allowance

- 5.01 A Dependants' Carers' Allowance is an allowance paid in respect of expenses incurred in arranging for the care of Councillors' children or dependants whilst the Councillor is carrying out an approved duty.
- 5.02 The Dependants' Carers' Allowance is payable in respect of dependants aged 15 years or under or in respect of other dependants where there is medical or social work evidence that care is required.
- 5.03 The Dependants' Carers' Allowance is not payable to a member of the Councillor's household.
- 5.04 The Dependants' Carers' Allowance is payable against receipts as a reimbursement of incurred expenditure.
- 5.05 The Dependants' Carers' Allowance will be reviewed after not more than 12 months' operation.
- 5.06 Annex C sets out the amount of the entitlement by way of the Dependants' Carers' Allowance.

6. Travel and Subsistence Allowance

Travel

- 6.01 Travel expenses to meetings and events outside the Royal Borough can be refunded. All journeys are expected to be by the cheapest form of public transport except that:
- journeys by car can be reimbursed at 48.5p per mile*, providing the cost is not more than the cost of travel by public transport (which might be true if groups are travelling together).

*or as subsequently updated in the Members' Allowances Scheme in accordance with the Staff Expenses Scheme.
 - as Councillors are likely to need to use travel time to read official papers and for work, journeys of more than two hours on a train or six hours on a plane can be taken as first class (train) or business class (plane). Councillors should use advance purchase or discounted tickets where possible.
- 6.02 Taxi travel is only appropriate if necessary to avoid late arrival and therefore discourtesy to others, if luggage or other materials are being taken; or if an individual has special needs*. Furthermore
- (i) Minicabs should be booked in advance as a cheaper alternative than black cab street hire whenever possible;
 - (ii) taxi journeys should **not** include waiting time at destinations; and
 - (iii) claims for taxi fare reimbursement should specify the reason for the claim and the destination meeting.
- * **Note:** taxi fares can be reclaimed by the Leader and Deputy Leader in respect of travel **within** the Borough but only when public transport may not be best way to travel owing to time constraints.*
- 6.03 Travel abroad will be acceptable if in pursuit of official 'town twinning' activities, attendance at agreed conferences or on agreed study tours. Any visit, which may result in costs or a claim, should be agreed by routine advance report to the Leadership Team, and are therefore subject to scrutiny. This report should set out the purpose of the visit, estimated costs and asserted benefits.

Subsistence

- 6.04 No subsistence claim will be paid for costs of meals etc. for individuals alone, whilst attending, or between, official duties.
- 6.05 Hotel costs can be borne where necessarily part of official duties, or part of agreed conference attendance. Such claims are restricted to bed and breakfast costs only and other extras (e.g. laundry, room entertainment, calls, bar bills, newspapers etc.) will not be refunded, and should be paid

separately. The exception is that for trips over three nights away, essential laundry costs can be claimed.

- 6.06 Outside of conference arrangements, claims for hotel accommodation costs are restricted to four star hotels or equivalent. Conferences may be held at specific venues and acceptance of these inclusive costs is acceptable.

7. Co-optees' Allowance

- 7.01 A Co-optees' Allowance is an annual allowance in respect of attendance at conferences and meetings paid to a person who is not a member of the authority but who is a co-opted member of a committee or sub-committee. This annual allowance is calculated in relation to each co-optee with reference to the number of anticipated meetings per year at a standard rate per meeting.
- 7.02 Co-optees are entitled to be reimbursed for all travel costs, whether travel is within or outside the Borough. Co-optees are not entitled to subsistence.
- 7.03 Annex D sets out the amount of the entitlement by way of co-optees' allowance.
- 7.04 The amount of the Co-optees' Allowance payable to a co-opted member who presides at a meeting of a Scrutiny Committee, where that Committee's functions relate wholly or partly to any education functions which are the responsibility of the Authority's Executive, shall not be less than the minimum amount of any Special Responsibility Allowance payable to a person who presides at meetings of any other authority's committees or sub-committees.
- 7.05 Where the appointment of a co-opted member begins or ends during a year, the co-optees' allowance entitlement will be calculated in proportion to the number of days as a co-opted member.

8. Approved duty

- 8.01 For the purposes of the dependants' carers' allowance and the travelling and subsistence allowance, an approved duty is:
- (a) The attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body.
 - (b) The attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority, or a sub-committee of such a joint committee, provided that:
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

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- (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) The attendance at a meeting of any association of authorities of which the authority is a member;
- (d) The attendance at a meeting of the Executive or a meeting of any of its committees;
- (e) The performance of any duty in pursuance of any standing order requiring a Councillor or Councillors to be present while tender documents are opened;
- (f) The performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) The performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any approved non-maintained special schools; and
- (h) 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 or any of its committees or sub-committees.

8.02 An approved duty is not attendance at:

- (a) party political conferences.
- (b) college and school governing bodies.
- (c) Councillors' surgeries.
- (d) political group meetings.

9. Annual adjustment

9.01 There will be no automatic uprating of the Scheme. A recommendation will be made to Council each year, when it adopts a new Scheme, as to whether there should be any uprating.

10. Repayment

10.01 Where an allowance is paid in respect of any period during which the Councillor concerned:

- (a) ceases to be a member of the Authority or
- (b) is in any other way not entitled to receive the allowance in respect of that period, the Chief Executive may require that such part of the allowance as relates to any such period be repaid to the Authority.

11. Claims

- 11.01 In order to claim an allowance a Councillor must submit a valid claim form.
- 11.02 Where an entitlement to the following allowances arise, a claim must be submitted within the following time limit:
- (a) Dependants' carers' allowance - six months of the expenses being incurred.
 - (b) Travelling and subsistence allowance - six months of the expenses being incurred.
 - (c) Co-optees' allowance - six months of the entitlement to the allowance.
- 11.03 A Councillor is not required to submit a claim form for a Basic Allowance or a Special Responsibility Allowance. However, a Councillor who does not wish to claim for these allowances must notify the Chief Executive in writing.
- 11.04 The Authority is not prevented from making a payment where the allowance is not claimed within the period specified within this Scheme.

12. Payments

- 12.01 A basic allowance, and a special responsibility allowance, is paid monthly.
- 12.02 A dependants' carers' allowance, a travelling and subsistence allowance and a co-optees' allowance is paid in the month following receipt of a valid claim.

13. Records of allowances and publication

- 13.01 The Authority shall keep a record of the payments made by it in accordance with this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
- 13.02 The record of the payments made by the Authority in accordance with this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.
- 13.03 As soon as reasonably practicable after the end of the year to which this Scheme relates, the Authority shall make arrangements to publish the total sums paid by it to each recipient in respect of each different allowance.

14. Publicity

- 14.01 This Scheme will be published as required by law.
- 14.02 A copy of this Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

15. Disputes

- 15.01 Any dispute as to a Councillor's entitlement and any allegation of abuse shall be referred to the Chief Executive who may refer the matter to the Audit and Transparency Committee for adjudication.

16. Parental Leave for Councillors

- 16.01 The Council accepts that a councillor who becomes a parent, whether through birth or adoption, should be able to take a period of 'paid leave' as they adjust to their new parental responsibilities, as they would be with any standard employment. Though not a formal employment the councillor role can be a very demanding role with significant time commitments, and it is just as difficult to juggle the demands of being a new parent with Council responsibilities as with any other job.
- 16.02 Details of provisions for Councillor parental leave are set out at Annex E to this Scheme.

17. Amendment

- 17.01 The Authority may amend this Scheme at any time. Before amending it, the Authority shall have regard to the recommendations made to it by an independent remuneration panel.
- 17.02 Where the only amendment to be made to this Scheme is that affected by any annual adjustment in accordance with paragraph 9 this Scheme shall be deemed not to have been amended.
- 17.03 Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made the entitlement to the amended allowance applies from the beginning of the year in which the amendment is made.

18. Revocation

- 18.01 The Authority may only revoke this Scheme with effect from 1 April of any year.
- 18.02 Prior to revocation of this Scheme the Authority shall make a further Scheme for the period beginning with the date on which the revocation takes effect and ending at the end of the year in question.

SCHEDULE OF ALLOWANCES AND PARENTAL LEAVE PROVISIONS (with effect until 31 March 2024)

Annex A: Basic Allowance (1 April 2023 - 31 March 2024)

All Councillors eligible to £11,027 Basic Allowance per annum

Annex B: Special Responsibility Allowance (1 April 2023 - 31 March 2024)

Post, portfolio or role		Amount per year
Leader		£56,429
Deputy Leader (<i>as per Local Government Act 2000</i>)		£37,511
Lead Member (<i>‘executive member’ as per LGA 2000</i>)	Up to eight other Lead Members	£36,471
Leader of the principal minority group		£20,909
Leader of other minority group(s)		£4,636
Chair	Audit and Transparency Committee	£6,155
Chair	Investment Committee	£6,155
Chair	Licensing Committee	£20,909

Constitution Part Two, Section Three – The Councillors' Allowances Scheme

Post, portfolio or role		Amount per year
Chair	Planning Applications Committee	£30,909
Vice-Chair	Planning Applications Committee (two)	£7,728
Overview & Scrutiny and Select Committee Chair		£15,970
Chief Whip of the majority group		£6,155
Chief Whip of the principal minority group		£6,155
Spokespersons on Select Committees	Spokespersons on Select Committees from the party which does not hold the chair	£6,155
Minority spokesperson on planning		£6,155
The Mayor		£10,035
Chair	Western Riverside Waste Authority (WRWA)	£5,466
Vice-Chair	WRWA	£3,036
Member	WRWA	£2,484

Annex C: Dependants' carers' allowance (1 April 2023 – 31 March 2024)

Nature of expense	Amount of entitlement
Expenses of arranging for the care of children or dependants. Children or dependants are: (a) children aged 15 or under; or (b) other dependants where there is medical or social work evidence that care is required (i.e. dependants with a disability, elderly dependants or similar responsibility).	Not exceeding £11.95ph.

Annex D: Co-optees' allowance (1 April 2023 – 31 March 2024)

Post	Committee	Amount per year
Independent Members	Audit and Transparency Committee	£2,230
Independent Members	Investment Committee	£1,455
Co-opted Members	Family Services Select Committee	£1,455
Co-opted Member	Adult Social Care and Health Select Committee	£1,455

Parental leave

1. Councillors giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required. In addition, where the birth is premature, the Councillor is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months. In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
2. Councillors shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).
3. A Councillor who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
4. Where both parents are Councillors leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.
5. A Councillor who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
6. Any Councillor who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within any six month period unless the Council agrees to an extended leave of absence prior to the expiration of that six month period.
7. Any Councillor intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.
8. Any Councillor taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

Parental leave and Allowances Payments

1. All Councillors shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.
2. Councillors entitled to a Special Responsibility Allowance (SRA) shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave. Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment. The payment of SRAs, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the Councillor taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.
3. Should a Councillor appointed to replace the Councillor on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
4. Unless the Councillor taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.
5. If a Councillor decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date. If an election is held during the Councillor's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

Part Two – Councillors

Section Four – Protocol on Councillor/Officer Relations

1 The Roles of Councillors and Officers

Councillors and officers have different roles and accountabilities.

- 1.01 Councillors and officers work together in the public interest, to serve the local community and to address local priorities. Councillors are answerable to the electorate and serve until their term of office expires. Officers are employed by, and are responsible to, the Council as a whole. They are not answerable to any one political party or any individual Councillor. Officers are subject to the Council's employment procedures and management disciplines. Their job is to advise Councillors and the Council, and to carry out the Council's work under the direction of Council decision-making bodies, the overall management of the Chief Executive and the specific management direction of their relevant Executive Director or Director.

The Seven Principles of Public Life

- 1.02 Both Councillors and officers must observe the 'Seven Principles of Public Life' which outline the ethical standards to which those working in the public sector are expected to adhere (see Appendix A). Additionally both Councillor and Officers are expected to have regard to the Council's 'Values and Behaviours', set out in full elsewhere in the Council's Constitution.

Councillor and Officer Responsibilities

- 1.03 Councillors are responsible for:
- (a) providing a focus for community leadership in local wards and acting as advocates on behalf of constituents;
 - (b) giving the authority political leadership and deciding on overall Council policy;
 - (c) making decisions within overall Council policy;
 - (d) the scrutiny of Council policy and services; and
 - (e) representing the area and the Council externally.
- 1.04 Council officers are responsible for:
- (a) providing professional advice and relevant information (objectively and impartially) to elected members when they are formulating policy and taking decisions or scrutinising the decisions and actions of others;
 - (b) implementing decisions made by Councillors/committees; and

Constitution - Part Two – Councillors
Section Four – Protocol on Councillor/Officer Relations

- (c) taking managerial and operational decisions in accordance with the Council's schemes of delegation.

Expectations and Officer Impartiality

- 1.05 Councillors can expect from officers:
 - (a) a commitment to the Council as a whole and not to any single part of it nor to any political group;
 - (b) respect, courtesy and the highest standards of professional and personal integrity;
 - (c) timely and informative responses to enquiries and complaints; and
 - (d) appropriate confidentiality and discretion.
- 1.06 Officers can expect from Councillors:
 - (a) respect, courtesy and the highest standards of ethics and integrity;
 - (b) effective leadership; and
 - (c) not to abuse their authority.
- 1.07 Officers have a duty to present impartial information and to keep Councillors of all political groups fully informed about developments of significance in relation to Council activities. Care must be taken by both officers and Councillors to ensure that officers' political impartiality is not compromised. Members of the Leadership Team must take special care to avoid and to be seen to avoid placing pressure on officers to act other than in an impartial way. This is particularly important given their additional responsibilities and decision-making powers.

Appointments and Staffing Matters

- 1.08 Appointments at executive director, director and chief officer level are made by a councillor-level selection committee or panel as set out elsewhere in the Council Constitution. All other appointments are made at officer level.
- 1.09 Staffing matters (including discipline; training; setting and monitoring targets; and recruitment, other than for Chief Officer posts) are dealt with exclusively by the relevant managers.
- 1.10 As indicated in the Scheme of Delegation to Officers (at Part 7 of this Constitution), the Head of Communications, Executive Directors and Directors may provide the press with factual information, but comment will only be provided by these officers with the prior consent of the relevant Lead Member or the relevant committee chair, subject to the powers delegated to the Head of Communications.

Informal Meetings and Officer Advice to Party Groups

- 1.11 The political parties represented on the Council hold regular group meetings. Officers do not usually advise these meetings but may be invited to give information. All invitations should be cleared by the Chief Executive.
- 1.12 The Chief Executive and other Executive Directors attend informal meetings with the Leadership Team. At such meetings preliminary consideration may be given to forthcoming policy issues but no Key Decisions will – or can by law - be taken.
- 1.13 Officer advice and analysis will be made available to minority parties – for example, in relation to their preparation of an alternative budget prior to the annual meeting of the Council that sets the annual budget and Council tax.
- 1.14 Officers will give advice and information to any Councillor or group of Councillors whether from the Leadership Team or Scrutiny.

Lead Member Briefings

- 1.15 Lead Members, whether individually or as a group, may meet informally and in private with officers, to receive briefings, to give a steer on emerging policy and forthcoming decisions and to ensure that the work necessary for making key decisions is progressing and will be completed on time. They may also consider the implications and consequences of such decisions, make plans to obtain the views of service users, residents and communities, and assess the legal, financial and equity considerations involved in the decision.
- 1.16 When this work is complete, meetings of the Leadership Team that make key decisions must be conducted in public as set out below in section 2 (subject to the rules allowing resolution to exclude the public for any particular item on the grounds set out in the Local Government Act 1972).

2 The Formal decision-making process

- 2.01 Decisions such as the setting of the Council tax can only be made by full Council; other formal bodies within the Constitution, include single Lead Members or Chief Officers acting under delegated authority (who may in turn authorise other officers as appropriate as set out in a departmental scheme of authorisation).
- 2.02 Decisions by party political groups are not Council decisions and should not be presented as such to the public and press. Representations to a political group by interested parties on any matter for Council decision are not representations made to the Council.
- 2.03 In the event of challenge, attention may focus on whether the decision-making body, or individual, was authorised to make that decision. On the Council side, the Constitution therefore indicates:

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Section Four – Protocol on Councillor/Officer Relations

- (a) which decisions are reserved to the full Council;
- (b) which decisions may be made by each of the committees answerable to the Council; and
- (c) which decisions may be made by the officers under powers delegated to them by those committees.

2.04 On the Executive side, the Leader determines:

- (a) which decisions shall be reserved to the full Leadership Team;
- (b) which decisions may be made individually by Lead Members (who may if they wish refer any such decisions to the full Leadership Team); and
- (c) which executive decisions may be made by the officers under powers delegated to them.

3 Scrutiny

3.01 The Overview and Scrutiny Committee and the select committees (together referred to as Scrutiny Committees in the following paragraphs) have the power to require Lead Members and officers to appear before them and answer questions. So far as Lead Members are concerned, Scrutiny Committees should, wherever possible, require attendance only at meetings that appear in the Council diary. Officers and Lead Members are required to 'give an account' to relevant Scrutiny Committees of their decisions, advice and actions. Executive Directors, Directors or Heads of Service will attend Scrutiny Committee meetings but may ask more junior officers to accompany them.

3.02 The Council has determined that there should be no formal separation of officer support between the executive and scrutiny functions. The Chief Executive has overall responsibility for ensuring that staffing support is adequate overall. To assist this, the Chief Executive and the Head of Governance & Mayoralty will be responsible for ensuring that proper officer support is provided for scrutiny.

4 Reports to the Leadership Team, committees and other Council bodies

4.01 Reports to the Leadership Team are usually prepared by officers (operating under the management of the relevant Executive Director). Each report will contain their advice and, if they are for executive decision making, they will be signed off by the relevant Leadership Team Member prior to consideration at the formal meeting.

4.02 Reports to other Council bodies, bar some Scrutiny Committee reports, are prepared by officers and contain advice to Councillors. If Councillors decide

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not to follow that advice, the correct course is for them to do so in a formal meeting and for the meeting to decide upon an alternative course of action. Officers must give full and impartial advice and should include the full range of options, not solely those that officers or the Leadership of the Council might consider to be the best or most viable options.

- 4.03 Group leaders, Leadership Team Members and chairs of committees (including Scrutiny Committees) may receive draft versions of reports to give preliminary consideration to the issues. There is nothing improper in reports being subsequently amended by an officer if preliminary consideration discloses that key issues have not been adequately explained or that relevant options have not been properly addressed.
- 4.04 Councillors cannot instruct, an officer not to present a report if the officer considers it proper to do so. If the report is not regarded as appropriate by the relevant Councillor body, the remedy is for that body to not agree its recommendations.
- 4.05 Reports of scrutiny panels are usually drafted by officers depending on the arrangements in place but they remain the reports of the relevant panel. In this instance it is acceptable for members of the panel to ask for draft reports to be amended.

5 Working relationships

- 5.01 Councillors and officers work together in the public interest and for the communities they serve, and regular contact between Councillors and officers is necessary to ensure the efficient working of the Council. Councillors and officers should have regard to and respect for their different roles. The level at which contact occurs will vary depending upon the nature of the service and the reason for the contact. In general, contact will be at senior officer level but Councillors may, for example, need direct contact with relatively junior staff when dealing with constituency casework or ward initiatives. Councillors should always bring concerns about issues affecting a department, or the service they receive as a councillor, directly to the attention of the relevant Executive Director or Director and not to more junior staff.
- 5.02 Approaches by Councillors to junior officers are proper when casework is detailed and ongoing or matters are routine, but Councillors should keep the relevant Executive Director or Director informed by copying them into correspondence, e-mails, etc., and routing general enquiries through them. Councillors should not seek views on policy issues or non-routine business from more junior members of staff. Councillors must not give instructions to junior staff as this may undermine the formal accountability of staff to their line manager and compromise the political impartiality of the officer concerned. Junior staff are advised to respond promptly and courteously to

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Councillors' requests for information or routine enquiries, but to refer any concerns or wider policy matters to an Executive Director or Director.

- 5.03 There must be mutual respect between Councillors and officers. Officers cannot respond to public comment from Councillors. This means that Councillors must take care to avoid public comment about individual officers and not seek to undermine their position, professionalism or reputation by personal criticism, rudeness, abuse or ridicule. This does not prevent Councillors from taking issue with the reports, actions and work of a department or section of the Council, where they believe such criticism is merited or from expressing concern about the manner in which a Council department has acted, or dealt with a constituent, or a service has performed generally. But the manner of such criticism should have regard to this guidance. When officers are called to give evidence to or appear before Scrutiny Committees, Councillors must treat those officers courteously.
- 5.04 If a Councillor has a complaint about a junior officer, it should be raised in a timely way with the appropriate Executive Director or Director. If the complaint concerns a Director or Executive Director, it should be raised with the relevant Executive Director or Chief Executive as Head of the Paid Service. A complaint about the Chief Executive should be raised with the Leader, who will consider how it should be dealt with.
- 5.05 Councillors will also have contact with junior officers when visiting Council offices. Relevant Chief Officers should be advised in advance of Councillor visits to front-line services, unless the visits are of a statutory inspection nature in which case other procedures may apply. Special circumstances may also warrant unannounced visits.
- 5.06 Councillors need to take particular care if their paid employment brings them into contact with officers of the Council. Councillors must not abuse their position as an elected representative to obtain information they require in their professional capacity which would not otherwise be available to them. The Councillors' Code of Conduct provides that they must use their position as a Member in the public interest and not for personal advantage. It may be difficult for officers to distinguish between the professional role of the Councillor concerned and their role as an elected representative. Such situations should be avoided wherever possible.
- 5.07 Officers are bound by the Officers' Code of Conduct which requires them to maintain political neutrality and be impartial so as to act without political bias in their work whether or not they are in politically restricted posts. Officers must not seek to avoid staff consultative, dispute processes or other procedures by lobbying Councillors on matters which directly concern them as employees. If Councillors believe they have been approached by a member of staff in this way they should let the Monitoring Officer know immediately.

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- 5.08 Officers, who are local residents, have the same rights as any other local resident, for example, to seek support from their ward councillor, to make representations about proposed decisions or complaints or to pursue legal action against the Council. They should be clear however about the capacity in which they are acting and should be careful not to confuse their role as an officer with action they take as a resident.
- 5.09 If an officer believes that a Councillor may be in breach of the Councillors' Code of Conduct, they should inform their manager as soon as possible. That manager will then consider whether to seek advice from the Monitoring Officer.

6 Close personal relationships

- 6.01 Both Councillors and officers should take care not to give the impression that their distinct roles have become blurred in some way. Maintaining confidence in the separation of these roles necessarily imposes limitations on behaviour. Close personal relationships between Councillors and officers can confuse their separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment.

7 Access to Confidential Information

- 7.01 Where confidential information is provided, it must not be divulged until it has been made public. As provided for in the Councillors' Code of Conduct, Councillors' conduct will in particular address the statutory principles of the code of conduct by, amongst other requirements, ". . . . respecting the confidentiality of information . . . by not disclosing confidential information to third parties unless required by law or where there is a clear and overriding public interest in doing so."

8 The pre-election period

- 8.01 Councillors and officers should be guided on protocol during the pre-election period before an election by specific advice issued by the Monitoring Officer, on the announcement of any election, by-election or other relevant vote such as a referendum.

ANNEX

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Part Three – The Mayor and Full Council Meetings

Section One – The Role and Functions of the Mayor

1.1 The Mayor

A Mayor shall be appointed annually by the Council from amongst the Councillors who are not members of the Executive. The Mayor shall, unless they resign or become disqualified, continue in office until their successor becomes entitled to act as Mayor.

1.2 Deputy Mayor

- (a) The Mayor may appoint a Councillor to be Deputy Mayor and they shall, unless they resign or become disqualified, hold office until a newly elected Mayor becomes entitled to act as Mayor (whether or not they continue until that time to be a Councillor).
- (b) The appointment of a Deputy Mayor shall be signified to the Council and be recorded in the minutes of the Council.
- (c) If the Deputy Mayor is a member of the executive they will be known as Deputy Mayor (ceremonial). A Deputy Mayor who is not a member of the executive will be known as Deputy Mayor (Vice-Chair of Council).
- (d) The Deputy Mayor (Vice-Chair) may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all functions which the Mayor as such might discharge.
- (e) If the Mayor appoints as Deputy Mayor (ceremonial) a Councillor who is a member of the executive, the Mayor may also appoint another Councillor who is not a member of the executive to act as Deputy Mayor (Vice-Chair of the Council), and they shall deputise for the Mayor in respect of all their roles and functions other than the ceremonial role outlined in paragraph 3.03(a) below.
- (f) If the Mayor does not formally appoint a Deputy Mayor (Vice-Chair of Council) but only appoints a Deputy Mayor (ceremonial), in the Mayor's absence at a Council meeting, in accordance with Standing Order 2.03 another member of Council chosen by members present at the meeting shall chair the meeting.

1.3 Roles and Functions of the Mayor

The Mayor serves for one year and is elected annually by the full Council. The Mayor is the civic and ceremonial head of the Council. The Mayor will have the following roles and functions:

- (a) Ceremonial Role

Constitution Part Three, Section One – The Role and Functions of the Mayor

The Mayor's duty is to represent and promote the interests and welfare of the Borough and all who live in, work in or visit the Borough. The Mayor will attend such civic and ceremonial functions as they or the Council decides are appropriate. The Mayor gives recognition, appreciation and encouragement to all those groups and individuals who contribute to the life of the Borough.

(b) Chairing the Council Meeting

In their capacity as chairman of the Council Meeting, the Mayor (or other person presiding at the meeting) will have, during the meeting, the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to ensure that Council business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. in the case of an equality of votes, as Chair, the Mayor has a second or deciding vote.

In the absence of the Mayor, the Deputy Mayor (ceremonial) will carry out the ceremonial role in 3.03(a).

In the absence of the Mayor, the Deputy Mayor (vice-chair) will carry out the function of chairing Council meetings in accordance with 3.03(b).

(c) Parliamentary election

To be the Returning Officer for the Parliamentary constituency.

Part Three – The Mayor and Full Council Meetings

Section Two – Full Council

1 Full Council

1.01 The full Council is made up of 50 elected Councillors who represent the areas of the Borough called Wards. There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings; and
- (c) extraordinary meetings,

and they will be conducted in accordance with the Council's standing orders in Part 3 Section 3 of this Constitution.

2 Membership

2.01 Full Council comprises all 50 members of the Council.

3 The Role of Full Council

3.01 To act as a forum where all Councillors can meet on a regular basis, act as a focus for the Council, discuss and debate issues of importance to the Borough and decide the Council's budgetary and policy framework.

4 Terms of Reference

4.01 To approve and adopt the following plans and strategies subject to any variation that may from time to time be made in response to legislation and which together make up the Council's budgetary and policy framework:

- (i) The Budget and Council Tax¹,
- (ii) The Medium Term Financial Strategy (including Capital Strategy)
- (iii) The Treasury Management Strategy
- (iv) The Treasury Management Mid-Year Review
- (v) The Treasury Management Annual Report

¹ *The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, , setting the Council tax and decisions relating to the Council's investments, control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.*

Constitution Part Three, Section Two – Full Council

- (vi) The Housing Revenue Account (HRA) Budget
- (vii) The HRA Business Plan
- (viii) The Community Safety Strategy
- (ix) The Local Plan
- (x) The Statement of Licensing Policy
- (xi) The Statement of Gambling Policy

4.02 To adopt and change the Constitution.

4.03 To approve any application to the Secretary of State in respect of any housing land transfer.

Note: Housing land transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person or to dispose of land used for residential purposes where approval is required under relevant legislation.

4.04 To appoint the Leader of the Council at the post election annual meeting or any subsequent meeting.

4.05 To remove the Leader of the Council.

4.06 To appoint annually the Mayor.

4.07 To appoint representatives to outside bodies where such appointments are not the responsibility of the Council's Executive.

4.08 To adopt an allowances scheme under Part 2, Section 3 of the Constitution.

4.09 To determine any changes to the name of the area, to confer the title of Honorary Alderman/Alderwoman or Freeman/Freewoman of the Borough and to confer Civic Honours and Adopted Status to units of Her Majesty's Armed Forces.

4.10 To confirm the appointment of the Head of the Paid Service.

4.11 To make, amend, revoke, re-enact or adopt byelaws and to promote or oppose the making of local legislation, hybrid or personal bills.

4.12 To consider those matters referred to it from time-to-time by scrutiny committees and by other Council committees.

4.13 To create, amend or dissolve committees (including joint committees) of the Council and to determine the terms of reference of such committees and to appoint members to serve on its committees.

4.14 To adopt the Councillors' Code of Conduct and the Arrangements for dealing with complaints.

Constitution Part Three, Section Two – Full Council

- 4.15 To make a resolution not to issue any further premises licences for casinos in the Borough in appropriate circumstances under the Gambling Act 2005.
- 4.16 To adopt a 'late night levy' under the Police Reform and Social Responsibility Act 2011.
- 4.17 To consider and decide on any other matters which must by law be reserved to Council.
- 4.18 The Mayor shall have discretion to allow external speakers to address Council meetings and take questions on a subject that the Council deems relevant to the work of the Authority.
- 4.19 The Council may, when debating budgetary and strategy framework reports, which have been drawn up through the work of a formally constituted partnership, invite representatives of the relevant partnership to participate in the debate on that report but not vote.

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Part Three – The Mayor and Full Council Meetings

Section Three – Standing Orders (Council and Committee Procedures)

INTRODUCTION

These Procedure Rules (also known as ‘Standing Orders’) set out the rules for the conduct of meetings of the Council. They are intended to ensure proper decision making, fair and orderly debate and to guide the Mayor where issues of contention might arise.

Definitions

- (i) ‘The Opposition Group’ will mean the largest Minority Group.
- (ii) The right of response to the Leader’s speech at each Council meeting will be reserved to the Opposition Group; however, the leaders or finance lead of each party group would be expected to speak on the Council’s annual budget debate and to be granted equal time.
- (iii) In normal circumstances, along with the Lead Member, only an Opposition Group member may respond to each question at Public Speaking, albeit the Opposition Group can give way to another minority party or ungrouped Councillor should they see fit to do so.

INTERPRETATION

1 Mayor - Final Authority

- 1.01 The Mayor shall be the final authority in the interpretation of these Rules and their ruling shall not be open to discussion.
- 1.02 The term ‘Mayor’ includes the person for the time being chairing a meeting of the Council.
- 1.03 The Mayor may, at their discretion, advance or postpone any business at any stage of the meeting.

2 Chair of Meeting

- 2.01 At a meeting of the Council the Mayor, if present, shall take the chair.
- 2.02 If the Mayor is absent from a meeting of the Council, the Deputy Mayor shall chair the meeting.
- 2.03 If the Mayor and Deputy Mayor are absent, or the Deputy Mayor being present does not take the chair, another Member of the Council (who may not be a member of the Executive) shall be chosen to preside by Councillors present at the meeting.

3 Meetings of the Council

- 3.01 The Council shall in every year hold an annual meeting. In addition, it may hold such other 'ordinary' meetings as it decides. It may also hold extraordinary meetings as required (see paragraphs 3.06-3.10).
- 3.02 The annual meeting and all ordinary meetings of the Council shall be held at the times and on the days fixed by the Council.
- 3.03 The annual meeting must be held:
- (a) in a year of ordinary elections of Councillors to the Council, between 8 and 21 days after the day of retirement of Councillors as the Council may fix; and
 - (b) in any other year, on such day in the month of March, April or May as the Council may fix.

Order of Business at Annual Meeting

- 3.04 The order of business at the Annual Meeting of the Council shall be as follows:
- (a) Election of Mayor and appointment of Deputy Mayor
 - (b) Signing of minutes
 - (c) Mayor's communications
 - (d) Chief Executive's reports (apologies and declarations of interest)
 - (e) Election of the Leader of the Council (where required).
 - (f) Speech by the Leader of the Council and response by the Leader of the principal minority party
 - (g) Review the representation on committees and on outside bodies of the political groups on the Council.
 - (h) The appointment of committees, to include scrutiny committees and other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions.
 - (i) Agree a programme of meetings for the Council and its committees for the following year.
 - (j) Appointments to outside organisations.
 - (k) Other specified business.

Order of Business at Ordinary Meetings

- 3.05 At ordinary meetings of the Council the business shall (subject to Standing Order 1.03) be taken in the following order:
- (a) The approval as a correct record of the minutes of the previous ordinary meeting and of any adjourned or extraordinary meeting (Standing Order 9)

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- (b) Announcements by the Mayor.
- (c) Councillors' declarations of interest.
- (d) Chief Executive's communications.
- (e) Public speaking
- (f) Petitions (Standing Order 10).
- (g) Announcement by the Mayor of the order of remaining business in accordance with Standing Order 1.
- (h) Consideration of reports put forward by the Executive.
- (i) Reports from Council-side committees.
- (j) Matters referred to Council by scrutiny committees.
- (k) Questions to Lead Members pursuant to Standing Order 22.
- (l) Matters of local concern pursuant to Standing Order 11.
- (m) Motion(s) for main debate pursuant to Standing Order 14.
- (n) The filling of any committee vacancies.
- (l) Any appointments or nominations to outside bodies.

Extraordinary Meetings

- 3.06 An extraordinary meeting of the Council may be called at any time by the Mayor.
- 3.07 Any five Councillors may submit to the Mayor a notice signed by them requiring the Mayor to call an extraordinary meeting of the Council. (If the Mayor refuses to call an extraordinary meeting or does not call an extraordinary meeting within seven days after the notice has been given to them the Councillors who signed the notice may call an extraordinary meeting in accordance Standing Order 4).
- 3.08 It shall not be necessary to deal at an extraordinary meeting with the minutes of the previous ordinary meeting of the Council.
- 3.09 The business to be transacted at an extraordinary meeting shall be restricted to the item of business set out in the requisition.
- 3.10 When considering a requisition the Mayor shall decide whether the extraordinary meeting should be called on the same date as the next scheduled ordinary meeting of the Council (as will ordinarily be the case) or on an earlier date (in exceptional circumstances).

4. Notice of Meetings

- 4.01 At least five working days before a Council meeting:
 - (a) Notice of the time and place of the intended meeting shall be published at the Council's offices and on the Council's website.

- (b) A summons to attend the meeting, specifying the business proposed to be transacted shall be emailed to, and/or left for collection by every Councillor. Failure to send an agenda to any Councillor shall not affect the validity of a meeting of the Council.

Business at Council Meetings

5. Attendance at Meetings

- 5.01 The minutes of any meeting shall record the names of those Councillors present.

6. Quorum

- 6.01 Subject to Standing Order 6.02 no business shall be transacted at a meeting of the Council unless at least one quarter of the whole number of Councillors (i.e. 13) are present.
- 6.02 Where more than one-third of the Councillors (i.e. 17) become disqualified at the same time, then, until the number of Councillors in office is increased to not less than two-thirds of the whole number of Councillors (i.e. 34), the quorum of the Authority shall be a quarter of the number of Councillors remaining qualified.

7. Absence of Quorum

- 7.01 If a quorum is not present within fifteen minutes after the time at which the meeting was scheduled to start the meeting shall not take place and the meeting shall be adjourned until the day and time fixed for the next ordinary meeting of the Council or to an earlier day and at such time as shall in the opinion of the Mayor be convenient.

8. Admission of Public

- 8.01 All meetings of the Council shall be open to the public except to the extent they are excluded (whether during the whole or part of the proceedings) in accordance with paragraph 10 of the Access to Information Procedure Rules elsewhere in this Constitution.
- 8.02 Members of the public have the right by law to report on meetings; therefore filming, tweeting, blogging etc. from the public gallery or the parts of the meeting room where the public are able to sit or stand is permitted at meetings without advance notice. If other facilities are required for filming or otherwise recording a meeting, advance notice should be given to the relevant Chair or Governance Services Team, e.g. where equipment needs to be set-up or a suitable space set aside for a camera. It is important, however, that meetings can take place without disruption and, as such, 'roving' filming close to or around the meeting table, or other reporting activity of a manifestly disruptive nature, will not be permitted.
- 8.03 Public Speaking at Ordinary Meetings of Full Council

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A public speaking session will, in normal circumstances, form part of ordinary meetings of the full Council only, and the following rules will apply:

- (i) Up to one hour will be set aside at each ordinary meeting of the Council for public speaking;
- (ii) The Mayor shall have discretion to allow members of the public who live, work or go to school in the Borough to speak at such meetings, but no person under the age of 16 will be permitted to address the meeting unless with the consent of a parent or guardian or as a member of the Youth Council;
- (iii) Speakers must give advance notice that they wish to speak and provide the subject matter of their speech at the point of registration via the Council website. The question or matter to be raised must be primarily local in nature and must not be about individual or personal matters (e.g. personal claims, applications, legal action, neighbour or other disputes etc. - as the Council cannot respond to such issues in a public meeting) and must not relate to current planning or licensing applications;
- (iv) Each speaker will be able to address the meeting for no more than five minutes;
- (v) Where an opportunity is given to an executive member to respond, for no more than two minutes, to a contribution from a member of the public, an opportunity will also be given to a member of the principal opposition group to comment, for no more than two minutes;
- (vi) No external person addressing a Council meeting will be able to participate in any decision making and no formal Council decision will be taken at Council solely on the basis of a discussion initiated at such a public speaking session;
- (vii) In order to ensure the Council hears from a wide range of speakers, no person who has spoken at a Council meeting public speaking session will be permitted to register to speak at the next meeting at which there is a public speaking session.

8.04 Public speakers will be expected to adhere to rules around conduct of debate set out in these Rules.

9. Minutes

9.01 As soon as the minutes have been presented they shall be taken as read and the Mayor shall ask that they be signed as a true record. No discussion shall be allowed on the minutes, except as to their accuracy.

10. Petitions

10.01 Councillors may present petitions at ordinary meetings of the Council. Such petitions shall not be accompanied by any speech or comment; Members shall be permitted to read the prayer (i.e. text of the petition) only. Every petition so

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presented shall stand referred to the Executive or to the relevant committee within whose terms of reference it falls.

- 10.02 All petitions will be handled in accordance with the provisions of the *Petitions Guidance* that has been agreed by the Council and is in force at the time a petition is received by the Council.

11. Matters of local concern

- 11.01 Councillors may draw to the Council's attention Ward or other 'live' issues that are primarily local in nature. Each Councillor raising such an issue under this Standing Order may speak for not more than two minutes, however they will receive no response at the meeting. No more than three Majority Group Councillors and one Minority Party or ungrouped Councillor may raise issues in this way per meeting. Councillors wishing to raise such matters must register their intent with the Head of Governance & Mayoralty prior to the meeting and such registration will be on a 'first come, first served' basis. The relevant Lead Member or Executive Director will be expected to respond to the Councillor raising this issue within six weeks.

12. Procedures for considering Reports

- 12.01 All reports from the Executive and committees shall contain a recommendation.
- 12.02 On each report being brought before the Council the procedure shall be:
- (a) The Lead Member or chair of the committee in whose name the report stands (or if they are absent or refrain from doing so, some other Member of the committee or Member of the Executive) shall move "that the report be received". Upon being seconded, they shall then be held to have proposed each paragraph in the report except that they may with the consent of the Council, withdraw or correct any paragraph therein. They may also, when moving the reception of a report, reserve the right to speak first on any paragraph and this shall not preclude them from replying to the debate.
 - (b) Otherwise no speech shall be made on the reception of a report.
 - (c) In debating a report from the Executive, the Council may:
 - (i) approve the recommendation(s);
 - (ii) amend and approve the recommendation(s) (where no more than two Members of the Leadership Team have raised objection to the amendment);
 - (iii) approve the recommendation(s) in principle subject to ratification and redrafted detail by the Mayor; or
 - (iv) refer the report back to the Executive for further consideration.
 - (d) In debating a report from a committee the Council may:

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- (i) adopt any recommendation of the committee;
- (ii) amend and adopt as amended any recommendation of the committee;
- (iii) note the report and direct that no further action be taken; or
- (iv) refer the matter back to the committee or to the Executive for consideration.

No other motion shall be permitted.

- (e) The rules for debate on motions shall also apply to debates on amendments to reports.

- 12.03 If, in the course of debate of a report from the Leadership Team, an amendment is carried to which two Lead Members signal their objection, then the Mayor will enable the debate on the report to continue and any further amendments to be dealt with. However, at the conclusion of the debate on the report the Mayor will ask the Council to indicate that it is minded to approve the recommendation(s) as amended (including the amendment(s) to which two or more Lead Members have signalled their objection). The Mayor will then allow the remaining business on the Agenda for the meeting of the Council to be transacted but at the conclusion of that other business the meeting will stand adjourned.
- 12.04 At least five working days shall elapse before the meeting of the Council reconvenes and in that period the Leadership Team shall meet to consider the report and the amendments which the Council wishes to make. At the reconvened meeting of the Council the report which the Council was minded to approve shall be brought before the meeting.
- 12.05 It may be accompanied by amendments put forward by the Leadership Team or a statement from the Leadership Team setting out its objection to the amendment(s) which the Council has made. The Council will consider the report and any further proposed amendment(s) or any such statement from the Leadership Team. After such consideration and any further amendment(s) it will be open to any Councillor to move that:
- the recommendation(s) be confirmed (including any amendment(s) to which the Leadership Team objected and including any other amendments agreed); or
 - that the recommendation(s) be adopted as amended at the second meeting.
- 12.06 The decision of the Council after the process in this Standing Order has been observed shall be final.

13. Motions under Notice

- 13.01 Motions under notice for debate at Council meetings may be either:
- (a) Motions for main debate (see Standing Order 14);

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- (b) Motions to amend any recommendation of the Executive or of a Committee (see Standing Order 12); or
- (c) Motions to remove the Leader from office (See Standing Order 16).

14. Motions for Main Debate

Process

14.01 A notice of motion for main debate shall:

- (a) be in writing or submitted via email;
- (b) contain the names of two Councillors, one as mover and the other as seconder;
- (c) reach the Chief Executive no later than noon on the sixth working day before the day of the meeting at which it is to be submitted so that it may be printed in the agenda for that meeting.

14.02 An amendment to a motion for main debate shall:

- (a) be in writing or submitted via email;
- (b) contain the names of two Councillors, one as mover and the other as seconder;
- (c) reach the Chief Executive no later than noon on the day of the meeting.

14.03 All notices of motion for main debate and notices of amendment shall:

- (a) appear on the agenda, with the names of the mover and seconder, in the order in which they are received (except in the case of notices of amendment which shall appear in a supplemental agenda grouped under the heading of the motion to which they relate).
- (b) be excluded from the agenda paper if the Mayor deems it to be out of order and so instructs the Chief Executive. However, the Mayor may make alterations to any notice of motion or amendment to bring it in to due form. If the Mayor decides that a notice of motion or notice of an amendment shall be excluded or altered, the Councillor(s) concerned shall be so informed.

Reference to the Executive or Committee

14.04 Where any motion for main debate has been moved and seconded any Councillor may formally move that the motion be referred to the Leadership Team or relevant Lead Member or to the relevant committee or committees for consideration and report. Such reference, if formally seconded, shall be put to the vote and, if it is carried, the original motion shall stand so referred and there shall be no further debate on it.

Limitations

- 14.05 No Councillor shall move or second more than one notice of motion for main debate or amendment thereto on the agenda at the same meeting.
- 14.06 After a motion is printed on the agenda or an amendment has been moved and seconded, it shall not be withdrawn without the consent of the Council.

Agreed Motions

- 14.07 The Head of Governance & Mayoralty will refer motions agreed by Council to the relevant person(s) for action. Responses to, or action taken with regards to, motions will regularly be reported back to Council.

15. Motions to amend the budget or reports from the Executive or Committees

- 15.01 In respect of amendments to the proposed budget for the following financial year or of a recommendation of the Leadership Team or a Committee, such amendments should:
- (i) be in writing or submitted via email;
 - (ii) contain the names of two Councillors , one as mover and the other as seconder; and
 - (iii) reach the Chief Executive no later than noon, two working days before the meeting at which it is to be submitted.

16. Motion to remove the Leader from office

- 16.01 The Leader may be removed from office by resolution of the Council on a notice of motion signed by at least 21 Councillors and approved, without amendment, by the Council. Any such motion must be delivered to the Chief Executive in writing at least ten working days before the date of the meeting at which it is to be addressed. If the Council passes such a resolution, a new Leader is to be elected:
- (i) at the meeting at which the Leader is removed from office; or
 - (ii) at a subsequent meeting.

17. Motions without Notice

- 17.01 Motions without notice may be:
- (i) Motions to enable the Council to proceed to the next item of business (see Standing Order 18);
 - (ii) In the absence of the Mayor and Deputy Mayor, a motion to appoint a Chair of the meeting (see Standing Order 2);
 - (iii) To suspend Standing Orders (see Standing Order 42)
 - (iv) To withdraw a motion;

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- (v) To agree the order in which motions/amendments are debated;
- (vi) To adjourn or suspend the meeting (see Standing Order 23);
- (vii) To exclude the press and public in accordance with the Access to Information rules;
- (viii) To deal with urgent items under Standing Order 20;
- (ix) To deal with a breach of order under Standing Order 26.

18. Motions to Proceed to the Next Item of Business

18.01 During debate any Councillor who has not spoken on the question may formally move one of the following motions:

- (a) “that the question be now put”; or
- (b) “that discussion on this item terminate at . . . o’clock”.

On either of these motions being formally seconded, the Mayor shall put the motion to the vote and, if it is carried, shall proceed as follows:

- 18.02 If there is an amendment before the Council, they shall give the Member of the Executive or the chair of the committee (or someone nominated by them) the right to reply either at once or at the relevant time. They shall then put the amendment to the vote.
- 18.03 If there is no amendment before the Council (or once any motion for an amendment has been disposed of), he or she shall give the Member of the Executive or the chair of the committee (or someone nominated by them) the right to reply either at once or at the relevant time. They shall then put the motion to the vote.
- 18.04 Standing Orders 33.03 and 33.04 shall not apply to the results of any voting under this Standing Order.
- 18.05 If a motion under Standing Order 18.01(b) above is carried in relation to a report from the Executive or any committee, at the termination of the discussion the Mayor shall arrange to put to the meeting without discussion, all remaining items from the report.

19. General Limitations to all Motions

The following limitations shall apply to all forms of motion and amendment.

- 19.01 No motion shall be moved to the same effect as any motion that has been debated within the preceding year. This is provided that this Standing Order shall not apply to a motion to adopt a recommendation of the Executive or a committee.

Form of motion or amendment to increase expenditure

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- 19.02 No Councillor shall make a motion or move an amendment to a motion that would have the effect of increasing the expenditure of the Council except in the form of a reference to the Executive under Standing Order 12.

Relevance of motion or amendment

- 19.03 Every notice of motion or amendment shall be relevant to some question over which the Council has power or to some question that directly and explicitly affects the Borough.

- 19.04 An amendment shall be relevant to the motion and shall be either to:

- (i) leave out words;
- (ii) leave out words and insert or add others;
- (iii) insert or add words;
- (iv) refer a subject of debate to the Executive or to a committee for consideration or re-consideration.

as long as the effect of (i) to (iii) is not, in the opinion of the Mayor, to negate the motion. Re-writes of Motions will not be allowed. Where the mover of an amendment is unsure whether the amendment complies with the above rules, they are advised to seek the early views of the Monitoring Officer before the amendment is formally submitted.

- 19.05 In relation to motions without notice (see 17.01), upon any Councillor rising to propose a motion or propose an amendment, they shall state the terms of such motion or amendment and shall not be permitted to speak in support until they have done so.

Proposer and seconder of original substantive motion to speak before amendments taken

- 19.06 The Mayor will allow such time as they consider appropriate on the original substantive motion to allow the proposer and seconder to make their speeches and for others to contribute.

Amendments to be taken in the order they are submitted, and dealt with individually

- 19.07 Subject to any decision of the Council in accordance with SO21.01 amendments will be taken in the order they are submitted and where an amendment is carried, thus making any second amendment to the motion nonsensical, the proposer of any subsequent amendment will be given the opportunity to withdraw or vary their amendment (i.e. redraft it before proceedings recommence, if it is still relevant to the, now amended, motion), otherwise it will fall.

- 19.08 When an amendment has been moved and seconded, it shall be disposed of before any further amendment to the same motion is moved. If an amendment be carried, the motion as amended shall become the substantive motion, on

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which a further amendment may be moved. Where two amendments have been submitted on the same motion the Mayor shall have discretion, once the amendments have been moved and seconded, to allow such amendments to be debated together.

No right of reply when amendment is carried

- 19.09 The right of reply shall not extend to the mover of any amendment that, having been carried, has become a substantive motion.

Members to speak only once

- 19.10 Except as otherwise specifically provided by Standing Orders, no Councillor shall address the Council more than once on any motion or on any amendment.

Alteration of motion

- 19.11 A Councillor may with the consent of the Council signified without discussion:
- (a) alter a motion of which they have given notice; or
 - (b) with the further consent of their seconder alter a motion which they have moved if (in either case) the alteration is one which could be made as an amendment thereto.

20. Urgent Matters for Debate

- 20.01 Where a Councillor considers that a matter which is not on the agenda should be reported urgently to the Council, the Councillor will need to explain the urgency and why notice had not been given before the agenda despatch. Where the Mayor agrees that such a matter is urgent, the Councillor may, with the consent of, and in a form approved by the Mayor, bring the matter before the meeting by way of a short written statement which shall be drawn to the Council's attention by the Chief Executive as part of their reports and communications at the start of the meeting. The Councillor concerned may, with the Mayor's permission, then speak on the statement but no motion may be moved thereon.
- 20.02 Any other Councillor may then formally move: "that Standing Orders be suspended to enable the Council to debate as a matter of urgency the subject matter of the statement". If formally seconded such motion shall be immediately put to the vote. If carried, the Council shall proceed to debate the matter straight away.
- 20.04 Any proposal arising out of the debate for specific action on the part of the Council must be the subject of a report to the relevant Executive body or Committee and dealt with, if necessary, under urgency provisions.
- 20.03 At the conclusion of such debate the Councillor reporting the matter to the Council shall have a right of reply.

21. Procedure in debate

Order in which motions are debated

- 21.01 The Council may vote on the order in which motions are debated. Those motions which have not been dealt with by the end of the time allotted to this item on the agenda, shall be put on the agenda for the following Council meeting. The Council may also vote on the order in which any proposed amendments to a motion are debated.

Motion to be moved and seconded

- 21.02 Should the mover or seconder of a motion or amendment be absent from the meeting, another Councillor may move/second the motion/amendment, unless the Council objects.

Right to speak – seconder of motion

- 21.03 No motion for main debate or motion for amendment shall be discussed unless it has been seconded. However, any Councillor, when seconding a motion or amendment, if they then declare their intention to do so, may reserve their speech until a later period in the debate.

Right of reply – relevant Executive Member

- 21.04 The relevant Executive Member or the Chair of the relevant committee or someone nominated by them shall, provided they have not already spoken, have the right to speak when called upon by the Mayor, immediately before the mover of the motion or amendment exercises their right of reply.

Right of reply – mover of motion

- 21.05 The mover of a motion or of an amendment shall have a right of reply. However, they will confine themselves to answering previous speakers and shall not introduce any new matter in to the debate.

Discretion of the Mayor

- 21.06 The Mayor shall exercise his or her discretion in a manner designed to ensure effective and orderly debate.

22. Questions to Lead Members

- (i) Questions on matters that are within the remit of the Council's executive may be asked by Councillors at any ordinary meeting of the Council, subject to the following conditions:
- (ii) No Councillor will be permitted to ask more than one question at each meeting;
- (iii) At each ordinary Council Meeting no more than three questions will be accepted from Councillors from the Majority Group; no more than one from the principal opposition group; and no more than one in total from any other minority group and ungrouped Councillors;

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- (iv) No Lead Member will be required to respond to more than two questions per Council meeting and will not be expected to respond to questions outside their executive remit;
- (v) Where a question falls within, or relates to the remit of, more than one Lead Member, a combined reply may be given by one of the relevant Lead Members;
- (vi) Where a Lead Member is unable to give their reply at the meeting in question (for example where they are unable to attend the meeting), that reply may be given by another Lead Member acting on their behalf (in which circumstances (iii) above will apply as amended to cover these circumstances);
- (vii) Any Councillor wishing to ask a question must register the full question with the Head of Governance & Mayoralty, providing the wording that will be used in asking the question at the meeting, by no later than 10.00am two clear working days before the day of the meeting (i.e. normally on the Friday before the Wednesday of the Council meeting in question. The Head of Governance & Mayoralty will log, register and allocate questions to relevant Lead Members in the order they have been submitted and in accepting questions, will apply the criteria in this Standing Order and may, in liaison with the Mayor as at (viii) below, edit or amend the wording of such questions if and as appropriate before circulating the questions;
- (viii) The Mayor may:
 - (a) rule at any time that a question is frivolous, inconsistent with the *Twelve Principles of Good Governance* (Part 1 of this Constitution), or does not clearly relate to matters that are primarily local in nature and rule not to permit it to be asked at the meeting;
 - (b) determine the order in which questions (that have been accepted by the Director under the provisions above) are taken at the meeting, with questions to the Leader of the Council normally dealt with first, and the Leader of the main Opposition Group having the right to ask the first of these.
- (ix) The form of a reply to a question shall be within the discretion of the Leader or Lead Member giving the reply, or by the Lead Member delivering the reply on their behalf. In determining the form of his/her reply, that Councillor may take into special consideration whether a full reply would involve excessive resources, in which case he/she may decline to answer the question in whole or part;
- (x) Following an oral reply to a question given in pursuance of this Standing Order the Mayor may permit one supplementary question, from the Councillor who asked the original question, which should relate to the subject of the question but need not be restricted to elucidation of the reply;

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- (xi) Questions relating to the receipt of letters, reports, circulars or other documents by the Council, and to any action proposed thereon, will not normally be accepted until a fortnight has elapsed from the date of receipt of the document by the Council;
- (xii) Where the answer to a question cannot conveniently be given orally it shall be, at the discretion of the Lead Member giving it, replied to by subsequently issuing a written statement; and
- (xiii) Any Councillor giving notice of a question pursuant to this Standing Order may, at the same time, indicate that they do not intend to ask it orally, in which case it shall not be asked or answered orally; and unless withdrawn pursuant to paragraph 22.04 below it shall at the conclusion of question time be deemed to have been asked and shall be answered in writing.

22.02 Every question asked and the reply given thereto shall be recorded briefly in the minutes.

22.03 A Councillor who has registered to ask a question must read the initial question as printed in the Council agenda papers. No more than two minutes will be allowed for any question, any supplementary question or any response under this Standing Order and in normal circumstances no more than thirty minutes shall be allocated to such questions at any meeting of the Council with questions. Any questions which cannot be asked because of the time limit, shall be deemed to have been asked and shall be answered in writing; and every such question and answer thereto shall also be recorded in the minutes.

22.04 A Councillor may at any time withdraw a question provided that they notify the Director to that effect at any time before the start of the meeting of the Council at which the question is due to be asked.

23. Council Adjournment

23.01 The Council may adjourn any meeting or any matter under consideration.

23.02 Any motion for the adjournment of any meeting or matter under this standing order shall be formally moved and seconded and, if so moved and seconded, shall be put to the vote.

24. Adjournment and Termination of Meetings

24.01 After the Council shall have sat continuously for three hours (including any period of adjournment) the Mayor shall:

- (a) draw the attention of the Council to the fact, whereupon Standing Orders 12 to 22 shall be deemed to be suspended;
- (b) put to the meeting without discussion all reports (which shall be taken to have been moved and seconded) in the agenda which remain to be dealt with, taking a vote where appropriate (to the result of which Standing Order 33.03 and 33.04 shall not apply);

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- (c) defer any notices of motion appearing on the agenda which remain to be dealt with to the following meeting; and
- (d) deal at their discretion with any other business on the agenda for the meeting and any business not dealt with shall be disposed of at the next meeting of the Council.

CONDUCT DURING DEBATE

25. Conduct of Councillors

- 25.01 A Councillor shall stand when speaking, address the Mayor, speak strictly on the question under debate, conform to the orders of the Mayor and shall treat others with respect.
- 25.02 A Councillor shall not indulge in tedious repetition, irrelevance or unbecoming language, nor shall they impute motives to or make reflections of a personal character upon any other Councillor(s).
- 25.03 No Councillor shall interrupt another Councillor except in accordance with Standing Order 28 or 29.

26. Breach of Order

- 26.01 The Mayor shall call a Councillor to order for any breach of Standing Orders and may direct such Councillor, if speaking, to discontinue their speech.
- 26.02 In the event of disorder in the Council or of a persistent disregard of the authority of the chairman, any Councillor may move that a Councillor causing such disorder or disregarding such authority is not heard further. If seconded, the motion will be voted on without discussion. If a Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

27. Precedence of Mayor

- 27.01 Whenever the Mayor speaks during a debate any Councillor then speaking, or offering to speak, shall sit down and the Council shall be silent until the Mayor has been heard.

28. Points of Order and of Personal Explanation

- 28.01 Councillors may rise on a point of order and shall be entitled to be heard. A point of order shall relate only to an alleged breach of a standing order or statutory provision and Councillors shall, if called upon by the Mayor, specify the standing order or statutory provision and the way in which they consider it has been broken.
- 28.02 In any debate, Councillors may, by rising in their place, seek to give a personal explanation of some conduct or speech of theirs that they consider has been

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misrepresented by the Councillor then speaking. The latter may give way or may decline the interruption until the conclusion of their own speech.

29. Intervention by a Councillor during speech

29.01 A Councillor speaking shall have discretion to give way to an intervention by another Councillor.

30. Length of Speeches

30.01 Except as otherwise provided in these Standing Orders, no Councillor shall speak for longer than five minutes unless they have the consent of the Council.

31. Disorder

31.01 Under common law and statute, the chairman of a meeting has the power to exclude the public if he or she is of the opinion that there shall be a disruption to the business. It is also lawful to exclude the public before a meeting if there are grounds upon which to anticipate a disruption of the proceedings.

31.02 The Mayor may at any time, if they are satisfied that it is desirable in the interest of order, suspend or adjourn a meeting of the Council for such time as they may decide.

32. Voting by Majority

32.01 Except where legislation requires otherwise, all questions coming or arising before the Council shall be decided by a majority of the Councillors present and voting thereon at the meeting.

32.02 In the case of an equality of votes, the Mayor shall have a second or casting vote.

33. Voting and Divisions

33.01 Unless a recorded vote is demanded (see below), the Mayor will ask the Councillors present if the question is agreed and if no dissent is indicated by any one of those Councillors present, the Mayor will announce that the question is agreed. Where a Councillor or Councillors present at the meeting indicates dissent, the Mayor will proceed as follows:

- To call a vote by electronic means; or (if this is not available or not working)

- To call out the name of each Councillor present with Councillors stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.

The Mayor shall then declare the result.

Voting at meetings where the Council Tax is calculated or set

Constitution Part Three, Section Three – Standing Orders

- 33.02 The names of the Councillors voting for, against or abstaining on any matter relating to the calculation or setting of the precept (including on any proposed amendments or alternative budget) shall be recorded in the minutes of the meeting at which the vote took place.

Recorded votes

- 33.03 Except as otherwise provided in these Standing Orders, after the declaration of the result following a vote, a recorded vote shall be ordered if nine Councillors present so require. If the number claiming a recorded vote be less than nine, any Councillor voting in the minority or abstaining shall, at their request, have their name recorded in the minutes of the Council.

Names to be recorded after a vote

- 33.04 Where any Councillor so requires, there shall be recorded in the minutes whether that Councillor cast their vote for the question or against the question, or whether they abstained from voting.

MISCELLANEOUS

34. Arrangements for the Discharge of Urgent Matters between Meetings

- 34.01 In the event of any matter that shall not admit of delay arising between meetings, executive directors and directors may seek and be given authority for action to be taken subject to the following provisions:
- 34.02 In respect of matters within the Council's terms of reference, action under this standing order may be taken by the Mayor only in respect of the following items:
- (i) Part 3 Section 2 (1.04 a) (plans and strategies which make up the Council's budgetary and policy framework) of the Council's terms of reference. The Mayor may signify, in writing, their agreement for such action as they deem necessary, only after having sought and received in writing the observations of the relevant Member(s) of the Executive and the chair of the relevant scrutiny committee on the action they propose to authorise;
 - (ii) and Part 3 Section 2 (1.04 m) (appointment of Members to non-executive committees).

Any action under this standing order shall be deemed to have been authorised by the Chief Executive.

- 34.03 In respect of matters within a committee's terms of reference:
- (a) The chair of a Council appointed committee (or in their absence the Vice-Chair) may signify, in writing, their authorisation for such action as they deem necessary only after having sought and received in writing the professional advice of the relevant chief officer (or in their absence, a Director nominated by them). In such an event, the decision made shall be deemed to be that of the relevant chief officer (or that Director so nominated).

Constitution Part Three, Section Three – Standing Orders

- (b) If the offices of chair or vice-chair of a Council appointed committee are vacant or if the chair and vice-chair are absent, such action may be authorised by the Mayor or Deputy Mayor.

34.04 All such actions taken and instructions given shall be reported to the next practicable meeting of the Council or the committee, as appropriate. Where they relate to functions that such committee is not empowered by its terms of reference to exercise on behalf of the Council, they shall be reported to the next following ordinary meeting of the Council.

35. Disclosable Pecuniary Interests and Other Significant Interests

35.01 Councillors shall comply in all respects with the requirements of the Councillors' Code of Conduct relating to the registration and disclosure of disclosable pecuniary or other significant interests and to participation at meetings and in decision-making in cases where they have such interests.

35.02 There shall be an item on the agenda page for all formally convened meetings to enable Councillors to disclose any disclosable pecuniary or other significant interests at the outset of the meeting. When an agenda item is reached, any Councillor who has disclosed a disclosable pecuniary interest in that item may make representations, answer questions or give evidence, provided the public are also allowed to attend the meeting for the same purpose, but must then withdraw from the meeting room before the matter is discussed and before any vote is taken. Any Councillor who discloses any other interest must consider whether they should withdraw from the meeting room.

36. Chair and Vice-Chair

36.01 Chairs and Vice-Chairs of Committees for the forthcoming Municipal Year shall be appointed at the Annual Council Meeting, where provided for elsewhere in the Constitution, or otherwise at the first meeting of each committee following the Council meeting.

36.02 A Councillor holds the office as chair and vice-chair for one year until the appointment of committees at the Annual Council Meeting.

36.03 The Mayor or Deputy Mayor, if present, shall preside during the appointment of chairmen. If neither the Mayor nor Deputy Mayor is present, the election of chairmen shall be conducted by the Chief Executive.

37. Extraordinary Meetings

37.01 The Mayor or the chair of a committee may, through the Chief Executive, call an extraordinary meeting of a committee at any time. The notice shall set out the business to be considered at such a meeting and no other business than that so set out shall be considered at the meeting. Reports on items of business to be considered in public at extraordinary meetings shall be available for public inspection from the date and time at which the meeting is convened.

38. Quorum of the Leadership Team, Committees of the Council and Other Forums

- 38.01 No business shall be transacted at any meeting of the Leadership Team unless the Leader (or in his or her absence the Deputy Leader) and two other Members of the Leadership Team are present or in the absence of both the Leader and Deputy Leader, unless five Lead Members are present.
- 38.02 Except where otherwise laid down in the Constitution, no business shall be transacted at any meeting of a committee of the Council unless three Councillors of that committee are present.

39. Powers and Duties of the Chair

- 39.01 The Chair shall decide all questions of order and their ruling on all questions of order or upon matters arising in debate shall be final and shall not be open to discussion. They shall be entitled to vote on any question in the first instance and, in case of an equality of votes, shall have a second or casting vote.

40. Cancellation of meeting

- 40.01 The Chair may cancel a meeting before the agenda has been issued if there is a lack of business for the meeting in question. Any decision to cancel a meeting should be taken at the earliest opportunity and every effort should be made to publicise the cancellation. In exceptional circumstances, where the agenda for a meeting has already been issued, the meeting may be cancelled or postponed by the Chair following consultation with other Councillors on the committee. If the meeting is postponed, where possible no less than five clear working days notice shall be given of the new date for the meeting.

41. Application of Standing Orders

- 41.01 Standing Orders shall, with any necessary modifications, apply to meetings of the Leadership Team and committees.
- 41.02 Necessary modifications referred to shall include references to 'the Mayor' being read as references to 'the Leader' or 'the chair' as appropriate and references to the Council being read as references to 'the Executive/Leadership Team' or 'the committee' as appropriate.

42. Suspension of Standing Orders

- 42.01 The operation of any Standing Order may be suspended by resolution of the Council carried by a majority of the Councillors present and voting.

Part Four – The Executive Section One – The Leadership Team and Executive Authority

1 Responsibilities

1.01 The Leadership Team is the Council's executive, which is the part of the Council responsible for most of the major service, financial and policy decisions. In fact it is responsible for undertaking all of the Council's functions, except for those functions that the law specifies are the responsibility of full Council or which are delegated by the Council to committees, sub-committees (if any) or officers.

The Leader of the Council

1.02 The Leader is a Councillor who is elected by the Council to the position of Leader of the Council, in normal circumstances at the Annual Council Meeting immediately following the Borough Elections every four years. The Leader holds office until:

- (a) he or she resigns from the office;
- (b) he or she is suspended from being a Councillor (although he or she may resume office at the end of the period of suspension);
- (c) he or she is no longer a Councillor;
- (d) he or she is removed from office by resolution of the Full Council; or
- (e) 6.30pm on the day of the Annual Council Meeting immediately following the next Borough Elections after his or her election as Leader.

The Deputy Leader

1.03 The Leader will appoint one of the Lead Members to be his or her deputy. The Deputy Leader holds office until:

- (a) he or she resigns from office;
- (b) he or she is suspended from being a Councillor (although he or she may resume office at the end of the period of suspension);
- (c) he or she is no longer a Councillor;
- (d) he or she is removed from office by the Leader; or
- (e) the end of the term of office of the Leader.

*Part Four – The Executive Section One –
The Leadership Team and Executive Authority*

Lead Members

- 1.04 The Leader appoints the Leadership Team, which can comprise up to a maximum of ten councillors (including the Leader), and must notify the Head of Governance and Mayoralty of any such appointments. Notice of the appointment will be made public within two working days, at which point the appointment becomes effective.
- 1.05 Individual Councillors who are members of the Leadership Team are known as Lead Members and they hold office until:
- (a) they resign from office; or
 - (b) they are suspended from being Councillors (although they may resume office at the end of the period of suspension); or
 - (c) he or she is no longer a Councillor; or
 - (d) he or she is removed from office by the Leader; or
 - (e) the end of the term of office of the Leader.
- 1.06 As circumstances require, and to cover planned and unplanned absences, the Leader may assign executive portfolio responsibilities from one Lead Member to another and will notify the Head of Governance and Mayoralty accordingly.

Project Champions

- 1.07 Other members of the Council may, from time-to-time, be designated by the Leader (and notified as such to the Head of Governance and Mayoralty) as a 'Project Champion' for a specified project or policy issue. Such a councillor will not be a member of the Leadership Team and cannot make executive decisions, but will work with and support the relevant Lead Member.
- ~~4.08~~ A Project Champion can attend the public part of any Leadership Team meeting in the same way as any other non-executive councillor and can speak with the permission of the chair (but not vote).
- 1.09 Project Champions should not be involved in scrutinising issues or policies in which they have been actively involved which will in normal circumstances mean that they should not serve on the scrutiny committee charged with scrutinising that service area.

The Leadership Team

- ~~4.10~~ The Leadership Team usually meets on a monthly basis, but the Leader keeps this arrangement under review. The Leader or, in his/her absence, the Deputy Leader chairs the meetings.

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The Leadership Team and Executive Authority*

- 1.11 Councillors who are not members of the Leadership Team cannot make any executive decisions, nor can they act as substitutes for Lead Members. In the absence of Lead Members, the Leader (and/or Deputy Leader in the Leader's absence) will act on their behalf or determine which Lead Member will cover an absent colleague's responsibilities.

The Delegation of Executive Authority

- 1.12 The functions set out in Part 4, Section 2 of this Constitution have been delegated by the Leader to the Lead Member and/or executive director or director.
- 1.13 If for any reason the Leader is unable to act or the office of Leader is vacant the Deputy Leader will act in his or her place.
- 1.14 The Leader keeps the Executive's scheme of delegation under review and notifies the Head of Governance and Mayoralty of any alterations. The latter will ensure that:
- (i) all Councillors are informed of those alterations;
 - (ii) the Constitution is amended accordingly;
 - (iii) the alterations are published; and
 - (iv) a report is made annually to the full Council on the changes that have been made during the previous twelve months.

The Council's Budgetary and Strategic Framework

- 1.15 The Leadership Team is responsible for the preparation of the Council's budget and the various plans and strategies that constitute the Council's strategic framework.
- 1.16 In preparing the Council's budget and strategic plans, the Leadership Team will consult with relevant stakeholders, partner agencies and local people.
- 1.17 The Leadership Team is also required to consult with the Overview and Scrutiny Committee as it draws up its budgetary and strategic plans, and to give proper consideration to any responses. In this respect, the Leadership Team needs to give advance notification to that Committee to allow the consideration of draft plans and strategies to be built into the Annual Scrutiny Work Programme.
- 1.18 Having considered the views and recommendations of the Overview and Scrutiny Committee and other interested parties including local people, the Leadership Team will then present the budget, plans and/or strategies to the full Council for adoption.

Key Decisions and Executive Decisions

1.19 Executive decisions (i.e. decisions that do not, by law, have to be taken by full Council or one of its committees) are taken either by the full Leadership Team, an individual Lead Member or by an officer who has the constitutional authority to make that decision.

1.20 Those executive decisions which fall within the following definition are known as Key Decisions and, unless specifically delegated by the Leader, will be taken by the Leadership Team or by a Lead Member (as provided in Section 2 below):

A Key Decision is an executive decision which is likely:

(i) to result in significant income or expenditure as follows:

- contracts, capital expenditure and/or the disposal of property or interests in property (e.g. leases) with a total value of £1.5 million or more;
- revenue expenditure or income of £500,000 or more; and
- the making of individual grants of £50,000 or more; and/or

(ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

1.21 A decision will be a Key Decision by virtue of its ‘significant local impact’ (as per paragraph 1.20(b) above) if the impact is felt across two or more wards and it satisfies one or more of the following criteria:

(i) it is contentious, i.e. a proposal to which a substantial number of local people and/or their local councillors are already known to object; and/or

(ii) it entails demonstrable social, economic or environmental impact to a substantial number of local people, or significant risks for the Council; and/or

(iii) it entails the closure or significant change to the provision of any Council service, school or education facility which impacts principally on one or more vulnerable groups.

Notes:

(a) In normal circumstances ‘substantial number’ is interpreted as hundreds (rather than tens) of people (across two or more wards).

(b) Any disputes over the interpretation of these criteria will be determined by the Monitoring Officer. Where a challenge is made but the decision properly remains an officer decision, the senior officer responsible for the service will make all reasonable efforts to engage with interested councillors and residents before the decision is made.

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- (c) Other than in the circumstances envisaged at paragraph 1.21(iii) above, where a decision is only likely to have a significant impact on a small number of people the matter will not be a Key Decision but the decision-maker should ensure those people and their ward councillors are informed of the forthcoming decision in sufficient time to give their views. Decisions on the sale of property interests with a value of £1.5million or more will always be Key Decisions. Those below this will not be, other than in exceptional circumstances based on the criteria above.
 - (iii) Decisions on statutory lease extensions are delegated to the Executive Director of Housing and Social Investment so do not fall within the Key Decision or Executive Decision definitions, as approved by Council at its meeting on 3 March 2021.
 - (iv) The decision to begin a procurement exercise and the procurement strategy which informs it should be agreed through a Key Decision if it is likely to result in the award of a contract valued £1.5 million or more.
 - (v) Awards of funding within the City Living, Local Life and Neighborhood Community Infrastructure Levy schemes (CLLLL and NCIL) are not key decisions.
- 1.22 Any matter that does not fall within the above definition is delegated to the relevant Council officer (in accordance with Part 7, Section 2 of the Constitution), albeit that any officer can, where he/she sees fit to do so, consult with the relevant Lead Member prior to taking any decision falling within his/her delegated authority. Furthermore the Leader or any Lead Member can give notice that they wish themselves to take, or for the Leadership Team to take, any executive decision within their portfolio that would otherwise fall within an officer's delegated authority (i.e. 'recall' a specific delegated matter) subject to the usual requirements around advance publicity on the Forward Plan (see more below).
- 1.23 Where, as part of a Key Decision, Leadership Team or a Lead Member delegates one or more decisions to an Executive Director or Director, those subsequent delegated decisions will not be Key or Executive Decisions; however they will only be taken following advance consultation with the relevant Lead Member and on the basis of a written report which will be published on the Council website as and when the delegated decision is taken.
- 1.24 Executive decisions (see paragraph 1.19 above) that do not fall within the Key Decision definition above but which involve income or expenditure of £100,000 or more will be taken by the relevant Executive Director or Strategic Director (and are referred to as 'Executive Decisions').

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The Forward Plan

- 1.25 1.24 The Council will give at least 28 calendar days notice of any Key Decision or Executive Decision. The Council publishes these notices in a document called 'The Forward Plan'. [The Forward Plan is available on the Council website](#) and contains the following information:
- (i) the subject matter of the decision to be made;
 - (ii) where the decision-taker is an individual Lead Member, that Lead Member's name, and title; where the decision maker is the Leadership Team or another executive decision-making body, its name and a list of its members; and where the decision maker is an officer his/her name and title;
 - (iii) if a meeting at which the decision is to be taken is to be held in private, the reasons for that;
 - (iv) the date on which, or the period within which, the decision is to be made;
 - (v) a list of the documents submitted to the decision maker for consideration in relation to the decision to be made;
 - (vi) the address from which copies of, or extracts from, any document listed is available;
 - (vii) other documents relevant to those matters that are to be submitted to the decision maker; and
 - (viii) the procedure for requesting details of those documents (if any) as they become available.
- 1.26 The Forward Plan is updated on an ongoing basis by the addition or amendment of new items which will be the subject of future decisions or by the deletion of planned decisions that will no longer be required. At the point that a new item is added to the Forward Plan, at least 28 days before the decision is to be taken, there will rarely be any written report drafted or available.

Leadership Team meetings and decisions

- 1.27 Where a Leadership Team decision is required, officers will first ensure that notice of this has been added to the Forward Plan. After that the following procedure applies:
- (i) The item is placed on the agenda for an upcoming Leadership Team meeting. In due course the agenda is then published giving five clear working days notice of the meeting, and all Councillors are notified.
 - (ii) Any councillor can attend a Leadership Team meeting and the the Leader may: (i) permit them to speak; or (ii) where the Overview and Scrutiny Committee so requests, refer the matter to the relevant scrutiny committee.

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- (iii) The decision is then made (or not made) by the Leadership Team.
- (iv) Up until 5.00pm on the day following the Leadership Team meeting, the decision can be called-in by the Overview and Scrutiny Committee (see Part 5, Section 3 of the Constitution). If the Head of Governance and Mayoralty receives no call-in requisition – supported in writing by a majority of the appointed members of the Overview & Scrutiny Committee – by this deadline, then the decision will be implemented.
- (v) Where a decision is called-in, the Head of Governance and Mayoralty notifies the Chair of the Overview and Scrutiny Committee and implementation of the decision will be deferred for five days to allow the Overview and Scrutiny Committee to arrange for consideration of the matter. If Scrutiny has not considered the matter within this period, the Leadership Team can implement the decision. Where the Overview and Scrutiny Committee (or a Scrutiny Committee charged by the Overview and Scrutiny Committee) does consider the matter it can decide whether or not to recommend reconsideration or may, where the proposal is contrary to the Council’s budgetary and strategic framework, refer the matter to full Council.
- (vi) Where Scrutiny or the full Council recommends reconsideration, the decision will be placed on the agenda for the next Leadership Team meeting and the Overview and Scrutiny Committee (or the Scrutiny Committee that was charged by the Overview and Scrutiny Committee to consider the issue) is invited to make representations at that meeting before the final decision is made.
- (vii) The minutes of Leadership Team meetings provide the formal written statement of the executive decisions taken at such meetings and these will include, in part by reference to the report upon which the decision was based:
 - a record of the decision, including the date it was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
 - a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
 - in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

Consideration of Exempt or Confidential Papers at Leadership Team Meetings

- 1.28 At least 28 days' clear notice is given of any part of a meeting where exempt or confidential papers are to be considered. This is done as and when each decision item is added to the Forward Plan, identifying the date the decision will be taken and whether or not the report will include any exempt or confidential papers which might call for consideration in private session.

DecisionS by Individual Lead Members

- 1.29 Where an individual Lead Member Key Decision is required, the relevant senior officer will first ensure it has been added to the Forward Plan. After this the following procedure applies:
- (vi) The report dealing with the matter upon which the decision is needed will be produced and published at least five clear days before the decision is to be taken.
 - (vii) The Overview and Scrutiny Committee will be notified and will have no less than the above five clear working days to comment on the matter to the relevant Lead Member and/or senior officer.
 - (viii) Provided 28 days has elapsed, and subject to (i) and (ii) above, a decision is then made by the Lead Member; and
 - (ix) As soon as reasonably practicable after an individual Lead Member has made an executive decision, the Council will produce a written statement of that decision which includes the following:
 - a record of the decision including the date it was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the Member when making the decision;
 - a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
 - in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.
 - (x) The decision is not implemented for a further five working days, during which time it can be called-in by the Overview and Scrutiny Committee. If the Head of Governance and Mayoralty receives no call-in requisition - supported in writing by a majority of the appointed members of the Overview and Scrutiny Committee – during this time, then the decision will be implemented.

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- (xi) Where a decision is called-in, the Head of Governance and Mayoralty notifies the relevant scrutiny committee chair and Lead Member, who defers implementing the decision for a further five working days to allow the scrutiny committee to consider the matter. If the scrutiny committee has not considered the matter within this period, the Lead Member can implement the decision. Where the scrutiny committee has considered the matter, it can decide whether or not to recommend reconsideration or may, in some circumstances, refer the matter to full Council.
- (xii) Where the scrutiny committee or the full Council recommends reconsideration, the decision is placed on the agenda for the next Leadership Team meeting and the scrutiny committee is invited to make representations at that meeting before the final decision is made.

Executive Decision Taken by Officers

- 1.30 Please see paragraph 1.23 above, and 1.24-1.25 which cover the notice given to such decisions.
- 1.31 The report dealing with the matter upon which the decision is needed will be produced and published at least five clear days before the decision is to be taken.
- 1.32 As soon as reasonably practicable after an individual officer has made an Executive Decision, the Council will produce a written statement of that decision which includes the following:
 - a record of the decision including the date it was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the officer when making the decision;
 - a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
 - in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.

Urgency Provisions

Standard Urgency Procedure ('General Exception')

- 1.33 Where, on the grounds of urgency, publication of the intention to make a Key Decision is impracticable, that decision may still be made provided:
 - the chair of the Overview and Scrutiny Committee has been informed in writing (or, if there is no such person, each member of

*Part Four – The Executive Section One –
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the Overview and Scrutiny Committee) of the matter about which the decision is to be made;

- a copy of the notice given to the Chair of the Overview and Scrutiny Committee (or, in his or her absence, the vice-chair) has been made available at the Council offices and published on the Council's website; and
- five clear working days have elapsed following the day on which the notice was made available.

1.34 As soon as reasonably practicable after this has been done the Council will publish a notice at the Council offices and on its website setting out the reasons why this urgency provision has been used (i.e. why compliance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 is impracticable).

Special Urgency

1.35 Where an urgent Key Decision is required but compliance with the above is impracticable, the decision may still be made provided the decision maker has obtained the agreement of the Chair of the Overview and Scrutiny Committee (or, if there is no such person or if the Chair of the Committee is unable to act, the Mayor) that the making of the decision is urgent and cannot reasonably be deferred and, thereafter, published a notice at the Council offices and on the website setting out the reasons that the decision is urgent and cannot reasonably be deferred.

1.36 The Leader reports quarterly to full Council on how often these urgency procedures are used, together with the details in each case.

The implementation of Key and Executive decisions taken under urgency arrangements

1.37 Decisions taken under special urgency provisions above will be implemented as soon as taken and published and, because they are especially urgent, special urgency decisions are exempt from the call-in procedures elsewhere in Part Four, Section One of the Constitution.'

Urgency in relation to Executive Decisions taken by Officers

1.38 Where, on the grounds of urgency, publication of the intention to make an officer Executive Decision is impracticable, that decision may still be made provided the chair of the Overview and Scrutiny Committee has been informed in writing (or, if there is no such person, each member of the Overview and Scrutiny Committee) of the matter about which the decision is to be made.

Officer Advice, Reports and Briefings

- 1.39 Officers are responsible for providing professional advice to the Leadership Team or Lead Member who will be taking a decision. This will usually take the form of a report setting out the issue, policy context, options available including identification of risks, opportunities and mitigations, results of consultation, any legal or financial considerations, relevant statutory duties or other requirements (e.g. the public sector equality duty), and other professional advice including on the costs and feasibility of implementing decisions.
- 1.40 Senior Council officers bringing forward reports for Leadership Team or Lead Member decision are expected to engage with service users, local people, ward councillors, scrutiny councillors and other stakeholders in the development of proposals as appropriate and to demonstrate that any feedback has been considered before any firm recommendation is developed. Report authors are also responsible for providing any mitigations required to address any issues raised by the professional advice contained within the report.

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Part Four – The Executive

Section Two – The Distribution of Executive Authority

2.01 The Leader of the Council is Cllr Elizabeth Campbell. Details of those Members she has appointed to her Leadership Team are published on the Council website.

Decisions by the Full Leadership Team

2.02 The Leadership Team makes decisions in the following circumstances:

- (a) matters reserved to the Leadership Team as set out in paragraph 2.03 below;
- (b) matters normally delegated to individual Lead Members where, in any particular case, the Leader directs that the decision should be made by the Leadership Team;
- (c) matters delegated to the individual Lead Member where the relevant Lead Member decides to refer any particular matter to the Leadership Team for decision; and
- (d) matters referred to the Leadership Team by individual Lead Members following call-in by Scrutiny - see Part Five, Section Three - of the Constitution.

2.03 The Leadership Team has overall responsibility for the preparation of the budget, and the policy and financial frameworks, which are to be agreed by the full Council. In carrying out these overall functions and responsibilities, the Leadership Team is responsible for the following:

- (a) Leadership in these areas:
 - (i) proposing policy development, changes and new policy;
 - (ii) articulating existing Council policy to other parties;
 - (iii) commenting on proposals from others on behalf of the Council, including through the media;
 - (iv) influencing others, including the media, in order to promote existing Council policy and associated matters; and
 - (v) the continuous improvement of Council services.

Note: *if for any reason the Leader and Deputy Leader are both unable to act, or the offices of the Leader and the Deputy Leader are both vacant, the Leadership Team must act in the Leader's place or must arrange for a member of the Leadership Team to act in the Leader's place.*

- (b) Working in partnership with other public, private, voluntary and community organisations to achieve the priorities and objectives set

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Section Two – The Distribution of Executive Authority

out in the Council Plan or other policies and strategies; and to otherwise support or benefit those who live in, work in or visit the Borough.

- (c) Decision-making in the following areas:
- (i) the introduction of new, or the development or termination of existing services within the Borough;
 - (ii) the acquisition of any land, which involves the use of a compulsory purchase order;
 - (iii) the letting of any contract covering a number of Council's directorates (other than in service areas specifically reserved to the full Council or one of its committees as set down elsewhere in the Constitution);
 - (iv) any proposal to transfer £500,000 or more from one budget head to another;
 - (v) all disposals of land and buildings - by way of the grant, transfer, assignment or renewal of a leasehold interest or the transfer of the freehold – that are of a sensitive or controversial nature, or where substantive councillor objections have been raised (not including the disposal of domestic dwellings under Right-to-Buy legislation);
 - (vi) the disposal of assets, excluding property, of £1.5million or more;
 - (vii) proposals for major policy plans to be recommended to Council;
 - (viii) proposals for the annual revenue and capital budgets to be recommended to Council, including proposals for local taxation; and
 - (ix) the setting up of local authority companies, including the making of appointments thereto.

Shareholder Committee

Membership

- 2.04 The Shareholder Committee will comprise three Members of the Executive ('Lead Members') which, subject to the decision of the Leader of the Council, will normally be: (i) the Lead Member for Finance & Customer Delivery (as Chair); (ii) the Lead Member for Planning, Place & Environment; (iii) the Lead Member for Grenfell, Housing & Social Investment.
- 2.05 Each Shareholder Committee member may nominate an alternate Lead Member to attend a meeting in their place.

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Section Two – The Distribution of Executive Authority

- 2.06 The Shareholder Committee will appoint the Lead Member for Finance and Customer Delivery as Chair of the Shareholder Committee. If the Chair is not present at the start of a meeting of the Shareholder Committee, those members present will appoint one of the members present to chair that meeting.

The Role of the Shareholder Committee

- 2.07 The Shareholder Committee will have a role in ensuring proper governance of any company or companies wholly owned or controlled by the Council, such role to include: (i) monitoring information from each company, in particular on financial and other risks, but also compliance with other policies and duties and escalating such risks within the Council as appropriate; (ii) exercising decisions relating to the Council's role as shareholder, member, owner, lender, or other position of significant control over the company where those decisions have been delegated to the Shareholder Committee; and (iii) making reports and recommendations to the Leadership Team on areas outside of the Shareholder Committee's delegated authority.
- 2.08 It is expected that each company will enter into a form of agreement with the Council (whether as owner, controller or lender) setting out the basis of the relationship between them (each a 'memorandum of agreement').
- 2.09 A detailed description of the Shareholder Committee's role in relation to each company will be set out in the relevant Memorandum of agreement.
- 2.10 The following decisions are delegated to the Shareholder Committee for all companies: (i) Altering in any respect the articles of association of a company (or any other governing document such as the rules of a community benefit society) (ii) Altering the rights attaching to any of the shares in a company (iii) Permitting the registration of any person as a shareholder or member of a company (iv) Nominating directors to be appointed on the board of a company and notifying a company to remove directors from its board (v) Increasing the amount of a company's issued share capital (vi) Altering the name of any company (vii) Adopting, reviewing or amending a company's business plan (viii) Where a company fails to produce a Business plan as required by its Memorandum of agreement, producing that company's Business plan (ix) Approving any decision relating to the issue of loan capital in relation to any company and to any approvals relating to any intra-group loans (x) Directing the board of a company to take or to refrain from taking a particular action (xi) Any other decision which is reserved to the Council as shareholder in the relevant governing documents of the company or in any Memorandum of agreement between the Council and that company.
- 2.11 Decisions which are not delegated to the Shareholder Committee in accordance with 2.4 (i)-(xi) above will be taken through the usual decision-

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making processes in accordance with the Council's governance and constitutional framework.

The Operation of the Shareholder Committee

- 2.12 The Shareholder Committee will meet three times per year, or more frequently if required.
- 2.13 The quorum for a meeting of the Shareholder Committee is a minimum of 2 members.
- 2.14 Meetings will be held in public or otherwise in line with the Council's Constitution.
- 2.15 The Shareholder Committee shall make its decisions as follows: (i) At meetings of its members by consensus of those present, unless any member of the Shareholder Committee requires a vote, in which event a majority decision will be taken with each member of the Shareholder Committee present having a single vote. The Chair of the meeting has a casting vote in the event that there is no clear majority; or (ii) In cases of urgency, by a decision made by the Chair of the Shareholder Committee, in normal circumstances following email consultation with the other Committee Members.
- 2.16 The Shareholder Committee will review the Terms of Reference annually and make any necessary recommendations for change to the Leader of the Council.

The Responsibilities of all Lead Members

- 2.17 There are occasions when matters affect more than one Lead Member's portfolio; on such occasions, the Lead Members concerned act together.
- 2.18 In undertaking the responsibilities delegated to him or her, a Lead Member must act lawfully. This means that the Lead Member must act within the scope of the authority that is delegated to him or her in accordance with any limits within the delegation, this Constitution, Council policies and procedures, the *Councillors' Code of Conduct* and having regard to professional advice from officers. The Lead Member must act prudently to make best use of Council resources through a combination of economy, efficiency and effectiveness.
- 2.19 Each Lead Member has political responsibility for the leadership, strategy and effectiveness of the services and areas of responsibility within their portfolios (as set out in para 2.12 (below)). As such each Lead Member is responsible for providing assurance to the Leadership Team about the functions, services and areas of responsibility within their portfolios.
- 2.20 The Lead Member is also democratically accountable to local communities and has a key role in defining the local vision and setting political priorities

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for their functions, services and areas of responsibility within the broader policy context of the Council.

2.21 Lead Members will

- (a) speak up on matters of local concern and act as the main Council spokesperson on issues within their portfolio;
- (b) liaise with the Chairs of the Overview and Scrutiny Committee and relevant select committee(s);
- (c) support the Leader of the Council in connection with functions and services organised on a bi-borough basis and other joint or partnership working arrangements;
- (d) promote the Council's policies and communicate with the public as appropriate through local and other media; and
- (e) provide assurance to the Leadership Team about the service areas and areas of responsibility within their portfolios.

2.22 Lead Members have responsibility for making key decisions when not taken by the Leadership Team for the service areas within their portfolios and specifically for

- (a) approving use of specific grants and/or funding from non-governmental sources, and any delivery plans and agreements in relation to such funding;
- (b) the approval of grants of £50,000 or more to voluntary and other organisations, and approving jointly with other Lead Members where the application affects more than one portfolio;
- (c) proposals and responses to Government and its agents, the Greater London Authority, and others;
- (d) approving requests for waivers from Contract Regulations in accordance with those Regulations;
- (e) giving approval to proceed to advertise or any other method of securing competition authorised by Contract Regulations for inviting and accepting tenders and quotations and for awarding contracts valued at £1.5million or more;
- (f) approving variations to contracts in accordance with the Contract Regulations;
- (g) approving recommendations to the Deputy Leader and Lead Member for Grenfell, Housing and Social Investment concerning the disposal or acquisition of property; and
- (h) the approval of the setting of new fees and charges and revising current ones.

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- 2.23 In connection with services, policy and other matters within their portfolios, Lead Members will work with and provide support and challenge to the relevant chief officer(s) who have the professional and corporate accountability with regards to the following :
- (a) the overall strategy for services in accordance with the Council Plan;
 - (b) the strategy for the continuous improvement of services
 - (c) budget control within the budgetary framework approved by full Council;
 - (d) sufficient overall levels of staffing, premises and other resources to secure agreed standards and target outcomes;
 - (e) the efficient and safe use of Council premises by services and health and safety matters.
- 2.24 In addition to the specific functions above, Lead Members:
- (a) should attend Scrutiny meetings or hearings when so requested;
 - (b) are required to respond to requests for information that made by Scrutiny members.

The Functions and Portfolios of Individual Lead Members

The Leader of the Council

- 2.25 The scope of the Leader’s responsibilities spans all portfolios, ensuring co-ordination and a coherent approach to the Council’s decision-making. The Leader can make any decision which is delegated to an individual Lead Member or to the Leadership Team. In this role, the Leader has specific political responsibility for leadership, strategy, effectiveness of services , partnership working and decision making within the following policy and service areas:
- (i) The Council Plan and Grenfell Legacy
 - (ii) Overall responsibility for Grenfell Recovery
 - (iii) Overall strategy, performance, policy and budgeting
 - (iv) The continued delivery of corporate transformation and change
 - (v) Emergency and civil contingency planning
 - (vi) The Grenfell Public Inquiry and other external examinations of the Council
 - (vii) Corporate services, including Strategy, Human Resources and Communications
 - (viii) Governance and decision making
 - (ix) Liaison with Government, the Greater London Authority and London Councils
 - (x) Local strategic partnerships and engagement with partner agencies

Deputy Leader and Lead Member for Employment, Culture & Economy

- 2.26 The scope of this portfolio is concerned with political leadership, strategy , partnership working and decision making within the following policy and service areas:
- (i) Economic development, employment, and skills
 - (ii) Working in partnership with museums and galleries; public art; events and film; and oversight of the Council’s cultural services.
 - (iii) The Council’s role in supporting Notting Hill Carnival
 - (iv) Helping local people into work or better work
 - (v) Linking local businesses into supply chain opportunities.
 - (vi) The Library and Archive Service, including North Kensington Library
 - (vii) Street markets and street trading

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- (viii) The sustainability of high streets and retail
- (ix) Apprenticeship within the Council, local partners, and suppliers
- (x) Alternative career pathways for residents aged 16+
- (xi) Further and adult education, skills, and employability
- (xii) The Council's role in the Grenfell restorative justice programme

Lead Member for Housing Management, Housing Safety & Building New Homes

2.27 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Grenfell housing support, policy and delivery
- (ii) Improvement and investment in estates
- (iii) Lancaster West Estate improvements and projects
- (iv) Overarching investment in housing
- (v) Housing strategy and policy
- (vi) The Council's housing management service
- (vii) Driving improvements in housing safety standards
- (viii) Housing support
- (ix) Homelessness and allocations policy
- (x) The Housing Revenue Account business plan
- (xi) Supporting refugees and asylum seekers
- (xii) Working in partnership with registered housing providers and private sector housing providers

Lead Member for Adult Social Care & Public Health

2.28 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Public health: COVID-19 recovery; the promotion of healthy living; the strengthening of health and wellbeing and reduction of health inequalities
- (ii) The safeguarding of vulnerable adults
- (iii) Community-based support for adults affected by Grenfell

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- (iv) Assessment and care management of social services for vulnerable adults
- (v) Services to support elderly people
- (vi) Services to support people with learning disabilities
- (vii) The provision of mental health services in partnership with NHS
- (viii) Physical disability services
- (ix) Transitions from children’s to adult services
- (x) Partnership working and service integration with the local NHS
- (xi) Discretionary welfare provision and subsidised transport
- (xii) Chairing the Health and Wellbeing Board

Lead Member for Communities & Community Safety

2.29 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Community engagement, consultation, and empowerment
- (ii) Supporting equality, diversity and inclusion
- (iii) The Grenfell Community Programme
- (iv) The Grenfell Dedicated Service for bereaved and survivors
- (v) The Grenfell legacy, alongside the leader of the Council
- (vi) Community safety
- (vii) Strengthening Police partnerships and relationships to help reduce crime (including chairing the Community Safety Partnership Board)
- (viii) The Council’s working with the voluntary and community sector (VCS)
- (ix) Grant funding the Voluntary Sector Support Fund
- (x) Overseeing ‘City Living, Local Life’ ward budgets
- (xi) The Mayoralty

Lead Member for Family & Children’s Services

2.30 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) The safeguarding of vulnerable children and young people

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- (ii) Ongoing support for children and young people in learning and educational settings.
- (iii) Support for children and young people affected by Grenfell
- (iv) Ensuring robust corporate parenting
- (v) Services for schools and pupils
- (vi) Nursery schools and childcare
- (vii) Children's centres
- (viii) Youth services, youth justice and the Youth Offending Team (YOT)

Lead Member for Property, Parks & Leisure

2.31 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Property
- (ii) Social investment
- (iii) Hard and soft facilities management
- (iv) Parks and open spaces
- (v) Community gardens
- (vi) Leisure centres and sports facilities
- (vii) Mortuary and coroners' services
- (viii) Cemeteries

Lead Member for Planning & Public Realm

2.32 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Planning policy and planning briefs for major sites, including Grenfell Memorial
- (ii) Transport strategy and transportation policies
- (iii) Parking policy and operations, including fees and charges
- (iv) On-street and Licensing enforcement
- (v) Trading Standards, food hygiene and health and safety
- (vi) Placemaking and improving the built environment
- (vii) Waste management, recycling, street cleaning and pest control

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- (viii) The maintenance and improvement of highways and street lighting
- (ix) Development control and enforcement; the Community Infrastructure Levy (CIL) and Section 106
- (x) The Council's responsibilities as Lead Local Flood Authority

Lead Member for Finance, Customer Services & Net Zero Council

2.33 The scope of this portfolio is concerned with political leadership, strategy, partnership working and decision making within the following policy and service areas:

- (i) Revenue and capital budget planning and monitoring (with the Leader)
- (ii) Investments, treasury management, income generation
- (iii) Capital programme delivery
- (iv) Delivery of the Council's Net Zero 2030 and 2040 commitments
- (v) Support with cost of living
- (vi) Customer services improvements and modernisation
- (vii) Registrars and bereavement services
- (viii) Digital transformation and enablement
- (ix) Policy and use for artificial intelligence (AI)
- (x) Legal and Electoral Services
- (xi) Procurement policy
- (xii) Corporate health and safety
- (xiii) Council tax and benefits

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Part Five – Committees and Non-Executive Functions

Section One – Committee Duties, Membership and Chairmanship

1. General Duties of Council Committees

- 1.01 Council committees are required to carry out those functions of the Council that are not within the remit of the Executive. This includes the determination of applications or the direct regulation of a person where sufficient discretion exists and the setting of any fees and charges relating to their activities.
- 1.02 The Council will appoint the committees as set out below to discharge the functions described.
- (a) Committees report to the Council from time-to-time upon the exercise of their functions and, where appropriate, make recommendations.
 - (b) Committee members hold office until their successors are appointed.
 - (c) Committees may appoint sub-committees as necessary.

2. Membership of Committees

- 2.01 Whether or not they have been appointed to any committee, delivery board or subsidiary forum, Councillors can attend meetings of those groups unless they have ceased to be members of the Council. Councillors who attend meetings under this article do not speak except with the permission and at the sole discretion of the chairman, nor do they vote.
- 2.02 If a Councillor (including a co-opted member) fails throughout a period of six consecutive months to attend any meetings of a committee or, delivery board to which he or she has been appointed or co-opted, they will cease to be a member of that committee or group unless their absence is due to a reason which has been previously approved.
- 2.03 The Mayor and Deputy Mayor are, ex-officio, non-voting members of every committee of the Council (although this does not prevent the Deputy Mayor being appointed as a voting member of any committee of the Council).
- 2.04 Committees are constituted to reflect the statutory obligation to give effect so far as is reasonably practicable to the principles of political proportionality. The membership of committees and sub-committees therefore reflects the political balance of the whole Council.

3. Limitation on Chairmen or vice-chairmen of committees

- 3.01 A Councillor holds the office of chairman and vice-chairman of a committee for one year until the appointment of committees at the Annual Meeting.

*Constitution Part Five, Sections One and Two – Committee Duties,
Membership and Chairmanship*

- 3.02 In the case of an appointment to fill a casual vacancy a Councillor holds office as chairman or vice-chairman until the next annual appointment of committees.
- 3.03 A Councillor who has held office as chairman or vice-chairman of a committee may be re-elected to office at the first meeting of the Committee following the Annual Meeting.

Part Five – Committees and Non-Executive Functions Section Two – Terms of Reference of Council Committees

1. Council Committees

- 1.01 The law requires that certain local authority functions cannot be undertaken by the Council's executive – known here as the Leadership Team – and are reserved for full- Council decision or must be undertaken by a Council committee which has been appointed to take those particular decisions.

2. Administration Committee Membership

- 2.01 The Committee will comprise seven Councillors.

Terms of Reference

- 2.02 The Committee is appointed to exercise the following functions in so far as this is not provided for elsewhere in the Constitution:

In relation to elections:

- (a) to receive reports from the Returning Officer and the Electoral Registration Officer on the discharge of their duties;
- (b) to approve proposals for polling districts and polling places;
- (c) to exercise any other powers in relation to the arrangements for and the holding of elections which are not the responsibility of the Returning Officer or the Electoral Registration Officer;
- (d) to make recommendations to full Council on formal submissions to the Boundary Commission, Electoral Commission or Cabinet Office as required.
- (e) In relation to changes to executive arrangements:
- (f) to consider and make recommendations to full Council in connection with proposals for changes to governance arrangements;
- (g) In relation to the name and status of areas:
- (h) to consider and make recommendations to the Council on proposals to change the name of the Borough; and
- (i) to consider and make recommendations to the Council on proposals for the admission of persons as Honorary Freemen/women of the Borough, Honorary Aldermen/women and the conferment of civic honours.

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In relation to Trusts:

- (j) to act as Trustees for Council managed Trusts.

In relation to other matters:

- (k) to consider and make recommendations to the Council on proposals, to make, amend, revoke, re-enact or adopt byelaws, and on proposals to promote or oppose the making of local legislation, or hybrid or personal bills;
- (l) to approve payments or provision of other benefits in maladministration cases;
- (m) to consider and make recommendations to the Council on the annual adoption of a Pay Policy Statement and to take decisions referred to the Committee in accordance with that Statement;
- (n) to receive and consider reports from the Chief Executive, in his role as Head of Paid Service, on the appointment, management and organisation of staff and to make recommendations to Council;
- (o) to recommend to Council the dates and times of the annual meeting and ordinary meetings;
- (p) to provide staff, accommodation and other resources to the Monitoring Officer in the performance of her duties;
- (q) to advise and make recommendations to the Council on the adoption and revision of the Councillors' Code of Conduct; and
- (r) to consider changes to the Constitution, except for the allocation of responsibilities by the Leader, and refer any proposals to full Council for approval.

3. Adoption and Fostering Panel

- 3.01 An independent Chairman of each of the panels and nine other independent panel members.

Terms of Reference

- 3.02 To consider and advise on adoption and fostering matters.

4. Senior Appointments Panel

- 4.01 Where deemed necessary (and with the agreement of the Leader or Deputy Leader) substitutes for panel members can be nominated in the absence of those below. Nominated substitutes should, in the first instance, be sought from other Leadership Team members.

Panel A – Chief Executive

(a) Membership

Four Councillors - the Leader of the Council, the Deputy Leader, one other Majority Party Councillor and one Minority Party Councillor.

(b) Terms of Reference

To carry out interviews and recommend to Council appointments in respect of the Chief Executive (Head of the Paid Service).

Panel B – Sovereign Borough (RBKC) Executive Directors

(a) Membership

Four Council members: the Leader of the Council, The Deputy Leader or another Majority Party member, the Lead Portfolio Member and one Minority Party Councillor.

(b) Terms of Reference

To carry out interviews and make appointments in respect of sovereign borough (RBKC) Executive Directors.

Panel C - Bi-Borough Executive Directors*

(a) Membership

Three Councillors from each authority, comprising for RBKC: the Leader or Deputy Leader of the Council, the Lead Portfolio Member and one Minority Party Councillor, with a quorum of two from each authority.

(b) Terms of Reference

To carry out interviews and make appointments in respect of Executive Directors with responsibility for shared services covering more than one Council.

** Note: Each authority involved shall convene its own Panel, though in normal circumstances the Panels will meet concurrently.*

Panel D – Sovereign Borough (RBKC) Directors and other RBKC posts on Chief Officer terms and conditions

(a) Membership

Three Councillors: the Lead Portfolio Member, one other Majority Party Councillor and one Minority Party Councillor.

(b) Terms of Reference

To carry out interviews and make appointments in respect of sovereign borough (RBKC) Directors and other RBKC posts on Chief Officer terms and conditions.

Panel E – Bi-Borough Directors and other Bi-Borough posts on Chief Officer terms and conditions*

(a) Membership

Three Councillors from each authority, comprising for RBKC: the Lead Portfolio Member, one other Majority Party Councillor and one Minority Party Councillor, with a quorum of two from each authority.

(b) Terms of Reference

To carry out interviews and make appointments in respect of Bi-Borough Directors and other Bi-Borough posts on Chief Officer terms and conditions.

** Note: Each authority involved shall convene its own Panel, though in normal circumstances the Panels will meet concurrently.*

5. Audit and Transparency Committee

5.01 The purpose of the Audit and Transparency Committee is:

- (i) to provide independent assurance on corporate governance arrangements; the adequacy of the risk management framework and the associated control environment; independent scrutiny of the authority's financial and non-financial performance to the extent that that it affects the authority's exposure to risk and weakens the control environment; and oversight of the financial reporting process;
- (ii) to oversee Council transparency; and
- (iii) to consider any complaints against Councillors referred to it following an investigation.

Membership

5.02 Four Councillors, including the Chair of the Committee, who will not be a member of the Executive. The Chair of the Committee will have a significant and relevant financial background. Membership of the Committee shall include a maximum of three independent non-voting members who will be co-optees. Two additional Councillors are appointed to hear any appeal following a decision on a member complaint.

5.03 The Chair may require the Chief Executive to attend a meeting, if required. It is expected that the Executive Director of Resources and Assets and the Director of Audit, Fraud, Risk and Insurance will attend each meeting, other than meetings convened solely to deal with ethical standards complaints which will be attended by the Monitoring Officer. Other Council officers may be required to attend for all or part of the meeting, at the request of the Chair.

5.04 The External Auditors will attend at least one meeting each year and External Audit will have right of access to the Chair at any time. Committee members may wish to meet for a private briefing with the External Auditor at least once a

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year if it wishes. On an annual basis External Audit will present the Audit Plan, and the Annual Audit and Inspection Letter to Committee.

Quorum

- 5.05 The quorum necessary for the transaction of business shall be two Councillors for voting purposes and two members, including co-opted members, for other matters.
- 5.06 The quorum for the consideration of complaints against Councillors shall be three Councillors and at least one co-opted member.

Frequency of Meetings

- 5.07 The Committee shall meet at least four times a year at appropriate times in the reporting and financial cycle.

Terms of Reference

- 5.08 The terms of reference and the effectiveness of the Committee will be reviewed on an annual basis.
- 5.09 The Committee shall report annually to the Council. The Chair or Vice-Chair of the Committee is entitled to speak at meetings of the full Council during the presentation of the Committee's annual report.
- 5.10 To exercise the following functions:

Audit Activity

- (i) To review, comment and approve (but not direct) Internal Audit's strategy,
- (ii) plans and resources.
- (iii) To examine Internal Audit progress reports on a quarterly basis summarising the audit reports issued and performance of the Internal Audit function.
- (iv) To examine the Head of Internal Audit's annual report and opinion and the level of assurance given over the Council's corporate governance arrangements.
- (v) To consider reports from Internal Audit on the implementation of agreed recommendations where management have failed to undertake the necessary actions within the planned audit time frame.
- (vi) To consider the External Auditor's annual Plan, relevant reports, and reports to those charged with governance. To review and comment on external inspection reports.
- (vii) To consider specific reports as agreed with the External Auditor.

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- (viii) To discuss and comment on the assessment of risks identified by External Audit and the associated impact on the audit fee, audit risk assessment and the scope and depth of External Audit work and to ensure it provides value for money.
- (ix) To recommend to full Council, following completion of an appropriate procurement exercise, the appointment of the Council's External Auditor.
- (x) To examine an annual report on the External Audit process.
- (xi) To make recommendations to the Lead Member with responsibility for Corporate Services on the Council's audit arrangements.
- (xii) To commission work from Internal and External Audit.
- (xiii) To examine reports on internal or external fraud investigated by the Council.
- (xiv) To scrutinise the Council's treasury management activities and monitor compliance with strategies and procedures.

Regulatory and Control Framework

- (xv) To maintain an overview of the Council's constitution in respect of audit procedure rules, contract procedure rules, and financial regulations.
- (xvi) To review any issue referred to it by the Chief Executive, Monitoring Officer or any Council body.
- (xvii) To monitor the effective development and operation of risk management in the Council.
- (xviii) To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and corruption strategy.
- (xix) To review the Council's Annual Governance Statement and supporting documentation.
- (xx) To consider the Council's arrangements for corporate governance.

Accounts

- (xxi) To approve the Council's Annual Statement of Accounts, to consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Executive.
- (xxii) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

Ethical conduct of Councillors

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- (xxiii) To consider any complaints, referred to it following an investigation and to decide what sanctions, if any, should be imposed.
- (xxiv) To consider any applications for dispensations from Councillors and co-opted members to allow them to participate in decisions.

Transparency

- (xxv) To consider whether the Council has in place clear principles for transparency and has set open standards and policies for data release across all services.
- (xxvi) To ensure that the Council's transparency policy and standards meet any Government requirements and that they take into account current best practice.
- (xxvii) To ensure that satisfactory mechanisms exist to ensure that the Council's performance can be scrutinised by the public and by councillors.

6. The Health and Wellbeing Board (Sovereign) Membership

6.01 The membership of the Council's sovereign Board is as follows:

- (i) The Lead Member for Adult Social Care and Public Health;
- (ii) The Lead Member for Family and Children's Services;
- (iii) The Director for Adult Social Care;
- (iv) The Director for Children's Services;
- (v) The Director of Public Health;
- (vi) A representative of the Local Healthwatch; and
- (vii) A representative of the West London Clinical Commissioning Group; or
- (viii) Their appointed deputies.

Quorum

6.02 The quorum for meetings will be three, which must include a voting representative from each of the three organisations represented on the Board.

Terms of reference

6.03 The Board's terms of reference are as follows:

- (i) To provide strategic and organisational leadership in developing the vision for health and wellbeing in Kensington and Chelsea, and ensure commissioning decisions are based on clear evidence for improving outcomes.

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- (ii) To mobilise, coordinate and share resources from its membership, and from others, to deliver agreed priorities.
- (iii) To oversee the production and use of the Joint Strategic Needs Assessment (JSNA) by the LA and CCG, and ensure that the needs of the local population are properly assessed and captured. The JSNA should aim to map assets as well as needs for local areas and become embedded across the commissioning process of all systems. To also oversee the production and maintenance of the Pharmaceutical Needs Assessment (PNA).
- (iv) To develop a concise and high level Joint Health and Wellbeing Strategy (JHWS) derived from the JSNA which identifies areas of synergy and connectivity across health, social care and the wider determinants, to address the need of the local population. The strategy will provide an overarching framework within which more detailed and specific commissioning plans by CCGs, LAs, Public Health (PH) and others are developed. In this respect the HWB has a statutory responsibility to develop and publish JSNAs and JHWSs, and both LA and NHS Commissioners will be required to have regard to these when commissioning and developing their commissioning plans.
- (v) To agree a set of strategic themes following proper process showing transparency in decision making by using robust research and evidence, consultation and engagement. To agree a process of performance monitoring to measure effectiveness against these themes.
- (vi) To oversee the development of the proposed joint activity, ensuring this is aligned with local priorities and levels of need, and is undertaken within available resources. To consider the options for joint commissioning and procurement between relevant organisations to support this work.
- (vii) To have a formal role in authorising the local CCG, ensure that their plans take account of the JSNA and JHWS, and contribute to the NHS Commissioning Board (NHSCB) annual assessment of CCGs. Board members must understand the business, operating systems and language of the CCG in order to carry out this function.
- (viii) To ensure effective engagement and involvement - staff, provider, public, patient, service user and community - at all stages of the process, the HWB and CCG will have a statutory duty and clear priority to involve all in the preparation of the JSNA and JHWS.
- (ix) To develop an annual workplan, as well as short, medium and long term goals that have measurable outcomes aligned to the NHS, Public Health and Social Care outcomes frameworks, so that the performance of the Board and others with responsibility to deliver aspects of the JHWS can be measured, and is accountable. To produce an annual

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report on progress, and to consider other reports identifying health and social care needs such as the annual report produced by the Director of Public Health.

- (x) To ensure, through Board members, alignment between organisation and department plans and strategies. Also to have sight of and influence the strategies and key policies of the local NHS, the Council, the Community and Voluntary sector, and other partner agencies.
- (xi) To respond to any relevant local, regional or national consultations on major service redesigns for health, care and wellbeing related services provided within the borough or that affect the borough.
- (xii) To meet the new efficiency and austerity agenda by ensuring value for money across all services.

7. Joint Health and Wellbeing Board

Vision of the Board

- 7.01 The Royal Borough of Kensington & Chelsea and the City of Westminster (the Bi-Borough) Health and Wellbeing Board will provide strong and effective leadership across the local authorities, Voluntary Sector and NHS partners by setting a clear direction, across traditional boundaries, to deliver change and fresh thinking to improve the health and wellbeing of all Bi-Borough residents and tackle health inequalities.
- 7.02 The Board will recognise that one size does not fill all and will ensure that services are designed to reflect the changing needs of the individuals and communities they serve and are easy to access. The Board will be accountable to those they serve through elected members, and will act as a champion for the voice of those who live, work and visit Kensington & Chelsea and Westminster.
- 7.03 The broad vision for the Board is that it will
 - (i) Promote integrated health and social care, where this makes sense and improves outcomes, to deliver greater outcomes for people.
 - (ii) Agree strategic key issues for the joint board in line with the Bi-Borough Health and Wellbeing Strategy The joint board will push progress against these priorities further and faster, ensuring 'silo working' and conflict are removed. Organisational boundaries should not be hindrance to developing effective solutions.
 - (iii) Demonstrate clear leadership, championing the work and aims of the Board, and act as the key link between their own organisation or department and the Board, ensuring consistency and effective communications.
 - (iv) Deliver plans with local, regional and national partners, encouraging most appropriate way of tackling issues and addressing need by

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ensuring the voice of local people are at the centre of decisions and plans.

Responsibilities

- 7.04 The Board has the following responsibilities with regards to matters which affect or have an impact on the communities of both Boroughs:
- (i) To provide strategic leadership in developing the vision for health and wellbeing in the Royal Borough of Kensington & Chelsea and the City of Westminster as well as mobilising, co-ordinating and ensuring health and social care decisions are based on clear evidence for improving outcomes.
 - (ii) To commit to the coordination and sharing of resources from its membership, and from others, to deliver agreed priorities and the Board's key issues.
 - (iii) To oversee the delivery of shared Health and Wellbeing Strategy (HWBS) priorities, ensuring that health and social care, as well as the wider determinants, can better address the need of the local population.
 - (iv) To drive the Place Based Partnership and hold it accountable for delivering the ambitions of the Health and Wellbeing Strategy by committing to the mobilisation, coordination and sharing resources from its membership.
 - (v) To oversee the production and use of a programme of Joint Strategic Needs Assessments (JSNA) and ensure that the needs of the local population are properly assessed and captured. The JSNA should aim to map assets as well as needs for local areas and become embedded across the commissioning process of all systems. To also oversee the production and maintenance of the Pharmaceutical Needs Assessment (PNA).
 - (vi) To promote and encourage integrated working across areas impacting the wider determinants of health, including alignment between organisation and department plan and strategies to tackle health inequalities, including ensuring local peoples voices are heard and reflected.
 - (vii) To play an active role in the North West London Integrated Care Board and Integrated Care Partnership to ensure our local communities needs are being reflected, heard and addressed to support the successful delivery of the Place health and wellbeing strategy.

Membership

- 7.05 To ensure the joint HWB achieves its vision there will be a "core executive membership" who, having engaged with the wider membership / attendees, through the joint HWB meetings, will have voting rights. These will include:

Local Authority

- (i) The Cabinet Member or Lead Member responsible for Adult Social Care and Public Health from each Local Authority
- (ii) The Bi-Borough Executive Director of Adult Social Care
- (iii) The Bi-Borough Executive Director of Children’s Service
- (iv) The Bi-Borough Director of Public Health

Voluntary and Community Sector

- (v) A representative of the Local Healthwatch(s)
- (vi) Two representatives from RBKC voluntary and community sector (VCS)
- (vii) Two representatives from Westminster VCS

NHS

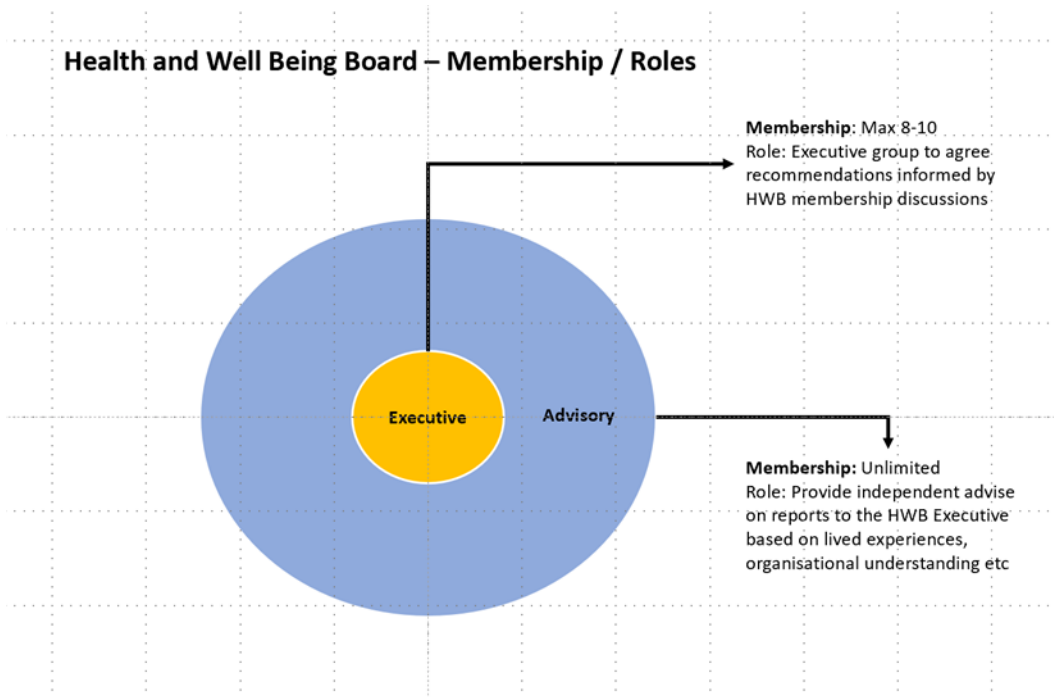
- (viii) The Place Based Partnership Director
- (ix) Two representatives from Primary Care – Clinical & Medical Directors

7.06 Board Members may appoint deputies to attend and vote on their behalf. Meetings of the Board will be alternately chaired by each Local Authority’s Cabinet Member or Lead Member for Adult Social Care and Public Health.

7.07 Central to the Joint Health and Wellbeing Board is the ambition to work in a format that allows greater engagement and understanding with and of our communities. Where other bodies are accountable for delivery or scrutiny of services and decisions, the Health and Wellbeing Board will not duplicate work. This will mean the joint HWB becomes a collaborative body that challenges and brings organisations together to address the HWB strategy priorities.

7.08 Attendance and participation at meetings will not be restricted to the voting members of the board and will be driven by the need to work with communities and partners to improve the health and wellbeing of local people and tackle health inequalities. For example, to ensure there is a focus and wider understanding of how we need to work collaboratively across the whole public service, members of the other committees, can have standing invites, as outlined in 7.09.

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7.09 The following attendees are also seen as critical to the delivery of the joint Health and Well Being Board vision and discharging its responsibilities

- (i) Lead Member for Family and Children's Services
- (ii) Lead Members with papers relevant to portfolio
- (iii) Director from Chelwest and Imperial
- (iv) Representative from community health providers – CLCH and CNWL
- (v) Residents
- (vi) Voluntary Sector partners
- (vii) Local business
- (viii) Scrutiny and Committee Members
- (ix) Subject Matter Experts to provide advise
- (x) Metropolitan Police
- (xi) London Fire Service
- (xii) Local Authority Directors of Housing
- (xiii) Local Authority Directors of Communities
- (xiv) Public Health Consultants
- (xv) RBKC opposition spokesperson for Adult Social Care and Public Health

- (xvi) Westminster opposition spokesperson for Adult Social Care and Public Health

8. Investment Committee

Membership

- 8.01 Six Council members, plus up to seven co-opted non-voting members.

Terms of Reference

- 8.02 To consider and decide all matters appertaining to the investment, administration and management of the Council's Local Government Pension Fund and, in particular, to:
- (i) decide the overall investment strategy and strategic asset allocation of the pension fund, reporting to Council as necessary;
 - (ii) decide how the pension fund is invested and to appoint investment managers, global custodians, actuaries and any other professional independent external advisors necessary for the good stewardship of the pension fund;
 - (iii) monitor performance of the pension fund, the individual fund managers and other external advisors;
 - (iv) authorise the acquisition and sale of investment properties which are or to be held within the direct property portfolio in the pension fund;
 - (v) prepare, publish and ensure compliance with the Investment Strategy Statement, the Funding Strategy Statement, the Business Plan, the Governance Compliance Statement and the Communications Policy and Practice Statement and revise the statements to reflect any material changes in policy;
 - (vi) approve policy on environmental, social and governance considerations and on the exercise of share voting rights;
 - (vii) approve any other investment or pension policies that may be required to comply with regulations or good practice in the management of pension funds and to make any decisions in accordance with those policies;
 - (viii) approve and publish the Pension Fund Annual Report and Accounts, reporting it to Council for information;
 - (ix) receive actuarial valuations of the pension fund regarding the overall funding level and the level of employers' contributions necessary to maintain the pension fund and to make recommendations to the Council about the level of contributions required;
 - (x) consider any proposed legislative changes in respect of the pension fund and to respond to government consultations;

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- (xi) receive and consider the external auditor's report on the governance of the
- (xii) pension fund; and
- (xiii) decide on the admission to and cessation of bodies to the pension fund.

9. Licensing Committee

Note: Procedures for hearings of the Licensing Committee and its sub-committees are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

Membership

9.01 The membership is fifteen Councillors.

Terms of Reference

9.02 The Committee's terms of reference are as follows:

- (i) The power to establish one or more Licensing Sub-Committees consisting of three members from the pool of members of the Licensing Committee;
- (ii) To be responsible for all licensing functions which the Licensing Authority is required to discharge under the Licensing Act 2003 and Gambling Act 2005 (and any other Act or legislation replacing or amending the same) (the "Acts"), apart from those functions which must be carried out by the Full Council, (such as approving any Statement of Licensing Policy) and to decide any such matter which is referred to it by Licensing Sub-Committee A.
- (iii) To be responsible for all other non-Licensing Act 2003 and Gambling Act 2005 licensing functions and matters, apart from those functions which must be carried out by Full Council or which have been delegated to Officers and to decide any such matter which is referred to it by Licensing Sub-Committee B.
- (iv) To decide the procedures of the Licensing Committee and its sub-committees;
- (v) To consider any matter referred to it by any of its Sub-Committees;
- (vi) To review and make representations in relation to any review of the Council's
- (vii) Statement of Licensing Policy;
- (viii) To consider such other licensing matters it is empowered to discharge by law;
- (ix) To set licensing and other regulatory fees and charges;

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- (x) To consider, approve and monitor the efficiency and effectiveness of the
- (xi) Council's enforcement activities in relation to Licensing and licensing appeals;
- (xii) To decide applications and discharge any functions in relation to Town and Village green applications which it considers should not be determined by a public inquiry.
- (xiii) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate, register, consent to or permit any licensing application not delegated to Officers or dealt with by any of its Sub-Committees.
- (xiv) To determine pavement licences under the Business and Planning Act 2020.

10. Licensing Sub-Committee (A) (Licensing Act 2003 and Gambling Act determinations)

Membership

- 10.01 Three Councillors drawn from a pool of the fifteen members of the Licensing Committee.

Quorum

- 10.02 The quorum is two Councillors.

Terms of Reference

- 10.03 The Committee's terms of reference are as follows:

- (i) To take decisions in relation to all licensing functions which are not to be dealt with by Officers or full Council under the Licensing Act 2003 and under the Gambling Act 2005, (or any legislation amending or replacing the same) specifically but not exclusively to decide applications where representations or objections have been made:-
 - for Personal Licences; the grant, variation or review of Premises Licences and Club Premises Certificates; provisional statement applications; transfer applications, designated premises supervisors applications and interim authorities;
 - for Temporary Event Notices;
- (ii) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate register, consent to or permit any licensing application not delegated to Officers and where it is required by law to determine.
- (iii) To decide adjournment applications which are not delegated to Officers or which are referred to them by Officers;
- (iv) To consider such other matters it is empowered to discharge by law.

11. Licensing Sub-Committee (B) (all other Licensing functions)

Membership

11.01 Three Councillors drawn from a pool of the fifteen members of the Licensing Committee.

Quorum

11.02 The quorum is two Councillors.

Terms of Reference

11.03 The Committee's terms of reference are as follows:

- (i) To take decisions in relation to all other licensing functions of the Council, which are not delegated to an Officer or another Committee, (other than licensing functions under the Licensing Act 2003 and the Gambling Act 2005 or any other legislation replacing the same), specifically but not exclusively to decide applications, where representations or objections have been made, for:
- special treatments, sex shops, sex encounter and sex establishments;
 - tables and chairs licences*;
 - street trading licences;
 - animal boarding, animal trainers and exhibitors;
 - guard dogs and breeding of dogs;
 - keeping dangerous wild animals;
 - pet shops, riding establishments, knacker's yards and zoos;
 - movable dwellings and camping/caravan sites;
 - occasional sales and sale of goods by competitive bidding;
 - operation of a loudspeaker in a street or road;
 - public exhibitions;
 - scrap metal dealers;
 - explosives and fireworks;
 - any other licensing function not delegated to Officers or another Committee.

[* but only where there are three or more separate objections from the public and statutory consultees and/or one objection from a Ward

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Councillor. Applications attracting fewer than three separate objections from the public and statutory consultees and none from Ward Councillors will be determined by the relevant officer unless those officers consider that the matter is more appropriately determined by Members.]

- (ii) To grant, approve, vary, refuse, review, revoke, renew, transfer, certificate register, consent to or permit any licensing application not delegated to Officers and where it is required by law to determine.
- (iii) To decide adjournment applications which are not delegated to Officers or which are referred to them by Officers;
- (iv) To consider such other matters it is empowered to discharge by law.

12. The London Councils' Grants Committee

Membership

- 12.01 One Councillor representative from each London borough and the City of London who must be a member of the Executive.

Terms of Reference

- 12.02 The Committee's terms of reference are as follows:
- (i) To review need across London in order to inform funding decisions to voluntary organisations.
 - (ii) To deliver an effective strategic pan-London funding programme.
 - (iii) To maintain the highest standards of public probity.

13. Planning Committee

Note: Procedures for hearings of the Planning Committee are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

Membership

- 13.01 Five Members drawn from a pool of ten Councillors.

Terms of Reference

- 13.02 The Committee's terms of reference are as follows:
- (i) Determination of planning applications, which involve a substantial departure from the development plan other than straightforward refusals.
 - (ii) Any applications which fall within the categories of development which must be referred to the Mayor of London and which the Director for

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Planning and Place considers should be determined by the Planning Committee.

- (iii) Applications referred on to the Committee by the Planning Applications Committee for decision.
- (iv) Any other applications which in the opinion of the Director for Planning and Place should be considered by the Committee.
- (v) To delegate any reserved matters to be determined by the Planning Applications Committee.

14. Planning Applications Committee

Note: Procedures for hearings of the Planning Applications Committee are available from Governance Services, The Town Hall, Hornton Street, W8 7NX, or by contacting 020 7361 2477.

Membership

14.01 Five Councillors drawn from a pool of sixteen.

Terms of Reference

14.02 The Committee's terms of reference are as follows:

- (i) To consider and determine applications for planning permission which do not fall within the terms of reference of the Planning Committee and to consider and determine any reserved matters from planning applications which have been determined by the Planning Committee.
- (ii) To decline to determine applications for planning permission.
- (iii) To consider and determine applications for the Council's own development schemes.
- (iv) To consider and determine applications for listed building consent and conservation area consent.
- (v) To regulate development works to listed buildings and demolition in conservation areas.
- (vi) To grant or refuse consent to display advertisements.
- (vii) To exercise all enforcement powers relating to the functions of the local planning authority.
- (viii) To exercise all the powers of the local planning authority in relation to trees.
- (ix) To issue a certificate of existing or proposed lawful use or development.
- (x) To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.

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- (xi) To prepare and serve a completion notice.
- (xii) To prepare and serve a building preservation notice.
- (xiii) To prepare and serve a notice requiring the proper maintenance of land.
- (xiv) To prepare and serve a notice requiring the discontinuance of a use of land.
- (xv) To prepare and serve a repairs notice.
- (xvi) To acquire listed buildings in need of repair.
- (xvii) To execute urgent works to listed buildings.
- (xviii) To enter into legal agreements pursuant to Section 106 of the Town and Country Planning Act 1990 and other related legislation.
- (xix) To consider and determine applications for hazardous substances consent and related powers.
- (xx) Insofar as they affect the highways and footways, the regulation of projecting signs such as lamps and advertisements.
- (xxi) To remove signs or graffiti on buildings.
- (xxii) The preservation of trees.
- (xxiii) To issue appropriate statutory notices under planning legislation or other relevant legislation.
- (xxiv) Generally to take action and operate all statutory and administrative procedures under the planning legislation.

OTHER FORUMS

15. Pension Board

15.01 The role of the local Pension Board is defined by section 5 of the Public Service Pensions Act 2013 and regulation 106 of the Local Government Pension Scheme (LGPS) Governance Regulations 2013. It is to assist the administering authority (the Council) with:

- (i) Securing compliance with the LGPS Governance regulations and any other legislation relating to the governance and administration of the LGPS;
- (ii) Securing compliance with any requirements imposed by the Pensions Regulator in relation to the scheme, and,
- (iii) Ensuring effective and efficient governance and administration of the scheme- recommendations to the Investment Committee.

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- 15.02 Membership is by appointment process. The Pension Board shall consist of six members and be constituted as follows:
- (i) Three employer representatives comprising one from an admitted or scheduled body and two nominated by the Council; and
 - (ii) Three scheme member representatives whether from the Council or an admitted or scheduled body.
 - (iii) The process for selecting non-Council nominated members of the Pension Board is set out in a separate document “Selection of Pension Board members”.
 - (iv) Only one employee/employer representative should resign each year, on a rolling basis, so that the Board would always have two serving representatives.
- 15.03 The Pension Board shall be quorate when three Pension Board Members are in attendance.
- 15.04 The Chairman and Vice Chairman of the Board will be appointed by members of the Board as the first business at their first meeting.
- 15.05 Each Scheme Member representative may agree a nominate substitute at the first meeting who would act in the Board member’s absence. Each Employer representative is there on behalf of the employer, so may be replaced by the nominating body with another individual representing the same employer.
- 15.06 Each Employee member shall be appointed for a fixed period of four years, which can be extended for a further four-year period subject to re-nomination.

Part Five – Committees and Non-Executive Functions Section 3 – Scrutiny Committees

1. General Duties of Overview and Scrutiny

- (i) The Overview and Scrutiny Committee and the Select Committees are empowered to:
- (ii) review and scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions;
- (iii) recommend and report to the full Council (including committees of the Council) or the Leadership Team in connection with the discharge of any of the Council's functions;
- (iv) consider any matter affecting the Borough or its inhabitants;
- (v) exercise the right to call-in for reconsideration decisions made but not yet implemented by the Executive; and
- (vi) hold an inquiry into a matter which has been the subject of a report from the Monitoring Officer or the Chief Finance Officer.

2. Policy Development and Review

- (i) The Overview and Scrutiny Committee and the Select Committees may:
- (ii) assist the Council and the Leadership Team in the development of its budget and policy framework by in-depth analysis of policy issues;
- (iii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iv) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (v) question members of the Leadership Team and/or members of committees, executive directors and directors about their views on issues and proposals affecting the area; and
- (vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people and, subject to Order of the Secretary of State, to require partner organisations to provide information to scrutiny committees.

3. Other Powers and Duties

- (i) Overview and Scrutiny and the Select Committees may:

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- (ii) review and scrutinise the decisions made by and the performance of the Leadership Team;
- (iii) undertake more general reviews of decisions made by committees and officers;
- (iv) review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas;
- (v) question members of the Leadership Team and/or members of committees, executive directors and directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (vi) make recommendations to the Leadership Team, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
- (vii) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee about their activities and performance; and
- (viii) question and gather evidence from any person (with their consent).

4. Finance

- (i) Overview and Scrutiny and the Select Committee may exercise overall responsibility for the finances made available to them.

5. Scrutiny Arrangements

- (i) Members of the Leadership Team may not be members of scrutiny committees.
- (ii) The Councillors serving on scrutiny committees must reflect the political balance of the Council.
- (iii) Scrutiny committees must meet in public and their agendas must be made publicly available, in accordance with access to information requirements in local government legislation.
- (iv) The scrutiny committees will, collectively, have the power to scrutinise all Council decisions. However, the following principles will apply:
- (v) Scrutiny committees should not normally scrutinise non-key decisions made by officers under the scheme of delegation. Where necessary, such scrutiny should be confined to overall reviews of service performance.
- (vi) Scrutiny Committees must not scrutinise:
- (vii) individual decisions made by other Council committees;

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- (viii) any matter relating to a planning or licensing decision;
- (ix) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);
- (x) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the scrutiny committee or at a meeting of a sub-committee of that committee.
- (xi) Individual scrutiny committee members should not normally be involved in reviewing decisions made by other committees of which they are members.
- (xii) In discharging their scrutiny functions, Overview and Scrutiny and the Select Committees will be entitled to report, with recommendations as appropriate, to the Leadership Team or to the full Council.
- (xiii) As indicated in Part 4 of the Constitution, the Leadership Team will be required to consult the Overview and Scrutiny Committee when formulating proposals in relation to the Council's budgetary and policy framework. Again, the Overview and Scrutiny Committee will be entitled to report, with recommendations, to the Leadership Team or to the full Council.
- (xiv) Overview and Scrutiny and the Select Committees can also make reports or recommendations to the Leadership Team or to the full Council in relation to matters which are not the responsibility of the Council, but which nevertheless affect the Borough or its inhabitants.
- (xv) In discharging their responsibilities, the Overview and Scrutiny Committee and the Select Committees may require members of the Leadership Team and Directors or Executive Directors to attend before it to answer questions. The officers may choose to be accompanied or represented by other officers.
- (xvi) The Overview and Scrutiny Committee and the Select Committees may also require any Councillor to attend before it to answer questions relating to any function which is exercisable by the Councillor under delegated authority in relation to the electoral ward for which the Councillor is elected.
- (xvii) Overview and Scrutiny and the Select Committees may invite other people to take part in their discussions when, for example, considering issues of local concern.
- (xviii) Any member of the Overview and Scrutiny Committee or the Select Committees may, by means of a Call for Action, require that any matter be placed on the agenda of that Committee and discussed. It will, however, be for consideration by that Committee, as to whether:

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- (xix) officers should be asked to produce a report on the matter; or
- (xx) the member concerned should be asked to produce a report.
- (xxi) Should the matter be of sufficient urgency as to suggest the need for a written report to the next available meeting of that Committee, the Councillor making the call for action may request that the Committee's approval be sought by phone and/or e-mail to a brief written item being prepared by officers.
- (xxii) Any member of the Council may refer to the Overview and Scrutiny Committee and the Select Committees of the Council of which he is not a member any local government matter which is relevant to the functions of the committee.
- (xxiii) The Overview and Scrutiny Committee has the specific power to recommend that Key Decisions made, but not yet implemented, be reconsidered (see call-in provisions in Part 4 of the Constitution).

6. Members and Chairs of Scrutiny Committees

- (i) Committee members shall hold office until their successors are appointed.
- (ii) Members of the Overview and Scrutiny Committee and the select committees hold office until their successors are appointed.
- (iii) The Chair and Vice-Chair of the Overview & Scrutiny Committee will be appointed at the Council's Annual Meeting. Each Select Committee will elect from amongst its members a chair and a vice-chair, who will hold office until their successors have been appointed or until they cease to be members of the Council. In the event of there being a vacancy in the position of chair, or if he or she is absent or unable to act, the vice-chair may act as chair.

7. Support Arrangements

- (i) The Overview and Scrutiny Committee will be made up of ten Councillors – up to six non-executive Councillors appointed by Full Council and the chairs of the select committees.
- (ii) Appropriate officer support facilities and training, together with an appropriate budget, is provided to enable the Council's overview and scrutiny function to discharge their statutory responsibilities. The Council has appointed a Scrutiny Officer whose functions are:
 - (iii) to promote the role of the Council's scrutiny committees;
 - (iv) to provide support to the Council's scrutiny committees and the members of those committees;
 - (v) to provide support and guidance to
 - (vi) members of the Council,

- (vii) members of the Leadership Team, and
- (viii) Council officers,

in relation to the functions of the authority's Overview and Scrutiny Committee and Select Committees.

Overview and Scrutiny Committees

8. The Overview and Scrutiny Committee

- (i) The Committee has a membership of ten Council members.
- (ii) The Committee's terms of reference are:
- (iii) The preparation of an annual scrutiny work programme and the co-ordination of scrutiny work including allocating scrutiny reviews to the Council Select Committees to carry out.
- (iv) To carry out the functions of a crime and disorder committee in accordance with the Police and Justice Act 2006.
- (v) To make reports and recommendations to the Leadership Team and full Council arising from the outcomes of the scrutiny process.
- (vi) To consider requests for escalation by Scrutiny Committees or Council Select Committees of any scrutiny recommendations where Scrutiny considers insufficient response is made by the Leadership Team.
- (vii) To report each year to full Council (with presentations on what individual reviews have achieved in between annual reports).
- (viii) To review the effectiveness of scrutiny, looking for ways to continue to improve.
- (ix) To ensure that statutory scrutiny responsibilities are addressed (by the Overview and Scrutiny Committee itself, by allocation to the relevant Select Committee or by one-off events to consider particular issues).
- (x) To consider and assess Grenfell-related topics for scrutiny alongside others identified by local people, councillors and other stakeholders and, where these are clear priorities for scrutiny at any given time, to allocate the topic to the Select Committee into whose remit the matter falls, for investigation or in-depth review.

Note: where the issue or topic relates to partnerships or cross-cutting issues associated with the Grenfell Recovery Strategy the Committee will decide how best, and by which Committee, the matter should be scrutinised.

- (xi) To exercise powers to call-in Key Decisions as provided in Part 4 of the Constitution.

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- (xii) Matters of corporate interest or management such as:
- (xiii) The Council's budget and overall financial management;
- (xiv) The achievement of effective, transparent and accountable decision-making by the Council;
- (xv) Best value in the delivery of Council services;
- (xvi) Corporate policy, including Council-wide personnel and staff management policies;
- (xvii) Information and communication technology;
- (xviii) The introduction, development or termination of major services within the Borough;
- (xix) The Mayoralty and civic functions;
- (xx) Services to Councillors, including allowances;
- (xxi) Corporate grants;
- (xxii) European matters;
- (xxiii) Community safety and emergency planning;
- (xxiv) Economic development;
- (xxv) Partnerships associated with the delivery of corporate services;
- (xxvi) Corporate facilities management; and
- (xxvii) Communications.

9. The Select Committees

- (i) The Overview and Scrutiny Committee will determine the work programme and allocated this to the select committees in accordance with their terms of reference.

10. The Adult Social Care and Health Select Committee

- (i) The Committee has a membership of seven Councillors and one co-optee from Healthwatch.
- (ii) The Committee's terms of reference are:
- (iii) the provision, planning, management and performance of all adult social care services;
- (iv) health partnerships where adult social care is a significant partner in terms of service delivery or management accountability;
- (v) any partnerships associated with the delivery of adult social care services;

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- (vi) corporate grants to organisations providing services that fall within this Committee's remit;
- (vii) the provision of the public health service;
- (viii) the plans, strategies and decisions of the Health and Wellbeing Board;
- (ix) matters referred to the Committee by the local Healthwatch organisation;
- (x) local health bodies including those established by the Health and Social Care Act 2012 and the Health and Social Care Act 2022; including NHS Trusts or NHS Foundation Trusts, Integrated Care Boards and other relevant health service providers (including voluntary, independent and private sector providers);
- (xi) aspects of partnerships where the Council is a partner in terms of health service delivery and accountability; and
- (xii) with scrutiny committees of other London boroughs as appropriate, matters within this Committee's remit which cross borough boundaries.
- (xiii) The Chair of the Adult Social Care and Health Select Committee shall represent the Council at the North West London Joint Health Overview and Scrutiny Committee with the Vice-Chair acting as a substitute should the Chair be unable to attend.

11. The Environment Select Committee

- (i) The Committee has a membership of seven Councillors
- (ii) The Committee's terms of reference are:
- (iii) the preservation, enhancement and protection of the built and natural environment;
- (iv) the scrutiny of any partnerships associated with the delivery of services within the Committee's remit;
- (v) the performance of the Planning Department;
- (vi) the provision, planning and management of measures for the protection and enhancement of the quality of life in the Borough, including:
- (vii) tourism and visitor management;
- (viii) environmental quality and cleanliness;
- (ix) control of pollution and contaminated land;
- (x) flooding (including discharging the statutory duty for scrutiny of flood risk mitigation except on those occasions when the Overview and Scrutiny Committee reserves the topic for itself);

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- (xi) environmental health matters, including enforcement and other operational matters (but not those aspects of environmental health that fall under the broad 'public health' remit of the Adult Social Care and Health Select Committee);
- (xii) transport, streets and highways;
- (xiii) traffic management and parking;
- (xiv) waste management;
- (xv) licensing policy;
- (xvi) planning policy;
- (xvii) museums, arts and cultural services
- (xviii) leisure services, parks and open spaces;
- (xix) burials, cremation, mortuaries and coroners' services; and
- (xx) the Notting Hill Carnival.
- (xxi) The efficiency and effectiveness of the Council's regulatory and enforcement activity, including the need for effective co-operation and collaboration between licensing, highways and planning enforcement.

12. Family Services Select Committee

- (i) The Committee has a membership of seven Councillors, plus four statutory co-opted voting members and two statutory co-opted non-voting members
- (ii) The Committee's terms of reference are:
- (iii) social services provision for children and families;
- (iv) partnerships associated with the delivery of the services within the Committee's remit;
- (v) education, training and youth services;
- (vi) early years, childcare and play services;
- (vii) sports education;
- (viii) youth support service incorporating careers advice;
- (ix) libraries and registration services;
- (x) education and industry links; and
- (xi) participation with other education providers in voluntary organisations.

13. Housing and Communities Select Committee

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- (i) The Committee has a membership of seven Councillors.
- (ii) The Committee's terms of reference are:
- (iii) The provision, planning, management and performance of all housing services;
- (iv) Any partnerships associated with the delivery of housing;
- (v) Improvement and delivery of social housing;
- (vi) Arrangements for the management of the Council's housing stock including the organisations charged or contracted to undertake this;
- (vii) Housing strategy and implementation, housing stock finance and development;
- (viii) Community relations;
- (ix) Consultation with the local community; and
- (x) Corporate asset management.

14. The North West London Joint Health Overview & Scrutiny Committee

- (i) One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate. The North West London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.
- (ii) The Committee's terms of reference are:
- (iii) To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities
- (iv) To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.

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- (v) To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
- (vi) To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).
- (vii) Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- (viii) The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority, at the earliest opportunity.

15. Inner West London Mental Health Services Reconfiguration Joint Health Overview and Scrutiny Committee

- (i) The Committee's terms of reference are:

Purpose

- (ii) Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
- (iii) These terms of reference set out the arrangements for WCC and RBKC to operate a JHOSC to consider the Proposal made in relation to the services at the Gordon Hospital, the St. Charles Mental Health Centre and wider community mental health services in the two

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boroughs, in line with the provisions set out in legislation and guidance.

- (iv) This Committee will cease to exist upon the conclusion of its work.

Remit

- (v) The JHOSC will operate formally as a statutory joint committee, i.e. where the councils have been required under Regulation 30 Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny.
- (vi) Regulation 30 of the 2013 Regulations provides:
- Only the joint committee may respond to the consultation (i.e., rather than each individual local authority responding separately).
 - Only the joint committee may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
 - Only the joint committee may exercise the power to require members or employees of the relevant NHS body or health service.
 - make comments on the proposal consulted on pursuant to regulation.

With the exception of those matters referred to in the paragraph above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.

Governance and Membership

- (vii) The JHOSC will be hosted by both authorities on rotation and meetings of the JHOSC will be conducted in accordance with the Standing Orders of the host local authority at the time.
- (viii) Each of the two participating authorities will appoint three non-executive Members to the JHOSC and each will notify the other of their appointments.
- (ix) Each member of the JHOSC must be a properly elected Councillor to a seat on their respective authority and will cease to be a member of the JHOSC with immediate effect should they no longer meet this requirement.
- (x) Appointments by each authority to the JHOSC will be politically proportionate to that authority.

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Section 3 – Scrutiny Committees

- (xi) The quorum for meetings will be a minimum of 4 members, 2 from each authority. However, any vote on a referral to the Secretary of State will require all members to vote and be in agreement.
- (xii) The chairing arrangements for the JHOSC for the duration of the Committee shall be elected and or decided at its first formal meeting and drawn from those Members in attendance at that meeting. Should the Chair cease to be a member of the JHOSC, a new Chair shall be elected at the next formal meeting.
- (xiii) The Vice-Chair of the JHOSC for the duration of the Committee shall be elected at its first formal meeting and drawn from those Members in attendance at that meeting. In the absence of the Chair, the Vice Chair shall assume all chairing responsibilities. Should the Vice-Chair cease to be a member of the JHOSC, a new Vice-Chair shall be elected at the next formal meeting.
- (xiv) In the absence of both the Chair and Vice-Chair at any Meeting of the JHOSC, Members in attendance shall appoint a Chair for that Meeting from amongst their number, who shall, while presiding at that Meeting, have any power or duty of the Chair in relation to the conduct of the Meeting.

Administration

- (xv) The overall coordination, facilitation of meetings, policy support and other administrative arrangements will be shared by the scrutiny and governance teams of both authorities.
- (xvi) Legal advice and support to the JHOSC will be provided by Bi-Borough Legal Services as well as the Monitoring Officers of both authorities.

Reporting

- (xvii) Members of the JHOSC may provide updates to the full Council of their Local Authority on its proceedings in accordance with the requirements of their respective authority.
- (xviii) Any recommendations of the JHOSC shall be communicated to relevant parties in writing with a summary of the evidence and the matter under consideration.

Part Six – Joint Arrangements

1. Background

- 1.01 The Council and/or the Leadership Team (as the Council's executive) may establish joint arrangements with one or more local authorities to exercise functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 1.02 Details of any joint arrangements including any delegations to joint committees will be found in Part 5 of this Constitution.

2. Access to Information

- 2.01 The Access to Information Rules in Part 8 of this Constitution apply to all arrangements entered into by the Council or Executive that involve the delegation of functions by the Council or Executive.

3. Delegation to and from Other Local Authorities

- 3.01 The Council and/or the Executive may delegate functions to another local authority and undertake functions delegated to it by another local authority.

4. Contracting Out

- 4.01 Where a Government Minister has made an order permitting the function to be contracted out the Council may enter arrangements with another body or organisation to carry out that function. The Council may not however contract out any discretionary decision-making which must remain with the Council, its councillors or officers.

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Part Seven – Officers

Section One – Council Officers and Management Structure

1. General

- 1.01 The Council engages staff to carry out its various functions. Staff who work for the Council are referred to as officers.

2. Management Structure

- 2.01 The Chief Executive is the Head of Paid Service for the Council. The Chief Executive manages the officer Executive Management Team, which is made up of the senior officers from the Council’s various departments, which are:

Resources

Adult Social Care and Health

Children’s Services

Environment and Neighbourhoods

Housing and Social Investment

- 2.02 The Chief Executive also manages the Strategic Director for Grenfell Partnerships, Communities and Corporate Transformation, and the Director of Communications and Public Affairs.

3. Web Version of the Management Structure

- 3.01 The current version can be found on the Council’s website here: [The Council’s management structure](#)

4. The Roles and Responsibility of Senior officers of the Council

Post	Functions and areas of responsibility and advice
Chief Executive (and Head of the Paid Service)	Overall leadership, corporate management and operational responsibility, including strategy, policy, budgeting and staffing. Communications. Corporate transformation and cultural change. Liaison with outside bodies and relationships with partner agencies.

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Post	Functions and areas of responsibility and advice
	<p>Complaints made against the Council.</p> <p>Public Inquiry and other external examinations of the Council.</p>
<p>Strategic Director of Grenfell Partnerships, Communities and Corporate Transformation</p>	<p>Business Planning, Programme Management and Performance.</p> <p>Equalities.</p> <p>Overall leadership for the delivery and ongoing development of the Grenfell Recovery Strategy.</p> <p>Delivery of care and support services to the bereaved and survivors via the Dedicated Service, working alongside statutory services.</p> <p>Interface with Government and key partners on key issues pertaining to Grenfell recovery.</p> <p>Overall leadership on functions relating to communities and community safety.</p>
<p>Director of Communications and Public Affairs</p>	<p>Public information campaigns.</p> <p>Council publications - digitally and in print.</p> <p>Media liaison and public relations, including relationship building, managing broadcast and print media, and working with other external organisations.</p> <p>Managing and maintaining the Council's corporate identity and reputation.</p> <p>Communications to staff and contractors.</p> <p>Overseeing a design service to generate income and maintain internal and external branding.</p> <p>Leader's Office</p>
<p>Director of Communities</p>	<p>Delivery of the Government's Prevent Strategy and statutory Prevent Duty</p> <ul style="list-style-type: none"> ○ Channel Panel (statutory) ○ Prevent Safeguarding Board ○ London Prevent Network ○ Prevent Advisory Group <p>Community cohesion and inter-faith dialogue and engagement.</p>

Constitution - Part Seven – Officers
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Post	Functions and areas of responsibility and advice
	<p>Strategic Lead officer for engagement with the Home Office.</p> <p>Delivery of the Government's Counter-extremism Strategy.</p> <p>Coordination of the Council's (non-emergency) response to Counter Terrorism.</p> <p>Chair of the RBKC CONTEST Board and RBKC Inter-Faith Network.</p> <p>Community engagement and empowerment.</p> <p>Voluntary community sector grants programme.</p> <p>Community assets.</p> <p>Economic Development.</p> <p>Registration of births, deaths and marriages and notice of intention to marry or enter a civil partnership, provision of weddings and ceremonies service, including citizenship ceremonies.</p>
<p>Chief Community Safety Officer</p>	<p>Reducing crime and fear of crime and anti-social behaviour.</p> <p>Partnership with community safety partners.</p> <p>Ensuring a co-ordinated approach to improving community safety.</p> <p>Statutory Community Safety Partnership and the Safer K&C Partnership Boards.</p> <p>CCTV policy and management.</p> <p>Mortuary and coroners service budgets.</p>
<p>Executive Director of Resources</p>	<p>Overall leadership and responsibility relating to the following corporate functions:</p> <p>Finance.</p> <p>Revenues and benefits.</p> <p>Customer services.</p> <p>Procurement, including the procurement strategy.</p> <p>Information Communications Technology (ICT), including digital strategy and website improvements.</p> <p>Facilities and event management.</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<p>Human resources and organisation development.</p> <p>Legal services, Governance, Mayoralty and corporate Health and Safety.</p> <p>Providing a full range of finance and budgetary services, including accounting, financial planning, insurance, internal audit, fraud and risk management.</p> <p>Investments and treasury management.</p> <p>Providing professional financial advice to all parties in the decision-making process.</p>
Director of Financial Management	<p>Preparing a balanced budget.</p> <p>Preparing annual accounts.</p> <p>Embedding a culture of good financial management across the Council.</p>
Director of Customer Delivery	<p>Customer Service Centre and Contact Centre Operations.</p> <p>Improving service performance and customer satisfaction.</p> <p>Council Tax collection.</p> <p>Assessment and payment of benefit claims.</p> <p>Residents' Parking Permits.</p> <p>Concessionary travel.</p> <p>Facilities management.</p> <p>Corporate health and safety.</p>
Head of Governance and Mayoralty	<p>Good Governance, including decision-making.</p> <p>The Mayoralty.</p>
Tri-Borough Director of Audit, Risk, Fraud and Insurance	<p>Internal audit programme, covering the Council's governance, risk and control environment.</p> <p>Annual audit report and annual opinion.</p> <p>Maintaining the risk and assurance strategy and strategic risk register.</p> <p>Counter fraud policies, including prevention, detection and investigation of fraud/corruption, recovery of assets/money obtained through fraud.</p> <p>Procurement and management of insurance policies, including insurance claims and</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<p>proactive advice to services to mitigate insurable risks.</p> <p>Procurement policy, support and advice.</p>
<p>Director of Human Resources and Organisational Development</p>	<p>Recruitment, payroll, staff training, staff benefits and organisational development, and the administration of the LGPS Pension Scheme.</p> <p>Electoral services.</p> <p>People strategy.</p>
<p>Chief Digital and Information Officer</p>	<p>Delivery of the digital strategy.</p> <p>Strategic sourcing and procurement of Information Technology (IT)</p> <p>Co-ordinating IT activity across the council.</p>
<p>Director of Law (This role is undertaken by the Executive Director of Democracy, Law and People (WCC) responsible for Bi-Borough Legal Services)</p>	<p>Issuing, defending, settling and participating in legal proceedings and legal procedures of the Council.</p> <p>Signing of legal documents.</p> <p>Providing professional legal advice to all parties in the decision-making process.</p>
<p>Bi-Borough Executive Director of Children's Services</p>	<p>Overall leadership on functions relating to services for children in need, children with disabilities, child protection matters, including safeguarding, children looked after by the Borough, children who are at risk of being harmed and adoption and fostering services.</p> <p>Overall leadership on functions relating to the running of the Borough's schools, primary schools, nursery schools, one special school and one hospital school and the Council's relationship with head teachers, governing bodies, parents and pupils.</p> <p>Responsibility for two Children's Homes.</p> <p>Youth Services.</p> <p>Youth Justice and Youth Offending Team.</p> <p>Enforcement action in relation to the education, employment and training of children and young persons.</p> <p>Health and Wellbeing Board.</p> <p>Education and humanitarian support for children and young people affected by Grenfell.</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
Director of Family Services	<p>Statutory responsibilities and policy matters regarding services to children in need, including safeguarding and looked after children.</p> <p>Specialist and integrated services to young offenders and children with complex needs and disabilities.</p> <p>Local Safeguarding Children’s Board. Early Help and Children’s Centres. Unaccompanied asylum seeker children. Clinical Team Delegated Shared Services e.g. The Emergency Duty Team.</p>
Bi-Borough Director of Operations and Programmes	<p>Placement sufficiency for children in care, care leavers and children with special educational needs (SEN).</p> <p>Childcare and Early Years.</p> <p>Business Intelligence, performance management, workforce and policy strategies.</p> <p>Service Transformation and Innovation.</p> <p>Medium term financial strategy and administration of schools forum.</p> <p>Inspection preparation and planning.</p>
Bi-Borough Director of Education	<p>School standards, including performance, support and intervention, newly qualified teacher’s support, early year’s curriculum advice and governor support.</p> <p>Special education needs (0-25 years), including assessment and review of Education, Health and Care Plans (EHCPs) and outreach services.</p> <p>Educational psychology service.</p> <p>School place planning and access to education, including admissions, roll projections and capital investment to ensure sufficient places.</p> <p>Short breaks and family support services for 0-18 years with a disability and/or complex needs.</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<p>Prevention of exclusion and underachievement among children and young people. 14-19 strategy and apprenticeships. Public libraries, borough archives and local studies. Management of the Borough's six public libraries and outreach services to communities, helping residents, businesses, schools and others to read, learn and connect.</p>
<p>Head of Safeguarding, Review and Quality Assurance</p>	<p>Lead on safeguarding in the community, looked after children or those who have left care. Child safeguarding advice and consultation service. Child protection conference and Looked After Review processes. Quality assurance of safeguarding practice. Advocacy and participation for Looked After children and children subject to child protection plans. Management of allegations against professionals and volunteers working with children and young people. The Local Safeguarding Children Board. Complex child protection investigations.</p>
<p>Executive Director, Housing and Social Investment</p>	<p>Overall leadership of housing, social investment and property.</p>
<p>Director of Social Investment and Property</p>	<p>Management, acquisition, sale and lettings of the Council's operational and commercial property portfolio. Capital building works and maintenance projects. Management of the Right-to-Buy Scheme. Management of statutory residential lease extensions. New Homes Programme (with the Director of Housing Needs and Transformation).</p>
<p>Director of Housing Needs</p>	<p>Housing strategy and policy.</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<p>Housing demand, including homelessness and allocations policy.</p> <p>Providing advice and information to prevent homelessness.</p> <p>Assessing applicants housing need and priority for re-housing.</p> <p>Arranging and withdrawing temporary re-housing and social housing.</p> <p>Working with registered social landlords and partners to arrange housing provision both within and outside the Borough.</p> <p>New Homes Programme (with the Director of Social Investment and Property)</p>
<p>Director of Housing Management</p>	<p>Housing management, including repairs, major works improvements, leaseholders, rent collection, anti-social behaviour and estate service delivery.</p> <p>Improvement and refurbishment of Lancaster West Estate.</p> <p>Housing investment, including any other estate improvement and refurbishment.</p> <p>Housing Revenue Account (HRA) business plan.</p>
<p>Bi-Borough Executive Director for Adult Social Care and Health</p>	<p>Overall leadership on functions relating to adult social care and public health services.</p> <p>Assessment and care management of social services for vulnerable adults in need:</p> <ul style="list-style-type: none"> ○ Elderly people services ○ Services for people with learning disabilities ○ Mental health services, including people using drugs and alcohol ○ Physical disability services ○ Services for people living with HIV and/or AIDS ○ Transition from children’s services <p>Community care services.</p> <p>Residential accommodation, other care services and equipment for adults.</p>

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<p>Dedicated service.</p> <p>Discretionary welfare provision and subsidised transport.</p>
Director of Public Health	<p>Promoting positive health, preventing ill-health and disease, and reducing health inequalities.</p> <p>Partnership working and service integration with the local NHS.</p> <p>Planning and responding to emergencies with a risk to public health.</p> <p>Health and Wellbeing Board.</p>
Bi-Borough Director of Integrated Commissioning	<p>Contract management and commissioning of:</p> <ul style="list-style-type: none"> ○ Residential and nursing care ○ Help at home ○ Day care ○ Community Services ○ Brokerage and spot purchasing ○ Market development ○ Procurement ○ Personalisation ○ Direct payments ○ Supported housing
Director of Health Partnerships	<ul style="list-style-type: none"> ▪ Council representation in local health partnerships boards and forums to ensure whole system working. ▪ Liaison with NHS England and local NHS to promote health and social care integration. ▪ Delivery of joint projects and investments with the Integrated Care Systems (ICSs). ▪ Ensuring the Health and Wellbeing Board delivers its statutory duties. ▪ Better Communities Plan Integrated and Better Care Fund (iBCF) Plan, Winter Pressures Funding and Plan and reporting to NHS England. ▪ Overseeing the Delayed Transfers of Care (DToC) for Acute and Mental Health patients. ▪ The Community Independent Service. ▪ Arrangements with Central London Community Healthcare (CLCH) and the local Integrated Care Systems.

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<ul style="list-style-type: none"> ▪ Mental Health and Learning Disability Services.
Executive Director for Environment and Neighbourhoods	<ul style="list-style-type: none"> ▪ Overall leadership on functions relating to planning, waste management, arts and culture, highways and transport, environmental and regulatory services. ▪ Emergency and civil contingency planning.
Director for Planning and Place	<ul style="list-style-type: none"> ▪ Facilitating investment and development opportunities, including delivering homes, infrastructure and employment. ▪ Strategic place based matters, including planning policy, area based planning briefs and supplementary planning documents. ▪ Development Management, including pre-application advice, processing planning applications, enforcing unauthorised uses or development. ▪ Conservation areas, Listed Buildings, garden squares and the preservation and care of trees. ▪ Building regulations and associated legislation, including advice, interpretation and enforcement. ▪ Securing Community Infrastructure Levy (CIL) and Section 106 contributions. ▪ Vitality of high streets and retail strategy. ▪ Licences for special and temporary structures and general advice about fire precaution.
Director of Cleaner, Greener and Cultural Services	<ul style="list-style-type: none"> ▪ Street cleansing, refuse collection, commercial waste disposal, recycling, public conveniences and grounds maintenance. ▪ Partnership with the Western Riverside Waste Disposal Authority. ▪ Visitor strategy. ▪ The Council's role in supporting Notting Hill Carnival. ▪ Museums and galleries; public art; events and filming.

Constitution - Part Seven – Officers
Section One – Council Officers and Management Structure

Post	Functions and areas of responsibility and advice
	<ul style="list-style-type: none"> ▪ Parks and open spaces. ▪ Leisure Services, including sports centres and sports development for adults. ▪ Cemeteries.
Director of Transport and Regulatory Services	<ul style="list-style-type: none"> ▪ Transport strategy and transportation policies. ▪ Management and maintenance of roads and highways. ▪ Coordinating roadworks. ▪ All functions of the Highways Authority. ▪ Road safety and traffic management. ▪ Traffic management orders. ▪ On-street parking enforcement. ▪ Street lights. ▪ Maintenance of Albert and Chelsea bridges ▪ Advising on the traffic implications of new developments. ▪ All functions related to the legislative and administrative procedures in respect of: <ul style="list-style-type: none"> ▪ Licensing. ▪ Gambling. ▪ Licensing and registration of individuals and premises. ▪ Environmental Health, including Noise and Nuisance, Food safety, Workplace health and safety and private rental housing regulation. ▪ Trading standards and consumer protection ▪ Contaminated land. ▪ Response to climate change, controlling pollution and air quality.
Strategic Head of Policy, Performance and Business Development	<ul style="list-style-type: none"> ▪ Management of the Contingency Planning Team. ▪ Duties under the Civil Contingencies Act, including business contingency management.

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Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Part Seven – Council Officers

Section Two – Functions Delegated to Officers

A. STATUTORY OFFICERS

By law, the Council must designate a post to undertake each of the statutory roles set out below. The Council or Executive of the Council assigns many of the duties of these officers by legislation:

Legislation	Function	Post
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Chief Solicitor
Section 151, LGA 1972	Chief Finance Officer and S151 Officer	Executive Director for Resources
Section 151, LGA 1972	Deputy Chief Finance Officer and S151 Officer	Director of Financial Management
Section 8, Representation of the People Act 1983	Electoral Registration Officer	Chief Executive
Section 35, Representation of the People Act 1983	Returning Officer	Chief Executive
Section 6(A1), Local Authority Social Services Act 1970	Director of Adult Social Services	Executive Director for Adult Social Care and Health
Section 18, Children Act 2004	Director of Children's Services	Executive Director for Children's Services
Section 72(1)(a), Weights and Measures Act 1985	Chief Inspector of Weights and Measures	Director of Transport and Regulatory Services
Section 31, Local Democracy, Economic Development and Construction Act 2009	Scrutiny Officer	Scrutiny Manager

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Section 73A, National Health Service Act 2006	Director of Public Health	Director of Public Health
Article 38, General Data Protection Regulations; Section 69 Data Protection Act 2018	Data Protection	Data Protection Officer

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Roles and Functions of the Head of Paid Service, Monitoring Officer and Chief Finance Officer

1 Functions of the Head of Paid Service

(a) Discharge of Functions by the Council

The Head of Paid Service reports to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and on the organisation of officers.

(b) Restrictions on Functions

The Head of Paid Service cannot be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

2 Functions of the Monitoring Officer

(a) Maintaining the Constitution

The Monitoring Officer maintains an up-to-date version of the Constitution and ensures that it is widely available for consultation by members, staff and the public.

(b) Ensuring Lawfulness and Fairness of Decision-making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer reports to the full Council - or to the Executive in relation to an executive function – if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting standards and ethical conduct

The Monitoring Officer contributes to the promotion and maintenance of high standards of conduct and deals with complaints about breaches of the Members' Code of Conduct in accordance with procedures.

(d) Qualified Person for the purposes of the Freedom of Information Act

The Monitoring Officer has been authorised by the Secretary of State as the primary qualified person for the purposes of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs). In the absence of the Monitoring Officer the Chief Executive is so authorised.

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

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

The Monitoring Officer advises whether decisions of the Executive are in accordance with the budget and policy framework.

(f) Providing Advice

The Monitoring Officer provides advice on issues to all Councillors on the scope of powers and authority to make decisions, maladministration, financial impropriety, probity, and budget and policy framework.

(g) Restrictions on Posts

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

3 Functions of the Chief Finance Officer and Deputy

(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 reports to the full Council or to the Executive (in relation to an executive function) and to the Council's external auditor (if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully).

(b) Administering Financial Affairs

The Chief Finance Officer has responsibility for the administration of the financial affairs of the Council.

(c) Contributing to Corporate Management

The Chief Finance Officer contributes to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing Advice

The Chief Finance Officer provides advice to all Councillors on the scope of powers and authority to make decisions, maladministration, financial impropriety, probity and budget and policy framework issues, and will support and advise Councillors and officers in their respective roles.

(e) Providing Financial Information

The Chief Finance Officer provides financial information to the media, members of the public and the community.

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

4 Duty to Provide Sufficient Resources to the Monitoring Officer, Chief Finance Officer and Data Protection Officer

The Council provides 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. The Council also provides the Data Protection Officer with the necessary resources and access to personal data and processing operations to enable them to perform their tasks and maintain their expert knowledge of data protection law and practice.

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

B. PROPER OFFICERS

The Council employs the following 'Proper Officers' with responsibility for particular functions:

Legislation	Function	Post
Local Government Act 1972		
Section 83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive
Section 84(1)	Receipt of notice of resignation of elected Member	Chief Executive
Section 88(2)	Convening a meeting of Council to fill a casual vacancy in the office of Chair	Chief Executive
Section 89(1)	Notice of casual vacancy	Chief Executive
Section 100A(6)	Admission of public (including press) to meetings	Chief Executive
Section 100B(2)	Exclude from committees, sub-committees, council or cabinet meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Monitoring Officer
Section 100B(7)(c)	To supply to any newspaper, copies of documents supplied to members of committees, sub-committees, council or cabinet meetings in connection with an item for consideration, if the proper officer thinks fit	Chief Executive
Section 100C(2)	Prepare a written summary of proceedings of committees, sub-committees, council or the cabinet from which the public were excluded	Chief Executive
Section 100(D)	Compile a list of background papers for reports and make copies available for public inspection	Chief Executive
Section 100F(2)	To exclude from open inspection, documents containing exempt information	Chief Executive
Section 115(2)	Receipt of money due from officers	Executive Director for Resources
Section 146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Executive Director for Resources

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
Section 191	Officer to whom an application under S.1 of the Ordnance Survey Act 1841 will be sent	Director of Planning and Place
Section 225	Deposit of documents	Chief Executive
Section 228(3)	Accounts for inspection by any member of the Council	Executive Director for Resources
Section 229(5)	Certification of photographic copies of documents	Director of Law (This role is undertaken by the Executive Director of Democracy, Law and People (WCC) responsible for Bi-Borough Legal Services)
Section 234	Authentication of documents	Director of Law
Section 238	Certification of byelaws	Director of Law
Section 248	Officer who will keep the Roll of Freemen	Chief Executive
Schedule 12		
Para 4(1A)(b)	Signing of summons to Council meeting	Chief Executive
Schedule 14		
Para 25	Certification of resolution concerning the Public Health Acts 1875 to 1925	Director of Transport and Regulatory Services
Local Government Act 1974		
Section 30(5)	To give notice that copies of an Ombudsman's report are available	Chief Executive
Local Government (Miscellaneous Provisions) Act 1976		
Section 41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Chief Executive
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Exec Director, Environment & Neighbourhoods
Representation of the People Act 1983		
Section 35	Appointment as Returning officer for local elections.	Chief Executive
Sections 82 and 89	Receipt of election expense declarations and returns and the	Chief Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
	holding of those documents for public inspection	
Section 67	To give public notice of election agents' appointments and receive declarations.	Chief Executive
Section 131(1)	To provide accommodation for holding election court	Chief Executive
Local Elections (Principal Areas) (England and Wales) Rules 2006		
Rule 50	Receipt of notice of elected candidates	Chief Executive
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rule 5	Filling of casual vacancy	Chief Executive
Local Government and Housing Act 1989		
Section 2(4)	Recipient of the list of politically restricted posts	Head of Governance & Mayoralty
Local Government (Committees and Political Groups) Regulations 1990		
Regulation 8	For the purposes of the composition of committees and nominations to political groups	Head of Governance & Mayoralty
Regulation 9	Membership of political groups	Head of Governance & Mayoralty
Regulation 10	Cessation of membership	Head of Governance & Mayoralty
Regulation 13	Wishes of political groups	Head of Governance & Mayoralty
Regulation 14	Notification to political groups regarding allocations or vocations of seats	Head of Governance & Mayoralty
Localism Act 2011		
Section 33	Receipt of applications for dispensations for members with disclosable pecuniary interests	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1 Part 2	Notification of appointment or dismissal of officers	Head of Governance & Mayoralty
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulations 3 and 4	Meetings of local authority executives (Cabinets) to be held in public	Head of Governance & Mayoralty

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
Regulation 5	Advance notice of private meetings	Head of Governance & Mayoralty
Regulation 6	Advance notice of public meetings	Head of Governance & Mayoralty
Regulation 7	Access to agenda and reports	Head of Governance & Mayoralty
Regulations 8, 9 and 10	Key decisions, urgency and special urgency	Head of Governance & Mayoralty
Regulation 12	Written records of Cabinet etc. decisions	Head of Governance & Mayoralty
Regulation 13	Recording of executive decisions made by individual Lead Members or by officers	Head of Governance & Mayoralty
Regulation 14	Inspection of documents following executive decisions	Head of Governance & Mayoralty
Regulation 15	Inspection of background papers	Head of Governance & Mayoralty
Regulation 16	Additional rights of Council and Scrutiny Committee Members	Head of Governance & Mayoralty
Regulation 17	Additional rights of access to documents for Members of Overview and Scrutiny Committees	Head of Governance & Mayoralty
Regulation 18	Reports to the local authority where the key decision procedure is not followed	Head of Governance & Mayoralty
Regulation 19	The Leader to report to the Council on urgent decisions	Head of Governance & Mayoralty
Regulation 20	Confidential information, exempt information and advice of a political adviser or assistant	Head of Governance & Mayoralty
Regulation 21	Inspection and supply of documents	Head of Governance & Mayoralty
Building Act 1984		
Section 93	Authentication of documents	District Surveyor
Food Safety Act 1990		
Section 49(3)(a)	Authentication of documents	Director of Transport & Regulatory Services

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
Public Health Act 1936		
Section 85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director of Transport & Regulatory Services
Public Health Act 1961		
Section 37	Control of any verminous article	Director of Transport & Regulatory Services
Public Health (Control of Disease) Act 1984		
Section 48	Certifying that the retention of a body in a building would endanger health	Director of Public Health
Section 59	Authentication of documents relating to matters within his/her responsibility	Director of Public Health
Section 61	Power of authorised officers to enter premises and obtain warrant including proper officer. Authorised officers may also take other persons with them (Section 62).	Director of Public Health
Public Health (Infectious Disease) Regulations 1988		
Section 6	Informing on cases of disease subject to the International Health Regulations and serious outbreak of disease including food poisoning.	Director of Public Health
Section 6	Send any certificate received for certain diseases to the Chief Medical Officer for England.	Director of Public Health
Section 8	Submitting returns to the Registrar General and the Medical Officer of the District Health Authority.	Director of Public Health
Section 9 & Schedules 3 & 4	Reporting cases of Typhus or Relapsing Fever and food poisoning. Serving notices under Schedules 3 and 4, in urgent situations.	Director of Public Health
Section 10	To arrange a vaccination programme for an area to prevent the spread of any notifiable disease.	Director of Public Health
The Health Protection (Notification) Regulations 2010		
Regulation 2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease,	Any person for the time being employed as a Consultant in

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
	infection or contamination in patients and dead persons	Communicable Disease Control (CCDC) or Consultant in Health Protection at the NW London Health Protection Team of the UK Health Security Agency
Highways Act 1980		
Section 59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Executive Director of Environment & Neighbourhoods
Section 205(3) – (5)	To undertake duties as specified in the schedule in relation to private street works	Executive Director of Environment & Neighbourhoods
Section 210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Executive Director of Environment & Neighbourhoods
Section 211(1) Section 212(4) Section 216(3)	To make a final apportionment of expenses of street works executed under the private street works code as detailed in the Schedule.	Executive Director of Environment & Neighbourhoods
Section 295(1)	To issue a notice to owners of premises in nonmaintainable streets to remove materials prior to the execution of works.	Executive Director of Environment & Neighbourhoods
Section 321(1)	Authentication of notices, consents, approvals, orders, demands, licenses, certificates or other documents.	Executive Director of Environment & Neighbourhoods
Sch 9 Para 4	To sign plans showing proposed prescribed improvement or building lines.	Executive Director of Environment & Neighbourhoods
Registration Service Act 1953		
Section 9	Registration matters	Strategic Director of Grenfell Partnerships, Communities and Corporate Transformation
Local Government Finance Act 1988		
Section 114	Responsible for the proper administration of the authority's financial affairs	Executive Director, Resources

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

Legislation	Function	Post
Section 116	Notification to the council's auditor of any meeting to be held under Section 115 of the 1988 Act	Executive Director, Resources
Section 139A	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required	Executive Director, Resources
Regulatory Reform (Fire Safety) Order 2005		
Article 18	Article 18 competent person.	Head of Fire Safety

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

C. GENERAL

1. While the law requires that some particular local authority decisions or types of decisions are taken (or functions exercised) by Full Council, by the Council's Executive (called the 'Leadership Team' here at the Council) or by specific Council committees, many decisions are in practice delegated to officers, i.e. Councillors give senior officers the authority to take those decisions, usually of a more routine type, on their behalf.
2. All such delegated powers are exercised in accordance with Council policies, within any financial limits imposed and within any guidelines prescribed by the Executive or the committee which delegated that authority.
3. Where the exercise of a function delegated to officers is marked with an asterisk in this document, the responsibility for setting any charge in connection with that function is reserved to the relevant Lead Member or Committee as appropriate and is not delegated to officers.
4. All delegated powers are derived from either the Council, or a committee thereof, or the Executive. The source of each delegation is specified in the body of the list of delegations.
5. Any matter that does not fall within the key decision definition at Part Four, Section One, paragraph 1.20 of the Constitution is delegated to the relevant officer of the Authority.
6. All executive directors and directors are authorised to make arrangements for the proper administration of the functions falling within their responsibility. An executive director may authorise a director or head of service, and a director may authorise a head of service, to act as their deputy with power to exercise any of the powers of the authorising executive director or director respectively. Such departmental schemes of delegation must be kept in writing and up-to-date. An executive director or director may exercise any of the functions delegated to directors or heads of service within their directorate.
7. Where a particular matter under delegated authority gives the officer (or the relevant Lead Member or Chair) cause for concern, it should be the subject of a report to the relevant Lead Member or committee.
8. Lead Members or committees may reserve to themselves decisions that have been delegated to officers by giving notice to the relevant director.
9. Where any new power or duty is given to the Council, the exercise of that power or duty will be undertaken by the relevant executive director or director until such time as the allocation of responsibility has been determined by the Leader or the Council.
10. In all cases where the exercise of executive functions is not specifically reserved to the executive, those functions are deemed to be delegated to the Chief Executive and the executive director and/or director with responsibility for the relevant function as set out in this Part of the Constitution.

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

11. Delegated decisions which are taken under (a) a specific express authorisation or (b) under a general authorisation and which grant a permission or licence, affect the rights of an individual or which is an Executive Decision must be recorded and published in accordance with the requirements of the relevant regulations.

ALL EXECUTIVE DIRECTORS AND DIRECTORS		
General		
1.	To manage and promote the services for which they are responsible. This includes taking and implementing decisions which help to maintain the operational effectiveness of the services within their remit and which fall within a policy decision made by the executive or the Council. These above powers are to be exercised: (a) having regard to any legal advice from the Director of Law and/or the Monitoring Officer; (b) in accordance with any instructions given by the Chief Executive, statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Executive or the Council; (c) in accordance with financial and contract procedure rules; and (d) within any budgets or policies approved by the Council, and not committing the Council’s budget to growth for future financial years	Council and Executive Council and Executive Council and Executive Council and Executive Council and Executive
2.	To be responsible for the overall financial management within their business group or department and for ensuring that all staff under their responsibility are aware of the existence and content of the Council’s Financial Procedure Rules and that they comply with them.	Council and Executive
3.	To be responsible for the overall financial management within their business group or department and for ensuring that all staff under their responsibility and are aware of the existence and content of the Council’s Financial Procedure Rules and that they comply with them	Council and Executive
4.	To open tenders in accordance with the Council’s Procurement Framework and the Contract Regulations at Part 8 of the Constitution.	Executive
5.	To award contracts and approve variations in contracts in accordance with the Council’s Procurement Framework and the Contract Regulations at Part 8 of the Constitution.	Executive
6.	To award contracts and approve variations in contracts in accordance with the Council’s Procurement Framework and the Contract Regulations at Part 8 of the Constitution.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

7.	To write off any debt due to the Council in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.	Executive
8.	To choose not to exercise their delegated power and refer the exercise - of the delegated power to the relevant Lead Member or Committee.	Council and Executive
9.	To the extent that it is permitted by law, to authorise all or any of their delegated functions to other officers within their departments or to agents, either fully or under their general supervision and control. [Note: There is an expectation that each department or business group will maintain their own scheme of delegation showing in particular which post(s) have been authorised to exercise any of the delegated powers listed in this Scheme.]	Council and Executive
10.	To enter and inspect premises, and to make applications for warrants.	Council and Executive
11.	To give factual information to the press in liaison with the Communications Team.	Council and Executive
12.	To enter into arrangements or do anything else which is considered necessary or expedient in respect of functions delegated to them.	Council and Executive
Legal Procedures		
13.	To authorise the Director of Law to issue legal proceedings in respect of functions delegated to them.	Council and Executive
14.	To authorise the Director of Law to prepare any legal agreement or document.	Council and Executive
15.	To prepare and serve any statutory notice in respect of functions delegated to them.	Council and Executive
16.	To authorise the Director of Law to prepare and serve any statutory notice in respect of functions delegated to them.	Council and Executive
17.	To issue formal cautions where criminal offences are admitted, in conjunction with the Director of Law, where necessary.	Executive
18.	To use and occupy the premises and estate efficiently.	Executive
19.	To take enforcement action including the issuing of fixed penalty notices.	Council and Executive
Human Resources		
20.	To appoint, suspend and dismiss staff.	Council

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

21.	To take action under the Council's employment policies and procedures, including in the case of Executive Directors and Directors, appeals in relation to redundancy or redeployment.	Council
22.	To authorise overtime and leave.	Council
23.	To delete vacant posts and create new posts.	Council
24.	To reimburse staff for the cost of professional fees.	Council
25.	To approve officer attendance at conferences or training courses that cost less than £1,000 (and any attendance costing more than this shall only be agreed following consultation with the relevant Lead Member).	Council
26.	To authorise ex-gratia payments, in conjunction with the relevant Lead Member and the Chief Executive.	Council
27.	To authorise interest-free season ticket loans and car loans.	Council
28.	To negotiate with trade unions.	Council
29.	To authorise extensions of sickness allowances and extensions of service, in conjunction with the Chief Executive.	Council
30.	To approve Acting Allowances and Honoraria up to a limit set by the Chief Executive.	Council
Goods and Services		
31.	To bid for external resources for services within their remit.	Executive
32.	To invite and accept tenders and quotations in accordance with the Council's Procurement Procedure Rules and Contract Regulations at Part 8 of the Constitution.	Executive
33.	To instruct and engage contractors and consultants.	Executive
34.	To liaise and consult with external inspectors, consultants and other persons in respect of functions delegated to them.	Executive
35.	To set, vary and recover costs, fees and charges for goods and services provided in respect of functions delegated to them.	Council and Executive
Financial		
36.	To approve funding for voluntary organisations up to £49,999 per annum (with proposed grants above this figure being the subject of a Key Decision).	Executive
37.	To approve the use of funds from small charities where the Council acts as the honorary secretary.	Executive
38.	To write off debts due to the Council, dispose of any non-property asset or vire budgets due to the Council in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

CHIEF EXECUTIVE		
1.	Generally to take action in relation to the overall corporate management and operational responsibilities of the Council.	Executive
2.	To carry out or delegate to other officers' functions relating to the appointment, promotion, dismissal, retirement and other human resources matters.	Council
3.	To consider and determine salary settlement for staff on personal contracts.	Council
4.	To agree any Special Severance Payments with a value of £20,000 or more.	Council
5.	To make any decision which is delegated to any executive director or director.	Council and Executive
6.	To consider and determine applications from directors for appointments to overlap.	Council
7.	In the absence of the Monitoring Officer to carry out the functions of the qualified person for the purposes of Section 36 of the Freedom of Information Act 2000 (prejudice to effective conduct of public affairs).	Executive
8.	To have strategic responsibility for the Council's wholly owned, controlled or Council influenced companies.	Executive
9.	To discharge functions under Section 138(1) of the Local Government Executive Act 1972 (Powers of principal councils with respect to emergencies or disasters) on behalf of the London Borough Councils and the Common Council of London following the convening of the Strategic Co-ordinating Group ('Gold Command') to respond to an incident requiring a 'Level 2' response (i.e. a single site or wide-area disruptive challenge which requires a co-ordinated response by relevant agencies).	Executive
10.	To have strategic responsibility for leading on emergency planning, preparedness and resilience	Executive
11.	To provide strategic lead for engagement with the Department of Levelling Up, Housing and Communities (DLUHC), the Home Office, and other government departments as necessary.	Executive
12.	To liaise with proper authorities and make appropriate arrangements to counter terrorism and ensure the safety of communities, residents, businesses and the public realm of Kensington and Chelsea.	Executive
13.	To decide appeals by complainants against such decisions of the Monitoring Officer.	Council

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

14.	To issue agendas, call meetings and, where members are called from a panel or pool to particular meetings, arrange which panel members will serve in each instance.	Council
15.	In relation to town and village greens: (a) to discharge all functions including assessing whether the criteria for making an application has been established and to determine any applications for the registration of a town and a village green which, having regard to the application and representations, may be dealt with by officers; and (b) to take any enforcement steps, including issuing notices or instruct the Director of Law to issue prosecution proceedings to protect village or town greens.	Executive
STRATEGIC DIRECTOR OF GRENFELL PARTNERSHIPS, COMMUNITIES AND CORPORATE TRANSFORMATION		
1.	Functions relating to Grenfell Recovery (including the Dedicated Service).	Executive
2.	To discharge any functions in respect of the solemnisation of marriages, including approval of premises for civil marriages.	Council
3.	To be responsible for the registration of births, deaths and marriages and notice of intention to marry or enter a civil partnership, provision of a weddings and ceremonies service which includes citizenship ceremonies.	Council

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

EXECUTIVE DIRECTOR FOR RESOURCES		
Finance		
1.	To make arrangements for the proper administration of the Council's financial affairs.	Executive
2.	To approve the detailed format of the financial plan and the revenue budget prior to approval by the Council.	Executive
3.	To determine the Annual Treasury Strategy and carry out all treasury management activities.	Executive
4.	To be accountable for the capital programme, capital receipts and the Council's income and investments (excluding HRA residential stock, highway land and their associated assets) and to decide on the funding of the capital programme in order to fund the programme in the most cost-effective way.	Executive
5.	To set the Council Tax Base, following consultation with the Lead Council Member for Finance & Customer Delivery.	Council and Executive
6.	To approve the forecast with respect to National Non-Domestic Rates complete the NNDR1 form, following consultation with the Lead Member for Finance & Customer Delivery.	Council and Executive
7.	To raise money for revenue purposes and to make suitable arrangements for the investment of surplus Council funds.	Executive
8.	To approve the carry forward into the ensuing year of expenditure on approved projects included in the revenue estimates, but which have either not been started or completed in the year for which expenditure has been voted.	Executive
9.	To raise loans for capital requirements.	Executive
10.	To agree maximum limits for departments' cash holdings.	Executive
11.	To approve leasing arrangements to finance capital expenditure.	Executive
12.	To permit, restrict and close access to the whole or part of any of the corporate facilities owned or occupied by the Council.	Executive
13.	In relation to the catering waiver and to lettings of the Great Hall, the Small Hall, the Main Hall and the Small Hall combined, the Cadogan Suite and Kensington Town Hall Committee Rooms, except that, where an organisation has previously made a booking, the power to set the charge with the same rate is delegated.	Executive
14.	To approve the acceptance of utility contracts.	Executive
15.	To effect all insurance cover, including the approval/acceptance of contracts for insurance cover.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

16.	To write off any debt due in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.	Executive
17.	To determine entitlement to housing and Council tax benefit and pay such amounts as are due.	Executive
18.	To determine entitlement to discretionary housing payments and pay such amounts as are due.	Executive
19.	To make decisions, following consultation with the relevant Lead Member, on applications for council tax discretionary discounts.	Executive
20.	To make decisions, following consultation with the relevant Lead Member, on applications for business rates hardship relief and business rates discounts.	Executive
21.	To make decisions on applications for partly occupied relief from business rates.	Executive
22.	To determine the grant of specific government funded discretionary business rates reliefs.	Executive
23.	To authorise the acquisition and sale of investment properties which are or to be held within the direct property portfolio in the pension fund following (i) consideration of the advice of the pension fund's direct property advisor and, thereafter, (ii) consultation with the Chair and other Members of the Investment Committee	Council
Goods and Services		
24.	To pay invoices on receipt of certification from the relevant director.	Executive
25.	To account for all payroll transactions and make appropriate arrangements for their payment.	Council
26.	To select and appoint external fund managers in respect of the Superannuation Fund.	Council
27.	To approve the early payment of termination/pension benefits in conjunction with the Director of Human Resources and Organisational Development.	Council
28.	To extend the time limit for the repayment or refund of pension fund contributions for local authority service beyond the statutory six-month time limit.	Council
29.	To approve supplementary estimates required to meet additional expenditure caused by salary and wage awards, and other inflationary allowances.	Council
Systems		
30.	To approve the form of the Council's accounting records.	Executive
31.	To make arrangements for an internal audit system.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

32.	To approve departments' policies for the retention or destruction of financial records.	Executive
Legal Procedures		
33.	To issue legal proceedings in respect of housing benefit and Council Tax benefit overpayments.	Executive
General		
34.	To declare the Council's local interest rate and to apply the relevant rate of interest to borrowers' accounts.	Executive
35.	To apportion and certify the rateable value of partly-occupied hereditaments	Executive
36.	To open and close bank accounts and sign bank mandates.	Executive
37.	To authorise cash transfers.	Executive
38.	To establish and maintain appropriate arrangements for dealing with complaints made against the Council, reporting to appropriate member forums as necessary.	Executive
DIRECTOR OF LAW (see note 1 above)		
1.	To issue, defend, settle or participate in any legal proceedings and legal and procedure where such action is necessary to give effect to the decisions of the Council, or in any case where the Director of Law considers that such action is necessary to protect the Council's interests.	Council and Executive
2.	To sign any legal document on behalf of the Council.	Executive
3.	To witness the affixing of the Council's seal.	
4.	To register and enforce a charge on the title of any property, in conjunction with the relevant Lead Member.	Executive
5.	To consent to the registration of other charges on the title of any property where the Council already holds a charge.	Executive
6.	To take out letters of administration or grant of probate on behalf of the Council.	Executive
7.	To nominate assistant chief officers responsible for the management of operations in connection with the exercise of their regulatory powers.	Executive
8.	To instruct Counsel and external solicitors.	Executive
9.	To engage professional experts and witnesses.	Executive
10.	To waive, alter or modify public hearing procedure rules and rules governing applications for licences, registrations, and consents.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

11.	To write off any debt due to the Council in accordance with the Council's Financial Procedure Rules at Part 8 of the Constitution.	Executive
12.	To approve the persons designated for the purposes of Part Two of the Regulation of Investigatory Powers Act 2000 to grant authorisations for the carrying out of directed surveillance.	Executive
MONITORING OFFICER		
1.	To decide, following consultation with the Independent Person and the Chair of the Audit and Transparency Committee, whether complaints should be formally investigated.	Council
DIRECTOR OF HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT		
1.	To implement the local decisions and the decisions of the National Joint Council regarding conditions of service, wage, and salary awards.	Council
2.	To calculate and pay salaries, wages, and benefits.	Council
3.	To make arrangements for the administration of the Local Government Pension Scheme.	Council
4.	To pay honoraria, acting allowances and bonuses, in accordance with the relevant national and local schemes, and with the relevant director.	Council
5.	To carry out functions relating to the appointment, promotion, dismissal, retirement, and other human resources matters.	Council
6.	To approve the early payment of termination/pension benefits in conjunction with the Chief Executive, and to exercise discretion to reinstate a children's pension where a break between two courses of education or training has occurred.	Council
7.	To approve gradings and designation of posts.	Council
8.	To grant merit increments to officers on recommendation from the relevant director.	Council
9.	To operate the Staff Travelcard Allowance Scheme.	Council
10.	To approve additions to the approved list of car allowances.	Council
11.	To approve the list of telephone rental allowances.	Council
12.	To pay removal expenses, following consultation with the Chief Executive.	Council
DIRECTOR OF COMMUNICATIONS AND PUBLIC AFFAIRS		
1.	To promote council services to residents, business owners, and visitors to the borough, within the Code of Practice on Local Authority Publicity.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

2.	To establish two-way communications with media, in print and digitally, on behalf of the Council.	Executive
3.	To communicate Council views as agreed by Councillors in relevant decision-making forums.	Executive

Constitution - Part Seven – Council Officers

Section Two – Functions Delegated to Officers

EXECUTIVE DIRECTOR FOR CHILDREN’S SERVICES		
Education		
1.	To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.	Executive
2.	To provide meals in relation to a pupil’s education.	Executive
Children in Need		
3.	To provide services, advice, information facilities and assistance for children in need, their families and others.	Executive
4.	To assess a child who appears to be in need.	Executive
5.	To investigate and report to a court on matters relating to the welfare of a child.	Executive
6.	To act as a supervisor in respect of supervision orders.	
7.	To regulate childcare provision.	Executive
Child Protection		
8.	To assess a child who appears at risk of significant harm.	Executive
9.	To decide upon and arrange the action to be taken to protect children.	Executive
10.	To provide care and accommodation to looked-after children and review arrangements.	Executive
11.	To consent to applications for residence and contact orders.	Executive
12.	To place and keep a child in secure accommodation.	Executive
Adoption		
13.	To establish and maintain an adoption service and provide the requisite facilities.	Executive
14.	To arrange and supervise the adoption of a child and provide postadoption support.*	Executive
15.	To investigate and report to court on matters relating to the adoption of children.	Executive
16.	To consider the recommendations of the Adoption Advisory Group and to make decisions in relation to those matters.	Executive
Fostering		
17.	To regulate private fostering.	Executive
18.	To assess the welfare of privately fostered children.	Executive
19.	To assess, train, approve, supervise, and review foster carers.	Executive

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20.	To accept offers and approve placements for children and young people with independent fostering agencies and residential care providers.	Executive
Young Offenders		
21.	To provide accommodation and supervision for young offenders.	Executive
22.	To maintain a youth offending team.	Executive
23.	To assist a local education authority in exercising its functions in relation to special educational needs.	Executive
Other Functions		
24.	To approve registration of voluntary organisations providing community education and youth services.*	Executive
25.	To provide support, transport, clothing and other assistance in relation to a pupil's education.*	Executive
26.	To prepare disability statements relating to further education.	Executive
27.	To act as the responsible person for the registration of play centres providing out-of-school care.*	Executive
28.	To consider appeals against gradings by staff employed by voluntary organisations through direct grant.	Executive
29.	To maintain a register of childcare providers.	Executive
30.	To be responsible for the provision of statutory public library services and borough archives and local studies.	Executive
Legal Procedures		
31.	To take enforcement action in relation to the education, employment and training of children and young persons.	Council and Executive
DIRECTOR OF EDUCATION		
1.	To give directions to the governing body about the employment, number conditions of service of staff of foundation, voluntary-aided and foundation special schools.	Council and Executive
2.	To consent to the appointment or dismissal of staff at foundation, voluntary-aided and foundation special schools.	Council
3.	To delegate budgets to schools.	Executive
4.	To take steps required to prevent the breakdown or continuing breakdown of discipline at a school.	Executive
5.	To make arrangements for the provision of suitable education in pupil referral units or elsewhere.	Executive
6.	To direct a school to admit a pupil.	Executive
7.	To assess and review the educational needs of a child.	Executive

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8.	To make and maintain an Education, Health and Care Plan.	Executive
9.	To determine what action should be taken where a child does not attend school regularly.	Council
10.	To provide and pay for transport, board and lodging, and other assistance if it is necessary for special education provision.	Executive
11.	To give directions and make arrangements regarding the medical examination and cleansing of pupils and their clothing at schools.	Executive
12.	To discharge any functions on respect of the employment of children, including granting licences for the employment of children and children taking part in public performances.	Council
13.	To give directions in relation to the occupation and use of community schools.	Executive
14.	To make Instruments of Governance for school governing bodies.	Executive
15.	To administer the arrangements for admission and exclusion appeals	Executive
DIRECTOR OF FAMILY SERVICES		
1.	To manage statutory responsibilities and policy matters regarding services to children in need including safeguarding and looked after children.	Executive
2.	To provide specialist and integrated services to young offenders and children with complex needs and disabilities.	Executive
3.	To provide the professional support to the Local Safeguarding Children's Board.	Executive
4.	To be responsible for the provision of Children's Centres and Family Hubs.	Executive
5.	To advise, guide and provide assistance for young people between the ages of 16 and 24, who were formerly looked after by the Council.	Executive

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EXECUTIVE DIRECTOR, ADULT SOCIAL CARE & HEALTH		
Disability		
1.	To promote the welfare of persons with disabilities in line with the Care Act 2014.	Executive
2.	To assess and provide services and equipment for the welfare of persons with disabilities under the Care Act 2014.	Executive
3.	To keep and maintain a register of persons with disabilities.	Executive
Mental Health		
4.	To assess and provide services and equipment for the welfare of persons with mental health problems including those persons admitted to hospital for assessment and treatment.	Executive
5.	To exercise the functions and duties of nearest relative in respect of persons with mental health problems.	Executive
6.	To make an application and act as guardian for persons with mental health problems.	Executive
7.	To make applications for the admission to hospital of persons with mental health problems for the purposes of assessment, detention, and treatment.	Executive
8.	To provide after-care services to persons with mental health problems who have ceased to be detained and have left hospital.	Executive
9.	To appoint approved social workers.	Executive
Community Care		
10.	To assess the need for, provide and review community care services in line with the Care Act 2014.	Executive
11.	To make direct payments to persons to secure the provision of community care services where appropriate.	Executive
12.	To assess the ability of carers to provide care.	Executive
13.	To provide temporary protection for property belonging to persons in hospital or residential accommodation.	Executive
Residential Accommodation		
14.	To assess and provide residential accommodation, other care services and equipment for adults.*	Executive
15.	To make rules as to the conduct of premises under the Council's management.	Executive
General		
16.	To provide goods, services and social work support to health authorities and NHS Trusts where agreed.	Executive

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17.	To determine complaints about the discharge of social services functions which have been unresolved by the previous stages of the complaints procedure.	Executive
18.	To bury or cremate the body of any person found dead in the Borough where no suitable arrangements have been made.	Executive
19.	To assist a local housing authority in exercising its functions in relation to homelessness and threatened homelessness.	Executive
20.	To promote the welfare of old people and vulnerable groups.	Executive
21.	To approve the allocation of funds to individual projects within the Social Services Capital Programme up to the approved annual cash limit for this programme.	Executive
22.	To provide home adaptations up to £25,000 in value (and any higher sum shall only be agreed following consultation with the relevant Lead Member).	Executive
DIRECTOR OF PUBLIC HEALTH		
1.	To provide leadership, expertise and formal advice on all aspects of the Public Health Service and to take and implement all necessary action and administrative procedures.	Executive
2.	To agree expenditure on relevant public health budgets.	Executive
3.	To provide advice to the public in any period where local health protection advice is likely to be necessary or appropriate.	Executive
4.	To promote action across the 'life course', working together with local authority colleagues such as the Executive Director of Children's Services and the Executive Director of Adult Social Care & Health and with NHS colleagues.	Executive
5.	To work through local resilience fora to ensure effective and tested plans are in place for the wider health sector to protect the local population from risks to public health.	Executive
6.	To work with local criminal justice partners, and with the Mayor's Office for Policing and Crime, to promote safer communities.	Executive
7.	To work with the wider civil society to engage local partners in fostering improved health and wellbeing.	Executive
8.	To play a full part in the Council's action to meet the needs of vulnerable children, for example by linking effectively with the Local Safeguarding Children Board.	Executive
9.	To contribute to, and influence, the work of NHS Commissioners, ensuring a 'whole system' approach across the public sector.	Executive

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10.	To exercise the powers and duties of a responsible authority under the Licensing Act 2003.	Council
EXECUTIVE DIRECTOR, ENVIRONMENT & NEIGHBOURHOODS		
1.	Generally to take action and operate all legislative and administrative procedures in relation to the regulation of parks, waste management and cleansing of streets and other public areas, planning, arts and culture, highways and transport, environmental and regulatory services.	Executive
2.	To be responsible for working with the Event Organiser and other agencies for a safe and spectacular Notting Hill Carnival.	Executive
3.	To be responsible for emergency planning and business continuity.	Executive
4.	To be responsible for inter-faith dialogue	Council
5.	To be responsible for engagement with faith groups and places of worship	Executive
DIRECTOR OF CLEANER, GREENER & CULTURAL SERVICES		
Waste Management		
1.	Generally to take action and operate all legislative and administrative procedures in relation to the regulation of waste management and cleansing of streets.	Council and Executive
Markets and Street Trading		
2.	Generally to take action and operate all legislative and administrative procedures relating to the regulation of street trading. Specifically, but not exclusively: (a) To designate streets as prohibited or licence streets; (b) To grant and renew, to refuse to grant or renew street trading licences to revoke street trading licences for non-payment and to consent to the succession of a licence; (c) To consent to the transfer of established traders to other sites*; (d) To make or to vary conditions (whether standard or non-standard conditions) to be attached to street trading licences; (e) To remove, sell, let, hire or otherwise provide receptacles for trading or for the deposit of refuse to licensees and maintain accommodation for the storage of receptacles*; and (f) To seize, dispose of and sell any article, thing, receptacle or equipment used in relation to unlicensed street trading.	Council
Legal Procedures		

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Section Two – Functions Delegated to Officers

3.	To take all enforcement action in relation to waste management, parks and leisure.	Council and Executive
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Arts		
4.	To authorise outside bodies to carry out filming in the Council's parks, cemeteries, sports centres and open spaces.	Executive
5.	To be responsible for Arts and the Museums Service.	Executive
Cemeteries etc.		
6.	Generally to take action and operate all legislative and administrative procedures in relation to the regulation of cemeteries.*	Executive
7.	To extinguish rights of interment.	Executive
8.	To approve and sign grave grants and extinguish rights in respect of graves.	Executive
DIRECTOR OF TRANSPORT AND REGULATORY SERVICES		
1.	Generally to take action and operate all legislative and administrative procedures in relation to transportation and highways. To assert and protect the rights of the public to use and enjoy highways. Specifically, but not exclusively, to issue licences, permits and consents in respect of: (i) tables and chairs on the highway where applications attract fewer than three separate objections from the public and statutory consultees and none from Ward Councillors. (ii) overhead and underground wires; (iii) skips, scaffolding, hoardings and the deposit of building materials on the public highway; (iv) street works*; (v) vaults, cellars and other constructions under or supporting the public highway; and (vi) pleasure boats and other vessels.	Council Executive Council Council Council Council
2.	To determine all pavement licence applications, whether contested or uncontested, except that if there are three or more representations the application shall not be determined without first consulting the Chair or a Vice-Chair of the Licensing Committee;	Council
3.	To determine all highway functions unless they are specifically to be determined by the Licensing Sub-Committee;	Council
4.	To make traffic management orders.*	Executive
5.	To make highway stopping-up orders.*	Council and Executive
6.	To erect and control the erection of rails, beams, banners and other similar apparatus over highways.	Executive
7.	To create footpaths and bridleways.	Council

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8.	To lay and alter footway and carriageway markings and erect street furniture.	Executive
9.	To vet proposals for new local direction signs.*	Executive
10.	To affix signs to the external walls of buildings fronting onto a road.	Executive
11.	To control vehicle crossings over footways and verges.	Executive
12.	To enter into highways agreements pursuant to the Highways Act 1980 and other relevant legislative provisions.	Council
Highways and Open Space		
13.	To grant permission for events of a non-contentious nature within parks, open spaces and sports centres.*	Executive
14.	To prohibit the parking of vehicles and to remove vehicles from any part of the highway.	Executive
15.	To remove abandoned vehicles from the public highway.	Executive
16.	To remove other objects deposited on the public highway.	Council
17.	To approve sponsored litterbin designs.	Executive
18.	To remove shopping or luggage trolleys found in the open air.	Executive
19.	To maintain street furniture.	Executive
20.	To hire plant and vehicles.	Executive
Food Safety		
21.	Generally to take action and operate all legislative and administrative procedures in pursuit of food safety. *In relation to food export certificates and training fees for food hygiene, food safety courses and health and safety courses (discharged otherwise than in the Council's capacity as an employer). Specifically, but not exclusively, to prohibit food business operations; promote food safety and undertake training; require information; and seize unfit food.	Council and Executive
Health and Safety		
22.	Generally to take action and operate all legislative and administrative procedures in pursuit of health and safety in workplaces where enforcement is the responsibility of the Council. Specifically, but not exclusively to: <ul style="list-style-type: none"> • appoint inspectors; • agree transfers of enforcement responsibility between the Health and Safety Executive and the Council; • promote health and safety, and undertake training; • require information; and • seize articles and equipment. 	Council

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Weights and Measures and Consumer Protection		
23.	<p>Generally to take action and operate all legislative and administrative procedures in pursuit of fair-trading and consumer protection.</p> <p>Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> • give consent to other local authorities to investigate or prosecute video recordings offences suspected to have arisen with the Borough; • prohibit the sale of dangerous goods, substances or articles; • promote consumer safety and fair-trading; and • require information. 	Executive
Noise and other nuisance		
24.	<p>Generally to take action and operate all legislative and administrative procedures in relation to noise and other nuisances. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> • consent to the use of noisy equipment and approaches where building work is proposed; • require information; • seize articles and equipment; and • undertake work in default where a notice is not complied with. 	Executive
Air Quality, Contaminated Land and Private Water Supplies		
25.	<p>Generally to take action and operate all legislative and administrative procedures in relation to air quality, contaminated land and private water supplies. Specifically, but not exclusively, to maintain a register of remediation notices in relation to contaminated land; authorise specified burning processes; carry out Part IIA contaminated land investigations and identify remedial requirements; undertaken environmental permitting; review and monitor air quality; and environmental management of construction sites.</p>	Executive
Housing		
26.	<p>Generally to take action and operate all legislative and administrative procedures in relation to housing and private land where enforcement is the responsibility of the Council. Specifically, but not exclusively, to:</p> <ul style="list-style-type: none"> • approve discretionary house renovation grants up to a value of £10,000 (and any higher sum shall only be agreed following consultation with the relevant Lead Member); • approve mandatory disabled facilities; 	Executive

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	<ul style="list-style-type: none"> • approve the reassessment of mandatory and discretionary renovation grants and disabled facilities grants by amounts of up to £10,000 (and any higher sum shall only be agreed following consultation with the relevant Lead Member); • cancel renovation grants on expiry of the period allowed for the works to be completed; • determine emergency remedial action and emergency prohibition orders; • determine demolition orders and slum clearance declaration; • grant tenancies and sign tenancy agreements in respect of properties subject to interim and final management order or interim and final empty dwellings management order made by the Council; • pay approved grants on completion of works, or lesser amounts where variations to the works have taken place; • reconnect gas, water and electricity supplies and terminate the Council’s responsibility for such supplies; • vary and revoke direction orders; • waive the requirements for lessees to repay any part of a house renovation grant where breaches of conditions occur by an act on the part of a superior landlord; • monitor and make decisions in relation to overcrowded premises; • license Houses in Multiple Occupation; • cleanse and disinfest filthy or verminous persons and premises; and treat and take other action in relation to infestations of pests; • undertake work in default where a notice is not complied with; • serve notices under Section 215 of the Town and Country Planning Act 1990. 	
General		
27.	Generally to take action and operate all legislative and administrative procedures in relation to environmental health. Specifically, but not exclusively, to: maintain a register of notices served under environmental health legislation apart from those which relate solely to the protection of persons at work; and to determine and issue civil penalty notices up to £30,000 and recover debts owed to the Council through non-payment of fees and charges.	Executive
28.	To be responsible for the Council’s licensing and registration functions generally, including specifically (but not exclusively)	

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	functions under the Licensing Act 2003, the Gambling Act 2005, or any Acts/legislation amending or replacing the same.	
29.	To issue, defend, settle or participate in any legal proceedings and legal procedure where such action is necessary to give effect to the decisions of the Council or the Licensing Committee or its Sub-Committees including the settlement of any appeal proceedings in consultation with the Chair of the relevant Sub-Committee.	Council
30.	Generally to take action and operate all legislative and administrative procedures in relation to: <ul style="list-style-type: none"> • the enforcement of the Smoke Free legislation; • animal welfare, animal health and animal waste products; • the designation of public places for the control of alcohol consumption. 	Council
Licensing and Registration		
31.	Generally to take action and operate all legislative and administrative procedures in relation to the licensing and registration of premises. Specifically, but not exclusively, to determine applications for the grant, renewal, transfer and variation of special treatment, sex shops, sex encounter and sex establishment, exhibition licences or such other applications where applications attract fewer than three separate objections from the public and statutory consultees and none from Ward Councillors.	Council
32.	To grant consent for pop concerts under the provision of the Council's standard conditions for places of public entertainment;	Council
33.	To issue a permit or consent or approve, register, inspect or licence premises or persons in respect of the following: <ul style="list-style-type: none"> • animal boarding, animal trainers and exhibitors • guard dogs and breeding of dogs • dangerous wild animals • pet shops, riding establishments, knacker's yards and zoos • movable dwellings and camping/caravan sites • occasional sales and sale of goods by competitive bidding • operation of a loudspeaker in a street or road • public exhibitions • scrap metal dealers • explosives and fireworks. 	Council
34.	To determine the level of licensing fees retained where an application is withdrawn;	Council

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35.	To classify films which have not been classified by the British Board of Film Classification;	Council
36.	To determine applications for loading and unloading at large shops before 9.00am on Sundays.	Council
Legal Procedures		
37.	To issue, defend, settle or participate in any legal proceedings, legal procedure and lawful enforcement action in relation to all matters delegated to this Officer.	Council
DIRECTOR OF PLANNING & PLACE		
Planning Permissions and Consents		
I.	<p>Generally to take action and operate all legislative and administrative procedures in relation to planning and conservation, subject to the following:</p> <p>(i) The Council recognizes that there is a balance to be struck between dealing with applications for planning permission in public at Committee and delegating certain decisions to the Director of Planning and Place. Appropriate delegation is in the public interest to improve response times to applications.</p> <p>(ii) The Planning Committee or the Planning Applications Committee (see Paragraphs 3.B.11 and 3.B.12) will determine applications for planning permission and other matters as set out in the Constitution.</p> <p>(iii) The Planning Committee will not delegate its functions to the Director, except that it may delegate to the Director the conclusion of detail including conditions and other matters.</p> <p>(iv) The Director can determine applications for planning permission, listed building consent, conservation area consent, advertisement consent and other applications under the planning legislation in the following circumstances:</p> <p>(a) Where the Chair of the Committee has not asked for the matter to be determined by the Committee.</p> <p>(b) Where no other Councillor has asked for the matter to be determined by the Committee.</p> <p>(c) Where there are not three or more valid planning objections received by the end of the relevant statutory consultation period which cannot be overcome by conditions.</p> <p>(d) Where an application is contrary to the Council's planning policies, to refuse permission whether or not there are objections to the application.</p>	Council and Executive

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	<ul style="list-style-type: none">(v) The Director may grant planning permission, listed building consent, conservation area consent in any matter where the Planning Applications Committee has indicated its requirements and the applicants have amended an application in consequence.(vi) The Director can issue planning consent at his discretion, but without delay, following determination of an application by the Planning Committee or the Planning Applications Committee, and upon the conclusion of appropriate documentation.(vii) The Director can grant conservation area consent for demolition Council associated with acceptable development.(viii) The Director can decline to determine planning applications, in Council which case the matter shall be put before the relevant committee.(ix) Where planning obligations have been approved by the Planning Council Applications Committee or the Planning Committee the Director may approve minor variations to the terms of the obligations prior to their completion.(x) Where there is a planning application, which can be determined Council under delegated powers, and a s106 agreement has been completed in connection with an existing planning permission on the same site for a similar scheme the Director may agree to the Council entering a new agreement under s106 of the Town and Country Planning Act 1990 and other related legislation on substantially the same terms.(xi) Where there is a planning application for residential development Council involving a net gain of less than ten units which can be dealt with under delegated powers the Director may agree to the Council entering into an agreement under s.106 of the Town and Country Planning Act 1990 (and other related legislation) to secure the payment of a range of financial contributions and permit free planning obligations in accordance with the Council's Planning Obligations SPD (including contributions in lieu of affordable housing for those proposals involving a net increase of residential floorspace of between 800 sq. m. and 1200 sq. m. as described in the SPD and Policy CH2 of the Core Strategy).(xii) Where the Chair of the Committee has not asked for the matter to Council be determined by Committee the Director may agree to minor variations to the terms of	
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	<p>existing s.106 agreements or to the terms of proposed s.106 agreements already approved by Committee.</p> <p>(xiii) Where conditions attached to planning permissions and other Council consents require the approval of details or other matters, to approve those details or other matters and, where necessary, to confirm whether or not the relevant conditions have been complied with.</p> <p>(xiv) The Director will decline to exercise any of the above delegations will place any application on the agenda of the Planning Applications Committee in any circumstances where he judges the public interest would be best served by so doing.</p> <p>(xv) The Director of Planning and Place can withdraw a report that is on Council the agenda of the Planning Applications Committee or the Planning Committee following consultation with the Chair of the meeting or if they are not available the Chair of the relevant Committee.</p>	
2.	To grant consents under highways legislation incidental to applications for planning permission.	Executive
3.	To add additional conditions, reasons and amended drawing numbers as required by the Historic Buildings and Monuments Commission to those decisions that have already been considered by the Committee.	Council
4.	To grant or refuse certificates of lawful development.	Council
5.	To consider and approve the planning aspects of applications for the re- siting of pillar-boxes and telephone kiosks.	Council
Demolition		
6.	<p>With regard to control over demolition to:</p> <p>(i) determine whether prior approval of details of demolition is, or is not, required;</p> <p>(ii) approve details of demolition and any proposed restoration of a site, including the imposition of conditions, in relation to minor noncontroversial demolition; and</p> <p>(iii) approve details of demolition forming part of other applications, where the demolition is minor or non-controversial.</p>	Council
Trees		
7.	To take steps and do works in relation to dangerous trees on private land for the purpose of making the trees safe.	Executive
8.	To determine all applications relating to trees on Council-owned land, except the felling of trees in Council-owned parks and open spaces.	Council

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9.	To make tree preservation orders (TPOs) with all opposed orders remaining a matter for the Planning Applications Committee.	Council
10.	To grant or refuse permission to remove, top or lop trees that are the subject of TPOs or are situated in conservation areas.	Council
11.	To plant street trees, to remove dangerous trees and to approve work to trees on the highway.	Executive
Legal Procedures		
12.	To take enforcement action under planning legislation.	Council
13.	To issue appropriate statutory notices under planning legislation or other relevant legislation.	Council
General		
14.	Generally to take action and operate all statutory and administrative procedures under the planning legislation and other relevant legislation. *In relation to supplementary land charge questions and photocopying.	Council and Executive
15.	To make directions removing permitted development rights (Article 4 Directions).	Executive
16.	To make determinations, give approvals and agree other matters relating to the exercise of permitted development rights.	Council
17.	To register notices and make decisions in respect of temporary sleeping accommodation.	Executive
18.	To remove or obliterate placards, posters or unauthorised advertisement hoardings.	Council
19.	To remove signs or graffiti on buildings.	Council
20.	To remove dilapidated and neglected structures.	Council
21.	To award grants and loans from the 'Brighten Up the Borough' Fund.	Executive
22.	To exercise the powers and duties of a responsible authority under the Licensing Act 2003.	Council
23.	To exercise the powers and duties of a responsible authority under the Gambling Act 2005.	Council
24.	To consider applications to bring garden squares under the provisions of the Kensington Improvement Act 1851 or the Town Gardens Protection Act 1863.	Executive
25.	To maintain the Local Land Charges Register and to issue official search certificates.	Executive
26.	To exercise the functions of Lead Local Flood Authority, and to prepare and publish the Local Flood Risk Strategy and Flood	Executive

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	Risk Management Strategy following consultation with the relevant Executive Member(s).	
27.	To approve where no valid objections have been received the naming and numbering of any street or building.	Executive
28.	To deal with complaints in relation to high hedges pursuant to the Anti- Social Behaviour Act 2003.	Council
29.	To deal with applications for and designating 'assets of community value' pursuant to the Localism Act 2011.	Executive
DISTRICT SURVEYOR		
1.	Generally to take action and operate all legislative and administrative duties, powers and procedures in relation to building regulations and dangerous structures and take any action in respect of the regulation of these matters (including but not limited to the matters set out below).	Executive
Dangerous Structures		
2.	To survey and certify dangerous structures.	Executive
3.	To secure dangerous structures and erect hoardings or fences for the protection of the public.	Executive
4.	To remove any immediate danger in a dangerous structure.	Executive
5.	To remove occupants of buildings in the vicinity of dangerous structures. <i>[Dangerous structures functions under the London Building Acts (Amendment) Act 1939 and any other relevant functions under the building control legislation - insofar as these apply to Grenfell Tower, Lancaster West Estate, London W11 - are delegated temporarily to the London Borough of Harrow. The Council is in the process of widening this delegation in scope to the Site Management Group ('SMG'), Managed Site and any other relevant functions under the building control legislation insofar as these apply to Grenfell Tower, Lancaster West Estate, London W11 and The Ministry of Housing, Communities and Local Government activities within the SMG Managed Site.]</i>	Executive
Building		
6.	To pass, reject or impose conditions on plans for proposed work and impose requirements on persons carrying out building work.	Executive
7.	To determine an application to dispense with or relax building regulation requirements.	Executive
8.	To consent to the alteration and uniting of buildings.	Executive
9.	To consent to the erection or retention of temporary buildings or structures.	Executive
10.	To require information as to ownership of premises.	Executive

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11.	To issue regularisation, completion certificates and to confirm that building work reverted to the Council meets the requirements of the regulations.	Executive
12.	To sign house type approval notices.	Executive
13.	To act as the 'appointing officer' under Section 10 of The Party Wall etc Act 1996.	Executive
14.	To determine whether to serve a Counter Notice upon receipt of a Notice of Intended Demolition.	Executive
Legal Procedures		
15.	To take enforcement action under building control legislation.	Council
HEAD OF BUILDING CONTROL, LAND CHARGES AND BUSINESS DEVELOPMENT		
1.	To take enforcement action under building control legislation.	Executive
Administrative		
2.	To certify that the Building Control Body is meeting relevant quality management and performance standards.	Executive
Financial		
3.	To set the threshold for payment of performance-related bonuses in conjunction with the Director of Human Resources and Organisational Development.	Executive
CHIEF COMMUNITY SAFETY OFFICER		
1.	To manage all aspects of the Council's work with the Metropolitan Police, the Royal Parks Police, the British Transport Police, and any other relevant law enforcement agency, to reduce and prevent crime, disorder and antisocial behaviour and the fear thereof.	Executive
2.	Generally to take action and operate all legislative and administrative procedures to reduce and prevent crime, disorder and anti-social behaviour and the fear thereof.	Executive
3.	To take enforcement action to reduce and prevent crime, disorder and anti-social behaviour and the fear thereof.	Executive
4.	To be responsible for the delivery of the Government's Prevent Strategy and statutory duty of the Prevent Channel panel.	Executive
5.	To be responsible for the coordination of the Council's proactive (non-emergency) response to Counter Terrorism.	Executive
6.	To provide operational lead for engagement with the Home Office.	Executive
7.	To be responsible for the delivery of the Government's Counter Extremism Strategy.	Executive

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8.	To administer the Council's role as a 'contributing authority' in respect of the Mortuary Service, which is provided jointly with Westminster City Council, which is the 'providing authority.'	Executive
9.	To liaise with the Coroners' Service.	Executive

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Section Two – Functions Delegated to Officers

DIRECTOR FOR COMMUNITIES		
1.	To be responsible for community cohesion, consultation, and engagement, and community participation.	Executive
2.	To discharge any functions in respect of the solemnisation of marriages, including approval of premises for civil marriages.	Council
3.	To be responsible for the registration of births, deaths and marriages and notice of intention to marry or enter a civil partnership, provision of a weddings and ceremonies service which includes citizenship ceremonies.	Council

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EXECUTIVE DIRECTOR, HOUSING AND SOCIAL INVESTMENT		
1.	Generally to take action and operate all legislative and administrative procedures in relation to the regulation of housing, housing management and corporate property.	Executive
2.	To oversee and consent to statutory lease extensions.	Executive
3.	To enter into agreements with statutory authorities governing transport, utilities, telecoms or similar infrastructure where they relate to specific capital projects following consultation with the Lead Member for Grenfell Housing, Housing and Social Investment; the Chief Solicitor and Monitoring Officer and the Executive Director of Resources and S.151 Officer. This includes agreements where there is a requirement for the Council to accept an uncapped liability or indemnity.	Executive
DIRECTOR OF SOCIAL INVESTMENT AND PROPERTY		
1.	Accountability with the Chief Executive for the capital programme, capital receipts and the Council's income and investments (excluding HRA residential stock, highway land and their associated assets);	Executive
2.	Financial control and management of capital building works and maintenance projects (including minor works programmes, but excluding VA or Faith schools) funded through the capital programme;	Executive
3.	To approve the acquisition of (freehold or leasehold), disposal of or granting of an interest in land (lease or licence);	Executive
4.	To be responsible for all asset management activities and all revenue expenditure in respect of the Council's operational property-related running costs.	Executive
5.	To fix rent assessments for Council-owned staff accommodation.	Executive
6.	To authorise the granting of a licence by the Council for the assignment of a lease.	Executive
7.	To grant licences in respect of Council-owned property.	Executive
8.	To agree rent reviews.	Executive
9.	To consent to the sub-letting of property mortgaged by the Council.	Executive
10.	To approve, following consultation with the relevant Lead Member, the renewal of leases on the basis of the existing terms up to a maximum term of 15 years, excepting rent.	Executive
DIRECTOR OF HOUSING NEEDS		
1.	To provide housing advice and information.	Executive
2.	To assess applicants' housing need and priority for re-housing.	Executive

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Section Two – Functions Delegated to Officers

3.	To determine eligibility for resettlement support.	Executive
4.	To make homelessness decisions.	Executive
5.	To provide the 'Right-to-Review' on homelessness and suitability of housing decisions.	Executive
6.	To arrange and withdraw the temporary re-housing of persons.	Executive
7.	To offer accommodation to persons from clearance or redevelopment areas with the prescribed residential qualifications.	Executive
8.	To select and nominate eligible persons including tenants from the statutory register to Council and non-Council housing.	Executive
9.	To allocate social housing.	Executive
10.	To make advances to registered social landlords for the acquisition, conversion, repair and construction of dwellings.	Executive
11.	To permit minor amendments and revisions to registered social landlords schemes that have previously been approved for inclusion in the programme.	Executive
12.	To negotiate deeds of variation to leases in relation to Temporary Accommodation.	Executive
13.	To consent to improvements to private sector housing.	Executive
14.	To issue legal proceedings in relation to Temporary Accommodation-	Executive
DIRECTOR OF HOUSING MANAGEMENT		
1.	To provide financial and other assistance to organisations or individuals providing external housing services, which the relevant Lead Member has approved.	Executive
2.	To approve the allocation of funds to individual projects within the Housing Revenue Account Capital Programme and the Housing Refurbishment Programme.	Executive
3.	To manage the Council's housing stock including any organisations charged or contracted to undertake this.	
4.	To approve the disposal of residential HRA land and buildings by way of the grant, transfer, assignment or renewal of a leasehold interest or the transfer of the freehold up to a value of £99,999.	Executive
5.	To offer Council properties for sale to tenants who qualify for the Right to Buy Scheme;	Executive
6.	To approve the grant of wayleaves following consultation with the relevant Lead Member where the grant of the wayleave involves the installation of apparatus by OFCOM designated code operators;	Executive

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Section Two – Functions Delegated to Officers

7.	To make application to the Magistrates Court for a warrant to enter a Council property to undertake a safety check and to execute said warrant.	Executive
8.	To negotiate deeds of variation to leases for Council housing stock.	Executive
9.	To grant rent reductions in connection with renewal projects and/or major repairs.	Executive
10.	To have regard to all written observations from leaseholders in connection with statutory notices for works not requiring specific approval by the Lead Member for Grenfell, Housing and Social Investment.	Executive
11.	To approve applications by Council borrowers to sub-let property managed by the Council.	Executive
12.	To grant licences for Council property, in conjunction with the Director of Social Investment and Property.	Executive

Part Seven - Council Officers

Section Three – Officer Employment Procedure

1. Recruitment and Appointment

(a) Declarations

- (i) The Council requires all candidates for appointment as an officer to state in writing whether they are related to an officer or elected member of the Council and to state the name and nature of the relationship.
- (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 him or her.

(b) Seeking Support for Appointment

- (i) Seeking the support of any elected member, directly or indirectly, for appointment in the gift of the Council, or for employment under the Council, or for any contract with the Council shall be strictly prohibited and shall be held to disqualify an applicant. This shall prohibit any applicant from sending particulars of his or her qualifications and copies of his or her testimonials to members. The content of this paragraph will be included in recruitment information.
- (ii) No Councillor will seek support for any person for any permanent or temporary appointment with the Council.

2. Recruitment of Chief Executive, Executive Directors and Directors

Where the Council proposes to appoint a Chief Executive or another executive director, director or chief officer, and it is not proposed that the appointment be made exclusively from among existing officers, the Director of Human Resources & Organisational Development (in conjunction with the appropriate Chief Officer or the Director of Human Resources & Organisational Development in liaison with the Leader of the Council in the case of the appointment of a Chief Executive) will:

- (a) draw up a statement specifying the duties of the officer concerned and specifying the qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such ways as is likely to bring it to the attention of persons who are qualified to apply for it;
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request;
- (d) arrange for the post to be re-advertised in accordance with paragraph (b) above where no qualified person has applied for it;

- (e) make arrangements after the closing date to agree a long-list of candidates. A decision will then be taken on the most appropriate form of selection process to enable a decision on a final short-list to be made.

3. Appointment of Chief Executive, Executive Directors and Directors

- (a) An appointment panel, as set out in Part 5, will undertake the selection process, setting the terms and conditions of appointment.
- (b) In the appointment of a Chief Executive the full Council will approve the appointment, following the recommendation of the Appointment Panel. The full Council may only approve the appointment of the Chief Executive where any member of the Executive has made no well-founded or material objection following their notification of the details of the proposed appointment.
- (c) In the appointment of an executive director, director or chief officer, the Appointment Panel will make the appointment. An offer of appointment shall be made only where no well-founded or material objection from any member of the Executive has been received following their notification of the details of the proposed appointment.

4. Appointment to interim positions of Chief Executive, Executive Directors and Directors

- 4.1 Interim appointments to these posts will be subject to the requirements of paragraphs 2 and 3 above, except where the relevant Lead Member(s), in consultation with the Chief Executive and/or Executive Director, indicates that they wish the Chief Executive (or the Director of Human Resources & Organisational Development in the case of the provisional appointment of the Chief Executive which has to be approved by the Council) to make the appointment. In such cases, the Chief Executive will liaise with the relevant Lead Member(s) prior to the interim appointment and will not make the appointment if other members of the Executive have made well-founded objections following their notification of the proposed interim appointment.

5. Other Appointments

Appointment of officers below Executive Directors and Directors is the responsibility of the Chief Executive or his or her nominee, and cannot be made by Councillors. The process will follow paragraph 2.

6. Disciplinary Action

(a) Suspension

The Head of the Paid Service (Chief Executive), the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than four months. Any decision to suspend the Head of Paid Service will be taken by the Leader following consultation with the Director of Human Resources & Organisational Development.

(b) Dismissal

The Head of the Paid Service (Chief Executive), the Monitoring Officer, and the Chief Finance Officer may not be dismissed unless the following procedure is complied with and the Council must approve the dismissal before notice is given to that person:

The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

An independent person means a person who has been appointed under section 28(7) of the Localism Act 2011. The Council has appointed three independent persons who are members of the Council's Ethics Panel and who are therefore 'relevant independent persons' for the purposes of this procedure.

The Council must appoint to the Panel such relevant independent persons who have accepted an invitation in accordance with the following priority order -

- (i) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (ii) any other relevant independent person who has been appointed by the Council;
- (iii) a relevant independent person who has been appointed by another authority or authorities.

The Council must appoint any Panel at least 20 working days before the matter is considered at a meeting of the full Council. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council will take into account, in particular—

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

(c) Other Officers

Any disciplinary action taken in respect of all other officers will be in accordance with the relevant Employee Disciplinary Code.

An executive director, director or chief officer may only be given notice of dismissal if all Executive members have been notified of the proposed dismissal and no well-founded objection to the dismissal has been received from the Leader on behalf of the Executive.

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Part Seven – Council Officers

Section Four – Officers’ Code of Conduct

1. Introduction

- 1.01 The Council strives to conduct all its activities cost effectively, equitably, to the highest ethical standards, and in compliance with its legal obligations.
- 1.02 The Council can only realise this ambition through the actions and conduct of its employees and agents. Employed staff owe a particular responsibility to act in accordance with the Council’s code of conduct. It is therefore essential that all employees conduct themselves according to the highest standards of behaviour, in the most professional manner, and with a commitment to perform their work to the best of their ability.
- 1.03 This Code of Conduct describes the Council’s ethical values and sets out the behaviour that is expected of all officers whether employees, consultants or agency staff and therefore the requirements of this Code should be read in that context. It also identifies policies that are relevant to the conduct of business.

2. Scope

The Council’s ethical values and vision

- 2.01 The Council aims to conduct its business with honesty and integrity and expects employees to maintain the highest ethical standards. The Council recognises the obligations it has towards the community as a whole, its employees, its partners, suppliers and all others with whom it interacts.
- 2.02 The Council seeks to fulfil those obligations according to the original principles laid out in the Nolan Report on standards of behaviour in public life. These principles are set out below. They apply to all employees and it is expected that they will uphold these principles in their roles.

The Nolan Principles

- *Selflessness*

Employees of the Council should take decisions principally in terms of the public interest. They should not take decisions or act in ways that result in financial gain or other material benefits for themselves, their family or their friends.

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- *Integrity*

Employees of the Council should not place themselves under any financial or other obligation to individuals or organisations such that might influence them or bias their actions in the performance of their official duties.

The relationships that the Council has with its partners, contractors, consultants, community groups, suppliers and others must be responsibly managed to ensure there can be no suspicion of corruption or dishonesty with public money. There should be no valid reason to suspect that any employees are using Council resources for private gain.

The Council has procured contracts for services and goods which help us deliver cost effective services. Employees should make use of those corporate contracts in the first instance for any purchases of goods or services.

Any potential conflicts of interest or relationships which might appear to improperly influence a decision about the procurement or use of service should always be immediately declared to their manager and the Council’s Monitoring Officer notified. Where an external third party offers a gift or hospitality, employees are required to register the offer received and the action taken in response on the Council’s gifts and hospitality register.

Without good cause, employees should refrain from wilfully withholding any payments owed to the Council, such as rent or Council tax; this may also include any overpayment of salary/wages.

Employees should consider that in their day to day life when they are not at work, they should avoid any adverse/inappropriate behaviour that might damage public confidence in the Council or in the public’s perception of their work performance. This includes the use of social media, whether in a work or in a private capacity. Guidance on the use of social media in a private capacity can be obtained from the Council’s corporate communications team.

- *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, employees of the Council should offer advice and make choices on a reasonable and reasoned basis, and all appointments (unless exempted by legislation) are to be made on objective merit.

- *Accountability*

Employees of the Council are ultimately accountable to the public for their decisions and actions; as such they must from time to time submit themselves to whatever scrutiny is appropriate to their duties and their office.

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- *Openness*

Employees of the Council should be as open as possible about all the decisions and actions that they take. They should be transparent in their reasoning, their advice and their actions and disclose relevant information in ways that are easily understood by the public. Information should only be restricted in the most exceptional circumstances - such as when disclosure is likely to breach personal confidentiality, place service users and residents at great risk or in the face of overwhelming public interest concerns.

- *Honesty*

Employees of the Council have a duty to declare any private interests (see section 11) relating to their public duties, including when they are involved in decision-making processes (e.g. procurement, determination of entitlement to services) and to take steps to resolve any conflicts arising in a way that protects the public interest. Any potential conflict should be reported to a line manager, with a record made of the interest and any action to mitigate potential conflict. All employees will be required to complete a declaration of interests form as part of their annual appraisal. Line managers will notify HR of declarations made, and declarations will be subject to periodic review.

Employees should always use public money and resources with complete honesty. This includes interactions with service users, colleagues, local partner agencies and suppliers.

It also means avoiding corruption and/or the suspicion of corruption, neither accepting nor seeking bribes, rewards nor favours of any sort.

Fraudulently claiming or issuing housing benefit (or any other benefit from the Council, or any administered by central Government or Inland Revenue) will not be tolerated. Similarly, claiming or maintaining eligibility to other services provided by the Council when no entitlement exists will not be tolerated.

- *Leadership*

Council employees should promote and support these principles through their personal conduct and example. Modelling positive behaviours that reinforce good ethical conduct and eliminate negative conduct is central to the leadership of staff at all levels. Promoting and supporting these principles is consistent with the Council’s values and behaviours: putting communities first; respect; integrity; and working together.

3. Business conduct - the Council’s commitment

3.01 The Council will manage its business according to its ethical values, to the highest standards of integrity, behaviour and business practice. The Council

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will work with others in a spirit of co-operation and will develop relationships based on acting with proper purpose, honesty, fairness and mutual trust.

- 3.02 The behaviour of the Council’s employees is central to how it conducts its business. The Council will ensure the resources are in place to enable employees to realise the delivery of services in line with its ethical values and vision. In particular, the Council will aim to be an employer of choice through the creation of a positive, responsible, innovative, open and challenging working environment. The Council wants to establish a work environment that enables its employees to flourish as individuals and to work collaboratively in mutually supporting teams.
- 3.03 The Council will protect the integrity, availability, and confidentiality of all personal and corporate information it holds, whether in manual or electronic form.
- 3.04 The Council is committed to equality, diversity and inclusion in all its employment practices, policies and procedures. The Council employs a talented and diverse workforce and will help all employees to develop their potential both personally and professionally and to learn from shared experience. The Council will provide a safe and healthy environment for its workforce.

4. The Employees’ Commitment

- 4.01 All employees must respect and encourage the Council’s ethical values and vision set out above, the principles in this document and all policies. It is the personal responsibility of every employee, and anyone else who is conducting business on the Council’s behalf, to act in accordance with this Code and the policies which underlie its content. This Code, an employee’s own contract of employment, and policies and guidance set out the standards expected.

Employees’ general conduct

- 4.02 Employees are required to behave with a high standard of integrity in business and commercial relationships and treat colleagues and anyone with whom the Council has dealings fairly, with respect and dignity.
- 4.03 All employees must comply with all policies, standards and supporting guidelines, working procedures and safety instructions relevant to their job. For example, the Council operates policies covering the following key matters:
 - (i) Discipline;
 - (ii) Grievance;

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- (iii) Bullying and harassment;
- (iv) Attendance at work;
- (v) Data security;
- (vi) Performance; and
- (vii) Improvement.

4.04 This list is not exhaustive. All policies can be found on the intranet and are updated regularly. But policies and procedures are not of contractual force. Employees have a responsibility to ensure that they understand the Council’s key policies and the duties it places upon them.

4.05 All employees are required to take responsibility for their own work and the proper performance of anyone they manage. Learning and development are personal responsibilities. Individuals are required to take full advantage of the opportunities provided and keep up-to-date with best practice in their own field.

4.06 All employees must perform their duties diligently and as directed by their manager. When dealing with the public, employees must conform to any Customer Services Delivery Standards or equivalent standards issued to them.

4.07 All employees must comply with the terms and conditions of their contract of employment. All employees must avoid engaging in activities that are likely to breach that contract or bring disrepute or damage upon the Council, even where such conduct occurs outside of work. Employees must not do anything while on or off duty that could damage the Council’s reputation and/or lead to criminal charges against them.

5. Responsibilities

5.01 All employees must:

- (i) Comply with this Code and the policies underlying its provisions as part of their terms and conditions of employment and/or terms of engagement.
- (ii) Recognise the importance of complying with this Code in terms of the provision of an excellent service to the Council’s customers.

5.02 Employees must also comply with any statutory requirements of their role e.g. staff in politically restricted posts cannot engage in activities which are prohibited by the statutory rules for such posts.

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5.03 Employees should be aware that failure to adhere to the principles contained in this Code, and/ or any policy applicable to their employment may be considered a disciplinary matter.

5.04 Additionally, all managers must:

- (i) Ensure that the requirements outlined in this Code are met including ensuring that employees are aware of them.
- (ii) Ensure that appropriate, fair and consistent action is taken to deal with any failure to conform to them, in accordance with the appropriate procedures.

Misconduct and Gross Misconduct

5.05 If an employee does not respect or work in a way which aligns with the principles of this Code of Conduct, disciplinary action may be taken.

5.06 5.6 The Council has a disciplinary procedure, which gives examples of the types of breaches of standards or behaviour considered to be misconduct which could result in disciplinary action being taken.

5.07 5.7 Some of these are so serious that they are considered to constitute gross misconduct - although it is a reasonably a rare occurrence, if gross misconduct is proven, it could result in an employee's dismissal from the Council's service. The Disciplinary Procedure document gives examples of gross misconduct.

6. Respecting your colleagues, clients and customers

6.01 An employee is required to treat all colleagues, clients and service users equally with the utmost politeness, courtesy, respect, consistency and confidentiality. In the most exceptional circumstances (where, for example, the Council may be vicariously liable for withholding specific information on grounds of confidentiality) it may not be reasonable for the Council to maintain strict confidentiality.

6.02 It is never acceptable to make remarks that are racist, sexist, homophobic, ageist, or otherwise disrespectful or offensive because of a person's religion, culture, ethnicity or that results in belittling of someone's abilities or dignity.

6.03 All interactions should not intend to/be used to harass, bully or discriminate against any colleague. The Council treats complaints of harassment or bullying very seriously. Bullying and/or harassment will not be tolerated towards any person working for us or using our services.

6.04 Anyone working for the Council who feels that another employee or contractor is not behaving appropriately should report this to their manager

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and their manager should report this to the Council’s Director of HR. Where there is a concern that behavior might constitute a criminal offence, the matter should be raised with the Director of Audit, Fraud, Risk and Insurance. Alternatively, staff can report concerns via an independent confidential hotline - Safecall.

7. Putting Communities First

- 7.01 Council services have a real impact on the quality of life of the residents and communities we serve. Their living environment, their health, their wellbeing, and their overall quality of life can all be affected by our conduct and the way we design and deliver services.
- 7.02 For many of our vulnerable residents, we are often the only people they may see or to whom they may talk. Making sure that people are given a personal, compassionate and friendly service can help them feel more connected to their neighbourhood and not isolated from society.
- 7.03 Our work is sometimes politically sensitive and it is always open to public scrutiny. We are public servants. Our residents, other government agencies and the general public may be interested in what we do and how we do it. Our success as a local authority depends on the confidence the public has in our services and in the honesty, professionalism and hard work of the people who work with us.
- 7.04 Our work is publicly funded. To be above suspicion, any payments or other benefits given to an employee as the result of a service they provide on our behalf, must be made through the Council. Additionally, any expenditure or costs incurred while delivering Council services must be lawful and justifiable.
- 7.05 Employees should be authentic in their commitment to public service, putting residents, service users and communities first. We have a duty to give our best, listen to people, be open, helpful, professional and kind-hearted in everything we do for the Borough.
- 7.06 The public should have confidence in our services. This depends on us being considerate, responsible, sensitive and mindful of the need to respect the confidentiality of our service users. It also means treating everyone with the same respect and level of service no matter their gender, ethnicity, social status or sexuality.
- 7.07 The Council is committed to protecting its employees from any aggressive, abusive or bullying behaviour from service users and residents.

Working with Councillors

- 7.08 Councillors, in their role serving residents and communities within their ward and wider borough, may ask for information or assistance with issues brought to their attention by residents. This means maintaining effective working relationships with officers across the Council. In return, Councillors should show respect to employees and not use pressure or act inappropriately to influence any actions or service delivery. Any person working for the Council who feels that a Councillor is not behaving appropriately should report this to their manager and their manager should report this to the Council’s Monitoring Officer.
- 7.09 Employees serve the Council as a whole – they do not work for any individual politician, no faction nor any political party. Employees should maintain political neutrality and be impartial so as to act without political bias in their work. Close, personal relationships between Councillors and officers may make this difficult and, where feasible, should be avoided. Employees should never use their relationship with a Councillor to influence their decisions or actions made on behalf of the Council or for their own personal gain, inside or outside of work.

Working with the media

- 7.10 The Council recognises that we are all ambassadors of the Council, however we ask that employees respect our media protocol with all press and media enquiries being directed through the Communications Team. This includes requests for official statements or opinions from the Council on any issue or topic affecting residents or our service delivery. This protocol protects individual employees from unwanted media attention and allows the Council to properly manage its relationship with the news media. Relations with the media require specific skills and expertise and employees should obtain permission prior to discussing Council business with the press.

8. Working with sensitive information

- 8.01 Employees should always use sensitive information properly and securely, respecting the confidentiality, integrity and availability of information.
- 8.02 The Council is required to make appropriate information available to Councillors, internal and external auditors, government departments, service users and the general public. Information gathered while working for the Council should not be used for pecuniary or personal gain or be otherwise misused.
- 8.03 Employees should avoid discussing sensitive information in public places, and never gossip about or misuse sensitive information about the Council or service users.

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8.04 Data protection and other laws which govern our use of information and the retention/storage of it should be unwaveringly observed. IT equipment (e.g. laptops and mobile phones) should be taken care of when employees are in possession of them away from Council buildings.

9. Offers of gifts or hospitality

9.01 Employees who are offered or who received unsolicited gifts or hospitality with a value of £20 or more should first record this in the Gifts and Hospitality Register System, available on the intranet and secondly discuss with their line manager what action should follow such an offer or receipt. All offers received, whether accepted or refused, should be recorded.

10. Integrity Issues

10.01 Employees are expected to conduct themselves with honesty and integrity and maintain the highest ethical standards. No employee should partake in:

- (i) Corruption: bribing;
- (ii) Corruption: favouritism;
- (iii) Conflict of interest (gifts, jobs, etc);
- (iv) Fraud and theft of resources;
- (v) Waste and abuse of resources;
- (vi) Break rules without explicit good reason;
- (vii) Abuse of Authority/misuse of power;
- (viii) Misuse and manipulation of information;
- (ix) Indecent treatment (intimidation, discrimination); and,
- (x) Personal misconduct in private time.

11. Private interests

11.01 Private interests include both financial and non-financial professional interests.

11.02 A financial conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in the best interests of the Council, could be impaired or influenced by their own interests.

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- 11.03 For example, secondary employment; financial interests in the company of a contractor or supplier (i.e. the owner, director or share-holder); family or close relationship with a contractor or supplier; personal relationship with a job candidate.
- 11.04 A non-financial professional conflict of interest is a set of circumstances that creates a risk that an individual's ability to apply judgement or act in the best interests of the Council, could be, impaired or influenced to increase or maintain their professional reputation.
- 11.05 For example, apply judgement or making decisions to benefit one's career advancement or recognition, in advance of the best interests of the Council.”

12. Raising Concerns

- 12.01 To maintain high standards, it is essential that everyone working for the Council feels able to raise any concerns they have about the way business is being conducted in a manner that is simple, effective and confidential. The Council will ensure employees feel able to raise concerns without fear of any reprisals being taken against them. This commitment is underpinned by the fact that employees have protection in law under the Public Interest Disclosure Act 1998. Certain kinds of disclosure qualify for protection such as those relating to –
- (i) A criminal offence;
 - (ii) A breach of a legal obligation;
 - (iii) A miscarriage of justice;
 - (iv) An act creating a risk to health and safety;
 - (v) An act causing damage to the environment; and,
 - (vi) Concealing information relating to any of the above matters.
- 12.02 Concerns can be raised about any aspect of the Council’s activities, e.g. the safety of the public and/or employees, fraud or financial impropriety, harassment, bullying, discrimination; decisions, actions, conduct or communications that are unlawful, in breach of policies or in significant breach of the Council’s ethical values and vision. An employee should ask the following: -
- (i) Is the action legal?
 - (ii) Is the action within the terms or the spirit of this Code and The Council policies and procedures?

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- (iii) Can I justify this to myself, my manager, senior management and to my family?
- (iv) Is it right? Is it honest? Can I say it is not deceitful or misleading?
- (v) Does it conform to the professional standards set by your professional body?

12.03 If the answer to any of the above questions is “no”, an employee can raise a concern. The Council will protect anyone who raises such matters, provided the disclosures are made through appropriate channels, without malice and in good faith, regardless of whether the concern raised is upheld. Further details are set out in the Council’s Whistleblowing Policy.

Where to get help and advice

12.04 Any concern that an employee has should be discussed in the first instance with their manager or someone else with authority in the area.

Grievance

12.05 Grievances are concerns, problems or complaints that employees raise with their employers about their work, working conditions or relationships with colleagues or managers. Grievances may be raised informally or formally with the employee’ immediate manager.

Fraud, corruption or other unlawful conduct

12.06 If an employee is concerned that the actions of another employee or contractor might represent an unlawful act, they should raise their concerns (and can do so anonymously) with one of the following:

- (i) Director of Audit, Fraud, Risk and Insurance
- (ii) Head of Fraud
- (iii) Director of HR
- (iv) Monitoring Officer

Independent reporting lines

12.07 If an employee feels unable, for whatever reason, to raise either of these types of matter through the above channels, or the nature of the concern does not fall within the definitions above, they can contact Safecall. This service is provided by an external company and issues can be raised anonymously.

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- 12.08 SafeCall can be contacted by telephone: 0800 915 1571 or by completing the online form at: www.safecall.co.uk/report.

Breaches of the Code of Conduct

- 12.09 Any breach by an employee of any part of the Code of Conduct or its supporting policies and guidance may be a disciplinary offence.

Monitoring and Reporting

- 12.10 Monitoring to ensure compliance with the Code will be carried out by the Director of HR, Monitoring Officer and Director of Audit, Fraud, Risk and Insurance with regular reports being provided to the Executive Management Team and Audit and Transparency Committee. This includes summary reporting on the outcome of investigations into concerns raised by employees and will include assurance on the recording and management of declarations of interest and offers of gifts and hospitality.

Ownership and Review

- 12.11 The Council owns this Code of Conduct. It will be regularly reviewed jointly by the Director of HR, Monitoring Officer and Director of Audit, Fraud, Risk and Insurance.

Part Eight – Procedures

Section One – Code of Corporate Governance

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- 1 Introduction
- 2 What do we mean by Governance?
- 3 Core Principles
- 4 The Annual Governance Statement

Appendix A – Behaviours and actions to be taken by the Council that demonstrate good governance

Appendix B – The Council’s Local Corporate Governance Framework

1. Introduction

- 1.1 The role of the Council’s Audit and Transparency Committee is to support good governance and it has approved this Local Code of Corporate Governance (“the Code”) which is based upon the CIPFA / SOLACE publication entitled “Delivering Good Governance in Local Government: Framework 2016 Edition.”

2. What do we mean by Governance?

- 2.1 Following the Grenfell tragedy the Centre for Governance and Scrutiny (CfGS) carried out an Independent Review of Governance for the Council. ‘ In their report [“Change at the Council”](#) CfGS) explain that the term “governance” refers to the way that the Council makes decisions and who is involved in making those decisions. The Council acknowledges that effective councillor oversight of financial matters is a cornerstone of good governance. Good governance means doing the right things in the right way. It is about more than just legal systems and policies. It is about being transparent, accountable, involving people, acting with integrity and having the right support. The Council Plan 2023-27 recognises in the section “Making it Happen” that the Council Plan sets the priorities for the Council and guides what we do and our budget sets out how we will fund delivery of these priorities. The Plan combined with our Charter for Public Participation, values, People Plan and budget give direction to what every Council team does. Councillors and staff are central to achieving the vision and change and we will support them so they can do the best possible job for our communities. Decisions about spending will be taken transparently and only after consultation with affected residents. Decisions should be informed and risk properly managed. This is all part of what CfGS call a “culture of good governance”.
- 2.2 The Council is committed to the principles of good corporate governance identified in the CIPFA/SOLACE guidance “Delivering Good Governance in Local Government” referred to above. As part of this commitment the Council has developed and adopted a Local Code of Corporate Governance which it will keep under review. The

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Council recognises the importance of having and maintaining a “culture of good governance”. As explained in section 4 below the Council is required to prepare an Annual Governance Statement which will include an assessment of how the Council has complied with its Local Code of Corporate Governance.

3. Core Principles

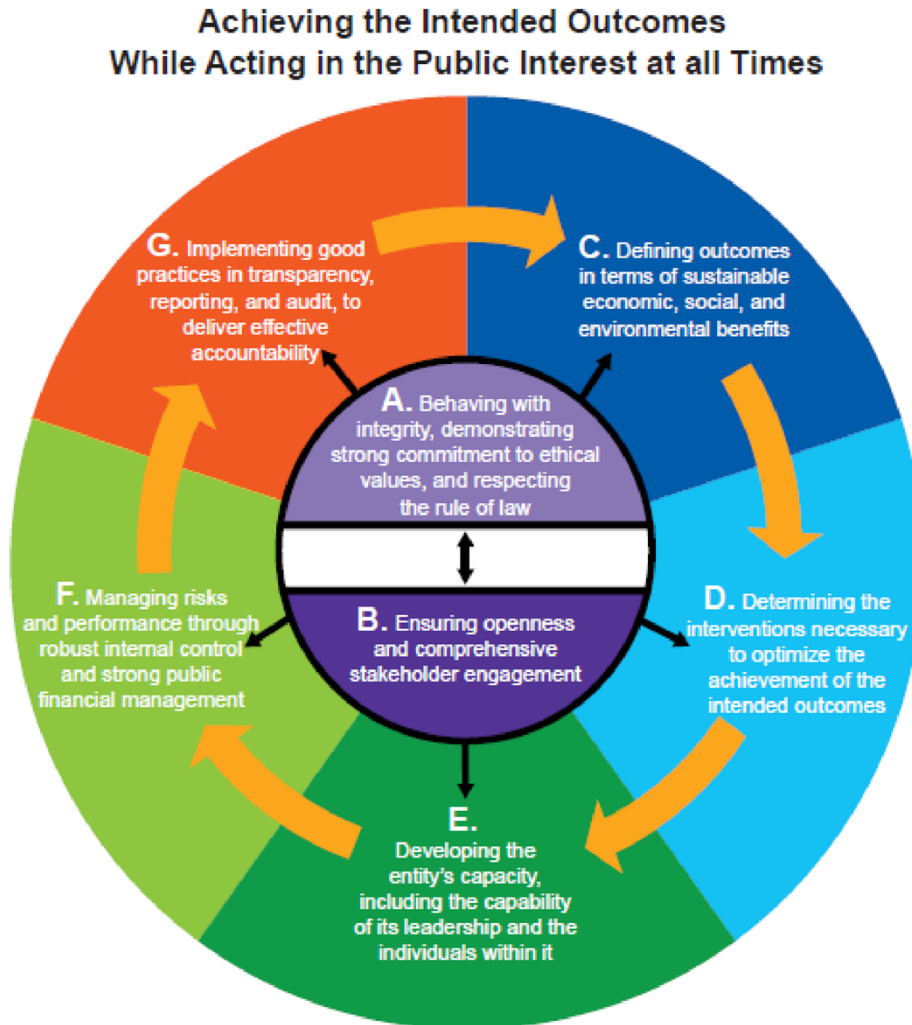
3.1 The Council’s Local Code of Corporate Governance is based on the seven core principles from the International Framework which have been interpreted to apply to local government:-

- A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law;
- B. Ensuring openness and comprehensive stakeholder engagement;
- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits;
- D. Determining the interventions necessary to optimize the achievement of the intended outcomes;
- E. Developing the Council’s capacity, including the capability of its leadership and the individuals within it;
- F. Managing risks and performance through robust internal control and strong public financial management; and
- G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

3.2 The following table sets out how the seven core principles from the International Framework relate to the three cross-cutting themes in the Council Plan:

A Greener Kensington and Chelsea
C. Defining outcomes in terms of sustainable economic, social, and environmental benefits; F. Managing risks and performance through robust internal control and strong public financial management;
A Safer Kensington and Chelsea
A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law; B. Ensuring openness and comprehensive stakeholder engagement; D. Determining the interventions necessary to optimize the achievement of the intended outcomes;
A Fairer Kensington and Chelsea
B. Ensuring openness and comprehensive stakeholder engagement; E. Developing the Council's capacity, including the capability of its leadership and the individuals within it; G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability. F. Managing risks and performance through robust internal control and strong public financial management;

3.3 The diagram below, taken from the International Framework, illustrates the various principles of good governance in the public sector and how they relate to each other.



3.4 This Code of Corporate Governance specifically identifies the actions and behaviours to be taken by the Council in relation to each of these core principles and associated sub principles. These are summarised within Annex A.

3.5 In the “Change at the Council” report the CfPS proposed twelve principles, listed below, which describe what good governance means for the Council and were designed using suggestions from residents, councillors, council officers and partners.

1. Connecting with residents
2. Focusing on what matters
3. Listening to every voice
4. Acting with integrity
5. Involving before deciding
6. Communicating what we're doing

7. Inviting residents to take part
 8. Being clearly accountable
 9. Responding fairly to everyone's needs
 10. Working as a team
 11. Managing responsibly
 12. Having the support we need
- 3.6 These principles were proposed by CfPS with reference to the CIPFA Framework and have been incorporated into Annex A (denoted by an *) as part of the behaviours and actions to be taken by the Council.
- 3.7 Annex B sets out in more detail the documents and processes the Council has in place to comply with the core principles. For example, The Members' Code of Conduct and the Officers' Code of Conduct are two examples of the documents listed under core principle A **Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law**. The work of the Ethics Panel is one of the ways by which the Council monitors compliance with that core principle.

4. The Annual Governance Statement

- 4.1 The Council is required to prepare an Annual Governance Statement to report on the extent to which it complies with its Local Code of Corporate Governance.
- 4.2 In the "Change at the Council" report, CfPS say "We think that the Council needs to regularly reassure itself about how well its governance systems are working and what could be done to improve them. The obvious process for doing this is the Annual Governance Statement, which is reported to the Council's Audit Committee. We recommend that the Council should invest in this process so that it is a wider annual conversation than is the case at the moment. The twelve principles should be used to see how decision-making, including the work of Leadership Team and scrutiny, are working and how they might be improved."
- 4.3 In September 2018 the Council adopted new values and behaviours which were developed following many staff workshops and tested with the community. The four values, Putting Communities First, Respect, Integrity and Working Together are being embedded into the working practices of the organisation through corporate communications, discussions at Staff Conferences and now form part of the Council's Performance Management and Appraisal processes. The latest Our Voice staff survey (run in September 2022) continues to demonstrate current staff understanding and embedding of the Council's values and behaviours.
- 4.4 The Council Plan was first adopted in March 2019 and set out the Council's key priorities. The current version of the Council Plan was reviewed by the Overview and Scrutiny Committee on 8th February, reviewed and recommended at the Leadership Team meeting on 15th February and subsequently adopted by the Council on 1 March 2023. The Council Plan was the result of engagement from over 1000 residents including bereaved, survivors and those in the community affected by the

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Grenfell tragedy. It is the key document which guides what we do based on the priorities of “Greener, Safer, Fairer”, a breakdown of what we want to see is outlined below:

- **A GREENER KENSINGTON AND CHELSEA**
 - Clean air, clean streets, and greening
 - Parks and open spaces
- **A SAFER KENSINGTON AND CHELSEA**
 - Safe homes
 - Crime and community safety
- **A FAIRER KENSINGTON AND CHELSEA**
 - Housing
 - Advice and support
 - Celebrate, promote, and improve Kensington and Chelsea
 - Education, economy, and employment

4.5 Annex B of this Code identifies the key documents and processes we should have in place and the Annual Governance Statement will set out whether and how effectively we are doing them. In that statement we will consider the extent to which we are complying with the Corporate Governance core principles and the ‘Change at the Council’ twelve principles.

4.6 The Council’s Audit and Transparency Committee is responsible for approving this Code and it is recommended that this is annually reviewed and updated accordingly. This Code was approved by the Committee on 26 June 2023.

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Annex A - Behaviours and actions to be taken by the Council that demonstrate good governance.

<p>(A) Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law</p>	<p>Behaving with integrity <i>*Acting with integrity</i></p>	<ul style="list-style-type: none"> ❖ Ensure that Members and Officers behave with integrity and lead a culture where acting in the public interest is visible and consistently demonstrated thereby protecting the reputation of the Council;
		<ul style="list-style-type: none"> ❖ Ensure that Members take the lead in establishing specific standard operating principles or values for the Council and its staff and that they are communicated and understood. These will build on the Seven Principles of Public Life (The Nolan Principles) - see Annex E;
		<ul style="list-style-type: none"> ❖ Lead by example and use the above standard operating principles or values as a framework for decision making and other actions; and
		<ul style="list-style-type: none"> ❖ Demonstrate, communicate and embed the standard operating principles or values through appropriate policies and processes which will be reviewed on a regular basis to ensure they are operating effectively.
	<p>Demonstrating strong commitment to ethical values</p>	<ul style="list-style-type: none"> ❖ Seek to establish, monitor and maintain the Council’s ethical standards and performance;
		<ul style="list-style-type: none"> ❖ Underpin personal behaviour with ethical values and ensure they permeate all aspects of the Council’s culture and operation;
		<ul style="list-style-type: none"> ❖ Develop and maintain robust policies and procedures which place emphasis on agreed ethical values; and
		<ul style="list-style-type: none"> ❖ Ensure that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the Council.
	<p>Respecting the Rule of Law</p>	<ul style="list-style-type: none"> ❖ Ensure Members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations;
		<ul style="list-style-type: none"> ❖ Create the conditions to ensure that the statutory officers, other key post holders, and Members are able to fulfil their responsibilities in accordance with legislative and regulatory provisions;
		<ul style="list-style-type: none"> ❖ Strive to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders;
		<ul style="list-style-type: none"> ❖ Deal with breaches of legal and regulatory provisions effectively; and
		<ul style="list-style-type: none"> ❖ Ensure corruption and misuse of power is dealt with effectively.

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67 2024 Comprehensive stakeholder engagement (B) Ensuring openness and comprehensive stakeholder engagement	Openness <i>*Communicating what we are doing</i>	<ul style="list-style-type: none"> ❖ Ensure an open culture through demonstrating, documenting and communicating the Council's commitment to openness; ❖ Make decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption will be for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential will be provided; ❖ Provide clear reasoning and evidence for decisions in both public records and explanations to stakeholders and will be explicit about the criteria, rationale and considerations used. In due course, the Council will ensure that the impact and consequences of those decisions are clear; and ❖ Use formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action.
	Engaging comprehensively with institutional stakeholders	<ul style="list-style-type: none"> ❖ Effectively engage with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably; ❖ Develop formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively; and ❖ Ensure that partnerships are based on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit.
	Engaging stakeholders effectively, including individual citizens and service users <i>*Inviting residents to take part</i> <i>*Listening to every voice</i> <i>*Connecting with Residents</i>	<ul style="list-style-type: none"> ❖ Establish a clear policy on the type of issues that the Council will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes; ❖ Ensure that communication methods are effective and that Members and Officers are clear about their roles with regard to community engagement; ❖ Encourage, collect and evaluate the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs; ❖ Implement effective feedback mechanisms in order to demonstrate how their views have been taken into account; ❖ Balance feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity; and ❖ Take account of the interests of future generations of tax payers and service users.

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7.77 e6a (C) Defining outcomes in terms of sustainable economic, social and environmental benefits	Defining outcomes <i>*Focusing on what matters</i>	❖ Have a clear vision, which is an agreed formal statement of the Council’s purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Council’s overall strategy, planning and other decisions;
		❖ Specify the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer;
		❖ Deliver defined outcomes on a sustainable basis within the resources that will be available;
		❖ Identify and manage risks to the achievement of outcomes; and
		❖ Manage service users’ expectations effectively with regard to determining priorities and making the best use of the resources available.
	Sustainable economic, social and environmental benefits	❖ Consider and balance the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision;
		❖ Take a longer term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the Council’s intended outcomes and short-term factors such as the political cycle or financial constraints;
		❖ Determine the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs; and
		❖ Ensure fair access to services.

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(D) Determining the interventions necessary to optimise the achievement of the intended	Determining interventions	<ul style="list-style-type: none"> ❖ Ensure decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided; and ❖ Consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.
	Planning interventions <i>*Involving Before Deciding</i>	<ul style="list-style-type: none"> ❖ Establish and implement robust planning and control cycles that cover strategic and operational plans, priorities and targets; ❖ Engage with internal and external stakeholders in determining how services and other courses of action should be planned and delivered; ❖ Consider and monitor risks facing each partner when working collaboratively including shared risks; ❖ Ensure arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances; ❖ Establish appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured; ❖ Ensure capacity exists to generate the information required to review service quality regularly; ❖ Prepare budgets in accordance with organisational objectives, strategies and the medium term financial plan; and ❖ Inform medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.
	Optimising achievement of intended outcomes	<ul style="list-style-type: none"> ❖ Ensure the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints; ❖ Ensure the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term; ❖ Ensure the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage; and

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		<ul style="list-style-type: none"> ❖ Ensure the achievement of ‘social value’ through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is “the additional benefit to the community...over and above the direct purchasing of goods, services and outcomes”.
<p style="writing-mode: vertical-rl; transform: rotate(180deg);"> (E) Developing the Council's capacity, including the capability of its leadership and the individuals within it </p>	<p>Developing the Council's capacity</p> <p><i>Working as a team</i></p>	<ul style="list-style-type: none"> ❖ Review operations, performance use of assets on a regular basis to ensure their continuing effectiveness; ❖ Improve resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the Council's resources are allocated so that outcomes are achieved effectively and efficiently; ❖ Recognise the benefits of partnerships and collaborative working where added value can be achieved; and ❖ Develop and maintain an effective workforce plan to enhance the strategic allocation of resources.
	<p>Developing the capability of the Council's leadership and other individuals</p> <p><i>*Having the support we need</i></p>	<ul style="list-style-type: none"> ❖ Develop protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained; ❖ Publish a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body; ❖ Ensure the Leader and the Chief Executive have clearly defined and distinctive leadership roles within a structure whereby the Chief Executive leads the Council in implementing strategy and managing the delivery of services and other outputs set by Members and each provides a check and a balance for each other's authority; ❖ Develop the capabilities of Members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: <ul style="list-style-type: none"> ➤ ensuring Members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged; ➤ ensuring Members and Officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis; and

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	<ul style="list-style-type: none"> ➤ ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.
	<ul style="list-style-type: none"> ❖ Ensure that there are structures in place to encourage public participation;
	<ul style="list-style-type: none"> ❖ Take steps to consider the leadership’s own effectiveness and ensure leaders are open to constructive feedback from peer review and inspections;
	<ul style="list-style-type: none"> ❖ Hold staff to account through regular performance reviews which take account of training or development needs; and
	<ul style="list-style-type: none"> ❖ Ensure arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

<p>(F) Managing risks and performance through robust internal control and strong public financial management</p>	Managing Risk	<ul style="list-style-type: none"> ❖ Recognise that risk management is an integral part of all activities and must be considered in all aspects of decision making;
		<ul style="list-style-type: none"> ❖ Implement robust and integrated risk management arrangements and ensure that they are working effectively; and
		<ul style="list-style-type: none"> ❖ Ensure that responsibilities for managing individual risks are clearly allocated.
	Managing Performance	<ul style="list-style-type: none"> ❖ Monitor service delivery effectively including planning, specification, execution and independent post implementation review;
	*Responding fairly to everyone’s needs	<ul style="list-style-type: none"> ❖ Make decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the Council’s financial, social and environmental position and outlook;
		<ul style="list-style-type: none"> ❖ Ensure an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the Council’s performance and that of any organisation for which it is responsible;
		<ul style="list-style-type: none"> ❖ Provide Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement; and
		<ul style="list-style-type: none"> ❖ Ensure there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).
	Robust internal control	<ul style="list-style-type: none"> ❖ Align the risk management strategy and policies on internal control with achieving objectives;
	*Managing responsibly	<ul style="list-style-type: none"> ❖ Evaluate and monitor the Council’s risk management and internal control arrangements on a regular basis;
	<ul style="list-style-type: none"> ❖ Ensure effective counter fraud and anti-corruption arrangements are in place; 	

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Page 228		<ul style="list-style-type: none"> ❖ Ensure additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor; ❖ Ensure an Audit Committee which is independent of the executive and accountable to the Council: <ul style="list-style-type: none"> ➤ provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment; and ➤ that its recommendations are listened to and acted upon. 	
	Managing Data to meet compliance standards	<ul style="list-style-type: none"> ❖ Ensure effective arrangements are in place for the safe collection, storage, use and sharing of data including processes to safeguard personal data; ❖ Ensure effective arrangements are in place and operating effectively when sharing data with other bodies; and ❖ Review and audit regularly the quality and accuracy of data used in decision making and performance monitoring; 	
	Strong public financial management	<ul style="list-style-type: none"> ❖ Ensure financial management supports both long term achievement of outcomes and short term financial operational performance; and ❖ Ensure well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls; 	
	(G) Implementing good practices in transparency, reporting and audit to deliver effective accountability	Implementing good practice in transparency	<ul style="list-style-type: none"> ❖ Write and communicate reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience ensuring that they are easy to access and interrogate; and ❖ Strike a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand
			<ul style="list-style-type: none"> ❖ Report at least annually on performance, value for money and the stewardship of its resources to stakeholders in a timely and understandable way; ❖ Ensure members and senior management own the results; ❖ Ensure robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publish the results on this assessment including an action plan for improvement and evidence to demonstrate governance (Annual Governance Statement); ❖ Ensure that the Framework is applied to jointly managed or shared service organisations as appropriate; and

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		<ul style="list-style-type: none"> ❖ Ensure the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.
	<p>Assurance and effective accountability <i>*Being clearly accountable</i></p>	<ul style="list-style-type: none"> ❖ Ensure that recommendations for corrective action made by external audit are acted upon; ❖ Ensure an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and that recommendations are acted upon; ❖ Welcome peer challenge, reviews and inspections from regulatory bodies and implement recommendations; ❖ Gain assurance on risks associated with delivering services through third parties and evidence this is in the annual governance statement; and ❖ Ensure that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.

Annex B – The Council’s Local Corporate Governance Framework

Core Principles	(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	(B) Ensuring openness and comprehensive stakeholder engagement	(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits	(D) Determining the interventions necessary to optimise the achievement of the intended outcomes	(E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it	(F) Managing risks and performance through robust internal control and strong public financial management	(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability
Page 230 Evidence of Good Governance (Key Documents)	Constitution	Constitution	Key Decision Reports	Council Plan	Member Development Programme	Audit Plan	Decision Making Protocols
	Financial Procedure Rules	Council website includes calendar of meetings, agendas, minutes and key decisions.	Council Plan	Medium Term Financial Plan	Workforce and Organisational Development Strategy and Work streams	Risk Management Strategy	Annual Statement of Accounts
	Contract Regulations	Online Council Tax information	Contract regulations	Decision Making Protocols	Leadership Development Programme	Financial Procedures	Annual Governance Statement / Assurance Framework
	Members and Officers Codes of Conduct	Open Data and Transparency Code	Risk Management Strategy	Strategic Commissioning Plans	Staff Performance Development Review	Medium Term Financial Plan	Head of Internal Audit Annual Opinion / Report
	Planning Code of Conduct	Customer feedback / Complaints Policy	Strategic performance, financial and risk reporting framework	Risk Management Strategy	Continuing Professional Development Programmes	Strategic Risk Register / Operational Risk Registers	Strategic performance, financial and risk reporting framework
	Confidential Reporting Code (Whistleblowing)	Public Speaking at Council meetings (Standing Orders)	Scrutiny Framework	Medium Term Financial Plan	<i>People Strategy</i>	Head of Internal Audit and Risk’s Annual Opinion / Report	Publication Scheme Statement

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137 Evidence of Good Governance Page (Key Documents)	Members/Officers Register of Interests/Register of Gifts and Hospitality	Petition Arrangements	Local Plan and other Strategies	<i>Grenfell Recovery Strategy</i>		Anti-Fraud and Corruption Strategy	Complaints Annual reports
	Complaints Procedure	Publication Scheme Statement	Medium Term Financial Plan	<i>Housing Strategy</i>		Information Asset Risk Register	Open Data and Transparency Code
	IT Acceptable Usage Policy	Pay policy statement	Capital Programme and Capital Strategy			Annual Report of the Data Protection Officer	
	Protocol for Member Officer Relations	Member allowances scheme	Housing Strategy			Treasury Management Strategy	
	Hillsborough Charter	'Change at the Council' 12 principles	Local Economy Strategy			Corporate Fire Safety Strategy	
	Values and behaviours	The Kensington and Chelsea Compact	Living Wage Policy and accreditation			Corporate Health and Safety Strategy	
	Corporate Equality Policy & Equality, Diversity and Inclusion Strategy	Charter for Public Participation	Annual Modern Slavery statement				
	Annual Report of the Independent Ethics Panel						
	Data Protection pages on the Council's website						
	People Strategy						

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Core Principles	(A) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law	(B) Ensuring openness and comprehensive stakeholder engagement	(C) Defining outcomes in terms of sustainable economic, social, and environmental benefits	(D) Determining the interventions necessary to optimise the achievement of the intended outcomes	(E) Developing the Council’s capacity, including the capability of its leadership and the individuals within it	(F) Managing risks and performance through robust internal control and strong public financial management	(G) Implementing good practices in transparency, reporting, and audit to deliver effective accountability
Page 232 Evidence of Good Governance (Key Processes or Monitoring)	Ethics Panel	Webcasting of meetings		Strategic performance, financial and risk reporting framework	Safety, Health and Wellbeing Strategy	Risk Based Internal Auditing Service / planning	Internal Audit Service
	Member Induction	Public Meetings		Budget Consultation	Staff 1:1 and Appraisals	Strategic performance, financial and risk reporting framework	External inspections
	Member Development Programme	FOI Requests for Information		Other Consultations	Our Voice	Privacy impact assessments	Audit and Transparency Committee
	Audit and Transparency Committee	Scrutiny and Select Committees		Stakeholder Engagement	Member Induction	Audit and Transparency Committee	Scrutiny and Select Committees
	Statutory Officers Roles Chief Executive, Chief Financial Officer, Monitoring Officer and Data Protection Officer	Annual Statement of Accounts and Annual Governance Statement published			Secondments	Scrutiny and Select Committees	External audit of accounts and value for money opinion
	Staff Performance Development Review	Decision making Committees inviting representations				Emergency/Business Continuity Management	
		Listening Forums				External audit of accounts and value for	

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						money opinion / Statement of Accounts	
	Arrangements for dealing with complaints that Members have breached the Code of Conduct					Consideration of risk in decision making processes (e.g. Committee reports)	
						Data Protection Officer	
						Quarterly Performance Monitoring Process	

Annex C – Governance Framework Roles and Responsibilities

ROLES	RESPONSIBILITIES
<i>The Council</i>	Decides the Council’s overall policies and sets the Council Tax and budget each year. Appoints the Leader and holds them to account. Receives reports from Scrutiny (Select) Committees.
<i>Leadership Team</i>	The Council has adopted a Leader and Cabinet model of governance. The Cabinet is known as the Leadership Team and is responsible for most of the Council’s functions, within the framework set by full Council. It may also receive reports from Scrutiny (Select) Committees.
<i>Lead Members</i>	Approve policies for individual service areas where delegated to them by the Leader.
<i>Administration Committee</i>	Advises the Council on the adoption/revision of the Councillor’s Code of Conduct and considers changes to the Constitution for recommendation to full Council.
<i>Audit and Transparency Committee</i>	Oversees the Council’s arrangements for corporate governance and transparency. Monitors audit, fraud and risk activity management and the anti-fraud and corruption strategy. Approves the annual statement of accounts for the Council and Pension Fund and the Council’s Annual Governance Statement.
<i>Independent Ethics Panel</i>	Helps promote and maintain high standards of conduct by councillors and officers, advises on the Councillors Code of Conduct and handling of member complaints. Advises on individual complaints should be investigated, make recommendations to the Audit and Transparency Committee before it takes a decision on a complaint. Advises the Council on matters relating to ethics and ethical conduct, anticipate ethical challenges and foster good practice.
<i>Committees</i>	Some committees take decisions on non-executive or regulatory matters and some are select committees providing scrutiny over Council decisions. Responsible for the overview and scrutiny of executive decisions.
<i>Executive Management Team</i>	Chaired by the Chief Executive and made up of Executive Directors. Ensures effective self-regulation and oversight and promotes corporate cohesion.
<i>Executive Directors, Directors and Heads of Service</i>	Promote the delivery of policies within their service. Provide annual assurance statements confirming their confidence in the arrangements within their service for ensuring that policies and processes are followed and for managing their core risk areas.
<i>Risk and Control Board</i>	Chaired by the Chief Executive, with all Executive Directors attending. Responsible for providing sufficient assurance against risks and opportunities that impact upon the Council, its citizens and communities. Oversees and develops the Council’s risk strategy and strategic risk register.
<i>Monitoring Officer</i>	Ensures that decisions taken by the Council comply with statutory requirements and are lawful, oversees the operation of the constitution and matters relating to the conduct of councillors.
<i>Chief Finance Officer</i>	Responsible for the proper administration of the Council’s financial affairs. Discharges responsibilities under the Local Government Act 1972 s151.
<i>Internal Audit, Fraud, Risk and Insurance</i>	Provides objective assurance on the overall adequacy and effectiveness of the Council’s governance, risk management and control framework.

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	Delivers an annual programme of risk-based audit activity. Delivers a programme of pro-active reviews and reactive counter-fraud investigations.
External Audit	Audits, reviews and reports on the Council and Pension Fund financial statements, providing an opinion on the accounts and use of resources.

Annex D – Glossary of Terms

<i>Annual Governance Statement (AGS)</i>	A statement required by the Accounts and Audit Regulations (Amendment) (England) 2006 explaining how the council has complied with the code of corporate governance. It is signed by the Chief Executive and Leader of the Council and published as part of the annual Statement of Accounts.
<i>Chartered Institute of Public Finance and Accountancy (CIPFA)</i>	The leading accountancy body for public services. Provides standards and guidance for local authority accounting and internal audit.
<i>Constitution of the Council</i>	Sets out how the Council operates, how decisions are made and the procedures that are followed to ensure efficiency, transparency and accountability.
<i>Corporate Governance</i>	How local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
<i>Directors Assurance Statements</i>	An annual self-assessment undertaken by each Executive Directorate using questionnaires to ascertain the levels of compliance with legislation and governance policies, the management of risk and assurance over key aspect so service delivery.
<i>Society of Local Authority Chief Executives and Senior Managers (SOLACE)</i>	The representative body for senior strategic managers working in local government, promoting effective local government.

Part Eight – Procedures

Section Two – Access to Information Procedures

Scope

- 1 These rules, which are based upon the statutory Access to Information requirements, apply to all meetings of the Council, scrutiny committees, and Council committees and to public meetings of the Executive (together called meetings).

Additional Rights to Information

- 2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to Attend Meetings

- 3 Members of the public may attend all meetings subject only to the exceptions in these rules and the requirements which apply to private meetings of the Executive and other executive decision making bodies set out in Part 4 of this Constitution.

Notices of Meetings

- 4 At least five clear working days notice of any meeting will be given by posting details of the meeting at Town Hall, Hornton Street, London W8 7NX, the designated office, and on the Council's website.

Access to Agendas and Reports before the Meeting

- 5 Copies of the agenda and reports open to the public will be available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. (Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.)
- 6 Any document required by any provision of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be open to inspection will be open to inspection by members of the public at all reasonable hours at the Council offices and on the Council website. The Council can require payment of a reasonable fee in relation to the inspection of background papers at the Council's offices. The designated public inspection point for the purposes of these Regulations will be the Customer Service Centre at Kensington Town Hall where, upon request, the Governance Services Team will provide for inspection any published agenda.

Supply of Copies

- 7 The Council will supply to any person (on payment of a charge for postage and any other costs) copies of:
- (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
 - (c) copies of any other documents supplied to Councillors in connection with an item, if the Director of Law thinks fit; and
 - (d) the Forward Plan.

Access to Minutes and Other Reports after the Meeting

- 8 The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting - or, in relation to the Executive, records of decisions made, together with reasons, for all meetings of the Executive - excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting; and
 - (d) reports relating to items when the meeting was open to the public.

Background Papers

- 9 The relevant executive director or director will set out in every report a list of those documents, (called background papers) relating to the subject matter of the report, which in his or her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based; and
 - (b) have been relied on to a material extent in preparing the report; but
 - (c) do not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of Leadership Team reports, the advice of a political adviser.
- 10 Every public report for a Leadership Team meeting or meetings of other executive decision making bodies, will include a list of the background papers; and at least one copy of each of the documents included in that list, will be available for inspection by the public at the Council offices and on the Council website.

Constitution - Part Eight – Procedures
Section Two – Access to Information Procedures

- 11 The Council will make available for public inspection for four years after the date of Committee and Leadership Team meetings one copy of each of the documents on the list of background papers.

Summary of the Public’s Rights

- 12 A written summary of the public’s rights to attend meetings and to inspect and copy documents will be kept at and be available to the public at: Town Hall, Hornton Street, London W8 7NX, the designated office.

Exclusion of Access by the Press and Public to Meetings

- 13 The press and public will 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.
- 14 The press and 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.
- 15 Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, the law establishes a presumption that the meeting will be held in public unless a private hearing is necessary for specified reasons.
- 16 Confidential information means information given to the Council by a government department on terms which forbid its public disclosure, or information that cannot be publicly disclosed by a court order.
- 17 Exempt information means information falling within the following seven categories (subject to any qualification):

Category	Qualification
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).	<i>Information falling within paragraph 3 is not exempt if it is required to be registered under (a) the Companies Act 1853; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.</i>
4. Information relating to any consultations or negotiations, or contemplated	

Constitution - Part Eight – Procedures
Section Two – Access to Information Procedures

Category	Qualification
consultations or negotiations in connection with any labour relations matters arising between the Authority or a Minister of the Crown and employees of or officer-holders under the authority.	
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 (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.	<i>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</i>

The Public Interest Test

- 1** 18 Information which falls within any of the 7 paragraphs in the table above and which is not prevented from being exempt in accordance with the two qualifications above is exempt information **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.

Exclusion of Access by the Press and Public to Reports

- 19 If the Monitoring Officer thinks fit, the Council may exclude access by the press and public to reports which in his or her opinion relate to items during which, in accordance with Rule 13 and Rule 14, the meeting is likely not to be open to the press and public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

Application of Rules to the Executive and Lead Members

- 20 Rules 1-19 apply where relevant to Leadership Team meetings and decisions taken by Lead Members.

Constitution - Part Eight – Procedures
Section Two – Access to Information Procedures

- 21 These requirements do not include meetings the sole purpose of which is for officers to brief Members.

Application of Access to Information Rules to Key Decisions not taken at meetings

- 22 The Council's Constitution makes provision for the taking, by individual Lead Members, of key decisions falling within their portfolio. Although these decisions are not taken at public meetings they are subject to standard Access to Information requirements in relation to public notice, availability of background papers etc.
23. Documents relating to key decisions not taken at public meetings will not be disclosed to the public, or made available for public inspection where, the documents contain confidential information or would, in the opinion of the Lead Member [or officer] making the decision, give rise to the disclosure of exempt information.

Other Meetings

- 24 This protocol will apply with appropriate modifications to Council, Committee and Sub-Committee meetings.

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Part Eight – Procedures

Section Three – Financial Procedure Rules

I WHY DO WE HAVE FINANCIAL PROCEDURE RULES?

- I.1 The Council is responsible for many millions of pounds of public money and has a number of statutory responsibilities in relation to its financial affairs.
- I.2 The Local Government Act 1972 directs that Authorities shall make arrangements for the proper administration of their financial affairs and that one of their officers be responsible for the administration of those affairs. The Constitution of the Council designates the Executive Director of Resources as the Chief Finance Officer and hence the statutory 'Section 151 Officer'.
- I.3 Financial Procedure Rules set out the policies and framework within which the Council manages its business. They clarify responsibilities and provide a framework for decision making. The Financial Procedure Rules ensure that the Council complies with statutory powers and duties, as well as reflecting best professional practices and decisions of the Council and Leadership Team.

What are the aims of this document?

- I.4 The aims of this document are to set out the Council's Financial Procedures and provide a reference point to other documents which contain the detailed procedures behind these.

Who should read this document?

- I.5 The Rules apply to all staff and Members of the Council, but are of particular importance to:

- Chief Officers;
- Budget managers/holders
- Finance staff; and
- Councillors (also called Council Members or just Members);

- I.6 In summary, the Council's Financial Procedure Rules set out the financial governance arrangements for the Council, setting the control framework for five key areas of activity shown below. To help understand the terminology used in Financial Procedure Rules, a Glossary of Terms used is attached at the end.

Financial Planning

Covers performance planning, capital strategy, treasury strategy, pension fund strategy, medium term and annual financial strategy, revenue budgeting, capital programme and budgeting, project appraisal, business plans, and reserves.

- 1.7 The full Council is responsible for agreeing the medium term financial plans and formally agreeing the annual budget, Council Tax level and the Capital Programme in line with statutory guidance.
- 1.8 The Leadership Team is responsible for recommending the financial plans, Council Tax and Capital Programme to Full Council
- 1.9 Executive Directors are responsible for contributing to the development of these plans, while the Executive Director of Resources and the finance team is responsible for preparing and presenting them to the Leadership Team for consideration.

Financial Management

Covers revenue budget monitoring and control, virement, treatment of year-end balances, capital budget monitoring, accounting policies, accounting records and returns, annual statement of accounts and financial reporting, setting charges, value for money, contingent liabilities and financial implications of reports.

- 1.10 The Executive Director of Resources is responsible for developing, maintaining and monitoring compliance with an effective corporate financial framework. This will encompass detailed financial procedures, professional standards, key controls, internal audit and good financial information.
- 1.11 Executive Directors will operate and manage resources within this framework, alerting the Executive Director of Resources to any risk of non-compliance. Executive Directors will manage resources so as to deliver and improve value for money.

Risk Management and Internal Control

Covers risk management and insurance, internal control, audit requirements, preventing fraud and corruption, assets, treasury management, investments and borrowing, trust funds and funds held for third parties, banking, imprest accounts and staffing costs.

- 1.12 The Audit and Transparency Committee is responsible for agreeing the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management within the Council.
- 1.13 The Executive Director of Resources is responsible for developing, maintaining and advising upon robust systems for risk management and the control of resources. This will be monitored through an effective internal audit function.
- 1.14 Executive Directors are responsible for establishing and operating sound arrangements within these systems to manage and mitigate risk and for notifying the Executive Director of Resources of any suspected non-compliance.

Financial Systems and Procedures

Covers general processes and procedures, income, procurement, ordering and paying for works, goods and services, payments to employees and members, taxation, and trading accounts/business units.

- 1.15 The Executive Director of Resources is responsible for the Council's accounting control systems, the financial accounts, supporting information and all financial processes or procedures.
- 1.16 Executive Directors are responsible for the proper operation of all systems, processes and procedures. All exceptions to the corporately agreed standards will be agreed with the Executive Director of Resources.

External Arrangements

Covers partnerships, external funding and work for third parties. trading companies and voluntary organisations

- 1.17 The Executive Director of Resources is responsible for promoting the same high standards of conduct in the management of external arrangements as within the Council.
- 1.18 Executive Directors are responsible for ensuring that the Council's interests are protected in such arrangements and that appropriate advice is taken at all stages.

2 OVERALL FINANCIAL RESPONSIBILITIES

Introduction

- 2.1 The Executive Director of Resources has a duty to ensure that high financial standards are maintained throughout the Council. Part of the way this is managed is through this set of Financial Procedure Rules within the framework of the Constitution.
- 2.2 The rules make references to specific officers' responsibilities for ensuring sound financial procedures. Director of Financial Management and Heads of Finance have principal functional responsibility for finance to ensure compliance with professional standards and objectivity of advice on financial matters. These officers are acting under delegated powers from the Executive Director of Resources. More detailed guidance on the extent of delegation of financial responsibility, and any specific limitations imposed, may be issued from time to time.
- 2.3 Officers can obtain copies of the Financial Procedure Rules, Audit Procedure Rules, Procurement Procedure Rules and the Employee Code of Conduct from the Governance Section. They are also available on the Intranet and Internet.

2.4 These rules set down the standards that the Council requires from all officers and agents of the Council and cover the main areas of:

- Financial Planning
- Financial Management
- Risk Management and Control of Resources
- Systems and Procedures
- Partnerships and external arrangements.

2.5 All officers are required to work within these rules, in conjunction with the other requirements of the constitution; any exceptions are clearly set out. These rules are reviewed regularly and updated as necessary. Officers should ensure they work from

the up-to-date copy. Detailed supplementary guidance on some of the areas covered by these rules is published on the intranet and the Finance Hub and must also be followed. Separate regulations for schools are contained in the Scheme for Financing Schools.

Executive Director of Resources

2.6 The Executive Director of Resources, as Chief Financial Officer, has statutory duties in relation to the financial administration and stewardship of the authority. These statutory responsibilities cannot be overridden. The postholder is responsible for:

- the proper administration of the financial affairs of the Council.
- maintaining an adequate and effective internal audit function.
- contributing to the corporate management of the Council, in particular through the provision of professional financial advice.
- providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and supporting and advising Members and officers in their respective roles.
- providing financial information about the Council to Members of the Council, the media, members of the public and the community.

2.7 In particular the Executive Director of Resources is responsible for:

- setting financial management standards, including financial procedures, and
- monitoring their compliance.
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial and risk management.

- providing financial information to support the proper financial planning of the authority, to inform policy development, and to assist Members and officers in undertaking their financial responsibilities.
- preparing the revenue budget, and reporting to the Leadership Team and Council, when considering the budget and Council Tax, on the robustness of the estimates and the adequacy of reserves.
- monitoring income and expenditure against the budget and taking action if overspends or shortfalls in income emerge.
- preparing the capital programme and ensuring effective forward planning and sound financial management in its compilation.
- advising on prudential indicators required to be set in accordance with the CIPFA Prudential Code for Capital Finance in Local Authorities and ensuring that all matters required to be taken into account in setting Prudential Indicators, and monitoring them, are reported to the Lead Member for Finance and the Council for consideration.
- managing the Council's treasury, investment and banking arrangements.
- issuing advice and guidance to underpin these Financial Procedure Rules that members, officers and others acting on behalf of the authority are required to follow.
- ensuring that effective arrangements are in place for payments of creditors, income collection, risk management and insurance and the production of financial management information.
- issuing advice and guidance on the selection and use of Information Technology.
- issuing advice and guidance on the use of property.

2.8 Section 114 of the Local Government and Finance Act 1988 requires the Section 151 Officer (Executive Director of Resources) after consulting with the Head of Paid Service (Chief Executive) and the Monitoring Officer (Chief Solicitor), to report to the full Council, Leadership Team and external auditor if the authority, or one of its officers:

- has made, or is about to make a decision which involves incurring unlawful expenditure
- has taken, or is about to take an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the Council's accounts.

Other Specific Responsibilities

Director of Financial Management (Deputy Section 151 Officer)

2.9 This role is held by the Director of Financial Management. This role deputises for the Executive Director of Resources in relation to the statutory requirements of Section 151 of the Local Government Act 1972.

2.10 The Financial Procedure Rules also place specific responsibilities on other individual officers. They include the following:

Executive Directors

2.11 Executive Directors are responsible for the overall financial management within their Directorate and for ensuring that all staff under their responsibility are aware of the existence and content of the Council's Financial Procedure Rules and that they comply with them. They can delegate these responsibilities to other managers through a written scheme of delegation (responsibility of functions) that sets out the extent and any limitations on areas delegated.

Line managers

2.12 Line managers are responsible for the day-to-day financial operation of their team and need to ensure that the Financial Procedure Rules are being adhered to.

Budget holders

2.13 Budget holders are responsible for the financial affairs of their service area. Budget holders have operational responsibility for budgetary control. They shall record financial commitments against their budgets, monitor their budgets and reconcile their own records to the Council's financial information system on a regular basis and take corrective action promptly to deal with any problems that may arise. In carrying out their budgetary responsibilities, they shall comply with any guidelines issued from time to time by the Executive Director of Resources.

Heads of Finance

2.14 Heads of Finance are responsible for promoting high financial standards including interpreting financial rules and advising accordingly. Heads of Finance are also responsible for working with budget managers, line managers and Executive Directors in monitoring the overall financial position of Directorates and advising their Lead Member on proposals that have a financial impact.

2.15 Under delegated powers from the Executive Director of Resources, Heads of Finance are responsible for ensuring that financial training and development is delivered for employees who are responsible for financial management in their Business Groups.

Individual responsibilities

- 2.16 Everyone should be familiar with these rules and must clearly understand those that affect their work area. If an officer is unclear about some aspect of these rules they should seek advice before acting. This may be from their line manager, their Finance team, the Director for Audit, Fraud, Risk and Insurance or the Executive of Director Resources.
- 2.17 Failure to comply with Financial Procedure Rules and associated guidance may, in certain circumstances, lead to employees being charged with serious or gross misconduct and dealt with in accordance with the Council's disciplinary procedures.
- 2.18 These rules are not a substitute for individuals' common sense and judgment and all officers must exhibit the highest standards of probity when they deal with the Council's finances. All officers must be aware of and adhere to the rules within the Council's 'Code of Conduct for Employees'. These set out the standards that are expected from employees.
- 2.19 All officers have a duty to act if they believe there is a possibility of fraud, corruption or poor value-for-money taking place or that the rules are being breached. In such cases they must inform their line manager, unless the latter is involved, the relevant Head of Finance and the Director of Audit, Fraud, Risk and Insurance.

Emergencies and Breaches

- 2.20 Very rarely officers are faced with an emergency and may need to act swiftly. It is recognised that in these circumstances officers need to use their best judgement, balancing the need of the service, severity of emergency, and the financial consequences of their actions. Wherever possible, officers should seek clearance from an Executive Director before proceeding.
- 2.21 Officers must secure retrospective approval for their actions. They must contact their Executive Director who will be responsible for co-ordinating such authorisation.
- 2.22 Executive Directors must report all but minor breaches in Financial Procedure Rules to the relevant Lead Member and the Chief Financial Officer.

The five Financial Procedure Rules A to E

- 2.23 What follows in this document is a description of the control framework for each of the five key areas of activity referred to on page one, starting with Regulation A - Financial Planning.

3 FINANCIAL PLANNING

Introduction

- 3.1 The Full Council is responsible for agreeing the authority's policy framework and budget, proposed by the Leadership Team. In terms of financial planning, the key elements are:
- The Medium Term Financial Strategy
 - The Capital Strategy
 - The Treasury management strategy
 - The Investment Strategy

Policy framework

- 3.2 The Full Council is responsible for approving the Medium-Term Financial Strategy, Capital Programme, HRA Business Plan, Annual Budget, Council Tax levels and policy framework.
- 3.3 Full Council is responsible for approving procedures for agreeing variations to approved Budgets, Plans and Strategies forming the Budget and Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Budget and Policy Framework.
- 3.4 A meeting of Full Council is responsible for setting the Budget and is held in March of each year. The Leadership Team and Executive Directors may reallocate the Budget in accordance with Virement rules. The Leadership Team and Executive Directors are responsible for taking in-year decisions on resources and priorities in order to deliver the Budget and Policy Framework within the financial limits set by the Council.

Budgeting

- 3.5 The Executive Director of Resources is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's policy framework and medium term financial strategy.
- 3.6 The process for compilation of the budget will be approved by the Leadership Team on the advice of the Executive Director of Resources.
- 3.7 The Executive Director of Resources will issue guidelines on Budget preparation to the Executive Directors. The guidelines are supplemented by timetables together with detailed instructions on the content and format. These guidelines will take account of:
- legal requirements
 - government guidance
 - medium term financial planning prospects

- the Corporate Plan
 - available resources
 - spending pressures
- 3.8 Heads of Finance and Executive Directors are responsible for drafting annual revenue budgets and financial plans in accordance with these guidelines and associated instructions, involving budget managers in the budget setting process.
- 3.9 Comprehensive budget plans should be based on realistic projections about:
- (a) pay and inflation
 - (b) business and activity levels
 - (c) known service and capital development plans
 - (d) savings plans
 - (e) risk assessments and contingency plans
 - (f) other internal plans such as human resources and ICT
 - (g) Advice of the Executive Director of Resources on the affordability of overall proposals.
- 3.10 Draft budgets and financial plans must be submitted initially to the Executive Director of Resources and then to the relevant Lead Member for approval prior to submission to the Leadership Team.
- 3.11 The Leadership Team is responsible for submitting a balanced draft revenue budget to the Council and recommending the required Council Tax level. The draft budget must include all revenue budgets, together with other items which make up the Council's total net budget requirement.
- 3.12 Executive Directors must produce medium term and annual plans for the delivery of the services for which they are responsible. This should include:
- (a) key projects to be delivered
 - (b) medium term workforce planning
 - (c) training and development plans
 - (d) three-year rolling procurement plans
 - (e) key risks facing the service
 - (f) proposals for continuous improvement of services and value for money

- (g) efficiency plans
- (h) equality impact assessments
- (i) assessing the environmental and sustainability impact of services provided

The Capital Programme

3.13 The Executive Director of Resources is responsible for:

- (a) producing an annual Capital Programme and strategy for approval by the Leadership Team and full Council.
- (b) setting up procedures under which capital expenditure proposals are evaluated and appraised, before approval to include in the Capital Programme, to ensure that value for money is being achieved, they are consistent with service and asset management objectives and are achievable.
- (c) setting up procedures for corporate monitoring of external sources of capital funding.
- (d) ensuring that expenditure treated as capital expenditure is in accordance with best accounting practice.
- (e) ensuring that a Capital Programme is submitted on an annual basis to the full Council, taking into account the total resources available and the affordability and sustainability of the whole programme, in accordance with the Prudential Code and the Capital Strategy.
- (f) producing a corporate Asset Management Plan for approval by the Leadership Team.
- (g) carrying out post completion evaluation of major projects, in order to review performance in the implementation of the project against budget and project plans and to evaluate performance of the project in the delivery of expected outcomes, to identify lessons learned for the future.

3.14 Executive Directors are responsible for producing a departmental asset management plan, in accordance with guidance issued.

3.15 Executive Directors are responsible for ensuring that capital proposals reflect agreed service plans and:

- (a) are prepared in line with guidance issued, including guidance on project milestones
- (b) are realistic and achievable
- (c) key risks are identified

- (d) necessary business case development and option appraisals have been carried out
 - (e) whole life costs have been identified and reported
 - (f) the impact on service running costs has been identified and included in the revenue budget planning process where necessary.
- 3.16 The inclusion of a scheme in the approved Capital Programme does not imply automatic approval to spend. They can be intentions to spend subject to meeting further criteria relating to the objectives, cost or funding confirmed through the governance process. Executive Directors must ensure that the Executive Director of Resources confirmation has been obtained for projects to proceed and that all necessary approvals have been received.
- 3.17 Where a project or capital scheme is dependent on external funding it must not proceed until there is confirmation that this has been secured.
- 3.18 In all cases the Procurement Procedure Rules must be followed before expenditure is incurred.
- 3.19 Executive Directors are responsible for ensuring that any new capital expenditure proposals are submitted to the Leadership Team for approval and consequent inclusion in the three-year capital programme following agreement from the Executive Director of Resources, who will be appraised of expenditure and funding plans.
- 3.20 It is the responsibility of Executive Directors to control expenditure within approved capital budgets for their services. Executive Directors must report on variances within their services as required by the Executive Director of Resources. They shall take immediate action necessary to avoid exceeding their budget allocation and advise the Executive Director of Resources.
- 3.21 Where capital budget monitoring indicates that the level of spending on a budget for a capital project will exceed the level of agreed budget provision, then the responsible Executive Director shall develop an action plan to contain or reduce such overspend, including, where appropriate, seeking virement approval.

Project and Programmes

- 3.22 Executive Directors are responsible for ensuring that programmes are conducted using appropriate formal project and programme methodologies and in line with the Capital Handbook that was agreed as part of the 2020 Capital Strategy.

Budget Amendment

- 3.23 Approved revenue budgets may be amended during a financial year in the following circumstances:

- (a) virements in accordance with the rules set out in this document including transfers from contingencies
- (b) underspend approved by the Executive Director of Resources for carry forward from previous years as a result of slippage in spending in accordance with guidelines, or otherwise approved
- (c) adjustments for pay and prices increases approved by the Executive Director of Resources from within the Council's contingency
- (d) additional releases from General Fund reserves or Councils' contingency with the approval of the Executive Director of Resources and Lead Member for Finance for up to £250,000 and Leadership Team for releases in excess of £250,000.

3.24 Executive Directors may only make changes to revenue and capital budgets resulting from additional ring-fenced grant, or external income receivable, with the approval of the relevant Lead Member. A proposal to spend additional non ring-fenced grant requires the approval of the Lead Member with responsibility for Finance or Leadership Team, in accordance with virement limits.

Maintenance of Reserves

3.25 The Executive Director of Resources is responsible for advising on prudent levels of reserves for the Council when the annual budget is being considered, having regard to assessment of the financial risks facing the authority.

3.26 The Executive Director of Resources following consultation with the Lead Member for Finance can approve all contributions to, and appropriations from, General Fund reserves up to £250,000. Any such approvals will be included in Quarterly Monitoring Reports to Leadership Team for noting. Amounts in excess of £250,000 must be approved by the Leadership Team, subject to any limitations set by the Council in the approved budget framework.

Fees and Charges

3.27 Executive Directors are responsible for ensuring that there is an annual review of discretionary fees and charges and that proposals for the level of fees and charges are approved by the relevant Lead Member, in line with guidelines approved by the Lead Member for Finance. In February of each year, Leadership Team will be presented with the full schedule. This will set out for information the fees and charges that have been agreed under delegated powers to Executive Directors and also those which are subject to Leadership Team approval.

3.28 In relation to all charges levied in connection with the performance of executive-side functions, Lead members are responsible for establishing certain external charges and revising current ones, as detailed in the annual fees and charges report to the Leadership Team. They must take account of the Council's charging policy and follow the annual guidelines issued by the Lead Member for Finance.

This does not apply to:

- (a) charges set by statute
- (b) charges set by full Council or one of its Committees
- (c) charges set by contractors in accordance with contract conditions.

3.29 In relation to all charges levied in connection with the performance of Council-side functions, the Council, or its Committees, is responsible for establishing new external charges and revising current ones.

4 FINANCIAL MANAGEMENT

4.1 Financial Management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget. All employees and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working, and controls that are in place, to ensure these standards are met. Budgetary control ensures that resources allocated are used for their intended purpose and are properly accounted for and enables it to identify changes in trends and requirements at the earliest opportunity.

4.2 The Executive Director of Resources is responsible for:

- (a) ensuring that a prudential financial framework is in place and effective systems of financial administration operate within the authority.
- (b) maintaining and updating Financial Procedure Rules and the management of a process for monitoring compliance with them.
- (c) ensuring proper professional practices are adhered to and acting as head of profession in relation to the standards, performance and development of finance staff throughout the authority.
- (d) ensuring that appropriate training and guidance is available to all employees who are responsible for financial management
- (e) advising on the key strategic controls necessary to secure sound financial management.
- (f) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.
- (g) ensuring that Internal Audit carry out the necessary probity and system checks required to verify that proper Financial Management Standards are maintained, taking account of relative risks and proportionality.

Budget monitoring and control

- 4.3 The Executive Director of Resources is responsible for providing appropriate financial information to enable budgets to be monitored effectively. Overall expenditure against budget allocations must be monitored and controlled and a report provided to the Leadership Team on the overall position on a quarterly basis.
- 4.4 Revenue or capital expenditure must not be incurred, unless it is covered by an approved budget. This also applies to proposals which would result in a reduction in income.
- 4.5 Executive Directors are responsible for controlling revenue and capital income and expenditure within their area and ensuring that adequate arrangements are in place for the effective monitoring of budget performance, taking account of financial and service activity/performance level information available. They are responsible for reporting on budget monitoring and variances within their own area, in a format and frequency determined by the Executive Director of Resources. They must also take any action necessary to avoid exceeding their budget allocation and draw attention to any problems.
- 4.6 Executive Directors are responsible for reviewing, monitoring and reporting on budget variances in relation to significant programmes or projects for which they are responsible.
- 4.7 Executive Directors must report to their Lead Member where it appears that spending may exceed an individual approved budget by £100,000 or more. This will also be reported through the Quarterly Financial Monitoring report to Leadership Team.
- 4.8 Executive Directors must make sure that responsibility for monitoring all individual budget heads is clearly defined. An accountable budget manager must be identified for all revenue and capital income and expenditure within each service area, aligned as closely as possible to the decision making process that commits expenditure. In the case of capital projects there must be clear distinction made between the monitoring responsibilities of those charged with administering the spending on capital projects, and the service budget holder who has overall accountability for project and service delivery.
- 4.9 Executive Directors are responsible for reviewing the financial performance of significant partnerships.
- 4.10 Executive Directors must obtain prior approval from the Lead Member for Finance or Leadership Team for new proposals, which fulfil one or more of the following criteria:
 - (a) create financial commitments in future years in excess of existing budgets
 - (b) change existing Council policies, initiate new Council policies or cease existing Council policies

- (c) materially extend or reduce the authority's services
- (d) exceed the limit defined by the Council as a key decision
- (e) exceed any limit requiring reference to a Lead Member under the Constitution
- (f) any such proposals under this regulation shall not have approval to proceed until necessary financial provision is available.

4.11 Spending is only permitted on capital projects that are in the capital programme and for which the Council or Executive have approved a release for spending.

Financial implications of reports

4.12 The Executive Director of Resources is responsible for monitoring the quality of the financial implications information included in reports by Executive Directors and providing financial comments where there are implications such as corporate revenue or capital resource requirements.

Executive Directors are responsible for ensuring:

- (a) that an options appraisal is carried out in relation to all significant policy issues, including any that exceed the Key Decision limit.
- (b) that financial implications in the current and future years are identified in all relevant reports and that such financial implications are agreed by or on behalf of the Head of Finance.
- (c) that where reports impact on more than one department or have implications for corporate resources (e.g. they may result in an increase or decrease in budget required to fund the service), financial implications comments must be referred to the Director of Financial Management sufficiently in advance of reporting deadlines to enable comments to be made.
- (d) in all relevant circumstances, that financial implications referred to in reports are reflected in current budgetary provisions and Business Plans.

Virements

4.13 A virement is the transfer of resources from one budget head to another, during a financial year. Budgets within a directorate may be transferred between revenue or capital budget headings provided that they do not involve new policy or policy change and do not involve an increasing commitment in future years that cannot be contained within existing approved budget allocation (see limitations below). Virement limits apply equally to expenditure financed by increased income, including specific grants, and by drawing down of reserves and contingencies, other than when there is a specific delegation.

4.14 Virements are subject to the following limits which apply cumulatively to individual budget heads approved by the Council:

Category	Limit (£)
Head of Finance approval	0-49,999
Executive Director of Resources / Director of Financial Management approval	50,000-99,999
Executive Director of Resources following consultation with relevant Lead Member and Lead Member for Finance	100,000-499,999
Leadership Team approval	500,000+

4.15 No virement to or from the following budgets (irrespective of the amount proposed) shall be made:

- (i) Capital financing costs.
- (ii) Support service and other forms of internal charges (to avoid unintended impact upon other directorate's budgets).
- (iii) Business Rates and Council Tax

4.16 Slippage to be carried forward, due to planned expenditure being unable to be completed in the financial year, requires the approval of the Executive Director of Resources. Other budget carry forwards need Leadership Team approval and slippage and carry forwards together cannot exceed the total underspending.

Accounting Records and Returns

4.17 The Executive Director of Resources is responsible for:

- (a) determining the accounting records for the authority, its form of accounts and supporting accounting records
- (b) ensuring that accounting records are maintained in accordance with proper practices and legislative requirements
- (c) establishing arrangements for the compilation of all accounts and accounting records wherever they are located
- (d) issuing guidance on the retention period for financial records.

4.18 Executive Directors are responsible for:

- (a) consulting with the Executive Director of Resources on the accounting procedures and records to be utilised within their Department.
- (b) ensuring the proper retention of accounting records in accordance with the requirements established by the Executive Director of Resources.
- (c) ensuring that all claims for funds including grants are made by the due date.
- (d) maintaining adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- (e) providing information required for, or to ensure completion of, all statutory and other financial returns by the due dates.
- (f) complying with any compliance testing which the Executive Director of Resources requires in relation to their accounts.
- (g) operating control accounts as agreed by the Executive Director of Resources ensuring that these are regularly reconciled, and cleared as part of the regular monitoring procedures.

Accounting Policies and Statement of Accounts

4.19 The Executive Director of Resources is responsible for:

- (a) determining the Council's accounting policies and ensuring that they are applied consistently
- (b) issuing guidelines on reporting standards to ensure that the annual Statement of Accounts is produced accurately, in line with proper practices, within statutory time limits and that good documentation is available to support the Statement. The financial accounts must comply with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/ LASAAC) and any other relevant accounting Guidance
- (c) Reporting to Audit and Transparency Committee on the annual accounts and publishing the Statement of Accounts.
- (d) liaising with external audit on the completion of the Statement of Accounts and the arrangements for their audit.
- (e) reviewing annually, in consultation with Executive Directors, any contingent liabilities and ensuring that provision is made where necessary in accordance with proper practices.

4.20 Executive Directors are responsible for complying with accounting guidance, providing the Executive Director of Resources with the information needed to produce the annual accounts, together with supporting documentation and good working papers, in accordance with the annual timetable. Executive Directors are responsible for ensuring that appropriate knowledgeable and

skilled staff are available to respond to external audit requirements on a timely basis.

5 RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 Risk Management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the Council. It faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of the objectives. Internal controls are required to manage these risks.

5.2 Risk Management and Insurance

The Executive Director of Resources is responsible for:

- (a) preparing the Council's risk management policy statement and promoting good risk management practices throughout the authority
- (b) undertaking a review of requirements to support the annual renewal of insurance contracts, advising the Executive on adequate insurance cover where appropriate and effecting corporate cover for all material risks, through external insurance and internal funding
- (c) establishing arrangements for the handling of all insurance claims, in consultation with other officers where necessary
- (d) ensuring that internal insurance provisions are adequate to meet anticipated claims.

Executive Directors are responsible for:

- (e) identification and management of risk within their service, and having in place monitoring processes for reviewing regularly the effectiveness of risk management strategies
- (f) contributing to management of corporate risk
- (g) ensuring that they are aware of the extent of insurance cover as set out in the Risk Management and Insurance Handbook and complying with procedures agreed regarding the instigation, renewal, maintenance and amendment of the authority's insurance arrangements
- (h) informing the Head of Insurance of any changes in assets that impact on insurance arrangements
- (i) informing the Head of Insurance of any loss or damage to property, whether insured or not, and providing details of all claims made or incidents that may give rise to a claim against the Council.

5.3 Internal Control

The Executive Director of Resources is responsible for:

- (a) advising on effective systems of internal control. Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner which promotes economic, efficient and effective use of resources and that the authority's assets and interests are safeguarded. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice
- (b) reviewing systems of internal control at least annually and providing an opinion on internal control within the Council in order to advise on the Annual Governance Statement.

Executive Directors are responsible for:

- (c) establishing sound arrangements for planning, appraising, authorising, monitoring and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets
- (d) promoting compliance with Council Policy, Standing Orders, Financial Procedure Rules, Codes of Conduct and any statutory requirements
- (e) promoting an overall effective internal control system. Managerial Control Systems (including appropriate organisation structures, personnel arrangements and supervision, as well as Financial and Operational Control Systems and procedures, including physical safeguards of assets, segregation of duties, authorisation and approval procedures and information systems) should be documented and regularly reviewed.
- (f) providing assurances for the Annual Governance Statement, that financial and operational control processes are in place to enable Business Groups to achieve their objectives and manage significant risks.

5.4 Internal Audit*

*(*This should be read in conjunction with the Audit Procedure Rules elsewhere in the Constitution.)*

The Executive Director of Resources is responsible for:

- (a) ensuring an effective internal audit function, through adequate resourcing and coverage properly planned and determined through assessment of risk and consultation with management
- (b) ensuring that effective procedures are in place to investigate promptly any fraud or irregularity
- (c) ensuring that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work
- (d) ensuring there is effective liaison between external and internal audit

- (e) reporting losses over £5,000 from fraud or any suspected losses arising from corrupt practices to the Lead Member for Finance and the external auditor.

The Director of Audit, Fraud, Risk and Insurance:

- (f) is responsible for reviewing financial and management systems and controls throughout the Council in accordance with professional standards prescribed by the CIPFA Code of Audit Practice and the Auditing Practices Board and its operating procedures as set out in its Internal Audit Manual¹
- (g) has a duty to act if fraud or corrupt practices are suspected or detected
- (h) must report to the Audit and Transparency Committee on any relevant matter relating to the Council's financial controls.

Executive Directors are responsible for:

- (i) notifying the Director for Audit, Fraud, Risk and Insurance immediately of any suspected fraud, theft, irregularity or improper use of or misappropriation of the authority's property or resources. Pending investigation and reporting, all necessary steps should be taken, in consultation with the Head of Audit and Risk Management, to prevent further loss and to secure records and documentation against removal or alteration
- (j) ensuring that internal and external audit are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work
- (k) ensuring that all records and systems are up to date and available for inspection
- (l) ensuring that audit recommendations are responded to effectively in accordance with relevant timescales.

Preventing fraud and corruption

- 5.5 The Executive Director of Resources is responsible for developing, reviewing and maintaining an anti-fraud and anti-corruption policy including whistleblowing, and for advising on effective systems of internal control to prevent fraud and corruption.
- 5.6 The Executive Director of Resources is responsible for the publication of the Officers' Code of Conduct, which must include guidance on the acceptance of gifts and hospitality.
- 5.7 Executive Directors are responsible for ensuring compliance with the Anti-Fraud and Anti-Corruption Strategy 2 and with systems of internal control.

1 Copies of these documents are held by the Head of Internal Audit and Risk Management

2 A copy of this document can be found on the Intranet or obtained from the Senior Audit Manager

Assets

- 5.8 The Executive Director of Resources and the Director of Social Investment and Property are responsible for ensuring that processes are in place for maintaining asset registers in accordance with good practice for fixed assets. The function of the Asset Register is to provide the authority with up to date information about fixed assets so that they are safeguarded, used efficiently and effectively, and are adequately maintained.
- 5.9 Executive Directors must inform the Executive Director of Resources and Director of Social Investment and Property if they propose to enter into any finance lease agreement.
- 5.10 Executive Directors must ensure that assets, and records relating to these, are properly maintained and securely held.
- 5.11 Executive Directors must ensure that contingency plans for the security of assets and continuity of service, in the event of disaster or system failure, are in place.
- 5.12 The Director of Social Investment and Property must maintain a register of land and properties held by the Council.
- 5.13 Executive Directors must seek the approval of the Executive Director of Resources and Director of Social Investment and Property and the Lead Member for Housing and Property if they propose to vacate, acquire, lease or dispose of land and properties or to grant any easement over or under land.
- 5.14 Executive Directors must inform the Executive Director of Resources and the Director of Social Investment and Property of all property that ceases to be used for its existing operational purpose so that it can be considered for alternative uses within the Council or for disposal.
- 5.15 Executive Directors are responsible for planning for the meeting of dilapidations associated with their occupation of property.
- 5.16 Executive Directors must obtain the prior agreement of the Executive Director of Resources and Director of Social Investment and Property for all transactions involving property acquisition or disposal or which involve the Council in taking or granting a lease in excess of 6 months. They must also inform the Head of Insurance for insurance purposes.

Asset Disposal

- 5.17 The Director of Social Investment and Property is responsible for issuing guidelines representing best practice for the disposal of property assets.
- 5.18 Executive Directors are responsible for complying with issued guidelines in respect of all assets regarding health and safety. Executive Directors are responsible for planning and meeting the cost of dilapidations connected with their occupation of property.

5.19 The Director of Social Investment and Property is responsible for making sure that land and property is sold for the best price possible.

Asset Performance

5.20 The Director of Social Investment and Property is responsible for establishing performance indicators and targets to be approved by the Executive, through the Asset Management Plan.

5.21 Executive Directors are responsible for monitoring and reviewing asset performance in accordance with the Asset Management Plan.

Information Systems and Technology

5.22 Executive Directors must obtain the prior agreement of the Executive Director of Resources for all transactions involving the acquisition or disposal of IT systems and equipment. Purchase of IT equipment through the Information Systems Division (ISD) is deemed to satisfy the requirement for prior agreement.

5.23 Executive Directors are responsible for procuring and maintaining IS/IT assets in accordance with the Council's IT strategy and operational guidelines.

Inventories

5.24 Executive Directors are responsible for maintaining and reviewing annually inventories of furniture, fittings, equipment, IT, plant and machinery in their Department in accordance with guidelines issued by the Executive Director of Resources.

Stocks of goods and materials

5.25 Executive Directors are responsible for:

- (a) ensuring that stocks of goods and materials are held at a level appropriate to the business needs of the Council, and that stock levels are checked regularly.
- (b) ensuring that adequate arrangements are in place for their care and custody.
- (c) writing off the value of obsolete stock in their Departments in accordance with the write off limits for debts (refer to section 4 of 'Systems and Procedures' as set out in this document).

Intellectual Property

5.26 The Director of Law is responsible for developing and disseminating best practice regarding the treatment of intellectual property.

5.27 Executive Directors are responsible for:

- (a) developing controls to ensure that staff do not carry out private work in council time and that staff are aware that anything they create during the

course of their employment, whether written or otherwise, belongs to the Council.

- (b) complying with copyright, designs and patent legislation and, in particular, to ensure that:
 - (i) only software legally acquired and installed by the authority is used on its computers,
 - (ii) staff are aware of legislative provisions, and
 - (iii) in developing systems, due regard is given to the issue of intellectual property rights.

Treasury Management

- 5.28 This Council will create and maintain, as the cornerstones for effective treasury management:
- (a) a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - (b) suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- 5.29 The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 (policy statement) and 7 (TMPs) of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the Council materially deviating from the Code's key principles.
- 5.30 The full Council will receive reports on its treasury management policies, practices and activities, including an annual strategy and plan in advance of the year, a mid-year review and an annual report after the year's close, in the form prescribed in its TMPs.
- 5.31 This Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Lead Member for Finance and for the execution and administration of treasury management decisions to the Executive Director of Resources, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
- 5.32 This Council nominates the Audit and Transparency Committee to be responsible for ensuring effective scrutiny of treasury management strategy and policies.
- 5.33 The Executive Director of Resources is responsible for:

- (a) making all decisions on borrowing, investment or financing (including finance leasing) in accordance with the approved Treasury Management Strategy and Investment Strategy;
- (b) ensuring that all borrowing and all investments of money are made in the name of the authority or in the name of an approved nominee.

5.34 Executive Directors are responsible for ensuring that there are no adverse cash flow implications when receiving or claiming income or making payments.

Loans to third parties and acquisition of third party interests

5.35 The Executive Director of Resources is responsible, jointly with Executive Directors, for ensuring that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Lead Member for Finance or the Leadership Team.

Trust Funds and funds held for third parties

5.36 Executive Directors are responsible for arranging for all Trust Funds to be held, wherever possible, in the name of the authority and ensuring that Trust Funds are operated within any relevant legislation and the specific requirements for each Trust.

Banking

5.37 The Executive Director of Resources is responsible for:

- (a) the control of all money in the hands of the Council
- (b) operating central bank accounts as are considered necessary to the efficient operation of the Council's activities, within the terms agreed with the Council's bankers and reconciled regularly as required
- (c) making appropriate arrangements for signatories to the accounts
- (d) ensuring adequate separation of duties for electronic money transfer to third parties
- (e) approving the opening or closing of any bank account operated by the Council.

5.38 Executive Directors are responsible for operating bank accounts opened with the approval of the Executive Director of Resources in accordance with issued guidelines.

Imprest Accounts

5.39 The Executive Director of Resources is responsible for providing, in agreed circumstances and where such need is proven to be essential, cash imprest accounts to meet minor or other agreed expenditure and for prescribing procedures for operating these accounts.

5.40 Executive Directors are responsible for the secure operation and monthly reconciliation of approved cash imprest accounts in accordance with procedures issued by the Executive Director of Resources.

Purchase Cards

5.41 Purchase Cards are a relevant method of payment for purchases below £500 where appropriate, rather than the use of cash imprests, reimbursement of expenses incurred by employees, or the payment of invoices from suppliers.

5.42 The Executive Director of Resources is responsible for:

- (a) providing Purchase Cards to be used for agreed purposes and to be allocated to nominated members of staff
- (b) prescribing procedures and guidelines for the use of purchase cards, management review, and accounting arrangements for recording and monitoring expenditure incurred with cards issued
- (c) withdrawing Purchase Cards in the event of improper use outside of the prescribed procedures.

5.43 Executive Directors are responsible for ensuring the correct use of Purchase Cards in accordance with the procedures and guidelines issued by the Director of Financial Management.

Staffing Costs

5.44 The Director of HR and OD is responsible for ensuring that there is proper use of the job evaluation or other agreed system for determining the remuneration of a job.

5.45 Executive Directors are responsible for the management of staffing budgets by:

- (a) adjusting the staffing numbers to that which can be funded within the approved budget provision
- (b) the proper use of appointment procedures
- (c) monitoring staff activity to ensure adequate control over such costs as sickness, overtime, training, temporary and agency staff
- (d) ensuring that the staffing budget is not exceeded unless the necessary additional ongoing funding is available and the agreement of the relevant Lead Member and Lead Member for Finance is obtained as required.
- (e) ensuring compliance with taxation and contract requirements for contractors and employees. Remuneration of employees must be paid through the authorised payroll system.

6 SYSTEMS AND PROCEDURES

6.1 There are many systems and procedures relating to the control of the authority's assets including purchasing, income and management systems. Information must be accurate and procedures sound and well administered with controls to ensure that transactions are properly processed and errors detected promptly. The Executive Director of Resources has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

6.2 General

The Executive Director of Resources is responsible for:

- (a) determining the authority's accounting control systems, the form of accounts and the supporting financial records and for ensuring that systems determined by him/her are observed
- (b) approving any changes proposed by Executive Directors to the existing financial systems or procedures or the establishment of new systems or procedures
- (c) compiling, in consultation with Executive Directors, a Business Continuity Plan to provide for as normal a continuation of financial services as possible in the event of any incident affecting systems used to deliver those services.

Executive Directors are responsible for:

- (d) the proper operation of financial procedures and financial processes in their own Departments in accordance with the systems and procedures set out by the Executive Director of Resources.
- (e) ensuring that there are documented procedures for the operation of financial systems
- (f) obtaining the approval of the Executive Director of Resources for any developments of new systems and changes to existing systems that involve a financial operation or that produce output that may influence the allocation of resources.
- (g) ensuring that their staff receive relevant financial training which has been approved by the Executive Director of Resources.
- (h) ensuring, jointly with the Executive Director of Resources that there is a documented and tested Business Continuity Plan to allow information system processing to resume quickly in the event of an interruption
- (i) ensuring that the central financial systems are utilised except where otherwise agreed by the Executive Director of Resources.
- (j) ensuring that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements agreed with the Executive Director of Resources.

6.3 Income

The Executive Director of Resources is responsible for:

- (a) approving procedures for writing off debts as part of the overall framework of accountability and control
- (b) setting the debt management policy for the Council in order to maximise the income due to the Council and its collection
- (c) approving the procedures, systems and documentation for the collection and write off of income
- (d) examining and actioning requests for write offs submitted by Executive Directors subject to the limits as set out in this document
- (e) maintaining a record of all sums written off and adhering to the requirements of the Accounts and Audit Regulations
- (f) ensuring that appropriate accounting adjustments are made following write off action
- (g) ensuring, in consultation with Executive Directors, that adequate provision is made for potential bad debts arising from uncollectable income.

The approval limits for writing off irrecoverable debts is as follows:

Approval by	Limit (£)
Executive Director and Head of Finance (or their authorised representatives).	0-49,999
Director of Financial Management (Deputy S151 Officer), Executive Director and the Director of Law (or their authorised representatives).	50,000-249,999
Executive Director of Resources following consultation with relevant Lead Member and Lead Member for Finance	250,000-499,999
Leadership Team approval	500,000+

Executive Directors are responsible for:

- (a) ensuring that the Council's corporate financial systems are used for collection of income except where specialist systems are used with the agreement with the Executive Director of Resources

- (b) ensuring compliance with the agreed debt management policy of the Council
- (c) ensuring that invoices are accurate, raised promptly, recovery action is swift and any disputes are resolved in a timely manner. All debt must be recorded on the council's general ledger except those approved for recording on other systems by the Executive Director of Resources.
- (d) the write-off of irrecoverable debts in their Departments in accordance with the limits as set out in this document
- (e) ensuring that the agreed charging policy is implemented and consistently applied in respect of each relevant activity and service
- (f) separating, as far as is practicable, the responsibility for identifying amounts due and the responsibility for collection
- (g) ensuring official receipts are issued and maintaining any other documentation for income collection purposes
- (h) holding securely receipts, tickets and other records of income
- (i) ensuring that income from debit or credit cards is processed in accordance with Payment Card Industry Data Security Standards
- (j) ensuring the security of cash handling.

6.4 Ordering and Paying for Works, Goods and Services

The Executive Director of Resources is responsible for:

- (a) ensuring that the authority's financial systems and procedures for ordering and paying for works, goods and services are sound and properly administered
- (b) agreeing, in consultation with Executive Directors where appropriate, any changes to existing financial systems and approving any new systems before they are introduced
- (c) agreeing the form of official orders and associated terms and conditions
- (d) making payments from the authority's funds on an Executive Director's authorisation that the expenditure has been duly incurred in accordance with Financial Procedure Rules
- (e) defining the requirements for the checking and certification of invoices prior to payment to confirm that the goods have been ordered and received, the invoice is in order and is certified for payment by the nominated budget manager
- (f) setting and reviewing a minimum value for invoices, below which payment will be made on certification that goods or services have been received

and that the invoice is in order but not requiring the additional certification of the budget manager

- (g) making payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a Court Order
- (h) making payments to contractors on the certificate of the appropriate Executive Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

Executive Directors are responsible for:

- (i) ensuring that the Council's corporate financial systems are used for payment for work, goods and services except where specialist systems are used in agreement with the Executive Director of Resources.
- (j) ensuring that verbal orders for works, goods or services are only placed exceptionally and are confirmed with an official written order
- (k) Ensuring that purchase orders are used for all purchases of £5,000 or more unless a specific exemption has been granted by the Director of Financial Management
- (l) ensuring that orders are only used for goods and services provided to their Departments and not to obtain goods or services for an individual's private use
- (m) ensuring that only those staff authorised by the Executive Director sign orders or authorise invoices for payment and maintaining an up-to-date list of such authorised staff, identifying in each case the limits of their authority
- (n) ensuring that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different person from the person who authorised the order. Employees must not authorise payments to themselves, to anyone to whom they are related, or with whom they have a close personal or domestic relationship outside work
- (o) ensuring that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment
- (p) ensuring that payments are not made in advance of goods being supplied, work done or services rendered to the Council except with the approval of the Executive Director of Resources.
- (q) ensuring that all undisputed invoices are settled within agreed terms or 30 days from receipt of the invoice
- (r) ensuring that the Department obtains value for money from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, and in line with the principles contained in the authority's Procurement Procedure Rules

- (s) utilising the purchasing procedures outlined in the authority's Procurement Procedure Rules.

Ex Gratia Payments

- 6.5 Executive Directors are responsible for approving reasonable ex gratia payments of £1,000 or less to provide a remedy under the Council's complaints system.
- 6.6 For ex gratia payments in excess of £1,000 Executive Directors are responsible for obtaining the approval in consultation with the Chair of the Administration Committee

6.7 Payments to employees and members

The Director of Human Resources & Organisational Development is responsible for:

- (a) ensuring that there are appropriate arrangements in place so that employees pay, allowances, compensation payments and deductions are made accurately, promptly and securely in accordance with approved procedures
- (b) setting limits up to which Executive Directors may authorise honoraria and acting up allowances
- (c) ensuring adequate arrangements are made for the secure, accurate and prompt payment of pensions
- (d) ensuring that there are adequate arrangements for the day-to-day administration of all pension administration matters
- (e) arranging payment of all travel and subsistence claims and the payment of allowances and expenses to Members
- (f) ensuring the accurate and timely payment of PAYE, Income Tax, National Insurance, pension and all other statutory and non-statutory payroll deductions
- (g) ensuring the accurate and timely production of statutory returns to HM Revenue and Customs and other statutory bodies, particularly in respect of the financial year-end and the declaration of employee taxable benefits
- (h) arranging and controlling secure and reliable payment, on the due date, of salaries, compensation payments or other emoluments and employment related payments in accordance with prescribed procedures.

The Executive Director of Resources is responsible for issuing guidance on the reimbursement of non-taxable business expenses incurred by employees.

Executive Directors are responsible for:

- (i) ensuring that all appointments are made in accordance with the Council's procedures, approved establishments, grades and scales of pay

- (j) notifying the Director of Human Resources of any changes in employees' circumstances which would affect their payments or deductions
- (k) authorising honoraria and acting up allowances up to the limit set by the Director of HR and OD
- (l) ensuring that all claims based pay, allowances or other sums paid to employees are properly authorised and submitted in time to meet established deadlines
- (m) ensuring that adequate budget provision exists for:
 - all employee appointments
 - all permanent and temporary variations relating to employee appointments
 - all engagements of self-employed persons.

Taxation

6.8 The Executive Director of Resources is responsible for:

- (a) maintaining the Council's tax accounting records, making tax payments, receiving tax credits and submitting tax returns by their due date as appropriate
- (b) b) advising Executive Directors on all taxation issues that affect the authority in the light of relevant legislation as it applies and guidance issued by appropriate bodies.

6.9 Executive Directors are responsible for consulting with, seeking and acting on advice from the Executive Director of Resources on the potential tax implications of any new initiatives for the delivery of Council services.

6.10 Executive Directors are responsible for implementing proper processes to comply with tax legislation, in accordance with any advice given.

Data

6.11 The Director of Law and the Executive Director of Resources are jointly responsible for issuing guidance on data protection and freedom of information.

6.12 Executive Directors are responsible for ensuring that, where appropriate, computer and other systems are registered and operated in accordance with Data Protection legislation. Executive Directors must ensure that staff are aware of their responsibilities under the Data Protection and Freedom of Information legislation.

6.13 Executive Directors are responsible for nominating data owners, for compliance with legislation and guidance, for security, controlled access and integrity of data and data transfer and for notifying breaches.

7 EXTERNAL ARRANGEMENTS

7.1 Council's work in partnership with others – public agencies, private companies, community groups and voluntary organisations, bringing together the contributions of the various stakeholders, including external agencies, to deliver a shared vision of services based on user wishes. Current legislation also enables councils to perform services for other bodies and offer its services through a trading company on a commercial basis. Trading is not without risk and therefore steps must be taken to manage those risks effectively. Increasingly, the Council commissions services from voluntary and community organisations, and charities, but it is important that the Council does not compromise the independence of their governance arrangements.

Working in Partnership

7.2 The Council defines a partnership as follows: "A partnership exists where two or more independent bodies make an agreement to work collectively to achieve a shared objective, and collectively take decisions on significant financial, operational or strategic issues".

7.3 The Executive Director of Resources is responsible for:

- (a) promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council
- (b) advising on the financial implications resulting from entering into partnership agreements including tax treatment, limitation of liability, valuation of transferred assets or the grant of a right to use existing assets and any other long term issues
- (c) advising on the terms of any payment and performance mechanism relating to partnerships entered into by the Council.

7.4 The Director of Communities is responsible for:

- (a) establishing and maintaining a database of the partnerships in which the Council is involved
- (b) issuing guidance on the development and evaluation of partnerships that sets out the Council's requirements for pre-partnership appraisals, partnership governance arrangements and regular review of partnerships.

7.5 Executive Directors are responsible for ensuring that:

- (a) pre-partnership appraisals are completed before entering into partnerships, in accordance with the guidance on the development and evaluation of partnerships issued by the Director of Communities.
- (b) partnerships are governed in accordance with the guidance issued by the Director of Communities which covers risk management

- (c) collective decisions taken by partnerships are approved by the Council in accordance with its scheme of delegation and key decision threshold
- (d) the accounting and financial arrangements for partnerships satisfy the Council's requirements and allow for any required audit of the partnerships affairs
- (e) partnerships are reviewed at least once every three years in accordance with the guidance issued by the Director of Communities.

External funding

7.6 Executive Directors are responsible for ensuring that:

- (a) funds are acquired only to meet policy priorities
- (b) any match funding requirements can be accommodated within the budget
- (c) there is a planned exit strategy to deal with the cessation of external funding in the future
- (d) projects progress in accordance with the agreed grant conditions
- (e) all expenditure is properly incurred and recorded (f) all claims for external funds are made by the due date
- (g) any audit requirements are met.

Establishing a Trading Company

7.7 The Executive Director of Resources is responsible for:

- (a) promoting and maintaining the same high standards of conduct with regard to establishing a trading company that apply throughout the Council
- (b) advising on the financial implications resulting from the establishment of a trading company including those resulting from the form of company established
- (c) approving the VAT arrangements made by the trading company prior to its establishment insofar as they affect the Council (d) the adequacy of the business case and business plan.

7.8 Executive Directors are responsible for:

- (a) preparing a detailed business case and business plan for the establishment of any trading organisation in accordance with relevant legislation and following best practice. The business plan must include full financial projections for the profit and loss account, balance sheet, cash flow statement. The business case must address the risks to the Council of establishing a trading company

- (b) ensuring that proposals for trading activities are not ultra vires and have the Executive's approval before the company is established or any contract with a third-party to establish a trading company is entered in to
- (c) ensuring that they have acquired the necessary expertise to establish the trading company and that its establishment does not adversely impact on the services provided for the Council
- (d) determining the appropriate form of company that should be established and that as appropriate, the articles of association of the trading company and any shareholders' agreement ensure that the Council can exert the appropriate degree of control over the trading company as shareholder
- (e) ensuring that the trading company is not subsidised by the Council and that all services, officer time and other support provided to the company is charged to the company in accordance with the CIPFA Service Reporting Code of Practice
- (f) any contract drawn up between the trading company and the Council addresses risks to the Council
- (g) seeking and acting upon appropriate financial, legal and taxation advice in establishing a trading company.

Overseeing a Trading Company – Directorships

- 7.9 The Council may or may not choose to appoint representatives to the board of directors of the trading company. A director's principal duty, under the relevant legislation e.g. the Companies Act 2006 is to the company and therefore Members and officers who sit on a board of directors must be aware of the potential for conflicts of interest and therefore make themselves familiar with the applicable Code of Conduct/Standing Orders when discharging their various duties in relation to the trading company.
- 7.10 To avoid a conflict of interests arising in the roles of Executive Director of Resources and Monitoring Officer, neither should become directors of a trading company.
- 7.11 Unless appointed to the board of directors of a trading company, members and officers must avoid becoming shadow directors of a trading company or compromising the governance arrangements of the trading company and/or the Council. Therefore, unless appointed to the board of directors, members and officers must not:
- (a) participate in board meetings of the company
 - (b) take any decision on behalf of the company
 - (c) require the trading company to clear or seek approval for its decisions with themselves
 - (d) stipulate or request that the he or she must countersign a decision of the trading company.

- (e) Oversight and control of the trading company should be exercised in accordance with its articles of association and any shareholders' agreement.

Overseeing a Trading Company – Articles of Association and Shareholders' Agreements

- 7.12 Where the Council establishes a joint venture, or where the Council is not the sole shareholder in a company, a shareholders' agreement should be agreed with the other shareholders.
- 7.13 Articles of association for a trading company (and in the case of a joint venture or where the Council does not have at least majority of control of the company, the shareholders' agreement) must make provision for the Council to oversee the trading company and ensure that the Council can exercise a suitable degree of control. As a minimum, the articles and any agreement must make provision for the following:
- (a) the decision making powers of the directors and board of directors of the trading company e.g. financial and the business that the trading company can enter into
 - (b) the appointment and removal of directors
 - (c) the rights of shareholders, including the provision for Annual General Meetings and Extraordinary General Meetings
 - (d) the dissolution or sale of the trading company
 - (e) access to the company and its records by internal audit
 - (f) obligation to attend the Scrutiny Committees as required to facilitate scrutiny of the company.

Voluntary Organisations and Charities

- 7.14 Unless appointed to the board of directors of a charity or voluntary organisation, either in a private capacity or on behalf of the Council, or as agreed in the Compact¹, funding agreement, contract or other written agreement, Members and officers must not:
- (a) participate in board meetings of the charity or organisation
 - (b) take any decision on behalf of the charity or organisation
 - (c) require the charity or organisation to clear or seek approval for its decisions with themselves
 - (d) stipulate or request that he or she must countersign a decision of the charity or organisation.

¹ Kensington and Chelsea Partnership Compact and Code of Practice

7.15 Members and officers, except in an official capacity as a representative, director or trustee of a charity or voluntary organisation, should not attempt to influence the Council's grant-making or commissioning processes to either favour or disfavour that organisation.

GLOSSARY OF TERMS

Wherever possible we have tried to minimise the use of technical finance terminology. We set out below a glossary, which aims to simplify and explain the terms we've used.

Budget

A statement of the Council's plans for revenue and capital expenditure and income over a specified period of time.

Budget holder

The person responsible for the day to day control of income and expenditure against a set budget for a cost centre or group of cost centres. The budget holder will also be responsible for budgetary monitoring of their cost centres, including preparation of regular monitoring reports as required.

Budgetary control

Comparison of actual expenditure and income against approved budgets during the year and the taking of action to resolve any variations which arise.

Capital expenditure

Expenditure on the purchase, construction and enhancement of Council assets such as houses, offices, schools and roads. Expenditure can only be treated as 'capital' if it meets the statutory definition and is in accordance with accounting practices and regulations.

Capital expenditure includes:

- (a) the acquisition of land, buildings, furniture, equipment, plant and vehicles;
- (b) the construction of new buildings or improvements to existing buildings;
- (c) road improvements, bridgeworks, and traffic management and waste disposal schemes;
- (d) internal or external professional fee costs on the above;
- (e) grants and advances for a capital purpose;

Other expenditure may be brought within the definition of capital expenditure by Central Government Regulations. The Executive Director of Resources and the

finance team will advise Heads of Service/Executive Directors whenever changes arise.

Capital programme

Sets out the Council's capital expenditure plans for the current and future years.

Capital receipt

Proceeds from the sale of land, buildings and leases of land or buildings of. Particular rules must be observed in dealing with the proceeds and they must not be confused with revenue income such as fees and charges.

CIPFA

Chartered Institute of Public Finance and Accountancy. The professional accountancy body concerned with local councils and the public sector.

Council Tax

The tax which is levied on the broad capital value of domestic properties, and charged to the resident or owner of the property by the Council.

Estimate

Anticipated expenditure or income - generally synonymous with the term "budget estimate"

Ex gratia payments.

Ex-gratia payments are made in situations where no legal obligation exists.

General Fund

The Council's main revenue account that covers the net cost of all services other than the provision of Council housing for rent.

Housing Revenue Account

A statutory account that contains all income and expenditure on the provision of Council housing for rent. The HRA must be kept entirely separate from the General Fund and the account must balance. Local Authorities are not allowed to make up any deficit on the HRA from the General Fund.

Outturn

Actual income and expenditure in a financial year.

Revenue expenditure

Expenditure on day to day items such as salaries, wages and running costs. These items are paid for from service income, revenue support grant, business rates, revenue grants, contributions and council tax. Differs from the definition of capital expenditure.

Section 151 Officer

Legally Councils must appoint under Section 151 of the Local Government Act 1972 a named chief finance officer to give them financial advice, in RBKCs case this is the post of Executive Director of Resources.

Slippage

Slippage is when the timeline of a capital project changes which results in the rephasing of the project and budget. For example: Slippage – expenditure on a capital scheme delayed from one financial year into the next but which does not affect the total cost of the scheme.

Treasury Management

The process of managing the Council's cash flows, borrowing and cash investments to support the Council's finances. Details are set out in the Treasury Management Strategy which is approved by Leadership Team in February and Full Council in March each year.

Virement

Transfer of budgets between budget headings.

Part Eight – Procedures

Section Four – Audit Procedure Rules

1. Introduction

- 1.1 The Council is required by statute to undertake internal audit activities, and to undergo the external audit process.

2. Internal Audit

- 2.1 Local authorities are required by law to maintain an internal audit function. The law 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 those affairs.” This responsibility is vested in the Executive Director for Resources and Assets and the internal audit section acts on his or her behalf.
- 2.2 The law (The Accounts and Audit Regulations 2015) also requires that “A relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance. Any officer or member of a relevant authority must, if required to do so for the purposes of the internal audit, make available such documents and records and supply such information and explanations as are considered necessary by those conducting the internal audit”.
- 2.3 Within the Council the Section 151 Officer is the Executive Director for Resources and Assets, which means that he or she is responsible for ensuring that high financial standards are maintained. The Director of Audit, Fraud, Risk and Insurance reports to him or her. The section itself operates as an independent financial and managerial appraisal function within the Borough, and provides assurance to the Executive Director for Resources and Assets and Chief Executive that there is an adequate and effective system of internal control within the Council.
- 2.4 The role of internal audit is described in Financial Procedure Rules, and gives the right of access across all Council functions, the right to examine documents which appear relevant to an audit, and the right to require officers to provide information and explanations that are necessary for an audit.

3. External Audit

- 3.1 The work of local authorities is subject by statute to external audit review. External Auditors are currently appointed to Local Authorities via Public Sector Audit Appointments under the Local Audit and Accountability Act. Grant Thornton are currently the Council’s appointed external auditors.
- 3.2 External audit is concerned with the accuracy of the information presented in the annual accounts (for the Council and Pension Fund), the overall control environment and the achievement of value-for-money.

4. Access and Accountability

4.1 In respect of internal audit, the Audit and Transparency Committee will:

- (a) consider the annual audit plan;
- (b) receive progress reports on the work internal audit is undertaking; and
- (c) receive the annual report on internal audit activity.

4.2 In respect of external audit, the Audit and Transparency Committee will:

- (a) ensure a rational and cost-effective harmonisation of internal and external audit work;
- (b) consider external audit value-for-money reports, Best Value reviews and the relevant response from Services;
- (c) receive and comment on the external auditors' "management letter" which comments on the performance of the Council;
- (d) receive the External Audit Annual Service Plan.

Part Eight - Procedures

Section Five – Contract Regulations

PURPOSE AND SCOPE OF CONTRACT REGULATIONS

1 Legislation Governing these Contract Regulations

- 1.01 The Royal Borough of Kensington and Chelsea (RBKC, the Council) is legally obliged to have Contract Regulations, which guide processes for ensuring transparency, best value, accountability and suitable competition in the award of contracts using public funds.
- 1.02 These Contract Regulations must be read in conjunction with the Council's Procurement Code, Guidance for Shared Services and Finance Procedure Rules, which together form the framework for ensuring compliance with the Constitution.
- 1.03 These Contract Regulations form part of the Constitution of the Council.
- 1.04 It may be a disciplinary offence for officers not to follow the Contract Regulations. Officers have a duty to report breaches appropriately.

2. Scope of Contract Regulations

- 2.01 These Contract Regulations apply to all contracts awarded by the Council for services, works or supplies, procured or commissioned activity regardless of the source of funding.
- 2.02 These Contracts Regulations apply to any person, firm or body acting on the Council's behalf.
- 2.03 These Contract Regulations apply to concession contracts.
- 2.04 These Contract Regulations do not apply to –
 - (a) Grants (guidance provided in the Procurement Code)
 - (b) Contracts of employment
 - (c) Land Transactions (where interest solely relates to the land)
 - (d) Contracts with agencies or suppliers for the provision of staff, where it is agreed that the use of vendor managed service is not appropriate
 - (e) Contracts with Barristers where required to be commissioned outside existing contractual arrangements
 - (f) Contracts entered into for and by school governing bodies which are covered by separate regulations
 - (g) Professional subscriptions such as professional fees for the registration of qualifications or professions.

3. Recording of Decisions

- 3.01 Any decision relating to the planning for a procurement or commissioning activity, or award of a procured contract, or extension of or substantive variation of an existing contract taken by the Council must be recorded and approved in line with Governance Requirements detailed in the Procurement Code and Constitution.
- 3.02 A decision may be either delegated to an officer, an executive decision or a key decision.
- 3.03 The procedures for key decisions and executive decisions as set out in Part 4 Section 1 must be followed.
- 3.04 Any decision taken must be in compliance with the Governance Requirements as detailed in the Procurement Code and Constitution.

4. Roles and Responsibilities

- 4.01 Executive Directors have responsibility for all contracts let by their Directorate, with the Council's Section 151 Officer having oversight of all contracting activity across the Council.
- 4.02 Executive Directors are responsible for ensuring that:
- (i) legal processes and Council Policy are adhered to;
 - (ii) good practice is followed; and
 - (iii) immediate action is taken in the event of a breach of the Contract Regulations within their area.
- 4.03 The Director of Audit, Fraud, Risk and Insurance is responsible for ensuring that relevant processes and procedures are in place in relation to endorsement and approval of any procurement or commissioning related decision as defined in tables One, Two and the Procurement Code and for reporting on compliance as required. Waivers should be sought and approved in line with section 14.
- 4.04 Officers are required to:
- (i) Follow the processes set out in the Contract Regulations and associated guidance as detailed in the Procurement Code. Plan sufficient time and resource to procure the requirement;
 - (ii) Record all contracts in the Council's Contracts Register.
 - (iii) Maintain an effective audit trail for all procurement actions and decisions;
 - (iv) All quotations and tenders must be published through the Council's e-tendering system unless otherwise agreed with the Strategic Procurement team;

- (v) Ensure the correct application of relevant regulations and Council policies, including but not limited to: Equality, Diversity and Inclusion, London Living Wage, Modern Slavery, Social Value, Data Protection and the Green Plan.

REQUIREMENTS FOR ALL PROCUREMENTS AND CONTRACTS

5. Estimating Value

- 5.01 When planning for a procurement or before entering any contract an estimate of contract value must be calculated. Contracts must not be artificially split to avoid the application of the key Tendering Thresholds contained within Table One of these Regulations. The estimated value is to be based on the total amount payable to the supplier over the whole contract period, inclusive of any VAT payable. This contract value shall include any option(s) to extend the contract as set out in the procurement documents.
- 5.02 In the case of contracts without a fixed term the estimated value shall be the monthly value multiplied by 48 inclusive of any VAT payable.
- 5.03 Contracts for Service shall be estimated using the contract value over the contract period.
- 5.04 The value of concession contracts shall be the estimated total turnover of the concession generated over the duration of the contract, inclusive of any VAT.

6. Procurement and Contract Evaluation Criteria

- 6.01 The Council has a statutory duty to achieve best value and it is in the Council's best interests to spend public money in this way. Therefore, every contract for the procurement of goods, works and services by the Council must be for the purpose of achieving the Council's statutory or approved objectives.
- 6.02 Contracts must be awarded on the basis of the most economically advantageous tender (MEAT), quotation or proposal, as determined by such criteria as are relevant to the type of goods, works or services. This will generally cover the optimum combination of whole life costs and benefits, including such factors as quality, initial price, running costs and disposal costs.
- 6.03 It will also include criteria for social value, as detailed in the Social Value Strategy.

7. Approval of Procurement and Commissioning Decisions

- 7.01 Before any procurement and/ or commissioning activity begins, endorsement by Commercial Assurance Panel (CAP) or an equivalent internal governance board must be sought and demonstrated in line with Governance Requirements (including the relevant provision in Part 4 of the Constitution) and as detailed in the Procurement Code.
- 7.02 Before award of any contract, endorsement by CAP or an equivalent internal governance board and relevant Director, Executive Director or Member

approval must be sought and demonstrated in line with Governance Requirements as detailed in the Procurement Code.

8. Contract Conditions

- 8.01 For all contracts less than £25,000 in value, Purchase Order terms and conditions will be used unless it is deemed to be a High Risk requirement and/or is going to be sourced via an agreed procurement framework.
- 8.02 Regardless of value, if the contract is sourced through a procurement framework and/or is classed as High-Risk contract, before starting the procurement process officers must consult with and follow advice from Procurement and Legal and ensure that a written contract is put in place.
- 8.03 All contracts of £25,000 and over in value must be in writing except for contracts made in extreme urgency which must be subsequently confirmed in writing.
- 8.04 Contracts of £25,000 and over in value must be signed by one officer authorised by the Financial Procedure Rules.
- 8.05 The Council's standard terms and conditions must be used for all contracts over the value of £25,000. Any variation or deviation from this must be agreed by the Director of Law. Further legal advice must be sought where necessary.
- 8.06 Contracts in excess of £100,000 must be forwarded to Legal Services for execution as a deed unless the Director of Law agrees otherwise. The Director of Law, or another lawyer authorised by him or her, may decide by what means and in what form (including but not limited to an electronic seal) the common seal is to be used.
- 8.07 All contracts must be signed (and sealed) through the Council's electronic signing system which is managed by Legal Services.
- 8.08 Where the contract is externally funded any contingent liabilities and/ or grant conditions must be considered.

9. Modification, Variation and Extension of Conditions of Contracts

- 9.01 Contracts may be modified/varied or extended, if permitted within the Public Contracts Regulations 2015 (PCR 2015)/ Contracts Concession Regulations 2016 (CCR 2016). Legal advice should be sought before any changes are agreed between the parties.
- 9.02 Prior to the variation of a contract a report should be prepared and subject to endorsement and approval as outlined in the Procurement Code which:
 - (i) Sets out the reasons for the variation and how value for money is demonstrated
 - (ii) Confirms that there is a budget to cover the increased expenditure;
- 9.03 Officers must consult Procurement Services and Legal Services where appropriate, on all contract extensions or variations to ensure compliance with the PCR 2015 or the CCR 2016. It should be noted that the extent of

permitted variations is limited by law and require specific conditions to be fulfilled.

- 9.04 Each modification should be assessed on a case-by-case basis. Where a significant modification or variation is identified, permission to change the contract must be approved and endorsed in line with Table Two (see below) as a Waiver.
- 9.05 Where a modification or variation is sought that is not permitted within a contract a waiver must be sought.
- 9.06 All modification/variations/extensions must be formally agreed with the provider in writing and appropriate record keeping should be maintained as outlined in the Procurement Code.

10. Contract Novation, Termination and Document Retention

- 10.01 An Executive Director may agree the novation (transfer) of any contract subject to compliance with the PCR 2015 and financial due diligence on the incoming contractor having been satisfactorily completed.
- 10.02 Legal and procurement advice should be sought where necessary for any proposed novation.
- 10.03 Where a contract needs to be terminated prematurely or for poor performance Procurement must be consulted. The final decision will reflect the implications such as but not limited to financial and legal matters arising from the termination.
- 10.04 All contract records must be retained for six years after contract expiry and under any seal for twelve years from the expiry of the contract. Relevant insurance must be maintained by the provider for the duration of the contract.
- 10.05 Unsuccessful tenders must be electronically retained for one year from the award of contract.

PROCUREMENT PROCEDURES

11. Tendering Requirements

- 11.01 Officers shall procure all goods, services and works in accordance with the Tendering Requirements and Approval Requirements as set out in Table One - Procurement Requirements.
- 11.02 Approval and Endorsement through the Governance gateway process is outlined in the Governance Requirements detailed in the Procurement Code.

12. Procurement Approach Hierarchy

- 12.01 Where a procurement is required, officers should consider the following options before undertaking an open tender:
 - (i) Existing Corporate Contracts;
 - (ii) Use of an agreed framework already in use within the Council;
 - (iii) Use of an external procured framework.

13. Shared Services

- 13.01 Where the requirement is part of a Bi-Borough or other shared service, approvals should be sought in line with Contract Regulations where:
- (i) the value contributed by RBKC is more than £100,000; or
 - (ii) the level of interest is determined as significant or material by the relevant Executive Director.

14. Waiver Limits

- 14.01 Waivers relating to contracts with a total value between £25,000 and £100,000 may be granted by the relevant Executive Director, subject to approval by the Director of Audit, Fraud, Risk and Insurance, with endorsement from Head of Strategic Procurement.
- 14.02 Waivers relating to contracts with a total value over £100,000 may be granted by the relevant Executive Director or subject to the approval of the Executive Director of Resources, with endorsement from the Director of Audit, Fraud, Risk and Insurance.
- 14.03 If the waiver is requested by the Executive Director of Resources another Executive Director must approve the Waiver.
- 14.04 For waivers relating to contracts with a total value that exceeds £500,000 additional agreement must be sought.
- (i) If it is between £500,000 and £1.5million the relevant Lead Member must agree.
 - (ii) If it is over £1.5 million then the Lead Member or the Leadership Team must agree via a key decision.
 - (iii) If the aggregate value of the original contract (including all extensions and variations) and the proposed waiver exceed £1.5m approval may be required from the lead member, or leadership team, as appropriate

15. Grounds for Waivers

- 15.01 No exception to these Contract Regulations may be permitted unless the authoriser (in line with section 14 above) is satisfied that:
- (i) there are exceptional circumstances that have led to a need to depart from the Contract Regulations and evidence has been provided which demonstrates the waiver is necessary to achieve the Council's objectives; and
 - (ii) the nature of the market for the works to be carried out, or the services or supplies to be provided, has been investigated and it has been demonstrated that due to a lack of competition in the market, a departure from the requirements of Contract Regulations is justifiable; or

- (iii) the contract is for works, services or supplies that are required in circumstances of an emergency and as such could not reasonably have been foreseen.

STANDARDS OF CONDUCT

16. Conduct

- 16.01 All Council Officers must comply with the Council's Officer's Code of Conduct, Conflicts of Interest Policy and Confidentiality Policy.

17. Registering Interests and Conflicts

- 17.01 Any officer of the Council, who find themselves in a situation of potential, perceived or actual conflict of interest in respect of a contract the Council has entered into, or proposes to enter into shall declare their interest in writing to the project lead/manager, who will ensure this is entered on the Council's electronic tendering system. This requirement includes external parties acting on behalf of the Council in a procurement process;
- 17.02 The Council will require interests, employment or relationships so declared to be entered in a register of interests of staff and for declarations of interest to be made by those designing the invitation to tender at the commencement of the tender exercise and the members of the evaluation panel prior to the evaluation process commencing.

Table One – Procurement Requirements

Table One outlines expectations of the process and audit trail by expenditure level and type of expenditure.

Further information is set out in the Procurement Code and any queries, or clarity should be sought from Strategic Procurement.

Level 1: Anticipated Spend - below £25,000
3 suppliers including one SME or local supplier contacted where possible via the designated e-Sourcing system.
Approval to Award Sign off by Head of Service, or budget holder or delegated officer, in consultation with Strategic Procurement, where appropriate.

Level 2: QUOTE (Price/ Quality Split as appropriate) where not identified as a High Risk requirement (where Level 3 should be followed)		
Services	Works	Light Touch Regime (Services)
£25k – £250k Self Service e-Sourcing Advertised on Contracts Finder Minimum 3 quotes requested * or competition on established framework Minimum one quote received	£25k – £250k Self Service e-Sourcing Advertised on Contracts Finder Minimum 3 quotes requested * or competition on established framework Minimum one quote received	£25k – £250k Self Service e-Sourcing Advertised on Contracts Finder Minimum 3 quotes * requested or competition on established framework Minimum one quote received
Approval to Award Service Director, or delegated officer sign off in consultation with Senior Commercial Manager. An award notice to be published on Contracts Finder.		

** including one quote from an SME/local company where possible*

Level 3: TENDER (Price / Quality Split in line with Procurement Code)		
Approval to Proceed		
Services	Works	Light Touch Regime (Services)
£250k – PPT* Commercial Assurance Panel (CAP) endorsement and Executive Director approval Advertised on Contracts Finder Minimum 5 tenders ** requested or competition on framework At least two tenders received Social Value Review	£250k – £500k CAP endorsement and Executive Director approval Advertised on Contracts Finder Minimum 5 tenders requested ** or competition on framework At least two tenders received Social Value Review	£250k – PPT CAP endorsement and Executive Director approval Advertised on Contracts Finder Minimum 5 tenders ** requested or competition on framework At least two tenders received Social Value Review
PPT – up to £1.5m As £250k+ above plus: Published on Find a Tender Service (FTS) and Contracts Finder Endorsed by CAP and approved by Executive Director in consultation with Lead Member	£500k – up to £1.5m As £250k+ above plus: Published on Find a Tender Service (FTS) and Contracts Finder Endorsed by CAP and approved by Executive Director in consultation with Lead Member	PPT – up to £1.5m As £250k+ above plus: Published on Find a Tender Service (FTS) and Contracts Finder Endorsed by CAP and approved by Executive Director in consultation with Lead Member
£1.5m and above As £250k+ above plus: Endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team	£1.5m – PPT (-5%) As £250k+ above plus: Endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team	£1.5m and above As £250k+ above plus: Endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team
<p><i>* PPT means the public procurement thresholds (as amended from time to time) as detailed in the Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Utilities Contracts Regulations 2016, Defence and Security Public Contracts Regulations 2011</i></p> <p><i>** including one quote from an SME/local company where possible</i></p>		
Endorsement and Approval to Award a Contract Executive/Key Decision Report required for Approval of Award Entry on forward plan at least 28 days before award decision and preferably 2-3 months in advance in draft for internal consideration		
Services	Works	Light Touch Regime (Services)
£250k – PPT	£250k – £500k	£250k – PPT

Constitution Part Eight, Section Five – Contract Regulations

Technical, Social Value and Financial Evaluation Contract award endorsed by CAP and approved by Executive Director	Technical, Social Value and Financial Evaluation Contract award endorsed by CAP and approved by Executive Director	Technical, Social Value and Financial Evaluation Contract award endorsed by CAP and approved by Executive Director
PPT – up to £1.5m As £250k+ above plus: Contract Award endorsed by CAP and approved by Executive Director in consultation with Lead Member	£500k – up to £1.5m As £250k+ above plus: Contract Award endorsed by CAP and approved by Executive Director in consultation with Lead Member	PPT – up to £1.5m As £250k+ above plus: Contract Award endorsed by CAP and approved by Executive Director in consultation with Lead Member
£1.5m and above As £250k+ above plus: Contract Award endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team	£1.5m – PPT (-5%) As £250k+ above plus: Contract Award endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team	£1.5m and above As £250k+ above plus: Contract Award endorsed by CAP and Executive Director and Key Decision approved by Lead Member or Leadership Team
<i>Award notice to be published on Contracts Finder/Find a Tender Service as appropriate</i>		

Table Two – Waiver Requirements

(Note: A waiver must accompany an award report which must follow the decision-making requirements set out above and in Part 4 of the constitution)

	Waivers	
Services and Works	Services and Works	Services and Works
<p>£25k – £250k Justification for direct award/waiver Approved by the Director of Audit, Fraud, Risk and Insurance and Executive Director Short term agreement supported by action plan to re-procure</p>	<p>£250k – £500k Justification for direct award/waiver Endorsed by Director of Audit, Fraud, Risk and Insurance/CAP and approved by Executive Director Short term agreement supported by action plan to re-procure</p>	<p>£500k - £1.5M Justification for direct award/waiver Endorsed by Director of Audit, Fraud, Risk and Insurance/CAP and approved by Executive Director in consultation with Lead Member Short term agreement supported by action plan to re-procure</p>
<p>Services and Works above £1.5M The Waiver must be endorsed by the Director of Audit, Fraud, Risk and Insurance/CAP and Executive Director and approved as a Key Decision by the Leadership Team or the relevant Lead Member in accordance with the process set out in Part 4 of the constitution.</p> <p><i>(Valuation may be based on total contract, extension, waiver requested, as per section 14)</i></p>		

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Part Eight – Procedures

Section Six – Legal Procedure Rules

1. The Director of Law is authorised to issue, defend, settle or participate in any:

- (a) legal proceedings; and/or

- (b) legal procedure,

where such action is necessary to give effect to decisions of the Council or in any case where the Director of Law considers that such action is necessary to protect the Council's interests.

2. Where the Council has given requisite authority to some other person to issue, defend, settle or participate in any:

- (a) legal proceedings; and/or

- (b) legal procedure,

that person shall exercise that authority subject to the approval of the Director of Law.

Signature or Authentication of Documents

3. The Director of Law or other person authorised by him or her, will sign any document necessary to any legal procedure or proceedings on behalf of the Council. This will be the case unless legislation otherwise authorises or requires someone else to sign the document or the Council has given the requisite authority to sign the document to some other person.

Common Seal of the Council

4. Some documents have to be sealed rather than signed on behalf of the Council. The Common Seal of the Council (which for the avoidance of doubt can include an electronic seal) will be kept in a safe place by the Director of Law. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to given effect to the decision. The Common Seal will be attached to those documents that in the opinion of the Director of Law should be sealed. The Director of Law or other lawyer, authorised by him or her, will witness the affixing of the sealing.

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Part Eight – Protocols

Section Seven – Code of Conduct on Planning

1 INTRODUCTION TO THE CODE

1.1 The Council recognises the need to attain the highest ethical standards in its governance and management. This means that the Council expects its councillors and officers to display the highest standards of ethical conduct over and above adherence to the seven Nolan principles of conduct in public life, and to encompass and promote the twelve ‘good governance’ principles adopted by the Council following the *Change at the Council* independent review of governance. The twelve good governance principles are:

- connecting with residents;
- focusing on what matters;
- listening to many voices;
- acting with integrity;
- involving before deciding;
- communicating what we’re doing;
- inviting residents to take part;
- being clearly accountable;
- responding fairly to everyone’s needs;
- working as a team;
- managing responsibly; and
- having the support we need.

1.2 This Code relates and applies to both councillors and officers involved in the planning process. The Code supports, interprets and supplements the Members’ Code of Conduct and the Code of Conduct for Employees. It also forms part of the Council’s Constitution. This Code is a policy of best practice, however, for the avoidance of doubt it shall not prevent the Council from exercising its discretion to depart from the policy in exceptional circumstances. This Code is consistent with advice in the Local Government Association’s revised guidance note on good planning practice for councillors and officers dealing with planning matters *Probity in Planning: The Role of Councillors and Officers* (May 2009).

1.3 The aim of this Code:

- To ensure there are no grounds for suggesting that a planning decision has been biased, partial or not well founded in any way; and
- To promote and support the highest standards of conduct.

The key purpose of planning:

- To manage development in the public interest.

1.4 The Code is presented in a table to identify clearly which parts of the Code apply to councillors and which parts apply to officers. For the avoidance of doubt where there is no division or express statement indicating that the

Code shall apply to one group but not the other (or where context otherwise requires) it shall apply to both.

1.5 When does this Code apply:

Councillors

To councillors at all times they are involved in the planning process including site specific policy issues, planning applications, planning appeals or planning enforcement matters. Generally, it will apply where a councillor is:

- part of decision making meetings of the Council;
- undertaking the functions of the Council as planning authority; and
- involved in less formal occasions such as meetings with officers, the community and consultation meetings.

For the avoidance of doubt in this Code:

- “councillor” means that the advice applies to all RBKC councillors, not just planning councillors;
- “planning councillor” means a councillor or a substitute councillor on any of the Council’s Planning Committees, a Lead Member deciding planning matters and councillors holding another Council appointed role making decisions on planning matters; and
- “Planning Committee” means the Planning Committee, Planning Applications Committee and any equivalent committee should governance arrangements change.

Officers

To planning officers and other officers involved in planning matters. This includes, but is not limited to officers involved with:

- gathering evidence to inform and write our planning policies;
- working with residents, businesses, communities and many others to develop the Council’s planning policies;
- engaging with government, Mayor of London and other organisations as they prepare policies and plans;
- using knowledge of planning legislation and local planning policies to provide pre-application advice to householders, businesses, community groups, landowners, developers and other potential applicants;
- assessing and deciding planning applications, taking into account comments from residents, businesses, organisations and others;
- defending the Council’s planning decisions on appeal;
- providing information to those living, working, visiting and investing in the Borough;
- investigating and gathering evidence to resolve unauthorised developments;
- working with residents, businesses, communities, service users and others to

improve the services we offer;
and

- working with landowners, residents, businesses, investors and others to secure infrastructure and other policy objectives.

- 1.6 Councillors and officers should have regard to this Code and how it may apply to their circumstances when conducting themselves in relation to any planning matter, particularly where they are the decision maker.
- 1.7 If councillors or officers have any doubts about the application of this Code to their own circumstances they should seek advice from the Monitoring Officer, Director of Law or one of the Council's planning solicitors early, and preferably well before a decision is made or any meeting takes place.

1.8 **Relationship to the Members' Code of Conduct and the Code of Conduct for Employees**

Whilst this Planning Code supports, interprets and supplements the Members' Code of Conduct and the Code of Conduct for Employees in relation to planning matters it is subordinate to the overarching conduct documents Members' Code of Conduct (in respect of councillors) and the Code of Conduct for Employees (in respect of officers). In the event of any inconsistencies between the documents, the Members' Code of Conduct (in respect of councillor conduct) and the Code of Conduct for Employees (in respect of officer conduct) will take precedence.

1.9 **Not complying with this Code**

A breach of this Code could result in a planning decision being legally challenged or a complaint being upheld by the Local Government and Social Care Ombudsman. In the case of a councillor, a complaint could be made to the Council's Monitoring Officer that the councillor has breached the Members' Code of Conduct. In the case of an officer, breach of this Code could lead to an investigation in accordance with the Council's disciplinary procedures.

2 ROLE OF COUNCILLORS AND OFFICERS

2.1 **General role of Councillors and Officers**

- 2.1.2 Councillors and officers have different, but complementary roles, however, both serve the public and act in the public interest. Both councillors and officers must make planning decisions openly, impartially, with sound judgment and with justifiable planning reasons.

Councillors

As elected representatives, councillors are empowered to make planning decisions on behalf of the whole community, many of

Officers

Officers are responsible to the Council as a whole, whilst councillors are responsible to the public as a whole.

which are delegated to officers in the Council's Constitution.

Planning officers will use their professional knowledge and experience with the aim of achieving the Council's agreed priorities. This necessitates them expressing their professional views and the priorities of the Council as part of providing advice and negotiating on behalf of the Council and in the public interest.

Advising or contributing to advising on behalf of the Council does not prevent officers being involved in making subsequent or related decisions or advising councillors on the Planning Committee. Planning officers' views, opinions and recommendations will be presented on the basis of their obligation of professional independence. This may sometimes be different to the views, opinions or decisions of the Planning Committee or councillors. Where an officer expresses their professional view on a planning application this will not necessarily be the view of the Council as a whole and the formal decision on an application on behalf the Council may only be carried out by the relevant decision maker. This may be an officer under delegated powers, the Planning Committee or other councillors.

Officers are not appointed to serve any political group and therefore advise all councillors and the Council. Officers carry out the daily functions of the Council's business in accordance with the direction of Council decision making bodies, the overall management of the Chief Executive and the specific management direction of their relevant Executive Director or Director.

2.2 Relationship between Councillors and Officers

2.2.1 Mutual trust, respect and understanding between councillors and officers are the keys to achieving effective local government. A successful relationship between councillors and officers can only be based upon

mutual trust and understanding of each other's positions. This relationship, and the trust that underpins it, must never be abused or compromised.

- 2.2.2 Councillors must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a councillor from asking questions or submitting views to the officer. These views, when received in written form, will be uploaded to the planning file and considered together with other material planning considerations.

3 REGULATION AND CONDUCT OF COUNCILLORS

- 3.1 For the avoidance of doubt this section of the Code shall apply to councillors only.

3.2 Disclosable pecuniary interests

- 3.2.1 A "disclosable pecuniary interest" is as prescribed by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and as set out at Appendix A of the Members' Code of Conduct.
- 3.2.2 A councillor should refer to the Members' Code of Conduct for assistance in identifying disclosable pecuniary interests, or seek advice from the Monitoring Officer, Director of Law or one of the Council's planning solicitors prior to attending a meeting.
- 3.2.3 Councillors should have regard to the Members' Code of Conduct in relation to actions required if they have a disclosable pecuniary interest.
- 3.2.4 Under the Members' Code of Conduct a councillor who has a disclosable pecuniary interest must, if the interest is not one already on the register of interests or subject to a pending notification to the Monitoring Officer, disclose the existence of that interest to the meeting and thereafter notify the Monitoring Officer of that interest within 28 days of this disclosure.
- 3.2.5 Where a councillor has a disclosable pecuniary interest, the councillor may address the Committee if registered to speak in accordance with the relevant rules of procedure. The councillor may answer any questions directed to them by the Committee but must then leave the room and may not participate further in any discussion of the matter at the meeting or participate in any vote or further vote on the matter.
- 3.2.6 A councillor with a disclosable pecuniary interest can also present their views to the meeting through other means. For example, the councillor can:
- make written comments in a private capacity and addressed to officers, disclosing the existence and nature of the interest in the representations and not seeking preferential consideration of the representations;
 - use a professional representative to make a representation on the councillor's behalf in circumstances where the councillor's planning application is being considered;

- arrange for another RBKC councillor to represent the views of constituents on matters in which a councillor has a disclosable pecuniary interest.

3.3 Other Interests

3.3.1 A councillor may have an “other interest” which, whilst not falling within the legal definition of a disclosable pecuniary interest, should be declared in the public interest. This will often be due to bias or predetermination (or the appearance of bias or predetermination) – see section 3.4 below. Examples include:

- Where a councillor lives near the site of the planning application being considered;
- Where a property affected by the proposed development is owned by a company or other organisation of which a councillor is a director or trustee; and
- Where the applicant is a close friend or family member of the councillor (but not falling into the category of a disclosable pecuniary interest e.g. a sibling or a child).

3.3.2 As above for disclosable pecuniary interests, a councillor may seek advice from the Monitoring Officer, Director of Law or one of the Council’s planning solicitors for assistance in identifying interests and to what extent the interest might limit the councillor’s involvement in the decision making process.

3.3.3 The approach described in paragraphs 3.2.4, 3.2.5 and 3.2.6 also applies if a councillor declares any other interest and the circumstances are such that they should not participate in the decision on that application because the interest gives rise to a perception of a conflict of interest in the matter under consideration.

3.4 Bias, predetermination and predisposition

3.4.1 Councillors need to avoid bias or predetermination or any appearance of bias or predetermination before making a decision on a planning matter.

3.4.2 Bias and predetermination (and the appearance of bias or predetermination) are principles of natural justice to which the decision maker is expected to adhere. Deciding a planning matter is a formal administrative process which applies national, regional and local policies, refers to legislation and case law and follows rules of procedure.

3.4.3 Planning councillors should not decide or declare which way they will vote in advance of a meeting, or before hearing the evidence and arguments on both sides.

3.4.4 However, councillors will often form an initial impression or view. This is not necessarily predetermination or bias. A distinction is drawn by the courts between:

- having clearly expressed an intention to vote in a particular way before a meeting (predetermination); and
 - a predisposition to an initial view (such as supporting the policies in the Development Plan) where the councillor is clear they are willing to listen to all the material planning considerations presented at the meeting and keep an open mind before deciding on how to vote. In the latter case there would be no predetermination or bias, just a legitimate predisposition.
- 3.4.5 If a planning councillor attends a pre-application meeting or meets an applicant or other interested party, they should not at this stage express a firm view on the development as a whole, as this could be predetermination. Such a view should only be formed at the end of the process when all the material considerations are available to consider and weigh up.
- 3.4.6 A useful test to decide whether a position or view could be considered to be biased is to think about whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias. Predetermination goes beyond predisposition and essentially evades that process of weighing and balancing relevant factors and taking into account other viewpoints.
- 3.4.7 If a planning councillor has been lobbied and wishes to promote or oppose a particular approach to a planning decision, they will need to consider whether this is likely to be regarded as amounting to bias and going against deciding the matter fairly. If they have predetermined their position or have given that impression, they should avoid being part of the decision-making body for that matter.
- 3.4.8 A Planning Committee member who is also a ward councillor for the relevant area and wishes to campaign for or against an approach to a planning decision may speak at the meeting (in accordance with the Council's public speaking procedures) on behalf of their constituents, having declared their predetermined position, but may not participate in the debate or vote on the matter.
- 3.4.9 The councillors can continue to represent those ward interests as a spokesperson for their local community despite being a planning councillor provided that, if the councillor has a disclosable pecuniary interest or other interest (that would give rise to the perception of conflict of interest), they may only participate in accordance with paragraphs 3.2.4, 3.2.5 and 3.2.6 above.
- 3.4.10 If a planning councillor has expressed a view on a planning matter they must be satisfied they can still consider the matter with an open mind and are prepared to take into account any new matters or any new arguments in favour of, or against, until the decision is taken. If they cannot, they should not take part in any decision on the matter.

4. REGULATION AND CONDUCT OF OFFICERS

- 4.1 For the avoidance of doubt this section of the Code shall apply to officers only.
- 4.2 Planning officers who are members of the Royal Town Planning Institute (RTPI) are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, other professional officers are also likely to be subject to regulation by their own respective regulatory bodies.
- 4.3 Officers dealing with planning matters should be conversant with the Code of Conduct for Employees, particularly those parts which will regularly apply to their role.
- 4.4 Any officer dealing with a planning matter who has an interest or relationship in respect of that matter which requires a declaration to an appropriate manager in accordance with Code of Conduct for Employees (most relevant will be section 5.3 Relationships with Contractors, Planning Applicants and those applying for Council Grant, and section 9 Personal Interest which results in an actual or perceived conflict of interest) shall declare that interest as soon they become aware of the interest or relationship and shall take no part in the processing or consideration of that matter. If an officer is unsure as to whether they must declare an interest or their involvement in respect of a planning matter they should seek advice from the Council's Legal Service.
- 4.5 Officers (as defined in paragraph 1.5 of this Code) should not accept gifts from and should be cautious in respect of hospitality offered by any person involved in or affected by a planning matter. If hospitality is offered (whether it is accepted or declined) officers should ensure they comply with the requirements of relevant sections of the Code of Conduct for Employees (particularly sections 13 (Hospitality) and 16 (Gifts offered or received)). If an officer is unsure as to whether they must declare a gift or hospitality (even if declined) they should seek advice from the Council's Legal Service. For the avoidance of doubt this paragraph shall not preclude officers from receiving complimentary materials at events or seminars attended as part of their role.
- 4.6 Officers must not act as agents for people pursuing planning matters within their authority even if they are not involved in the decision making on it.
- 4.7 As employees of the Council, Planning Officers must always act impartially and in a politically neutral manner and should comply with the provisions of section 4 of the Code of Conduct for Employees.

5 APPLICATIONS AND DEVELOPMENT PROPOSALS SUBMITTED BY THE COUNCIL, COUNCILLORS OR OFFICERS

5.1 Applications and development proposals submitted by the Council

- 5.1.1 Proposals for a Council's own development can lead to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to, and decided by, the Council. Proposals for the Council's own development will be treated no differently from any other application.

5.1.2 Due to their other Council roles, some councillors, such as Lead Members, may be heavily committed to or involved in a Council's own development proposal. In such circumstances, when a planning matter comes to be decided, if they are part of the decision making body they must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias or predetermination.

5.1.3 If they do, the most appropriate approach would be to address the committee or other body (in accordance with the relevant rules of procedure and the Members' Code of Conduct) but then leave the room and not take part in the deliberation and decision. It is important that the councillor should restrict their address to the relevant planning considerations rather than wider non-planning issues that are not material to the decision.

5.2 **Applications and development proposals submitted by councillors and officers**

5.2.1 It is perfectly legitimate for planning applications and development proposals to be submitted by councillors and officers. However, it is vital to ensure they are handled in a way that gives no grounds for accusations of bias or predetermination.

Councillors

If a councillor makes an application or requests pre-application advice for development within the Borough they must notify the Monitoring Officer as soon as reasonably practicable. This includes if someone else makes the submission on their behalf, or if they are acting for another party. Any such applications will be reported to the Planning Committee for decision.

Officers

If a senior officer at Head of Service level or above or an officer closely involved in the day-to-day work of the Council's planning function (for the avoidance of doubt this will include any officer who is employed within the Council's Planning Department) makes an application or requests pre-application advice for development within the Borough they must notify the Monitoring Officer as soon as reasonably practicable. This includes if someone else makes the submission on their behalf, or if they are acting for another party. Any such application will be reported to the Planning Committee for decision.

All officers submitting a planning application or requesting pre-application advice should comply with the requirements of section 9 of the Code of Conduct for Employees and should make a declaration to an appropriate manager.

5.2.2 If a councillor or officer submits a planning application or requests pre-application advice they should take no part in its processing or

consideration. A councillor who acts as an agent or representative for someone pursuing a planning matter with the Council should also take no part in its processing or consideration.

- 5.2.3 Where a councillor or officer's own application is referred to Planning Committee, the councillor or officer will have the same rights to speak in support or against of the application as any other member of the public (in accordance with the Council's Rules of Procedure). However, they must leave the committee room having made their representations in the allotted speaking time, and must remain outside until the debate and vote has concluded. This requirement helps to ensure no perception of bias or pre-determination, or any undue pressure on the decision makers.

6 LOBBYING OF, AND BY, COUNCILLORS

- 6.1 For the avoidance of doubt this section of the Code shall apply to councillors only.
- 6.2 Lobbying is a normal part of the political and planning process. Members of the public, applicants or local interest groups will often seek to influence a decision through an approach to their ward councillor. It is important that councillors can undertake their democratic, representative purpose effectively, but for planning councillors care needs to be taken to avoid the perception of bias or predetermination of any planning matter.

6.3 Lobbying of councillors

- 6.3.1 A planning councillor should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the decision if they express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 6.3.2 Planning councillors should ensure it is made clear to any lobbyists that they will only be in a position to reach a final decision on any planning matter after they have heard all of the relevant arguments and looked at the relevant information during the decision making meeting.
- 6.3.3 Planning councillors should therefore:
- suggest to lobbyists that they submit their comments to the Director of Planning and Place so that their views can be included in the officer reports prepared for the decision;
 - pass on any lobbying correspondence received (including plans, data or correspondence) to the Director of Planning and Place as soon as practicably possible so that it can be taken into account and included in the report on the matter;
 - copy any response to lobbying correspondence to the Director of Planning and Place so it can be kept on the planning file;
 - remember their overriding duty is to the whole community, not just residents or businesses within their ward, and that they have a duty to

make decisions impartially without improperly favouring, or appearing to improperly favour, any person, company, group or locality;

- not accept gifts and should be cautious about hospitality from any person involved in or affected by a planning matter. If hospitality is offered (whether it is accepted or declined) councillors should ensure they comply with the Members' Code of Conduct on gifts and hospitality; and
- inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will advise the appropriate officers to follow the matter up where necessary.

6.3.4 As long as they comply with the Members' Code of Conduct and the rules of bias and predetermination, planning councillors are not precluded from:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for expressing the opinions of others at a meeting, provided that make clear they have not committed themselves to vote in accordance with those views and they will make up their own mind having heard all the facts and listened to the debate.

6.4 Lobbying by councillors

6.4.1 Planning councillors should not become a member of, lead or represent a national or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a councillor does, they may appear to be biased.

6.4.2 Councillors can join general groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, but they should disclose an interest where that organisation has made representations on a particular proposal. A councillor can make it clear that they have reserved judgement and the independence to make up their own mind on each separate proposal.

6.4.3 Councillors should not excessively lobby planning decision makers regarding their concerns or views on a planning matter, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.4.4 Councillors should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other councillor to do so. Planning decisions must not be made on a party political basis. It is the councillor's individual responsibility to decide what view to take on any

question which requires a decision, after having considered all material facts.

7 PRE-APPLICATION ADVICE AND DISCUSSIONS

- 7.1 Discussions between a potential applicant, interested parties and the Council prior to submitting an application can be of considerable benefit to all parties. The government and the Local Government Association recognise that councillors have an important part to play in these discussions.
- 7.2 Officers will regularly interact with potential applicants and interested parties through pre-application discussions as part of their professional duties. More occasionally, councillors will also engage with potential applicants and interested parties before an application is made.
- 7.3 Councillors' and officers' interactions with potential applicants should reflect their respective roles and responsibilities. At all times councillors and officers must abide by the requirements of this Code to ensure the highest standards of ethical conduct.
- 7.4 Pre-application discussions are often subject to public scrutiny. It is vital that such discussions are conducted in accordance with this Code so there can be no suggestion of actual pre-determination or bias, or any perception of pre-determination or bias, or any other procedural impropriety.
- 7.5 This paragraph sets out the conduct expected of councillors and officers involved in the pre-application process.

Councillors

Officers

- 7.5.1 The Planning Committee Chairman may request or the Director of Planning and Place may suggest a briefing for planning councillors on a potential application and provide an opportunity for questions to be asked. Officers will organise the briefing normally alongside, but not part of, a Planning Committee meeting.
- 7.5.2 Only a potential applicant, officers and planning councillors will be entitled to participate in the meeting. Other interested parties, such as relevant ward councillors and local amenity groups, will be invited to attend. At the discretion of the Planning Committee Chairman these interested parties will be able to participate in the meeting by, for example, asking questions of the potential applicant.
- The opinions offered by officers during the course of pre-application discussions are without prejudice to the final decision of any subsequent planning application.
- Advice provided by officers in a pre-application meeting shall be consistent and based upon the development plan and material planning considerations.

Both the Members' Code of Conduct and this Code apply at these meetings and they will follow the procedures in paragraph 7.5.3.

7.5.3 Councillors may attend relevant meetings (as defined in paragraph 7.5.5 below), either individually or together, with **potential applicants and/or their agents** before an application is received. Both the Members' Code of Conduct and this Code apply at these meetings. Where these meetings involve a planning councillor they will be subject to the following procedures:

- the meeting shall be organised through officers by contacting the Director of Planning;
- the meeting shall be agreed with the Planning Committee Chairman and the Director of Planning and Place in advance;
- a Council planning officer shall be present for the entire meeting (including any form of live interaction including conference calls and video conferencing);
- the meeting shall be at the site, at a venue provided by the Council, as part of an organised visit to see another site or another venue determined by the Director of Planning;
- it should be made clear at the beginning of the meeting and throughout where appropriate that the discussion will not bind the Council or any individual councillor attending the meeting to making a particular decision and that any view expressed is personal and provisional;

Care will be taken by officers to ensure that advice provided is impartial, otherwise the subsequent report or recommendation to committee could appear to be advocacy.

A written advice note will be prepared by the planning officer for all formal pre-application discussions, in the interest of public transparency and consistency in decision making. The note will be (except in clearly justified exceptional cases) made public as soon as possible, and in any event on submission of the relevant application.

- no commitment to take any particular position on a planning matter shall be made and no inference of pre-determination shall be given;
- the focus should be on the requirements of the development plan and material considerations with negotiations and advice left for meetings with officers;
- a contemporaneous note of the meeting shall be prepared by the planning officer attending and a copy sent to all parties present and the Planning Committee Chairman if not present within 14 days of the meeting or on submission of the relevant application, whichever is the sooner; and
- the meeting note will be published should a planning application subsequently be received so it is open to public inspection.

7.5.4 Councillors may attend relevant meetings (as defined in paragraph 7.5.5 below), either individually or together, with **potentially interested parties**, before an application is received. Potentially interested parties include those who might object to, or support, a potential application. Both the Members' Code of Conduct and this Code apply at these meetings. Where these meetings involve a planning councillor they will be subject to the following procedures:

- the meeting shall be agreed with the Planning Committee Chairman and the Director of Planning and Place in advance;
- it should be made clear at the beginning of the meeting and

If, during the course of pre-application discussions, an officer involved in the discussions discovers that they have a conflict of interest, they should remove themselves from the decision making process and should declare an interest in accordance with the provisions set out above.

throughout where appropriate that the discussion will not bind the Council or any individual councillor attending the meeting to making a particular decision and that any view expressed is personal and provisional;

- no commitment to take any particular position on a planning matter shall be made and no impression of pre-determination shall be given;
- the focus should be on the requirements of the development plan and material considerations with negotiations and advice left for meetings with officers;
- a note of the meeting shall be prepared by the councillor(s) attending and shall be provided to the Director of Planning and Place within 14 days of the meeting or on submission of the relevant application, whichever is the sooner; and
- the meeting note will be published should a planning application subsequently be received so it is open to public inspection.

7.5.5 For the purpose of this Code a “relevant meeting” in paragraphs 7.5.3 and 7.5.4 means a formal pre-application meeting and any other meeting which includes substantive discussions about a forthcoming application, specific potential development site or proposal or other specific planning matter.

Councillors may also become involved in pre-application discussions and offer valuable local knowledge, expertise and understanding of community concerns to the process. Officers involved in the pre-application process should also be aware of the responsibilities of councillors and the terms of their involvement which must be in accordance with this Code.

7.5.6 [not used]

Internal procedures are, and shall remain, in place to ensure all pre-application advice provided by

planning officers is appropriately supervised to ensure effective oversight and adherence to the principles set out in this section.

8 POST SUBMISSION DISCUSSIONS

- 8.1 For the avoidance of doubt this section of the Code shall apply to councillors only.
- 8.2 A planning councillor should not usually be involved in discussions with an applicant or agent when a planning application has been submitted and remains to be decided. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.
- 8.3 In limited circumstances planning councillors may legitimately engage in post-submission discussions. An example would be in the case of a large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers and run under the same procedural rules as pre-application discussions.
- 8.4 If a planning councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether or not it would be prudent in the circumstances to make notes when contacted. Councillors should report to the Director of Planning and Place any relevant contact with the applicant or other parties, explaining the nature and purpose of the contacts and their involvement in them so that it can be recorded on the planning file.
- 8.5 Planning councillors should not attend post-submission meetings that are not organised through, and attended by, officers and any meeting that does proceed shall also be subject to the procedures set out in paragraphs 7.5.3 *Councillors* (for meetings with applicants and their agents) and 7.5.4 *Councillors* (for meetings with other interested parties) above.

9 OFFICERS' REPORTS

- 9.1 For the avoidance of doubt this section of the Code shall apply to officers only.
- 9.2 In writing and preparing planning reports, planning officers should ensure that reports:
- are accurate and include the substance of any objections and other responses received to the consultation;
 - include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material planning considerations;
 - include a written recommendation for a decision to be made;

- where necessary, contain technical appraisals which clearly justify the recommendation;
- where the recommendation is contrary to provisions of the development plan, the material considerations which justify the departure are clearly stated.

10 PLANNING APPEALS AND CASES ‘CALLED IN’ BY THE MAYOR OF LONDON

- 10.1 Appeals into the Council’s planning decision are heard by a planning inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and councillors are able to attend. Councillors are encouraged to attend these hearings as they can be a good learning experience. This part of the Code is concerned with councillors who wish to participate actively in these appeals.
- 10.2 Conduct and strategy of planning appeals are the responsibility of the Director of Planning, however, the Director will also liaise with the Chairman of the Planning Committee and the Lead Member, as appropriate.
- 10.3 If a councillor wishes to attend a hearing or public inquiry as a ward councillor or as a member of the public they are free to do so. It is strongly recommended that they discuss their participation with the Director of Planning and Place to ensure they are aware of the process and that they do not act in a manner which compromises their position as a councillor, brings the Council into disrepute or puts the decision made at risk of challenge.
- 10.4 A councillor cannot represent the Council on behalf of the Planning Committee unless this is part of the Council’s case as decided by the Director of Planning. The decision of the committee will be documented in the minute and set out in the decision notice. The planning officer will present the Council’s case on its planning merits, in accordance with the Committee’s decision. The Inspector is required to decide the appeal on its planning merits and therefore all representations should focus on these.
- 10.5 Where the appealed decision was contrary to the officers’ recommendation, officers are generally able to present the Council’s case. Where this may not be possible, the case will be presented by a planning consultant employed by the Council.
- 10.6 This Section also applies to matters ‘called in’ by the Mayor of London.

11 PLANNING ENFORCEMENT

- 11.1 It is perfectly legitimate for councillors to bring to the attention of the planning service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. These cases should be reported online or brought to the attention of the Director of Planning and Place.
- 11.2 The Council’s planning enforcement team works to a priority system so that those breaches that cause the most harm are dealt with first.

12 SITE VISITS BY COUNCILLORS

- 12.1 Councillors may find site visits helpful, particularly for major applications. Where they take place, such visits will be arranged by the Director of Planning and Place and a planning officer will attend.
- 12.2 On other occasions if a councillor wishes to visit and enter a site it is preferable for a planning officer to accompany them. Such visits are particularly helpful in enabling councillors to seek clarification about proposals from the accompanying planning officers, the applicant or neighbours.
- 12.3 Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.

13 COUNCILLOR TRAINING

- 13.1 Councillors may not participate in decision making Planning Committee unless they have attended mandatory planning training. This will be provided by the Director of Planning and Place or their nominee and will cover the principles of planning and probity in planning.
- 13.2 Other councillors are also encouraged to attend the training so they can ensure they keep up-to-date. If any councillor believes they require additional training they should discuss this with the Director of Planning and Place.
- 13.3 All planning councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, planning policy, procedures and good practice. This will assist them in carrying out their role properly and effectively.
- 13.4 Training provided on planning related matters is aimed at planning decision makers, but is always open to any councillor with an interest.

14 PRE-ELECTION GUIDANCE

- 14.1 The Director of Law will normally provide detailed guidance before elections. Essential business should continue during this time, including:
- statutory consultation on planning applications;
 - making decisions on planning applications (even where controversial); and
 - other routine planning matters.
- 14.2 Councillors should however be aware of the heightened political sensitivity during this period and should avoid situations which may generate publicity or media opportunities in relation to planning matters.

Part Eight – Protocols

Section Eight – Executive-Scrutiny Protocol

Introduction

1. The key responsibilities of overview and scrutiny at the Council are to:
 - hold the Leader, Leadership Team and senior Council officers to account for their decisions;
 - review Council policy, the way policies are implemented and their impact on local people;
 - scrutinise decisions before they are made and before they are implemented; and
 - contribute to the development of policy by investigating issues of local concern and making recommendations to the Leadership Team (and the Council's partners).
- 2 This protocol aims:
 - to build on the Constitution and establish a positive framework for scrutiny to work effectively
 - to maximise the effectiveness of Scrutiny Members, Lead Members and officers by enabling them to understand their powers, roles and responsibilities in relation to the scrutiny function.
 - to promote and maintain an ethos of mutual respect and trust in the relationships between Scrutiny Members, Lead Members and officers in a climate of openness to enable a constructive and challenging debate;
 - to hold the Leadership Team to account by monitoring the effectiveness of policies and through regular review of performance in relation to services; and
 - to achieve alignment between the work of Scrutiny and the policies and priorities of the Leadership Team.

The Annual Scrutiny Work Programme

- 3 The Overview and Scrutiny Committee will lead on the development of the Annual Scrutiny Work Programme. This will be developed considering:
 - Feedback from the public on the issues that matter most to them
 - Feedback from ward councillors
 - Risk
 - Performance data

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- Statutory requirements for scrutiny
 - Major programmes of work delivering objective(s) within the Council Plan
- 4 The Overview and Scrutiny Committee will allocate a programme of scrutiny reviews to four themed Select Committees which look at priority issues in depth in order to gather evidence, hear expert views and develop solutions.
- 5 Additionally, the Chair, Vice Chair and relevant officers will meet each month to review the Forward Plan, looking at decisions scheduled to come forwards in the next 4-6 months. They will identify upcoming decisions where scrutiny could add value, and may:
- make recommendations to be considered by the Lead Member in bringing a decision to Leadership Team;
 - refer the issue to a Scrutiny Committee meeting; and
 - set up a scrutiny review.
- 6 Section 2 of the Constitution gives details of councillor's rights of access to information.

Overview and Scrutiny Committee Meetings – Agenda Planning and Conduct of Meetings

Agenda Planning Meetings

- 7 The agenda for each meeting will be prepared by the Governance Administrator, following liaison with:
- the relevant Chair;
 - the relevant Executive Director(s) and/or Directors; and
 - where appropriate, other relevant persons, e.g. partner organisations.
- 8 Where an officer or a Lead Member wishes to submit a report to the Overview and Scrutiny Committee or one of the Select Committees, this must be agreed by the Chair who will assess its relevance in relation to the Committee's priorities and work programme.
- 9 In finalising those items that will comprise each agenda, the Chair will have careful regard to the Committee's terms of reference and:
- the Committee's agreed Work Programme for the year;
 - the need to identify a modest number of items (ideally no more than three per meeting) on which the Committee can most manifestly 'add value' in terms of developing or reviewing policies; proactive work on strategic issues; scrutinising performance where there is evidence of concern;
 - holding the Leadership Team to account on important matters;
 - the selection of items that engage the interests and concerns of the public and of as many committee members as possible;

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- the exclusion from agendas of routine items or those that are simply ‘for information’: in normal circumstances such items should be circulated separately from the agenda despatch process and only come to Committee where substantive issues arise;
 - the need to concentrate on broader service issues where possible, and avoid discussion of one-off or specific cases, events etc.; and
 - the option of deferring an item when it is unclear how the committee can ‘add value’, where there may be double-handling, or where the issue is not an appropriate or priority area for that committee;
- 10 The Chair will also consider:
- alternative ways of handling an item or issue so as to help free-up full committee agendas, e.g. the designation of one or more Members to monitor a particular issue; or the establishment of ad hoc or working groups (with clearly-defined remits);
 - alternative ways of handling business at committee meetings, e.g. presentations, followed by questioning and discussions use of ‘expert witnesses’; or alternative public ‘select committee’ or evidentiary hearings, workshops, themed meetings, etc.; and
 - ensuring that sufficient time is allowed to hear from representatives of interest groups and members of the public.
- 11 There is no provision for ‘Any Other Business’ or ‘Chair’s Items’ on Select Committee agendas. In normal circumstances all items of business listed on an agenda sheet should be accompanied by either a written officer report or be the subject of an oral officer (or guest) presentation at the meeting itself. The Local Government (Access to Information) Act 1985 makes it clear that an item of business may not be considered at a meeting unless:
- (a) a copy of the agenda including that item has been open to inspection for at least 5 working days; or
 - (b) the Chair is of the opinion that the item in question should be considered as a matter of urgency.
- 12 In ruling on items covered by (b) above, the Chair should have careful regard to the criteria set out above and the advice of Governance Services staff and should not:
- (i) expect officers to be able to respond, unprepared, to items raised in this way; or
 - (ii) seek further action from officers, on the basis of items raised in this way, without a clear resolution of the Committee.

The Conduct of Meetings

Lead Members

- 13 The Overview and Scrutiny Committee and the Select Committees can require the attendance of the relevant Lead Members. The Chair may invite the Lead

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Member or the relevant Executive Director to present the report and answer questions.

- 14 More generally, Lead Members:
- can attend all Scrutiny meetings and may, with the Chair's permission, speak on any item under discussion;
 - can attend presentations made to committees and take part in the subsequent discussion, with the permission of the Chair;
 - can request the Overview and Scrutiny Committee place any particular Key Decision report on the relevant Select Committee's work programme in order to allow debate before the decision is taken; and
 - can request the Overview and Scrutiny Committee ask the Select Committee consider an issue falling within the Lead Member's portfolio and subsequently present a report, with recommendations, to the Lead Member.

Participation of Members of The Public at Committee Meetings

- 15 Local people can, with the permission of and at the discretion of the Chair, speak at Committee meetings on any item of the agenda.
- 16 The Chair and other members of the Committee will consider, with the support of officers, how to promote public attendance and participation at meetings of the Committee and of meetings related to scrutiny reviews.

Scrutiny Reviews

- 17 Committees may set up a scrutiny working group to carry out a piece of work, which will usually include detailed policy formulation. These working groups usually consist of between two and five Councillors. These Councillors can be drawn from more than one Committee. Officer support is usually drawn from the relevant business group/s, but can also be provided by the Scrutiny Team, or can be commissioned from external consultants.
- 18 Working groups can be put together in various ways and membership need not be limited to Councillors only. They may also include residents, partners, specialists, persons with specific interests or representing specific parts of the community (i.e. youth).
- 19 Working groups can use many ways of informing themselves about a subject area. Evidence gathering methods can range from simple desk-based research to commissioning specialist surveys and studies, holding public hearings, questioning senior managers or policy experts, making site visits, or arranging to experience a service directly.
- 20 In undertaking its work, the working group will identify and seek to engage as many stakeholders as possible (such as service users, advocacy and community groups, partner organisations and members of the public) who are affected by the subject under consideration or have an impact on it.

- 21 All reviews should culminate in a written report to the parent Committee setting out the findings of the review and the conclusions reached, together with any proposed recommendations. The final report of a working group will go to the Committee which, after discussion, may approve the report and recommend that it be referred to the Leadership Team and possibly to full Council, and any other relevant agencies for a response. Alternatively, it may make amendments or ask for further work to be undertaken on the report.
- 22 The chair of the working group and/or the Chair of the Committee will formally present the report to the Leadership Team and request a written response addressing each of the recommendations. The Leadership Team will normally be expected to make a detailed response to the review within six to eight weeks. The chair of the committee and/or the chairman of the working group will be invited to the meeting of the Leadership Team at which a response is being agreed.
- 23 The working group's final report may also go to a full Council meeting, either before or after the Leadership Team's response. The timing is at the discretion of the Committee Chair.

Responses to Scrutiny Recommendations

Meetings

- 24 The minutes of scrutiny meetings will include any recommendations made during a committee meeting and the reasons for those recommendations. Progress will be monitored at each meeting through the 'tracker' which is part of the agenda papers.
- 25 Recommendations from Select Committees and Overview and Scrutiny Committee will be made to the Leadership Team at the earliest opportunity. The Leadership Team will ensure a written response is provided within two months of receipt. The response will make clear:
 - whether the recommendations were accepted; and if they were
 - what action is planned as a result; or
 - whether the recommendations were not accepted; and if not why not.

Working Groups

- 26 Once responses to recommendations have been received, they will be collated and presented to the next scheduled Committee.
- 27 Their report will set out which recommendations have been accepted and which have been rejected. Committees need to be satisfied that due weight has been given to their views and that they are notified:
 - whether the recommendations were accepted; and if they were
 - what action is planned as a result; or
 - whether the recommendations were not accepted; and if not why not.

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- 28 The Committee will consider how it wishes to follow up those recommendations that have been accepted. For example, it may ask for a report to be brought before it at a specified time, setting out progress in the implementation of the Committee's recommendations. Alternatively, the Committee could ask the original working group to meet again and periodically monitor the implementation of the recommendations. Review reports, once agreed by the parent committee, will go to the Leadership Team or a single Lead Member and possibly the full Council.
- 29 The Leadership Team is required to consider and respond to, indicating what if any action it proposes to take, and this response should be published within 2 months (Local Government Act 2000).

The Role of the Statutory Scrutiny Officer and the Monitoring Officer

- 30 The Statutory Scrutiny Officer, and Monitoring Officer, are the responsible officers for overseeing compliance with the Protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. The Scrutiny Annual Report will include an assessment of the effectiveness of the Protocol.