

**OADBY & WIGSTON BOROUGH COUNCIL  
CONSTITUTION**



Revised July 2014

**COUNCIL OFFICES  
STATION ROAD  
WIGSTON  
LEICESTERSHIRE  
LE18 2DR**

## **CONSTITUTION OF THE COUNCIL**

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## 1. DEFINITIONS

1.1 The following terms have the following meanings. However a different meaning may be given if it is essential in order for the words to make sense in the passage:

**“Authority”** – the Oadby and Wigston Borough Council, or one of its Committees, Sub-Committees or officers acting on the Council’s behalf, using powers which have been delegated lawfully;

**“Chairman”** – the Member currently elected to be chairman of a committee or sub-committee;

**“Chief Executive Officer”** – the head of the Council's paid service, designated under section 4 of the 1989 Act;

**“Chief Officer”** – a statutory or a non-statutory chief officer, as defined in section 2 of the 1989 Act;

**“Committee”** – a committee of the Council

**“Constitution”** – the Council’s constitution under Section 37 of the 2000 Act;

**“Council”** – the Oadby and Wigston Borough Council acting by the Council;

**“Employee”** – an employee of the Council or the holder of a paid office appointed by the Authority, other than the Mayor, Deputy Mayor, any Councillor and any local officer of dignity appointed by the Authority under powers conferred by a Royal Charter;

**“Leader of a Political Group”** – the person named as leader in a notice delivered to the proper officer by political group under regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990.

**Leader of the Council” or “Leader”** – the leader of the majority group if there is one; otherwise a Member who is appointed as Leader by the Council should the Council choose to do so;

**“Mayor”** – the Member elected to be Mayor of the Borough;

**“Deputy Mayor”** – the Member elected to be Deputy Mayor of the Borough;

**“Meeting”** – a meeting of the Council, a committee or sub-committee; or panel

**“Member”** – in relation to the Council, this means a Member of the Council; in relation to any committee or sub-committee it means a person who has been appointed as a Member of that committee or sub-committee, whether or not he is entitled to vote;

**“Monitoring officer”** – the person designated as monitoring officer under section 5 of the 1989 Act. If that person is unable to act owing to absence or illness, the expression means the person nominated as his deputy under subsection (7) of that section;

**“Monthly Bulletin“** - a system of informing Councillors of matters for information which do not require decisions to be made.

**“Officer”** – a member of the Council’s staff;

**“Person Presiding”** – the person who is entitled, or appointed, to preside at any meeting. If an officer is the person presiding under one of these Standing Orders, he has no vote of any kind.

**“Political Group”** – any political group constituted in accordance with regulation 7 of the Local Government (Committees and Political Groups) Regulations 1990;

Proper Officer - Certain Officers are designated “Proper Officers” where statute or regulation requires or provides for such an appointment. Proper Officers have specific powers or duties for specified actions. These are set out in detail in Part 7 of the Constitution.

**“Sub-Committee”** – a sub-committee of a committee;

**“Vice-Chairman”** – the Member currently elected to be Vice-Chairman of a committee or sub-committee;

**“The 1972 Act”** – the Local Government Act 1972;

**“The 1989 Act”** – the Local Government and Housing Act 1989;

**“The 2000 Act”** – the Local Government Act 2000. References in these Standing Orders or the Constitution to the 2000 Act shall, before the coming into force of the

relevant provision, indicate the Council's intention to adopt the relevant provision voluntarily save where the contrary appears or is necessarily implied.

**“Clear Days”** – means any day upon which the Council Offices are open to the public, excluding Saturdays, Sundays and Bank Holidays.

1.2 As long as the context of a passage allows;

- singular expressions include plural meanings.
- plural expressions include singular meanings.
- masculine references include feminine meanings.
- feminine references include masculine meanings.

References to the Mayor, or Chairman, in the context of the person presiding at a meeting, include anyone lawfully presiding at the meeting. In the absence of the Mayor or Chairman, the Deputy Mayor or Vice-Chairman respectively may exercise any of the Mayor's or Chairman's functions (as the case may be) under these Standing Orders.

PART ONE  
SUMMARY AND EXPLANATION

## **PART 1**

### **SUMMARY & EXPLANATION**

Oadby and Wigston Borough Council agreed a Constitution in 2002 which is regularly reviewed. The Constitution sets out how the Council operates how decisions are made and the procedures which are followed, to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 15 Articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate Rules and Protocols at the end of the document.

#### **Background to Oadby & Wigston Borough Council**

Oadby and Wigston Borough covers an area of just under 24 square km (9 square miles) and shares boundaries with Leicester City, Blaby District and Harborough District. The Borough is urban in its nature with most economic activity centred around the three settlements of Oadby, Wigston and South Wigston with a population of approximately 56,000.

#### **What is in the Constitution?**

Article 1 of the Constitution commits the Council to leadership, efficient, effective and economic service delivery, responsibility, transparency in local democratic self-government.

Articles 2-15 explain the rights of Residents and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Residents and the Council (Article 3).
- The Council Meeting (Article 4).
- Chairing the Council. (Article 5).
- Committees appointed by the Council (Article 6)
- Residents Forums (Article 7).
- Joint Arrangements and Partnerships (Article 8).
- Officers (Article 9).
- Decision Making (Article 10).
- Finance, contracts and legal matters (Article 11).
- Review and revision of Constitution (Article 12).
- Suspension, interpretation and publication of the Constitution (Article 13).

### **HOW THE COUNCIL OPERATES**

The Council is composed of 26 Councillors elected every four years.

Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to abide by this Constitution, which includes a Code of Conduct in order to ensure high standards in the way they undertake their duties. The Council promotes excellence, probity and transparency in public services and provides training and advice for Councillors governance matters including the Code of Conduct.

The Localism Act 2011 (the Act) brought about a number of key changes to the Standards Regime operating in local authorities. Under the Act, local authorities remain under a statutory duty to promote and maintain high standards of conduct by their Councillors. In discharging this duty, the Council is still required to adopt its own Code of Conduct (previously the content of the Code was prescribed by legislation). Oadby and Wigston Borough Council has adopted the common Code of Conduct for Leicestershire Authorities which is set out in Part 5 of this Constitution together with the procedure for dealing with complaints about a Councillor's conduct.

The Act repealed the statutory requirement for the Council to have a Standards Committee. At the Council meeting on 25 February 2014 the Council agreed to disband the existing Standards Committee in view of the fundamental changes to the national Standards Regime. The Policy Finance and Development Committee will take on the responsibility for promoting and maintaining high standards of conduct and where a panel of Councillors are required to hear a complaint this will be allocated from the membership of the Policy Finance and Development Committee on a rotational basis; the procedure for investigations will be carried out in accordance with the process set out in Part 5 of this Constitution.

All Councillors meet together as the Council. Meetings of the Council are normally open to the press and public except where exempt or confidential matters are being discussed. The Council is the forum for political debate on policy and strategy matters. Here Councillors agree the Council's overall policies and sets the budget each year. The Council retains certain powers and duties to itself, and delegates some to Committees and Officers.

## **HOW DECISIONS ARE MADE**

Most day-to-day decisions are made by two main committees; Policy, Finance and Development which sets the overarching strategic direction for the Council and Service Delivery which oversees the development and performance of services within that overarching strategic direction.

Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Task Groups may be convened by the Council from time to time to deal with specific business.

In addition in order to give residents a greater say in council affairs, three Resident Forums have been created. These cover Oadby, Wigston and South Wigston areas of the Borough and are responsible for a range of area-based decisions and advising the Council of local people's aspirations in order that they can help inform the decision making process

The Council's Committee Structure is set out in Part 3 of this Constitution.

The Calendar of Meetings for the current year is set at the Annual General Meeting, in May of each year and is published on the Council's website [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

## **SCRUTINY AND IMPROVEMENT**

Oadby and Wigston Borough Council operates committee style arrangements and therefore is not required by law to have a separate Scrutiny Committee to support and monitor the work of the Committees and Council. At the Council meeting on 25 February 2014 it was agreed that each Committee will scrutinise its own decisions as they are being debated and made in the public arena. If necessary a Task Group may be convened by the Council to deal with any specific matter.

## **THE COUNCIL'S EMPLOYEES**

The Council has employees (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Code of Practice governs the relationship between Officers and Members of the Council as set out in Part 5 of this Constitution

## **RESIDENTS' RIGHTS**

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the Council's own processes. The local voluntary advice provision within the Borough can advise on an individual's legal rights.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- access a copy of the Constitution;
- inspect and take copies of reports, agendas and minutes of meetings of the Council and its standing committees, unless they are exempt from disclosure or confidential;
- attend meetings of the Council and its committees where they may speak and ask questions in accordance with the Council's scheme in Part 4 of this Constitution except where, for example, personal or confidential matters are being discussed;
- at the discretion of the Chair, ask questions of members at Council meetings
- petition to request a referendum on a mayoral form of executive or any other matter;
- request a deputation;
- complain to the Council about any matter concerning the delivery in accordance with complaints procedure of any service, what the Council has done or not done or the way any Resident has been treated;

- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its Residents in its work. For further information on rights as Residents, please contact the Corporate Resources Section at the Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR, Tel 0116 288 8961, e-mail [corporate.resources@oadby-wigston.gov.uk](mailto:corporate.resources@oadby-wigston.gov.uk) A copy of the Constitution is available on the Council's website at [www.oadby-wigston.gov.uk](http://www.oadby-wigston.gov.uk)

Details on Access to Information provisions are contained in Articles 3 and Part 4 – Access to Information Procedure Rules

Reference to Legislation shall include any amending legislation

PART TWO  
ARTICLES OF THE CONSTITUTION

## **PART 2**

### **ARTICLES OF THE CONSTITUTION**

#### Explanatory comment:

Article One sets out the fundamental provisions of the Constitution and confirms the Council will act within the law and the provisions of this Constitution. It defines those documents which comprise the Constitution and its purpose.

#### **Article 1 - The Constitution**

##### **1.01 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution having regard at all times, to the corporate objectives of the Council set out in Article 1.04.

##### **1.02 The Constitution**

This Constitution, and all its appendices, is the Constitution of the Oadby and Wigston Borough Council.

#### **The purpose of the Constitution is to:**

1. Enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
2. Support the active involvement of residents in the process of local authority decision-making;
3. Help Councillors represent their constituents more effectively;
4. Enable decisions to be taken efficiently and effectively; and with the principal of open accountable local government
5. Create a powerful and effective means of holding decision-makers to public account;
6. Ensure that no Member will review or scrutinise a decision in which they were directly involved;
7. Ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;
8. Provide a means of improving the delivery of services to the community and ensuring the delivery of efficient effective and high quality services;
9. Stimulate a strategically led organisation with appropriate delegation of power, effective performance management and the effective use of resources

### **1.03 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 12

### **1.04 The Council's Corporate Objectives**

1. Protect the good quality, consistent value for money front-line services provided to residents. In particular weekly refuse and recycling collection;
2. Enhance the green environment of the Borough so that residents are able to take full advantage of it;
3. Revitalise the town centres through development and by retaining free shoppers car parking;
4. Work with the Police to create a safer Borough where people feel comfortable and at ease;
5. Listen and delegate more issues to the 3 Resident Forums;
6. Work smarter to deliver efficiency savings required to meet continuing budget cuts;
7. Improve the health and well being of our residents.

## **Article 2 – Members of the Council**

Explanatory comment: This Article sets out the composition of the Council, eligibility to stand for election as a member of the Council and the form of election to be used.

It also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidential requirements surrounding the latter.

### **2.01 Composition and Eligibility**

- (a) **Composition.** The Council will comprise 26 members, otherwise called Councillors. Whose details can be viewed at [www.oadby-wigston.gov.uk/pages/councillors](http://www.oadby-wigston.gov.uk/pages/councillors) One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State/Electoral Commission.
- (b) **Eligibility.** Only registered voters of the Borough or those living or working there will be eligible to hold the office of Councillor. In addition a person intending to stand for election must be 18 years of age.

### **2.02 Election and Terms of Councillors**

The regular election of Councillors will usually be held on the first Thursday in May every four years from 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### **2.03 Roles and Functions of All Councillors**

#### **(a) Key roles**

All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) where appropriate to deal with individual casework and act as an advocate for their constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the Ward they are elected to serve and represent the Ward as a whole;
- (v) be involved in decision-making;

- (vi) be available to represent the Council on other bodies; and report back to fellow Councillors on the activities and needs of these bodies at least annually via a written report to Council;
- (vii) maintain the highest standards of conduct and ethics;
- (viii) participate in the governance and management of the Council;

**(b) Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officers entitled to know it;
- (iii) If a Councillor is refused access to documents, information, land or building which he/she believes is necessary for the proper discharge of her/his duties, he or she is entitled to a full explanation for the refusal by the Chief Executive;
- (iv) For these purposes “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution;
- (v) Councillors have the right to put forward issues for consideration on agendas of Committees of the Council;
- (vi) to receive training on the Code of Conduct.

**2.04 Political Groups**

The members of an authority are to be treated as divided into different political groups when there is at least one properly constituted political group in existence

A political group shall be treated as constituted when there is delivered to the Chief Executive a notice in writing which is signed by two or more members of the authority who wish to be treated as a political group; and states

- a) that the members of the authority who have signed it wish to be treated as a political group;
- b) the name of the group; and
- c) the name of the member of the group who is to act as its leader.

Under Section 15 of the Local Government and Housing Act 1989, the Council has a duty to review the allocation of seats on committees to the political groups in the Council at the Annual Meeting or as soon as possible thereafter.

The allocation of seats on the Council and Committees is made in proportion to the seats on the Council held by each political group. The duty to allocate seats on a proportional basis does not apply to all committees/working groups/forums of the Council.

Councillors who are not members of a political group are allocated seats by the Council. Councillors elected as Independents may, if they wish, form an independent group that, for the purposes of the 1989 Act, shall be treated as a political group.

## **2.05 Conduct**

Councillors will at all times observe the Members' Code of Conduct and associated protocols set out in Part 5 of this Constitution.

## **2.06 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution as amended from time-to-time.

## **2.07 Office Holders**

These are summarised below and are set out in more detail in Part 6 of this Constitution

### **2.07.1 The Mayor and Deputy Mayor**

- a) The Mayor and Deputy Mayor are elected each year at the Annual Council meeting. Neither shall be eligible for re-election as Mayor or Deputy -Mayor respectively for a third consecutive year.  
The Mayor chairs the Council meetings.
- b) The Mayor is the First Citizen of the Borough and is the Council's civic and ceremonial head.
- c) The Mayor may nominate a Mayoress or Consort and a Chaplain or some other faith representative
- d) The Deputy Mayor may nominate a Deputy Mayoress or Consort
- e) The Deputy Mayor may, if for any reason the Mayor is unable to act or the office of Mayor is vacant, discharge all functions that the Mayor as such might discharge

### **2.07.2 The Leader of the Council**

The Council will appoint a Leader who will provide clear leadership to the community. He or she may present a regular "Leader's" report to the Council on

which questions or comments from other Councillors or members of the public will be taken, in accordance with Part 4 of the Constitution. The leader will hold office until:-

- a) he or she resigns from office or
- b) he or she is suspended from being a Borough Councillor under part (iii) of the Local Government Act (LGA) 2000 (although he or she may resume office at the end of the period of suspension subject to provisions of this constitution) or
- c) he or she is removed from office by resolution of the Borough Council or
- d) the annual meeting of the Borough Council next following his or her appointment.

### **2.07.3 The Deputy Leader**

Oadby and Wigston Borough Council may if it considers it appropriate to do so, appoint a Deputy Leader. The Deputy Leader where such an appointment is made, will hold office on the terms listed at paragraph 2.07.2 above in respect of the Leader when the Leader is absent.

### **2.07.4 Leader of the Opposition**

The Council recognises other Group Leaders. The appointment of Leader of the Opposition Groups are noted at the Annual General Meeting of the Council.

### **2.08 Cessation of Membership**

A Councillor will cease to be a member if they

- (i) resign by giving notice in writing to the Chief Executive
- (ii) if they fail to observe the requirements to attend Council meetings as prescribed by Section 85 of the LGA 1972
- (iii) or if they are disqualified from holding office by virtue of Section 80 of LGA 1972 or any other statutory provision.

## **Article 3 - Residents and the Council**

**Explanatory comment:** This Article sets out the rights and responsibilities of residents

### **3.01 Residents Rights**

Residents have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

- (a) **Voting.** Residents on the electoral roll for the area have the right to vote at Council elections if they are registered
- (b) **Information.** Residents have the right to:
  - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) inspect reports and background papers and any records of decisions made by the Council, standing committees and ask for copies of these, but must pay a reasonable copying charge; and
  - (iii) inspect the Council's accounts and make their views known to the external auditor;
  - (iv) obtain a copy of the Constitution;
  - (v) such other information as may be specified in the Council's Freedom of Information Publication Scheme;
- (c) **Participation.** Residents have a right to participate in the Council's business by
  - (i) signing a petition to request a referendum on a mayoral form of Constitution.  
  
contact their local Councillor about any relevant matters of concern to them  
  
submit a petition (see Part 4 for the procedure to follow)  
  
the right to contribute by way of the Council's public participation arrangement
- (d) **Complaints.** Residents have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Ombudsman after using the Council's own complaints scheme;

- (iii) the Policy, Finance and Development Committee via the Monitoring Officer about a breach of the Councillor's Code of Conduct.

### **3.02 Residents' Responsibilities**

Residents must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors or officers.

When attending meeting residents must not behave improperly, offensively or interrupt the business of the meeting. If they do they will be removed and excluded from the meeting.

## **Article 4 - The Full Council**

Explanatory comment: The Council has responsibility for the Policy Framework and Budget.

### **4.01 Meanings**

#### **(a) Policy Framework.**

The policy framework means the following plans and strategies and such others as the Council shall determine to be included in the policy framework.

#### **(b) Budget**

The Policy Finance and Development Committee recommends to the Council the proposals for the budget each year. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and Council house rents and decisions relating to, the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of budget virement limits.

#### **(c) Housing Land Transfer**

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 under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### **4.02 Functions of the Full Council**

Only the Council will exercise the following functions:

- (a) adopting and amending the Constitution following recommendations from the Constitutional Task Group;
- (b) approving or adopting the policy framework, the budget and Council Tax
- © approving any application to the Secretary of State in respect of any Housing Land Transfer;
- (d) agreeing and/or amending the terms of reference for Committees and Working Parties and deciding on their composition and making appointments to them;
- (e) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (f) adopting an allowances scheme under Article 2.06 (Members' Allowances);

- (g) changing the name of the area; conferring the title of honorary alderman or Freedom of the Borough
- (h) confirming the appointment of the Chief Executive and their dismissal
- (i) the appointments to the designations of “Head of Paid Service” or “Monitoring Officer” or “Chief Financial Officer” and their dismissal.
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) electing the Mayor and Deputy Mayor of the Council;
- (l) receiving and adopting reports of committees/forums/working groups
- (m) any matter which is not in accordance with the Policy framework; and
- (n) all other matters which, by law, must be reserved to Council.

#### **4.03 Council Meetings**

There are three types of Council meeting;

- (a) the Annual meeting;
- (b) Ordinary meeting;
- (c) Extraordinary meetings.

And they will be conducted in accordance with the Council procedure Rules in Part 4 of this Constitution.

## **Article 5 - Chairing the Council**

Explanatory comment: This Article explains the role of the Mayor in chairing the Council.

Some Councils have an elected Mayor who is a directly elected political leader however in Oadby and Wigston Borough Council the role is one of civic leader.

### **5.01 CHAIRING THE COUNCIL MEETINGS**

#### **(iii) FUNCTIONS**

The Mayor will have the following responsibilities:

1. to uphold and promote the purpose of the Constitution;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors, the interests of the community and the corporate objectives of the Council;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community; and a place where members who do not sit on Policy Committees or hold committee Chairs are able to hold members or policy committee and committee Chairs to account;
4. to promote public involvement in the Council's activities;

## **Article 6**

Explanatory comment: The Council may delegate some of its functions to appointed committees.

### **6.01 Committees appointed by the Council**

The Council will appoint the committees set out in Part 3 of this Constitution, to discharge the functions specified.

## **Article 7 –Resident Forums and Working Groups**

Explanatory comment: In order to give local residents a greater say in Council affairs it has appointed a forum for each of the towns within the Borough, Oadby, South Wigston and Wigston.

### **7.01 General role of the Residents Forums**

The Resident Forums will discharge the functions delegated to them by Council as set out in Part 3 of this Constitution.

#### **7.01.1 Finances**

Residents forums will have budgets delegated by Council to enable local groups, organisations and individuals to apply to their local forum for funding of projects that seek to improve the quality of life for people who live or work in the Borough. Prior approval for the spending of each Resident Forum budget is subject to the approval of the Policy Finance and Development committee

### **7.02 Leicestershire Together**

Leicestershire Together is the Local Strategic Partnership for Leicestershire. It includes all of the organisations and partnerships that deliver public services to Leicestershire and its aim is to improve the quality of life and of public services in Leicestershire. Oadby and Wigston Borough Council to fulfil it

### **7.04 Working Groups**

Whilst the Council will operate predominantly through a Committee and Forum system, it may from time to time create Working Groups with Terms of Reference, the purpose of which neither lend themselves to the formality of the committee structure or the time limited, task related nature of Task Groups. Working Groups will be non-decision making groups acting in an advisory capacity to a decision making body. The current Working Groups are set out in Part 3

## **Article 8 - Joint Arrangements and Partnerships**

Explanatory comment: This Article explains the powers available to the Council to enter into joint arrangements and the use it has made of that power with other bodies.

### **8.01 Arrangements to Promote Well Being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### **8.02 Joint Arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) Except as set out below, the Council may only appoint Councillors to a joint committee and those Councillors shall where possible reflect the political composition of the local authority as a whole.
- (c) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of delegations in Part 3 of this Constitution.

### **8.03 Delegation To and From Other Local Authorities**

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

### **8.04 Contracting Out**

The Full Council may contract out, to another body or organisation, functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994. These are Ministerial Orders allowing local authorities to contract out specific functions. Those made so far deal with Tax Billing, Collection and Enforcement, Investment Functions, Allocation of Housing and Homelessness and certain County Council functions, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### **10.06 Joint Committees the Council participates in ( to go into Part 3)**

The Council is party to a Joint Committee Agreement set up under the Traffic Management Act 2004 for the adjudication of parking appeals.

## **Article 9 – Officers**

Explanatory comment: This Article explains the structure of the Council and the roles of the statutory officers of the Council

### **9.01 Management Structure**

#### **(a) General**

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

#### **(b) Statutory Chief Officers**

The full Council will engage persons for the following posts, who will be designated Statutory Chief Officers ie Head of Paid Service, Monitoring Officer and Chief Financial Officer

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Services	Monitoring Officer
Chief Financial Officer	S151 officer

Such posts will have the functions described in Article 9.02-9.04 below.

### **9.02 Functions of the Head of Paid Service (Chief Executive)**

- (a) Overall corporate management and operational responsibility (including overall management responsibility for all officers and relationships with Councillors)

Business Transformation

Reputation Management

Provision of professional advice to all parties in the decision making process

Together with the Monitoring Officer responsibility for a system of record keeping for all the Council's decisions and maintaining the Constitution

Representing the Council on partnership and external bodies (as required by statute or the Council)

#### **(b) Restriction on post**

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

### 9.03 Functions of the Monitoring Officer

- (a) The Monitoring Officer will ensure lawfulness and fairness of decision making. After consulting with the Head of Paid Service and the Chief Financial Officer, the Monitoring Officer will report to the Council 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 will have the effect of stopping the proposal or decision being implemented until the report has been considered. The Monitoring Officer must also report on any maladministration or injustice where the Ombudsman has carried out an investigation.

Maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public. The Monitoring Officer's Protocol is set out in Part 5.

Contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Policy Finance and Development Committee.

Receive and act on complaints received regarding Councillor conduct and will conduct investigations into matters in accordance with the adopted procedure set out in Part 5 of this Constitution and make reports or recommendations in respect of them to the Policy Finance and Development Committee.

To maintain the "Register of Interests" for Councillors

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

- (f) **Providing advice**

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

The Monitoring Officer will oversee vires (legality) issues.

The Monitoring Officer will ensure sound advice is given to all Members on these potentially difficult questions and to ensure that regular updates are sought. The Monitoring Officer will also be obliged to maintain a register of gifts and hospitality.

- (b) **Restrictions on post**

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

#### **11.04 Functions of the Chief Financial Officer (section 151 Officer)**

(a) **Ensuring Lawfulness and financial prudence of decision making**

After consultation with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the council is about to enter an item of account unlawfully. [s.114 Local government finance Act, 1988].

(b) **Administration of financial affairs**

The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council. (s.151 Local Government Act, 1972).

(c) **Contributing to corporate management**

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

(d) **Providing advice**

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

(e) **Giving financial information**

The Chief Financial Officer will provide financial information to the media, members of the public and community.

Restrictions on post - The Chief Financial Officer cannot be the Monitoring Officer

#### **11.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Financial Officer**

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

#### **11.06 Conduct**

Officers will comply with the Officer's Code of Conduct and the Officer and Member Relations protocol as set out in Part 5 of this Constitution.

**11.07 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules as set out in Part 4 of this Constitution.(Part 4)

## **Article 10 - Decision Making**

Explanatory comment: This Article explains the principle of decision making and delegation in the Council

### **10.01 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions

### **10.02 Principles of Decision Making**

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

- (a) the action to be taken shall be proportionate to the desired outcome
- (b) to have due regard to consultation and the consideration of professional advice from officers
- (c) respect for human rights
- (d) presumption in favour of openness, helpfulness and consistency
- (e) clarity of aims and desired outcomes
- (f) consideration of available options and giving reasons for decisions
- (g) only relevant matters to be taken into account, as advised by Officers and the Chair
- (h) meeting the Council's priorities

### **10.03 Decision Making By the Full Council**

Subject to Article 10.05, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **10.04 Decision Making By Other Committees and Sub Committees Established By the Council**

Subject to Article 10.05, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

### **10.05 Decision Making By Council Bodies Acting as Tribunals**

The Council, a Councillor or an officer acting as a panel or tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural

justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **Article 11 - Finance, Contracts and Legal Matters**

Explanatory comment: This Article refers to the Council's Finance and Contract rules which are contained in Part 4 of this Constitution and the authority to institute, defend or participate in legal proceedings.

### **11.01 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial regulations set out in Part 4 of this Constitution.

### **11.02 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### **11.03 Legal Proceedings**

The Head of Corporate Resources in consultation with the Head of Paid Service and/or the Director of Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Corporate Resources considers that such action is necessary to protect the Council's interests. The rules and procedures in respect of legal proceedings brought by and against the Council are set out in the Legal Proceeding rules in Part 4 of this Constitution.

### **11.04 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or Director of Services or Head of Corporate Resources or any other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **11.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Corporate Resources. A resolution of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to that resolution. The Contract Procedure Rules sets out those documents are required to be sealed.

The affixing of the Common Seal will be attested by the Mayor (or some other member authorised by him/her) and by the Chief Executive or Director of Services or the Head of Corporate Resources or some other person authorised by them. A record of the sealing shall be entered into a written register (the Deed Register) that will be kept in a safe place and maintained for that purpose and the persons attesting the document shall sign their names against the relevant entry in the Deed Register.

## **Article 12 - Review and Revision of the Constitution**

Explanatory comment: This Article sets out how the Constitution will be monitored and reviewed as necessary

### **12.01 Duty to Monitor and Review the Constitution**

The Constitutional Task Group in consultation with the Head of Paid Service and the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

#### **Protocol for Monitoring and Review of Constitution By Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice;

### **12.02 Changes to the Constitution**

#### **a) Approval**

Changes to the Constitution will only be approved by the Council after consideration of the proposal by the Constitutional Task Group in consultation with the Head of Paid Service and Monitoring Officer. The Monitoring Officer in consultation with the Head of Paid Service is authorised to make such changes as are necessary following legislative changes and any minor procedural and operational change which are to be reported to the next Constitutional Task Group meeting

#### **b) Changes from adopted Committee Style Arrangements to a Mayoral Form of Executive**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum

**c) Changes from adopted Committee Style Arrangements to a Leader and Cabinet Form of Executive**

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

## **Article 13 - Suspension, Interpretation and Publication of the Constitution**

Explanatory comment: This Article ensures that the Articles of the Constitution may not be suspended. This provides certainty and stability to fundamental aspects of the Council's governance. However Rules of Procedure may be suspended as set out in 13.01

### **13.01 Suspension of the Constitution**

#### **(a) Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules specified in Part 4 may be suspended by the Council and committees to the extent permitted within those Rules and the law.

#### **(b) Procedure to suspend**

A motion to suspend any rules capable of suspension may be moved with or without notice provided that half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 but shall not extend beyond the meeting.

#### **(c) Rules capable of suspension**

All of the Council Procedure Rules set out in Part 4, except Rule 16.6 (right to require individual vote to be recorded and recorded vote for budget setting ) and Rule 22 (suspension), need to revert back to this may be suspended in accordance with this Article but in every case only upon a request of two thirds of the Councillors present and voting.

### **15.02 Interpretation**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **15.03 Publication**

(a) The Chief Executive will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

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

(c) The Chief Executive will ensure that the Constitution is made available on the Council's website and is updated as necessary.



## PART THREE

### RESPONSIBILITY FOR FUNCTIONS

#### **PART 3 - Responsibility for Functions - Committee Structure**

Explanatory comment: The following pages comprise of:

- a diagram illustrating the Committee Structure of the Council,
- Terms of Reference and Delegations to Committees
- Terms of Reference and Delegation to Working Groups
- Scheme of Officer delegations.
- Proper Officer functions

## **The COUNCIL TERMS OF REFERENCE**

Full Council will have the following roles or may delegate the exercise of any of its functions as far as is legally permissible to committees, sub-committees or officers.

- All functions reserved to the Council by statute, subordinate legislation or Council procedure rules
- Adopting the new constitution and any subsequent changes to it
- Adopting the local authority's code of conduct
- Agreeing the local authority's policy framework and budget and any application to the Secretary of State in respect of any housing land transfer
- To determine the Council's priorities
- To receive reports on the overarching strategic issues and activities of the Leader of the Council which will include the Local Strategic Partnership (LSP), Leicestershire Together (LT) the Local Area Agreement (LAA)
- Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them.
- Election of the Mayor, Deputy Mayor, Leader of the Council and Deputies, Chairmen and Vice-Chairmen without prejudice to the Council allowing the committees to make such appointments
- To adopt the schedule of meetings for the ensuing year
- Appointing representatives to outside bodies unless the appointment has been delegated by Council
- To consider the recommendations of the Remuneration Panel and adopt the level of allowances that can be claimed by Members of the Council in respect of authorised or approved duties
- To make any decisions which would be contrary to the Policy Framework
- To determine matters which do not fall within the remit of any committee
- To set the Council tax
- To receive the Certificate and Return of the Returning Officer in relation to District Council elections
- To approve proposals relating to significant partnerships with external agencies and local authority companies so far as these have not been delegated
- To make decisions concerning district boundaries, electoral divisions, wards or polling districts
- To receive statutory reports from the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer
- Confirming the appointment or dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer
- Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough
- Making, amending, revoking, re-acting or adopting Bye Laws and promoting or opposing the making of local legislation or personal bills
- Commissioning and receiving of reports from the Council's Policy and Overview and Scrutiny Committees
- To consider appropriate motions in accordance with Council procedure rules
- Approving minutes of committees, forums and groups en bloc
- The following Working Groups and Partnerships report directly to Council

- Community Safety Partnership
- Armed Forces Working Group
- Constitutional Task Group
- Supporting Leicestershire Families

## **GENERAL SCHEME OF DELEGATION TO COMMITTEES AND OFFICERS**

### **COMMON DELEGATIONS**

Delegation common to all Committees (unless otherwise delegated)

On any issue within the remit of a Committee

- Agree draft policies for approval by Council
- Prepare byelaws and adoptive legislation for approval by Council
- Propose fees and charges for adoption by Council
- Make representations to and liaise with outside bodies/individuals
- Seek and accept tenders above Officers' financial limit within budget framework
- Set up, and make nominations to ad hoc groups.

## **SPECIFIC DELEGATIONS**

### **POLICY FINANCE AND DEVELOPMENT COMMITTEE**

#### **TERMS OF REFERENCE**

Overall responsibility for setting the long term aims of the Council and moving it forward in line with them.

- Sets the overarching strategic direction for the Council
- Sets the overall budgets for the Council
- To be responsible for all the Council's resources, finances, assets and staffing
- To be responsible for all corporate and financial services including Finance, Human Resources, Legal, the major financial aspect of Revenues & Benefits such as subsidy; ICT
- To scrutinise and approve the policies of the Council
- To be responsible for listening to and acting on the views of the Community Engagement Forum, the Residents Forums, Children and Young Peoples; Forum, Customer Services Working Group, Place Shaping Working Group.
- To report direct to Council
- To be responsible for all external requests for funding
- To be responsible for receiving internal and external audit reports
- To fulfil the Council's statutory and regulatory financial obligations
- To be responsible for the short-medium term economic regeneration
- To be responsible for the Member Code of Conduct
- To consider and approve grant applications as appropriate
- Overall responsibility for asset management
- Fulfil the Council's need for a "client" role if the Council tenders a service/contact that the Council wished to bid for itself.

#### **Delegation to Officers within Remit of Service Development Committee**

- Award mandatory relief from NNDR
- Award discretionary relief from NNDR , consult Chair)
- Approve staff car purchase loans
- Approve attendance at training courses
- Approve assistance towards approved exam
- Authorise staff below SCP29 to work overtime

Authorise minor additions to staff establishment subject to budgetary provision,  
Temporary appointment of staff subject to adequate budgetary provision and terminate temporary appointments

To determine appropriate salary grades for new posts and those were there have been significant changes in duties and responsibilities.

- make appointments other than Chief Executive, Directors, or Officers at SCP43 and above

Implement national and provincial Circulars on conditions of service of employees

- Authorise write-offs up to approved financial limit
- Be responsible for recovery and collection of Council income and debts within remit of Committee, including NNDR and Council Tax
- Authorise purchasing below approved financial limit
- Be responsible for Emergency Plan operational matters
- Develop action plans for Council's strategies and objectives and implement such plans when approved
- Implement policies on customer care, press and public relations
- Approve Service Delivery Plans, in accordance with agreed policy framework
- Administer and issue grants approved by Committee
- Delegation to officers common to all Committees
- Administer all initiatives to promote economic development and Town Centre initiatives within the Borough )
- Implement projects approved by the Committee and for which budget provision has been made
- Administer all initiatives to promote tourism within the Borough
- Award Discretionary Housing Payments

## **SERVICE DELIVERY COMMITTEE**

### **TERMS OF REFERENCE**

Responsible for the delivery and performance of services.

- Oversees the development and performance of services within the overarching strategic direction set by Policy, Finance and Development Committee
- Responsible for all financial issues relating to its services within the budgets set by Policy Finance and Development Committee
- To be responsible for the day to day operation of all services (except those that are the responsibility of the Policy Finance and Development Committee)
- To be responsible for all aspects of the Greening of the Borough initiative at a strategic and operational level
- To be responsible for and listening and acting on the views of the Greening of the Borough Working Group, the Waste Task Group, the Health and Well-Being Board.
- To be responsible for all the policies relating to the above services
- To be responsible for annual budget plans for recommendation to the Policy, Finance and Development Committee
- To report direct to Council
- To be responsible for the operation of Council buildings, Car Parks, Cemeteries, Parks and Open Spaces
- Naming Streets
- Develop the Housing Business Plan in accordance with the strategic direction
- To be responsible for emergency planning.
- To fulfil the Council's need for a "Contractor" role if the Council was to bid for itself.
- 
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#### **Delegation to Officers within the remit of Service Delivery Committee**

- Approve grants for renovation etc., in accordance with policy (in consultation with Chair)
- 
- Deal with Right to Buy operational matters
- Provide assistance for protection of private tenants
- Be responsible for the control, management and letting of Council housing stock
- Allocate tenancies of Council properties
- Give consent to structural alterations of Council properties
- Approve mutual exchange of tenancies
- Authorise transfers to spouse/succession in death

- 
- Authorise departures from Housing Allocation policy ( consultation with the chair of service delivery). Departures to be reported on a monthly basis through the Monthly Bulletin.
- Authorise repairs and redecoration of dwellings upon termination of tenancy, or in other circumstances where prescribed limits of expenditure are exceeded, but where special considerations warrant such action
- Give consent for installation of TV aerials, phones, emersion heaters etc.,
- Determine homeless persons' applications (including refusals)
- Authorise evictions
- Collect rent and rent arrears, and former tenants' arrears and take appropriate action for arrears including former tenants arrears
- Serve Notice to Quit & Notices seeking Possession
- Take action in response to breaches of conditions of tenancy
- Instruct Bailiffs
- 
- Administer all Council environmental initiatives
- Be responsible for the provision of environmental education and raising environmental awareness
- Delegation to Officers common to all Committees
- Approve annual schedule of highway verge tree planting
- Issue property numbers and names.
- Make arrangements for provision of musical entertainment by the Council within the Borough
- Agree provision of litter bins
- Authorise structural maintenance, signing and decoration (not cleaning) of public conveniences and bus shelters
- Administer the letting of allotments and collection of allotment income
- Issue Deeds of Grant of burial rights
- Give approval for monuments, memorials, inscriptions, dispersal of ashes, and made arrangements for internments
- Give approval for schemes to plant donated trees etc., in cemeteries and burial grounds to generate sponsorships

- Draw up and propose to the Committee specifications, select lists, timetables and evaluation procedures for contracts delegated to Committee by Council or contracts within the remit of the Committee subject to the budget framework
- Administer recycling scheme
- Administer Tree Wardens Scheme

**Delegation to sign approval of application for renovation grants**

- The Director of Services and the Head of Community may sign off renovation grants or a person delegated by them.

## **DEVELOPMENT CONTROL**

### **TERMS OF REFERENCE**

All matters submitted to the Local Planning Authority may be dealt with by officers under delegated powers except when it is considered that the proposals should be determined by the Development Control Committee. This may occur in the following circumstances:

- (i) a request is made by a Ward Member;
- (ii) approval of an application is recommended which is contrary to agreed Council policy, such that its approval would represent a significant departure;
- (iii) in the view of the Director of Services, or the Planning Control Manager in consultation with the Chair and/or the Vice-Chair an application is of significant public interest, and/or is believed to be controversial;
- (iv) the application is made by a Member or Officer of the Council

With regard to (i) any request shall be made in writing, giving reasons (which shall include e-mails) and within the 21 day period identified on the weekly list of applications.

With regard to (ii) and (iii) matters to be taken into account include issues of consistency, previous decisions relating to the application site, possible conflict with the Council's corporate policies.

#### **Delegations to Officers from Development Control Committee**

- the Planning Control Manager has full authority to exercise and discharge the provision of the full range of development control services in accordance with all statutory and other requirements of a Local Planning Authority under the Town and Country Planning Acts including
  - the approval of reserved matters
  - Planning Applications by the Council (eg of a minor nature, the Planning Control Manager to consult with the Chair and/or Vice-Chair)
  - Consent for the display of advertisements
  - Listed Building consent
  - Conservation Area Consent
  - A Certificate of Lawful Use (in consultation with Head of Corporate Resources)
  - A Certificate of Proposed Lawful Use (in consultation with Head of Corporate Resources)
  - A Certificate of Appropriate Alternative Development (in consultation with Head of Corporate Resources)
  - Renewals of Temporary Planning Permissions

- Works or felling of trees covered by a tree preservation Order
- Works or felling of trees sited within a conservation area
- Variation of a condition attached to a planning permission, listed building consent, conservation area consent or advertisement consent
- The removal of hedgerows
- The installation of overhead electricity lines
- Applications for development by Government Departments
- Applications for Hazardous substances consent
- Make applications for consents to carry out works to Council owned land or buildings
- Issue and serve planning contravention notices and breaches of condition notices or stop notices (in consultation with Head of Corporate Resources)
- Make Article 4 Directions – to be reported to the Chair and Vice-Chair of Development Control Committee at the earliest opportunity and subsequently reported to Development Control Committee.
- Authority to take decisions in relation to part 8 of the Anti Social Behaviour Act 2003 (except in relation to the determination of fees)
- Delegation to officers common to all Committees
- Application for prior notifications for the installation of telecommunications equipment, agricultural works or demolition.
- To discharge conditions attached to a planning permission, listed building consent, conservation area consent or advertisement consent
- To make Building Preservation Notices
- To make tree preservation orders
- To determine that development is “permitted development”
- To comment on notifications from neighbouring local authorities
- Agree to the contents of agreement under section 106 of the Town and Country Planning Act 1990
- To determine minor amendments to approved applications
- To take enforcement action against unauthorised development (in consultation with Head of Corporate Resources)

- In conjunction with the Head of Corporate Resources and the agreement of the Chairman or Vice Chairman of the Development Control Committee to seek injunctions
- To take action to remove placards posters or adverts in contravention of the town and Country Planning (Control of Advertisements) Regulations or similar Statutory enactments)
- To make observations on proposals submitted to adjoining planning authorities where determinations of the applications would be delegated if submitted to the Borough Council
- The Planning Officer (Enforcement) is authorized to enter any land and premises for any of the purposes in accordance with and having regard to, the provision of:
  - (a) Sections 178, 196A, 196B, 196C, 324 and 325 of the Town and Country Planning Act 1990 as amended
  - (b) Sections 214B, 214C and 214D of the Town and Country Planning Act 1990 as amended
  - (c) Sections 88, 88A and 88B of the Planning (Listed Building and Conservation Areas) Act 1990
  - (d) Section 36 of the Planning (Hazardous Substances) Act 1990.
- The signatory to this authority will be the Planning Control Manager
- The following personnel should also have this authorisation conferred on them, namely: Planning Control Manager, Planning Officer Planning Officers, Planning Policy Manager and Planning Policy Officers

## **DEVELOPMENT CONTROL ENFORCEMENT SUB COMMITTEE**

The role of the Enforcement sub-committee is to act as a filter for those planning enforcement matters which are potentially expedient to enforce against and the relevant cost implications the actions could involve. Cases that are considered not expedient to enforce against where it is envisaged that potential local objection to the decision would be forthcoming will also be reported to the sub-committee for their consideration. The sub-committee will also ensure that complaints are not left unresolved for an excessive amount of time.

A three tier system has been adopted through the Planning Enforcement Charter for matters to be dealt with by the sub-committee

**Low Level** - cases that in the professional opinion of officers would clearly not be expedient to enforce against, and therefore not reported to committee. The officers will consider serving requests for Information Notices. Within the detail timescales be set for the efficient closure of such matters to keep the case load at a manageable level.

**Medium level** – the cases that officers recommend to members as being potentially expedient to enforce against, type of action recommended and timescales for the necessary process to follow or cases that have taken more than 90 days to decide a course of action to resolve any outstanding planning issues

**High Level** - the cases that the sub-committee have filtered for enforcement action and which will be reported to the Development Control committee for monitoring of the enforcement action underway and that timescales will be adhered to.

Cases where it is considered not expedient to enforce but the complaint has been received from a Councillor (and the Councillor is not content with the initial Officer recommendation for closure )will be reported to the sub-committee for a decision.

A report will be provided to the sub-committee showing the amount of cases opened and closed in the previous period and formal notices have been served.

The sub- committee will then report to the Development Control committee approximately every 4 months depending upon the committee cycle. The report will be a summary of the above level 2 and 3 cases that the sub-committee have made decisions on.

## LICENSING AND REGULATORY COMMITTEE

### TERMS OF REFERENCE

No member may sit on this committee, the Licensing sub-committees until he or she has undergone basic training on the law and procedure relating to the functions of those committees.

- To deal with all matters in relation to the Licensing Act 2003 except the setting and adopting of the Statement of Licensing Policy which must be reserved to the Council
- To deal with all matters in relation to the Gambling Act 2005 except the setting and adopting of the Gambling Policy which must be reserved to the Council
- To exercise the Council's regulatory and enforcement powers and duties in respect of all other licensing authorisations, licenses, permits, consents or similar under all statutory provisions
- To exercise the regulatory functions of Environmental Health, Building Control, Crime and Disorder (such as alcohol zones) and Car Parking enforcement
- The above functions to be exercised where they have not been specifically reserved to other committees or to officers, save as to in relation to officers where in the opinion of the Head of Corporate Resources the matter should be determined by the Licensing & Regulatory committee
- To recommend the implementation or amendment to byelaws on all licensing matters to Council for adoption
- To adopt policies in relation to all Licensing & Regulatory policies (except the Statement of Licensing Policy and Gambling Policy) and budgets and setting of fees and charges.

#### **LICENSING SUB-COMMITTEE (THREE MEMBERS TO BE APPOINTED AS AND WHEN NEEDED IN ROTATION (WHEREVER PRACTICAL) FROM THE LICENSING & REGULATORY COMMITTEE**

- To hear appeals against penalty points awarded against drivers and other taxi related appeals where no statutory right of appeal exists

#### **LICENSING PANEL (THREE MEMBERS TO BE APPOINTED AS AND WHEN NEEDED IN ROTATION (WHEREVER PRACTICAL) FROM THE LICENSING & REGULATORY COMMITTEE**

- In accordance with Section 10 of the Licensing Act 2003 the Licensing & Regulatory committee has delegated to the Head of Corporate Resources the functions of the Licensing Act 2003 **except the following**

- Determination of application for premises licence where no representations have been made
- Determination of application for provisional statement where no representations have been made
- Determination of application to vary designated premises supervisor following police objection
- Determination of application for transfer of premises licence following police objection
- Consideration of police objection made to interim authority note
- Determination of interim steps pending summary review
- Determination of application for club premises certificate where representations have been made
- Determination of application to vary club premises certificate where representations made
- Decision to give counter notice following police objection to temporary event notice
- Determination of application for grant of personal licence following police objection
- Determination of application for renewal of personal licence following police objection
- Revocation of licence where convictions come to light after grant etc.
- Determination of application for review of premises licence where relevant representations made
- Determination of application for review of club premises licence where relevant representations made
- Review following closure order in a case where relevant representations made

### **Delegation of other Licensing provisions delegated to the Head of Corporate Resources**

- Determine application for all taxi/private hire related licenses or permits which the council has power to grant, where no objection has been made, including imposition of conditions
- Determine applications for all taxi/private hire related licenses or permits which the Council has power to grant, where an objection has been made, but an urgent decision is required (in consultation with Chair)
- Select three members from the sub-committee to determine applications relating to the Licensing Act 2003 where an objection has been made.
- Determine applications for all other licenses or permits which the Council has power to grant, where no objection has been made, including imposition of conditions
- Determine applications for all Licences or permits which the Council has power to grant, where an objection has been made, but an urgent decision is required (in consultation with Chair)
- Authorised Officers to carry out enforcement of all matters within remit of the committee

- Delegation to officers common to all Committees.
- 
- Determine applications for Street Trading Consents
- Issue and serve notices under legislation for the protection of streets, highways, watercourses, sewers etc., which are within the remit of the Services Committee

### **Delegation of Building Control powers to the Planning Control Manager**

to exercise the powers and duties of the Council under the Building Act; Building Regulations; The Building (Local Authority Charges) Regulations; The Building (Approved Inspectors etc.) Regulations and relevant sections of the Leicestershire Act; Government Miscellaneous Provisions Act; Safety of Sports Grounds Act; Town Improvement Clauses Act and Public Health Act, or other similar statutory enactments.

These powers are exercisable in respect of any authorised Building Control Surveyor in consultation with the Planning Control Manager

- Approve or reject notices or plans under the Building Regulations or similar enactments.
- To determine amendments to approved Building Regulations applications.
- Authorise classification of land or buildings as dangerous, within the meaning of the highways or Building Acts or similar enactments.
- To require or execute remedial works to, or the demolition of dangerous buildings or structures.
- To accept or reject Initial Notices.
- To control work partially completed in respect of an Initial Notice.
- To control the construction of cellars.
- To control the demolition of buildings and structures.
- To control building work to which the Building Regulations and similar statutory enactments apply.
- To enforce the Building Regulations and take enforcement action where there is a breach of the Building Regulations.
- To alter or remove offending building work.
- To require the provision of satisfactory drainage and the repair, renewal or cleansing of defective drainage systems.
- To require the provision of satisfactory means of ingress and egress from buildings.

- To require the provision and maintenance of adequate means of escape from buildings.
- To require adequate fire precautions in high buildings and large storage buildings.
- To require the raising of chimneys.
- To execute remedial works to defective premises.
- To require or execute works to ruinous or dilapidated buildings.
- To require the marking of buildings with numbers.
- To require the repair of walls to passages and gardens.
- To execute works in order to protect buildings against unauthorised entry.
- Exercise powers and duties of the council under the Building Act, Building Regulations or similar statutory enactments
- Approve or reject notices or plans under the Building Regulations or similar enactments
- Authorise classification of land or buildings as dangerous, within the meaning of the highways or Building Acts or similar enactments

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#### **Delegation to the Head of Community for Environmental Health matters**

- Be responsible for burial of dead pursuant to Public Health (Control of Diseases) Act 1984
- Provide dog bins
- Be responsible for the repair and clearance of private drains
- Exercise statutory powers, issue and serve notices under all statutory provisions, relating to :
  - Disinfestation of people/property
  - Defective premises
  - Sanitation
  - Pest Control
  - Nuisance
  - Environmental Protection Act 1990
  - Houses in multiple occupation
  - Improvements to houses
  - Accumulations
  - Abandoned vehicles
  - Health and safety
  - Food safety
  - Public health

Determine acceptable chimney heights

## **RESIDENTS FORUMS**

### **GENERAL TERMS OF REFERENCE FOR ALL FORUMS**

- To increase public involvement in public services
- To help shape the Council's policies for public services
- To challenge and give feedback on the performance of public services
- To promote community cohesion
- To report to the relevant committees

### **CHILDREN AND YOUNG PEOPLES' FORUM**

- Propose Children and Young Peoples' Strategy to Policy Finance and Development Committee
- Oversee implementation of Children and Young Peoples' Policy
- Consider and determine applications for grants to voluntary/non profit making bodies and/or individuals in connection with children and young peoples' provision within the Borough
- Oversee propose and implement Capital Projects for children and young peoples' matters
- Oversee the Detached Youth Work project within the Borough
- Propose annual budget to Policy, Finance and Development Committee

## **PLACE SHAPING WORKING GROUP**

### **TERMS OF REFERENCE**

#### **Overall Aim of Place Shaping Member Working Group**

- To co-ordinate the strategic planning policy, economic and housing function of the Council. To deal only with matters of strategic significance that will influence the shape of the Borough of Oadby and Wigston over the long term. To oversee Strategic Asset Management and make recommendations to Policy, Finance and Development Committee

#### **Local Development Framework**

- To oversee the preparation of the Local Development Framework and its associated evidence base, including consideration and approval of evidence base reports prior to publication. To recommend to Council where necessary.
- To consider the preparation of the Council's Local Development Scheme and the range of Development Plan Documents, Supplementary Planning Documents and other Local Development Documents that comprise the Council's local Development Framework. To monitor the Council's performance in meeting the milestones set out in the Local Development Scheme. To recommend to Council where necessary.
- To oversee the establishment and implementation of Infrastructure and Delivery mechanisms that will enable the delivery of the policies and allocations contained within the Local Development Framework. To recommend to Council where necessary.
- To oversee the preparation of Masterplans and site development briefs. To recommend to Council where necessary.
- To facilitate the strong relationship that exists between the Local Development Framework, Local Strategic Partnerships and Sustainable Community Strategies. To ensure that the Local Development Framework provides the spatial context to allow the delivery of priorities contained within the Sustainable Community Strategies. To recommend to Council where necessary.
- To oversee the preparation review and implementation of the Statement of Community Involvement. To consider the various methods for undertaking public consultation at different stages of preparing the Local Development Framework, including chairing meetings and providing statements to the press through press releases and interviews. To recommend to Council where necessary.
- To consider performance related to planning policy, including National Indicators, Indicators associated with the Local Area Agreement and Multi Area Agreement, County and Regional monitoring returns, Residential Land Availability Study, Housing Land Supply, Employment Land Study and Annual Monitoring Report. To recommend to Council where necessary.

- To agree responses in relation to planning policy consultations that the Borough Council comment on, for example adjoining Local Development Framework Documents, Regional Planning and Government Initiatives and Guidance. To recommend to Council where necessary.
- To develop a thorough understanding of the Local Development Framework process and other planning policy matters that are of relevance to the Borough.

### **Economic Development**

- To oversee the coordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Economic Development Strategy. To recommend to Council where necessary.
- To oversee future reviews of the Economic Development Strategy and to ensure that reviews are informed by area based consultation. To recommend to Council where necessary.
- To oversee the coordination, development, delivery and review of action plans associated with the Economic Development Strategy. To recommend to Council where necessary.
- To consider performance related to economic development, including the development and monitoring of the Local Area Agreement and Multi Area Agreement. To recommend to Council where necessary.
- To progress the preparation, implementation and delivery of Masterplans related to the Centres of Oadby, Wigston and South Wigston. To recommend to Council where necessary.
- To provide Member Representation at the Oadby and Wigston Business Breakfasts and to provide suggestions regarding the various topics for discussion.
- To act as ambassadors to promote the Enterprise, Employment and Skills and Economic Regeneration Agenda.

### **Strategic Housing**

- To oversee the coordination of various initiatives and implementation of projects that contribute towards the delivery of the Borough Council's Housing Strategy. To recommend to Council where necessary.
- To oversee the preparation and implementation of the Strategic Housing evidence base that identify the housing needs and requirements within the Borough, such as the Strategic Housing Market Assessment and the Strategic Housing Land Availability Assessment. To consider and approve the evidence base reports prior to publication. To recommend to Council where necessary.
- To oversee the development of the Council's Strategic Housing role in the context of the housing and place shaping agenda, the Local Development Framework, the

Local Strategic Partnerships and the Sustainable Community Strategies. To recommend to Council where necessary.

- To oversee the role of Strategic Housing through the Council's Neighbourhood Management responsibilities. To recommend to Council where necessary.
- To oversee the role of Strategic Housing in the preparation of Masterplans and site development briefs. To recommend to Council where necessary.
- To consider issues associated with the provision and viability of affordable housing in the Borough. To recommend to Council where necessary.
- To consider performance related to Strategic Housing, including the development and monitoring of the Local Area Agreement and Multi Area Agreement. To recommend to Council where necessary.

# **CUSTOMER SERVICES WORKING GROUP**

## **TERMS OF REFERENCE**

### **1. Purpose and Remit of the Group**

- 1 To understand the policy implications of the councils existing waste policies and operations
- 2 To develop and recommend any policy changes to Policy, Finance and Development Committee in relation to all the council's waste services
- 3 To ensure that any changes to waste policy are sustainable and effective
- 4 To monitor any changes to waste policy for a fixed period of 2 committee cycles
5. Any operational changes will be reported to the Service Delivery Committee

### **2. Membership**

- a. 10 members will be appointed to the Task Group at the Annual General Meeting each municipal year consisting solely of elected councillors
- b. The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

### **3. Accountability and Duration**

- a. As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board meeting
- b. The Chairman of the Working Group is Councillor Linda Broadley
- c. The Lead Officer is the Welfare and Taxation Manager who will be supported by the Director of Services and Chief Executive.
- d. It is expected that the Task Group will exist for at least the 2014/15 municipal year
- e. The Task Group will report to Policy, Finance and Development Committee at least twice each municipal year.
- f. The Task Group will cease when the outcomes have been completed.

### **4. Working Methods**

- a. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- b. These terms of reference will be reviewed, and if necessary, updated at least annually.
- c. The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner.
- d. An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

# **Community Engagement Forum**

## **Terms of reference**

### **1. Remit of the group**

The Forum was established in May 2014 to:

- Supersede the Equality & Diversity Forum following the expiry of the HR & Equality Officer and provide a Community Engagement Forum in pursuance of the engagement of a Community Engagement Officer for progressing wider community engagement between the Council and its residents
- Facilitate the Council in fulfilling its statutory duties under the Equality Act 2010 to:
  - (i) take positive action in recruitment and promotion and
  - (ii) to have due regard to
    - (a) eliminate discrimination
    - (b) advance equality of opportunity and
    - (c) foster good relations between different people when carrying out their duties.
- Review and monitor the progress of the Council's Equality Agenda adopted by the Policy, Finance and Development Committee on 23 July 2013

Key Aims of the Council's Equality Agenda:

1. To create a skilled and confident workforce to enforce equality and diversity and to challenge negative behaviours
2. Continue to and improve engagement and communication with members of the community, ensuring all hard to reach or under-represented groups are given a voice
3. Ensure a representative workforce reflective of the community
4. Understand who our existing service users are with the aim to ensure that services are utilised by all community members
5. For relevant forums and boards to actively engage and contribute to the Community Engagement Forum.

### **2. Membership**

Cllr Jeffrey Kaufman – Chairman

Cllr Lily Kaufman - Member

Cllr Sharon Morris – Member

Community Engagement Officer – once appointed

2 x Members of Community/Organisation per each Protected Characteristic

1 x Representative of the Council's Health and Wellbeing Board

### **3. Duration of Forum**

- The relevancy of the Forum and its Terms of Reference will be reviewed after a period of 1 year.

### **4. Working methods**

- The Forum will report to Policy, Finance and Development Committee twice a year

- The Forum will meet four times a year in the Council Chamber in line with the dates set out in the Council's Calendar of Meetings
- Topics for the agenda will be set at a pre-agenda meeting with the Chairman and Lead Officer at least 4 weeks prior to the meeting.
- The agenda and supporting papers for the meeting will be circulated electronically. Exceptions will be made for any Member that does not have access to the internet or a computer.
- The Forum will be supported by the Community Engagement Forum who will be responsible for the drafting of the agenda in consultation with the Chairman and the minutes of the meeting in a timely manner.

# GREENING OF THE BOROUGH WORKING GROUP

## Terms of Reference

### 1. Purpose and Remit of the Group

- a. To provide overall guidance and direction on policy issues and outcomes
- b. To agree draft outcomes, which for the Greening of the Borough Working Group are:
  - Improve the quality of the green environment within the borough, including the creation of areas of significant interest and enhancement of the biodiversity interest.
  - Provide better access to this environment and opportunities for all to be a part of the aspirations of the Strategy for more environmentally sustainable lifestyle choices and practices.
  - Promote, support, and encourage residents (of all ages and abilities), groups and businesses to contribute, through volunteering and partnership projects, to improving the green environment of the borough in a manner appropriate to their needs and aspirations.
    - a. To review progress in delivering these outcomes and work with officers to embed aims and activities into mainstream work of the authority.
    - b. The terms of reference of this working group would be redefined once aims of the action plan have been mainstreamed and thus the group time defined.
    - c. To act as a sounding board for the officers for major projects and outcomes.
    - d. To give guidance on solutions that will resolve any inconsistencies in policy or outcomes
    - e. To ensure that the outcomes are achieved

### 2. Membership

- a. 8 members will be appointed to the Working Group at the Annual General Meeting each municipal year consisting solely of elected councillors
- b. The membership of the Working Group, wherever possible, will reflect the political representation of the Council as a whole.

### 3. Accountability and Duration

- a. As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least two weeks prior to the Task Group meeting
- b. The Chairman of the Working Group is Councillor David Carter
- c. The Lead Officer is the Country Parks and Environment Manager
- d. The Lead Officer will be supported by the Director of Services and the Chief Executive

- e. It is expected that the Working Group will exist for at least the 2014/15 municipal year
- f. The Working Group will report to Service Delivery Committee at least twice each municipal year.
- g. The Working Group will be cease when the outcomes have been completed.

#### **4.Working Methods**

- a. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- b. These terms of reference will be reviewed, and if necessary, updated at least annually.
- c. The minutes of the meeting will be provided to the Chairman of the Working Group in a timely manner.
- d. An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

## **WASTE WORKING GROUP TERMS OF REFERENCE**

### **1. Purpose and Remit of the Group**

- a. To understand the policy implications of the councils existing waste policies and operations.
- b. To develop and recommend any policy changes to Policy, Finance and Development Committee in relation to all the council's waste services.
- c. To ensure that any changes to waste policy are sustainable and effective.
- d. To monitor any changes to waste policy for a fixed period of 2 committee cycles.
- e. Any operational changes will be reported to the Service Delivery Committee

### **2. Membership**

- c. 10 members will be appointed to the Group at the Annual General Meeting each municipal year consisting solely of elected councillors.
- d. The membership of the Group, wherever possible, will reflect the political representation of the Council as a whole.

### **3. Accountability and Duration**

- a. As a minimum, the Lead Officer will meet with the Chairman of the Group at least two weeks prior to the Group meeting
- b. The Chairman of the Working Group is Councillor Frank Broadley for the 2014/15 municipal year.
- c. The Lead Officers are the Chief Executive and Director of Services.
- d. It is expected that the Board will exist for at least the 2014/15 municipal year
- e. The Board will report to Service Delivery Committee at least twice each municipal year.
- f. The Board will cease when the outcomes have been completed.

### **4. Working Methods**

- a. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- b. These terms of reference will be reviewed, and if necessary, updated at least annually.
- c. The minutes of the meeting will be provided to the Chairman of the Group in a timely manner.
- d. An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

# **Supporting Leicestershire Families Task Group Terms of Reference**

## **1. Purpose and Remit of the Group**

- a. To receive updates on the progress of the Supporting Leicestershire Families Programme on behalf of the Council.
- b. To make comments and observations which will assist in determining the future direction of the SLF Programme in the Borough
- c. To consider any issues that the programme highlights in relation to Oadby & Wigston Council policies and priorities together with any cross cutting governance issues
- d. To advise and make recommendations to Council resulting from the review of the Leicestershire SLF Programme after its initial three years of operation including any further requests for funding.

## **2. Membership**

- a. Members will be appointed to the Task Group at the Annual General Meeting each municipal year on the basis of those councillors appointed to the roles of Leader of the Council and Chairmen of Policy, Finance and Development, Service Delivery, Health and Wellbeing Board, Community Safety Partnership and Children and Young Persons Forum.
- b. The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

## **3. Accountability and Duration**

- a. As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board meeting
- b. The Chairman of the Working Group is Councillor Lynda Eaton
- c. The Lead Officer is the Chief Executive.
- d. It is expected that the Task Group will exist for at least the 2014/15 municipal year
- e. The Task Group will report to Council at least twice each municipal year.
- f. The Task Group will cease when the outcomes have been completed.

## **4. Working Methods**

- a. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- b. These terms of reference will be reviewed, and if necessary, updated at least annually.
- c. The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner.

- d.** An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

## **HEALTH AND WELL BEING BOARD TERMS OF REFERENCE**

### **1. Purpose and Remit of the Group**

- e. To provide overall guidance and direction on policy issues and outcomes.
- f. To agree draft outcomes, which for the Health & Well Being Board are:
  - 1. Respond to the health needs and priorities identified for the borough.
  - 2. Act as the central coordinating body for health improvement across the borough.
  - 3. Engage in partnership working throughout the borough based on clarity of the roles and responsibilities of the different organisations .
  - 4. Encourage residents to choose a healthy lifestyle and stay healthy by utilising existing council facilities and services.
- g. To review the progress in delivering these outcomes.
- h. To act as a sounding board for the officers.
- i. To give guidance on solutions that will resolve any inconsistencies in policy or outcomes.
- j. To ensure that the outcomes are achieved

### **2. Membership**

- e. 8 members will be appointed to the Board at the Annual General Meeting each municipal year consisting solely of elected councillors
- f. The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

### **3. Accountability and Duration**

- a. As a minimum, the Lead Officer will meet with the Chairman of the Board at least two weeks prior to the Board meeting
- b. The Chairman of the Working Group is Councillor John Boyce
- c. The Lead Officer is the Head of Community
- d. It is expected that the Board will exist for at least the 2014/15 municipal year
- e. The Board will report to Service Delivery Committee at least twice each municipal year.
- f. The Board will cease when the outcomes have been completed.

#### **4. Working Methods**

- a.** The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- b.** These terms of reference will be reviewed, and if necessary, updated at least annually.
- c.** The minutes of the meeting will be provided to the Chairman of the Board in a timely manner.
- d.** An action list will be drawn up following the meeting and provided to the Chairman with the minutes.

## **Constitutional Working Group Terms of Reference**

### **1. Purpose and Remit of Working Group**

- a. To provide overall guidance and direction on matters pertaining to the operation of the Council's Constitution
- b. To agree draft outcomes, which for the Constitutional Working Group are:
  - That the Council's Constitution and its associated Standing Orders are current with statutory requirements
  - That the rules of procedure and delegation schemes within the Constitution are fit for purpose
- c. To review progress in delivering these outcomes
- d. To act as a sounding board for the officers
- e. To give guidance on solutions that will resolve any inconsistencies in policy or outcomes
- f. To ensure that the outcomes are achieved within the time limits set.

### **2. Membership**

- a. 8 members will be appointed to the Working Group at the Annual General Meeting each municipal year consisting solely of elected councillors
- b. The membership of the Working Group, wherever possible, will reflect the political representation of the Council as a whole.
- c. the quorum for the Working Group shall be set at ( one half) of members appointed to the Group.

### **3. Accountability and Duration**

- a. The nature of the group will be that the Lead Officer, the Monitoring Officer will seek members views on proposed amendments to the Council's Constitution
- b. The nature of the group does not required a Chairman to be appointed
- c. A diarised meeting of the Working Group will be convened only if there is business to discuss. An extraordinary meeting of the Working Group may be called when there is urgent business to consider
- d. It is expected that the Working Group will exist for at least the 2014/15 municipal year
- e. The Working Group will report to Full Council at least twice each municipal year

### **4. Working Methods**

- a. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting

- b. These terms of reference will be reviewed and if necessary updated at least annually
- c. The minutes of the meeting will be circulated to members of the Working Group in a timely manner
- d. An action list will be drawn up following the meeting and circulated to the members of the Working Group with the minutes

## **ARMED FORCES WORKING GROUP TERMS OF REFERENCE**

### **1. Purpose and Remit of the Group**

- a. To develop and monitor the commitments in the Armed Forces Community Covenant as they apply to Oadby & Wigston Borough Council.
- b. To consolidate and coordinate the Council's views and approach to any issues relating to celebration, commemoration or remembrance in respect of the Armed Forces
- c. To consider any other ad hoc issues that require direction in relation to military and any related ceremonial events.

### **2. Membership**

- a. Members will be appointed to the Task Group at the Annual General Meeting each municipal year consisting solely of elected councillors
- b. The membership of the Board, wherever possible, will reflect the political representation of the Council as a whole.

### **3. Accountability and Duration**

- k. As a minimum, the Lead Officer will meet with the Chairman of the Task Group at least one week prior to the Board meeting
- l. The Chairman of the Working Group is Councillor Lynda Eaton
- m. The Lead Officer is the Chief Executive.
- n. It is expected that the Task Group will exist for at least the 2014/15 municipal year
- o. The Task Group will report to Council at least twice each municipal year.
- p. The Task Group will cease when the outcomes have been completed.

### **4. Working Methods**

- e. The agenda and supporting papers for meetings will normally be circulated electronically at least five clear days before the date of the meeting.
- f. These terms of reference will be reviewed, and if necessary, updated at least annually.
- g. The minutes of the meeting will be provided to the Chairman of the Task Group in a timely manner.
- h. An action list will be drawn up following the meeting and provided to the Chairman with the minutes.







## **APPEALS COMMITTEE**

- Determine appeals against housing decisions by officers  
Determine appeals on discretionary Revenues and Benefits matters
- Determine appeals for internal personnel appeals
- Determine such other hearings and appeals that may be required

The decision of an Officer may first be reviewed by the Head of Service and thereafter Member Panel.

. No member may sit on this panel until he or she has undergone basic training on law and procedure relating to the functions of the panel.

Where any appeal arises from a decision delegated to any officer, committee or any sub-committee, neither that officer, member, committee or sub-committee nor any member of that committee or sub-committee nor any person previously having had any part in the relevant decision shall be involved in the appeal decision.

Personnel Committee – for appointment of Senior Posts.

## **Delegation Rules for Officers**

### **1.0 General Delegated Powers**

All Chief Officers shall have power to do all such things and exercise all such discretions within their respective functions and areas of responsibility as set out in Article 11. above in relation to all operational matters, subject strictly to the Delegation Rules in Part 3. These powers, though described in general terms, are intended to allow Chief Officers freedom of operational management, within service areas, within policy and within budget. Where there is doubt as to whether a power exists or existed, the Chief Executive shall advise and may certify in writing accordingly.

- 1.1** Subject to the following Rules, where any function, power or responsibility is delegated to any officer or body, that officer or body shall, unless otherwise stated in Part 3, have full power to act in all respects in the name of the Council and may exercise in the name of the council any discretion countenanced by statute, regulation or in common law in relation to the discharge of that function, power or responsibility and all matters ancillary or incidental thereto.

### **2.0 Restrictions on all delegations**

- 2.1** No officer shall set fees or charges.

- 2.2** No officer or body shall exercise any power, function or responsibility in a way which is not in accordance with the policy framework of the Council or is contrary to any policy of the Council bearing upon the matter in question.

- 2.3** No officer shall spend money for which there is no or insufficient budget provision, after available virement.

- 2.4** No officer or body shall exercise any power, function or responsibility which had been delegated but where the power, function or responsibility has been withdrawn or has been reserved to any other person or body.

### **3.0 Supplementary provisions**

- 3.1** Any officer with delegated powers or functions may delegate those powers or functions in whole or part to any other suitably experienced and qualified officer – but shall remain accountable and may himself or herself continue to exercise or share those powers, functions or responsibilities.

- 3.2** Any Policy Committee, with delegated powers may delegate any such power or responsibility to a relevant Chief Officer – but shall remain accountable and may itself, himself or herself continue to exercise or share those powers, functions or responsibilities.

- 3.3** The exercise of any delegated power, function or responsibility may be restricted by the delegating person or body. Restrictions may be financial, numerical,

subject to local member(s)', leader's and/or committee Chairman's consultation or approval, subject to time limit, or in any other way.

- 3.4 All persons and bodies with delegated powers shall record and report substantive decisions made under those powers .
- 3.5 The Chief Executive has general Delegated Power to act in the name of any Chief Officer in his or her absence
- 3.5.2 The Chief Executive (or any other Chief Officer in his or her absence) may exercise any power or function, which is in law capable of delegation, in any emergency threatening life, limb or substantial damage to property within the Borough. The Chief Executive shall consult with the Leader of the Council (unless the Leader cannot be contacted after all reasonable efforts have been made). The exercise of such power or function shall be confined to the minimum necessary to deal with the emergency and shall be reported to the next meeting of the Policy Committee or the Council, whichever shall be the first.

### **3.6 Ancillary Powers of all Chief Officers**

All Chief Officers shall have full delegated power:

- 3.6.1 To undertake day-to-day management and control of the staff reporting to them and the premises and services for which they are responsible.
- 3.6.2 To approve the acquisition and disposal of any interest in property by the Council where the sale or purchase price of annual rent does not exceed £2,500 provided the terms have been approved by the District Valuer, or the Council's valuer, and the Chief Finance Officer and the acquisition or disposal is a necessary part of a policy, scheme or plan approved by the Council.
- 3.6.3 To dispose, for the best terms available, of vehicles, stores and equipment which, following consultation with the Chief Finance Officer , they consider to be surplus to requirements.
- 3.6.4 To initiate appropriate action, in consultation with the Head of Paid Service, on matters relating to recruitment, selection and career development of staff generally except Deputy Chief Officers and to take disciplinary action (including dismissal) in accordance with the Council's disciplinary procedures.

### **4.0 Reporting Delegation of Powers**

At the next available meeting of the appropriate committee onwards delegation or any withdrawal of or changes in limits on delegation shall be reported and recorded, and the Chief Executive shall report such matters to the next available meeting of Council. Delegations by Council, and any changes in the delegation scheme previously approved by the Council, shall be similarly recorded.

### **5.0 Validity of decisions taken under Delegated Powers**

- 5.1** It shall be presumed that any recorded delegated power remains extant (within any limits set thereon if appropriate) unless the Policy Committee or the Council, as the case may be, determines or changes that delegation and either the Proper Officer certified that fact or there is an approved minute of any such determination or change.
- 5.2** The exercise or purported exercise of any recorded delegated power shall be valid for all purposes notwithstanding that there may have been any inadvertent defect in formality in the giving of notice of any meeting to any Councillor, inadvertent failure to consult any person or observe any protocol or code contained in this Constitution or any other administrative error. This shall not apply to any purported exercise of any power by a non-quorate body.

### **COMMITTEE AND GROUPS REPORTING STRUCTURE AND LEAD OFFICER'S RESPONSIBILITIES**

Shall be the responsibility of Chief Executive in consultation with Leader

**Part 4**

**RULES OF PROCEDURE**

**Council Procedure Rules**

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#### **Part 4 - Council Rules, Council and Committee Procedure Rules**

### **1. ANNUAL MEETING OF THE COUNCIL**

#### **1.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. (In any other year, the annual meeting will be held in May. In exceptional circumstances may be held, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Mayor of the Council is not present;
- (ii) elect the Mayor of the Council;
- (iii) elect the Deputy Mayor of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or Head of the Paid Services;
- (vi) elect the Leader; and Deputy Leader
- (vii) appoint at least one Overview and Scrutiny Panel, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are not reserved to the Council.
- (viii) consider any business set out in the notice convening the meeting

#### **1.2 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;

- (iii) if appropriate, decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each committee and outside body; and appoint Member Champions;
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council;
- (vi) elect the Chairman and Vice-Chairman of committees or otherwise to be appointed at the first meeting of each committee following the Annual Meeting of the Council.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Service Development Committee meeting and ratified at Council Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members during the meeting;
- (iv) receive any announcements from the Chairman, Leader or the Head of Paid Service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions, and
- (x) consider any other business specified in the summons to the meeting.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; or
- (d) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she had refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

An extraordinary meeting shall not consider previous minutes, reports from Committees or any other matter than the subject for which that meeting is called.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, PANELS SUB-COMMITTEES AND OUTSIDE BODIES**

#### **4.1 Allocation**

The Council may allocate seats for substitute members on outside or joint bodies, where those bodies allow.

#### **4.2 Powers and duties**

Named Substitutes will be permitted to attend any Council meeting or Panel and vote on behalf of the Member they are replacing.

- 4.2.1 A list of substitute Members will be agreed by the relevant Political Parties and forwarded to the Chief Executive and Monitoring Officer.
- 4.2.2 Substitutes for the Development Control Committee, Standards committee and Licensing committee must have received training before they can sit as a substitute
- 4.2.3 Substitute members will have the powers and duties of any ordinary member but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- 4.3 Substitution.

Substitute members may attend meetings in that capacity only:

- a) to take the place of the ordinary Member for whom they are the designated substitute
- b) where the ordinary Member will be absent for the whole of the meeting: and
- c) after notifying the Monitoring Officer by 4.00pm on the day of the meeting of the intended substitution (or at least 2 hours before the meeting, if the meeting is earlier than 6.00pm)

If the ordinary Member is not absent for the whole meeting, the substitute Member may not attend in that capacity. This does not take away the Member's right to attend in any other capacity allowed as below:

- 4.4 Right to attend meetings – any member may be present at meetings, other than the Appeals Panel but unless the Member or a Substitute Member of that body they will not be entitled to vote on any matter nor (except with the permission of the Chairman) take part in discussion on any matter., Any member who is present at a meeting but is not a member of the committee or sub-committee may speak only with the Chairman's permission with a limit of 5 minutes subject to the Chair's discretion with no further right to speak other than to answer questions on points of fact. However, any Member who moved a motion or submitted petition which has been referred to any such body and been referred to any committee/body etc will be allowed to attend the meeting at which the motion or petition is to be considered and will have the opportunity to explain it. These rights to attend and/or participate are subject to the overriding requirements of the Constitution and in particular to the rules on attendance/participation set out in the Members' Code of Conduct.

## **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

## **6. NOTICE OF THE SUMMONS TO MEETINGS**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, and will send a summons by post to each member of the Council, or leave, at his or her last known address or, if notified in writing to the Proper Officer, his or her preferred address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7. CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee or sub-committee meetings, references to the Chairman also include the Chairman of committees and sub-committees.

- 7.1 An item of business may not be considered by the Chairman of a meeting unless:-  
(a) a copy of the agenda including the item is open to inspection by members of the public for at least five clear working days (before the meeting or where the meeting is convened at shorter notice, from the time the meeting is convened); or  
(b) by reason of special circumstances (which shall be specified in the minutes), the chairman of the meeting is of the opinion that the item should be considered as a matter of urgency.
- 7.2 The order of business can be altered by the Chairman, if agreed by all members present.
- 7.3 The Chairman of a Services or Policy Committee may withdraw any item or report from the Agenda.
- 7.4 The Leader, Deputy Leader or any other member present may propose a motion to withdraw any item or report on the Agenda at Council.

## **8. QUORUM**

- (a) The quorum for any meeting shall be set at (one quarter) of all Members who have the right to vote at that meeting, provided that no business shall be transacted at any meeting if less than three persons entitled to vote are present.
- (b) If during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned or, if he does not fix a time, to the next ordinary meeting of the Council, Committee or Panel as the case may be.

## **9. DURATION OF MEETINGS**

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining discussion will be considered at the next ordinary meeting.

### **9a. CANCELLATION OF MEETINGS**

The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it is considered expedient to do so. Before exercising this authority, the Chief Executive will consult with the Leader of the Council and the appropriate Chair. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged.

## **10. QUESTIONS BY THE PUBLIC**

### **10.1 General**

At the discretion of the Chairman, members of the public may ask questions of members at ordinary meetings of the Council.

### **10.2 General**

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

### **10.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer no later than midday 7 days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

### **10.4 Number of Questions**

At any one meeting no person may submit more than one question but one supplementary question may also be asked. More than one question shall not be submitted on behalf of any organisation.

### **10.5 Scope of Questions**

The Chief Executive may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) requires the disclosure of confidential or exempt information.
- (v) not about a planning matter.

### **10.6 Record of Questions**

The Chief Executive will keep a record of submitted questions open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

### **10.7 Asking the question at the meeting**

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with. There will be a maximum of 5 minutes in which the questioner asks his/her question, receive a response, ask a supplementary question and receive a response subject to the Chair's discretion.

### **10.8 Supplemental Question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

### **10.9 Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer after the meeting within five clear working days.

### **10.10 Reference of Question to the Committee**

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

## **11. QUESTIONS BY MEMBERS**

### **11.1 On Reports of the Committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

### **11.2 Questions on notice at Full Council**

Subject to Rule 11.4, a member of the Council may ask:

- (i) The Mayor
- (ii) The Leader of the Council
- (iii) The Chairman of any committee or sub-committee
- (iv) A question on any matter in relation to which the Council has powers or duties or which affects the Borough.

### **11.3 Questions on notice at Committees and Sub-Committees**

Subject to Rule 11.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties which affect the Borough and which falls within the terms of reference of that committee or sub-committee.

### **11.4 Notice of Questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given to the Chief Executive at least seven clear working days notice in writing of the question; or
- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Executive by 9.30 am on the day of the meeting.

### **11.5 Scope of Questions**

The Chief Executive may reject a question if it:

- (i) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) requires the disclosure of confidential or exempt information;
- (v) not about a planning matter.

### **11.6 Response**

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner after the meeting within five clear working days

### **11.7 Supplementary Question**

A member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **12. MOTIONS ON NOTICE**

### **12.1 Notice**

- (a) Except for motions which can be moved without notice under (Rule 13) and any motion to remove the Leader from office as Leader, written notice of every motion, signed by a Councillor, must be delivered to the Chief Executive not later than by 12 noon 7 clear working days before the date of the meeting.

- (b) In the case of any motion for the removal of the Leader from office, written notice signed by at least one quarter of the Councillors must be delivered to the Chief Executive not later than 10 days before the date of the meeting. Any such motion shall be carried only if at least two thirds of the members present at the meeting are in favour.
- (c) A record of notices of motion will be open to public inspection.

## **12.2 Motion set out in Agenda**

Motions for which notice has been given will be listed on the Agenda in the order which notice was received, unless the Councillor giving notice states, in writing, that he or she proposes to move it to a later meeting or withdraw it. Subject to a written proposal by the Councillor to move it at a later meeting, any motion not moved at the relevant meeting shall be deemed to be withdrawn.

## **12.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the Borough.

## **13. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committee or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.
- (q) to continue a meeting beyond three hours

## **14. RULES OF DEBATE**

### **14.1 No speeches until motion seconded**

- \* No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

### **14.2 Right to require motion in writing**

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

### **14.3 Secunder's Speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **14.4 Content and length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No proposer's speech may exceed eight minutes, nor any other speech exceed five minutes, without the consent of the Chairman.

### **14.5 When a Member may speak again**

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### **14.6 Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) or (iv) is not to negate the motion.

- (b) Normally, only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. Exceptionally, the chairman may allow, after notice of proposal, concurrent discussion of a subsequent amendment before both are disposed of in whatever order the Chairman thinks fit if it appears to the Chairman that this course would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **14.7 Alteration of Motion**

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **14.8 Withdrawal of Motion**

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **14.9 Right to Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### **14.10 Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.
- (i) to continue a meeting beyond three hours

#### **14.11 Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;

- (ii) that the question be now put;
  - (iii) to adjourn and debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **14.12 Point of Order**

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

#### **14.13 Personal Explanation**

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

### **15. PREVIOUS DECISIONS AND MOTIONS**

#### **15.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least (5) members. This does not apply to the Development Control committee and Licensing sub-committees.

#### **15.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 5 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **16. VOTING**

### **16.1 Majority**

For the avoidance of doubt, unless otherwise provided in this Constitution or by law, all matters at any meeting shall be determined by simple majority of votes (whether by ballot or by show of hands) of those members of Council, or those members of any committee or sub-committee respectively present and voting at that meeting. A member may abstain from voting

### **16.2 Chairman's casting vote**

Where, at any meeting, the Chairman has a second or casting vote, there is no rule, requirement, tradition, expectation or protocol bearing upon whether the Chairman shall or shall not exercise that right (and if he or she does not, the motion shall not be deemed to be carried). Likewise, if the Chairman does exercise that right, there is no rule, requirement, tradition, expectation or protocol as to how that vote is to be cast. There is no bias towards 'status quo' or officer recommendation'. The Chairman shall have an absolute and unfettered discretion.

### **16.3 Method of Voting**

Unless a recorded vote is demanded, the Chairman will normally take the vote by show of hands, at his or her discretion, or if there is no dissent, by the affirmation of the meeting.

### **16.5 Announcement of Result**

Whatever the method of voting, the Chairman will announce the result or the numerical result of the vote immediately the result is known.

### **16.5 Recorded Vote**

If 6 members or one quarter of those present at the meeting, whichever is the fewer, demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

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

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

Right to request a recorded vote at a Development Control committee when a decision is likely to be taken contrary to an Officer's recommendation (either for approval or refusal). The Head of the Built Environment may request the Chairman to conduct a recorded vote.

## **17. MINUTES**

### **17.1 Signing the Minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy which is to be raised by motion. If no such question raised or if raised then as soon as this is disposed of the Chairman will sign the minutes

Officers will circulate to the Chairman the draft minutes within ten working days of the meeting.

### **17.2 No requirement to sign Minutes of previous Meeting at an Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of the minutes.

### **17.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

## **18. RECORD OF ATTENDANCE**

The Committee Clerk shall record the attendance of all members and officers present during the whole or part of every meeting. All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **20. MEMBERS' CONDUCT**

### **20.1 Standing to Speak**

When a Member speaks at Full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **20.2 Chairman Standing**

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **20.3 Member not to be heard further**

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

### **20.4 Member to leave the meeting**

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

### **20.5 General Disturbance**

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

## **21. DISTURBANCE BY PUBLIC, RECORDING OF PROCEEDING**

### **21.1 Removal of Member of the Public**

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

### **21.2 Clearance of part of meeting room**

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

### **21.3 Banners, placards, etc**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any to be removed.

#### **21.4 Recording of Business**

Unless specifically authorised by resolution, other than by the Council, no audio and/or visual and/or visual or photographic recording any format is allowed at any meeting of the Council, or any committee or sub-committee of the Council. Only Council meetings will be audio recorded by the Council.

#### **22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

##### **22.1 Suspension**

All of these Council Rules of Procedure except Rule 16.6 and this Rule may be suspended by motion on notice or without notice if requested by at least two thirds of Councillors present and voting. Suspension can only be for the duration of the meeting.

##### **22.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### **23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

- (a) All of the Council Rules of Procedure apply to meetings of Full Council.
- (b) Only Rules 5-9 and 11- 14 , 16 -23 (but not Rule 20.1 (standing to speak)) apply to meetings of committees and sub-committees.

#### **24. PETITIONS AND DEPUTATIONS**

- (1) Any Petition to be submitted to Council or to a Committee or Sub-Committee must be in writing and signed by a least ten local government electors of the Borough who shall also state their addresses. Any Petition must be submitted to the Chief Executive not less than three clear working days before the meeting at which it is first to be presented.
- (2) No Petition shall relate to any matter of a personal nature
- (3) A Member or Officer of the Council receiving a Petition shall present the same, if so requested, to the next meeting of Council or of the appropriate Committee or Sub-Committee, whichever shall be the earlier. A Petition presented to Council shall stand referred to the next meeting of the appropriate Committee. Any Petition presented or referred to a Committee shall likewise stand referred to the next meeting of the appropriate Sub-Committee if the power to act upon the Petition falls within the delegated powers of the Sub-Committee.
- (4) Any local government elector of the Borough who is a signatory to a Petition may present that Petition personally to the relevant meeting, and may speak upon the Petition for not more than five minutes, which period

of time may be extended to a maximum of fifteen minutes by the Chair in his absolute discretion. Only one elector may speak upon any Petition.

- (5) The foregoing paragraphs of this Standing Order shall apply to requests for Deputation, except that:
- (a) a Deputation must be made personally, i.e. it may not be presented by a Member or Officer;
  - (b) the spokesperson for the Deputation may speak for fifteen minutes upon the subject matter of the Deputation, and this period, may not be extended;
  - (c) a Deputation shall not be made by less than five persons nor by more than twenty persons, although more than this number may appear as signatories to the request for the Deputation.
- (6) No Petition or Deputation shall be accepted if either a Petition or a Deputation with the same or similar object has been heard by the Council, or by any Committee or Sub-Committee, within a period of six months prior to the receipt by the Chief Executive of the Petition or request for a Deputation.

## **25. SPEAKING AT THE DEVELOPMENT CONTROL COMMITTEE**

### Procedures

When an application has been identified to be considered at a particular Committee meeting the Development Control Section will inform the Applicant (or their agent) and any person who has made representations on the application.

Any person wishing to speak at the Committee should contact the Development Control Section by no later than 4 p.m. on the working day before the Committee meeting. They should indicate whether they wish to speak as the applicant (or agent) or whether they are in support or against the proposal. Only persons who have made written representations will qualify and be allowed to speak at the Committee meeting. This means that a Member with a prejudicial interest in an application and who still intends to speak on the subject at the Committee meeting must also have given prior written notice in order to comply with the spirit of Paragraph 12(2) of the 2007 Code.

Speaking opportunities shall be allocated on a first come, first served basis. If a number of people want to speak for or against a proposal the onus is on them to appoint a speaker. However the applicant will always be given the opportunity to address the Committee. If objectors/supporters cannot agree on a spokesperson the objector/supporter who registered first will be the ones permitted to speak. The identified speakers may defer to another at the discretion of the Chairman of the Committee.

There will be a maximum of four public speakers (excluding Ward Councillors not on the Committee /Councillors with prejudicial interests) allowed to speak. These would consist of the Applicant (or agent), one supporter, one objector and a

further objector or supporter of the proposal (dependant on the level of representation and who registers to speak first). There will be a time limit of five minutes per person and each speaker can only speak once.

Finally, before the Committee debates the item, the Councillor(s) for the Ward in which the application is located and who are not Members of Development Control Committee will be permitted to speak to the Committee. A Ward Councillor will again be limited to five minutes. It should be noted that a Ward Councillor who is not a Development Control Committee Member speaking under this provision would not normally then be permitted to enter into the Committee debate.

At the Chair's discretion, Members of the Committee may ask a visiting speaker to clarify a point of fact after their statement has been made before the application is debated. However this is not intended to result in a dialogue between the Committee Members and the speaker.

If an application is deferred until another meeting for further information or negotiations, before or after public speaking, then the process is repeated. The right to speak does not extend to site visits.

Agenda items will be taken in the order set out in the agenda unless altered by the Chair of the Committee. The Chair and/or Vice Chair will be given a schedule of who has requested to speak and on what applications at the Committee meeting.

Any issue deemed to be defamatory, derogatory or to relate to a specific Officer or Member will not be permitted and the speaker will be informed accordingly.

In summary at the discretion of the Chair, the procedure to be followed when members of the public address the Committee will be as follows for each application:

	<b>Time Allowed For Public Speaking</b>
<b>1. Chairman</b> introduces item.	<b>N/A</b>
<b>2. Councillors with Disclosable Pecuniary Interests (DPIs) or prejudicial interests (if any).</b>	<b>5 minutes</b>
<b>3. Applicant/Agent of the Application</b>	<b>5 minutes</b>
<b>4. There can be up to 3 members of the public allowed to address the Committee. These can consist of a maximum of two supporters or two objectors (for example, all 3 places cannot be taken up by objectors)</b>	<b>5 minutes per speaker</b>

<b>5. Ward Councillor(s) who are not Committee Members (if any).</b>	<b>5 Minutes</b>
<b>6. Planning Officer or Planning Control Manager</b> to (if necessary) update the meeting particularly regarding further written representations received.	<b>No further public speaking</b>
<b>7. Development Control Committee Members</b> to debate and determine the application, involving Officers as and when necessary.	<b>No further public speaking</b>

26.

(1)

(3) **Reference to ‘Chairman’**

The Constitution refers throughout to ‘the Chairman’ whether of the Council or any committee or sub-committee or, by analogy, any working party or group. Any Chairman may, however, wish to be referred to as ‘Chair’ or ‘the Chair’ at any meeting at which he or she presides and all members or other persons speaking at that meeting shall respect that wish. Notwithstanding this, unless Council determines otherwise:-

- Minutes of all meetings and all references in one meeting to the Chairman of or at another will continue to use the word ‘Chairman’.
- Vice-Chairman shall always be referred to as ‘Vice-Chairman’.

### **Access to Information Procedure Rules**

#### **1. SCOPE**

These rules apply to all meetings of the Council, Overview and Scrutiny Panels, area forums (if any), Policy and other committees and the Standards Committee (together called meetings).

#### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

#### **3. RIGHTS TO ATTEND AND SPEAK AT MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

#### **4. NOTICES OF MEETING**

The Council will give at least three clear days notice of any meeting by posting details of the meeting at all offices of the Council.

## **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the Council Offices at least three clear days before the meeting. If an item is added to the agenda later, the revised 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) will be open to inspection for the time the item was added to the agenda.

## **6. SUPPLY OF COPIES**

The Council will supply 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; and
- (c) if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES ETC. AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting, 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.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The Chief Executive 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/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

## **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's offices.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Confidential Information – Requirement to exclude public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.2 Exempt Information – Discretion to exclude public**

The public may be excluded from meeting 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.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure of information which cannot be publicly disclosed by Court Order.

### **10.4 Meaning of Exempt Information**

Exempt information means information falling within the following 7 categories (subject to any condition):

## **SCHEDULE: EXEMPT INFORMATION**

(NB: Paragraph Numbers of the categories mirror those contained in Schedule 12A of the Local Government Act 1972)

NOTE – All categories are subject to the application of a public interest test – see note at the end of this Schedule

<b>Category</b>	<b>Condition</b>
1 Information relating to any individual.	
2 Information which is likely to reveal the identity of an individual.	
3 Information relating to <u>the financial or business affairs</u> of any particular person ( <u>including the authority</u> holding that information).	<p>Information is not exempt information if it is required to be registered under –</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1993</li> </ul> <p>‘financial or business affairs’ includes contemplated, as well as past or current, activities ‘registered’ in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>‘employee’ means a person employed under a contract of service</p> <p>‘labour relations matter’ means –</p> <ul style="list-style-type: none"> <li>(a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidations) Act 1992 (matters which may be</li> </ul>

Category	Condition
	<p>the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>‘office-holder’, in relation to the Authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds and such office or is an employee of the authority;</p>
<p>5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6 Information which reveals that the Authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	
<p>7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	
<p>7A Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of</p>	<p>Applies to Standards Committee only</p>

Category	Condition
crime.	
7B Information which relates in any way to matters concerning national security.	Applies to Standards Committee only
7C The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	Applies to Standards Committee only
Generally	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.

### **Public Interest Test**

**In respect of all the above categories, information is only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

The information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive thinks fit, the council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **12. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **12.1 Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the committees and contains material relating to any business previously transacted at a private meeting unless it contains exempt information falling within paragraphs 1 to 7 of the categories of exempt information.

## **12.2 Nature of Rights**

These rights of a member are additional to any other right he/she may have.

- **PROCEDURE FOR WARD MEMBERS TO BE NOTIFIED OF SENSITIVE ISSUES IN THEIR WARDS**
- Local ward members to be invited to public meetings on local issues
- Local ward members to be notified at the outset of a local consultation exercise eg parks and open spaces
- Officers to notify a local ward member of potentially controversial local issues within a report to Council or a committee and if requested, to supply a copy of the final report to the ward member, where they do not sit on the committee receiving the report. (other ward issues, the member may request a copy of the report after having seen a copy of the agenda)
- Local ward members to be notified of press releases relating to a specific ward issue

Unless considered urgent, when verbal notification will be given, members will be notified by email .

## **Budget and Policy Framework Procedure Rules - To be updated**

### **1. PROGRAMME SET BY COUNCIL**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the policy committee to implement it.

The process by which the budget and policy framework shall be developed is:

- (a) Each year the Council will agree a process for the development of the annual budget and policy framework. The programme will be widely published.
- (b) The Policy and Committee will prepare the Council's budget after full consideration of matters arising from (a)

### **2. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of paragraph 5 (virement) if any committee or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 3 below.

- (b) If committees, individual members and any officers, Area Forums want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 3 (urgent decisions outside the budget and policy framework) shall apply.

### **3. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) A Committee, an individual member or senior officers may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency.
  - (i) if it is not practical to convene a quorate meeting of the full Council; and
  - (ii) if the Chairman of a relevant Committee and the Chairman of Policy agrees that the decision is a matter of urgency.
- (b) The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the relevant Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of a relevant committee the consent of the Leader of the Council, and in the absence of both the Deputy Leader will be sufficient.
- (c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reason for it and why the decision was treated as a matter of urgency.

### **4. VIREMENT**

- (a) Steps taken by a committee an individual member or officers, Area Forums shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads subject to the following constraints.
- (b) Virement is permitted between budgets for revenue and capital expenditure up to a maximum of £1,000 with the approval of the Director of Resources. The transfer of revenue budgets will exclude those relating to employees, recharges, capital charges and income.
- (c) Beyond the above limits, any virement across budget heads shall require the approval of the Council.

### **5. IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by policy committee or officers with delegated authority must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which will result in the settlement of costs awarded against the Council or tribunal or court action or threat of action in any matter which, if not settled, would put the council at real risk of greater prejudice.

## **Officer Employment Procedure Rules**

### **1. RECRUITMENT AND APPOINTMENT**

- (a) Declarations
  - (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are closely connected to any existing Councillor or officer of the Council; or to any partner of those persons.
  - (ii) No candidate so closely connected to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- (b) Seeking support for appointment.
  - (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
  - (ii) Subject to paragraph (iii), no Councillor will seek support from any person for any appointment with the Council.

### **2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS**

Where the Council proposes to appoint a chief officer and (where equal opportunities policies allow) it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request

### **3. APPOINTMENT OF HEAD OF PAID SERVICE**

- (a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council.

#### **4. APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

- (a) Appoint of Chief Officers and Deputy Chief Officer is the responsibility of the Head of Paid Service or his/her nominee in consultation with a member panel.

#### **5. OTHER APPOINTMENTS**

**Officers below Deputy Chief Officer.** Appointment of officers below Deputy Chief Officer is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

#### **6. DISCIPLINARY ACTION**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and 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 two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary procedures, as adopted from time to time, or which may allow a right of appeal to Members in respect of disciplinary action.

#### **7. DISMISSAL**

Councillors will not be involved in the dismissal of any officer below Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissal.

## **Legal Proceedings Rules**

### **1. Introduction**

Article 11 provides that the Head of Corporate Resources is authorised to institute, defend or participate in any legal proceedings in consultation with the Chief Executive and/or the Director of Services in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Corporate Resources considers that such action is necessary to protect the Council's interests. This responsibility is to be discharged having regard to the Council Prosecutions Policy, the following procedures and is shared, to the extent set out in these Rules, by other officer.

### **2. General**

- 2.1** Except in the case of emergency or in any event where requisite instructions cannot be obtained, no proceedings shall be conducted by the Head of Corporate Resources or any other person on behalf of the Council without instructions being given by or on behalf of a Chief Officer who shall have regard to the decision making principles set out in Article 13.02.
- 2.2** The Chief Executive and the Director of Services shall have the same powers as the Head of Corporate Resources to take, defend or compromise legal proceedings or instruct any other legally qualified and suitably experienced person to do so on behalf of the Council. The Head of Corporate Resources may delegate all or any of his powers, other than the laying of an Information, to any Solicitor
- 2.3** Where, in the opinion of the Head of Corporate Resources, it is in the interests of the Council to instigate or agree arbitration or mediation, he/she shall have the discretion to refer any legal proceedings accordingly.
- 2.4** The Head of Corporate Resources shall have discretion at any time or stage of proceedings to compromise them but shall have regard to any views of the instructing Chief Officer and, if the claim and/or costs on any compromise, whether payable to or by the Council, is likely to exceed £2,500, he shall also consult the Chief Financial Officer
- 2.5** The Head of Corporate Resources, whether acting in the capacity of Monitoring Officer or not, may and, if requested by any officer or member of the Council, shall give legal advice on any relevant matter and may procure the opinion of Counsel or, with the consent of the relevant Chief Officer, brief Counsel to represent the Council in any proceedings whatsoever. The choice of Counsel shall normally be within the discretion of the Head of Corporate Resources, according to criteria related to experience, effectiveness, availability and cost.

### **3. Reporting**

- 3.1** The Chief Executive, Director of Services and the relevant Chief Officer shall be kept closely informed by the Head of Corporate Resources of any claims against the Council, whether civil or criminal, and the progress of such matters.

#### **4. Compliance**

Where the Council is required by an Court Order, Warrant, Ombudsman decision or costs decision to pay any sum of money, do anything or not do anything, or where any claim against the Council is compromised such that any such obligation arises or crystallises, the Monitoring Officer shall ensure that the terms of the order, decision or compromise are complied with and that the Chief Executive, Director of Services and the relevant Chief Officer are informed. If not, or insufficient budget is available, whether directly or by virement, for discharging any monetary obligation, the Chief Financial Officer shall certify accordingly and shall arrange to discharge any sums outstanding from the reserves of the Council.

#### **5. Criminal Matters**

**5.1** The Council adopts the Code for Crown Prosecutors where applicable. That is to say, in general terms, it will not take criminal proceedings unless there is clear and reliable evidence upon which there is a likelihood of conviction and it would be in the public interest to prosecute.

**5.2** What is in the public interest will be judged from the circumstances. The Head of Corporate Resources, consulting with relevant Chief Officer(s), will take a view based upon a number of factors. These will include the prevalence of such offences locally, the importance of the offence in the context of the local community, whether the offence is an isolated one or manifests a more careless attitude to regulation, whether are aggravating or mitigating features, whether in all the circumstances the wider public, on whose behalf any prosecution is brought, would be likely to support any decision to prosecute and generally whether the criteria set out in Article 13.02 on the decision making have been considered.

**5.3** All interviews with prospective defendants shall normally follow Code C under the Police and Criminal Evidence Act, 1984 and all relevant exhibits shall be properly receipted, recorded and retained until the case is finally disposed of.

## **INDEX - PART 5 – Codes and Protocols**

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MEMBERS CODE OF CONDUCT

**MEMBERS' CODE OF CONDUCT**

**CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF**

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

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**Part 1 – General Provisions**

**Introduction**

- 1.1 This Code applies to **you** as a member of Oadby and Wigston Borough Council ('the Authority').
- 1.2 You should read this Code in conjunction with the Procedure Rules as detailed in the Constitution.
- 1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

**Interpretation**

- 1.4 In this Code:
  - 1.4.1 "**co-opted member**" means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
  - 1.4.2 "**meeting**" means any meeting of:
    - (a) the Authority;
    - (b) any of the Authority's committees, subcommittees, joint committees, joint subcommittees, or area committees.
  - 1.4.3 "**member**" means any person being an elected or co-opted member of the Authority.

**Scope**

- 1.5 You must comply with this Code whenever you:
  - 1.5.1 act in your capacity as a member or co-opted member of the Authority;
  - 1.5.2 conduct the business of the Authority (which, in this Code, includes the business of the office to which you are elected or appointed).
- 1.6 Where you act as a representative of the Authority:

- 1.6.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- 1.6.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **Part 2 – The Principles**

- 2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

### **Principle 1 - Selflessness**

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

### **Principle 2 - 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.

### **Principle 3 - Objectivity**

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

### **Principle 4 - 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.

### **Principle 5 - 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.

### **Principle 6 - Honesty**

Holders of public office should be truthful.

### **Principle 7 - 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.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

## **Part 3 – General Obligations**

### **Respect**

- 3.1 You must treat others with respect by striving to establish respectful and courteous relationships with everyone you come into contact with as a member.

### 3.2 You must not:

- 3.2.1 do anything which may cause the Authority to breach any of the equality enactments;
- 3.2.2 bully any person;
- 3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant;
  - (ii) a witness; or
  - (iii) involved in the administration of any investigation or proceedings; in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct;
- 3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

### **Confidentiality**

#### 3.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- 3.3.1 you have the consent of a person authorised to give it;
- 3.3.2 you are required by law to do so;
- 3.3.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- 3.3.4 the disclosure is:
  - (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Authority.

#### 3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

### **Reputation of the Authority**

#### 3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

### **Use of your position and the Authority's resources**

#### 3.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

#### 3.7 You must, when using or authorising the use by others of the resources of the Authority:

- 3.7.1 act in accordance with the Authority's reasonable requirements;
- 3.7.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

## **Publicity**

- 3.8 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

## **Decision making**

- 3.9 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.
- 3.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.
- 3.11 You must follow the adopted corporate operational policies of the Authority.

## **Part 4 – Interests**

### **A. Disclosable Pecuniary Interests**

#### **Definition**

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:
- (a) yours;
  - (b) your spouse's or civil partner's;
  - (c) somebody with whom you are living as husband and wife or as if you are civil partners;
- and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

*[Note 2: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time.]*

#### **Declaring at and participation in meetings**

- 4.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:
- 4.2.1 you must disclose the interest to the meeting whether or not it has been registered;
  - 4.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
  - 4.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.3 Where you have a Disclosable Pecuniary Interest in any business of

your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 4.5 Where an executive member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **B. Personal Interests**

### Definition

4.6 You have a personal interest in any business of the Authority where either:

4.6.1 it relates to or is likely to affect:

4.6.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;

4.6.1.2 any body:

- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management.

4.6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

**or**

4.6.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

4.7 For the purposes of paragraph 4.6, a 'relevant person' is:

4.7.1 a member of your family or any person with whom you have a close association; or

- 4.7.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- 4.7.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or
- 4.7.4 any body of a type described in sub-paragraph 4.6.1.1 or 4.6.1.2.

#### Declaring at and participation in meetings

- 4.8 Subject to paragraph 4.10 below, where you have a Personal Interest in any business of the Authority and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- 4.9 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.10 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the Authority's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

### **C. Personal Interests which might lead to bias**

#### Definition

- 4.11 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:
  - 4.11.1 you have a 'Personal Interest' as defined in paragraph 4.6 and 4.7 above;
  - and**
  - 4.11.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- 4.12 The provisions of paragraph 4.11 shall be applied in such a manner as to recognise that this Code should not obstruct a members service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

#### Declaring at and participation in meetings

- 4.13 If you are present at any meeting of the Authority, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 4.14 and 4.15 below, at the meeting:
- 4.13.1 you must disclose the interest to the meeting (whether or not it is registered);
  - 4.13.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
  - 4.13.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.14 Where you have a Personal Interest which might lead to bias in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 4.15 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:
- 4.15.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;
  - 4.15.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - 4.15.3 an allowance, payment or indemnity given to members;
  - 4.15.4 any ceremonial honour given to members; or
  - 4.15.5 setting council tax or precept under the Local Government Finance Act 1992.

#### **D. Registration of interests**

- 4.16 Subject to paragraph 4.18 (Sensitive Interests), you must within 28 days of:
- (a) the adoption of this Code; or
  - (b) your election or appointment to office as a member (where that is later);
- notify the Monitoring Officer in writing of :
- (i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and
  - (ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.6.1 above.
- 4.17 Subject to paragraph 4.18 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.6.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

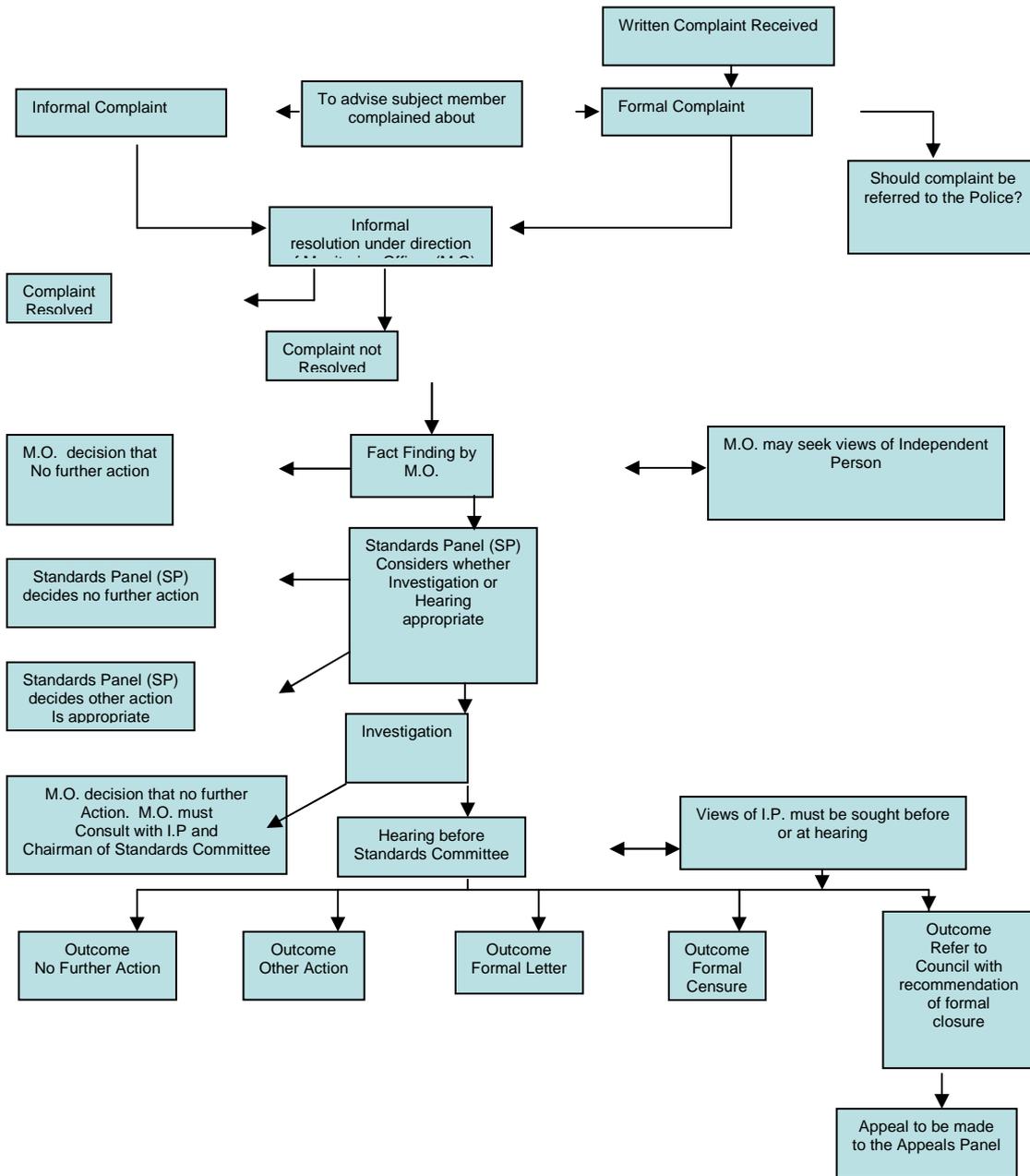
#### **E. Sensitive Interests**

- 4.18 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

#### **F. Dispensations**

- 4.19 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Council may grant you a dispensation in accordance with rules and procedures established by the Authority.

# FLOWCHART FOR PROPOSED STANDARDS PROCESS



## **MEMBERS' PLANNING CODE OF GOOD PRACTICE**

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### **Background**

The Members Planning Code of Good Practice was originally prepared in response to a series of successful court challenges concerning themselves with local planning authorities and the Members Code or conflict of interests. It replaced what was a number of individual and sometimes haphazard approaches in individual councils at that time.

The drafting of the model code was subject to consultation and comment from a number of local authorities through the machinery of the Association of Council Secretaries and Solicitors (now Lawyers in Local Government (LLG)), the Local Government Association, the Local Government Ombudsman, Audit Commission and from firms of Solicitors or Counsel acting on their behalf.

The 2013 update takes into

### **Introduction**

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**The key purpose of Planning:** to regulate the development and use of land in the public interest.

**Your role as a Member of a Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. This includes both decision making meetings of the Council when exercising the functions of the Planning Authority and less formal occasions, such as meetings with officers or the public and consultative meetings. It applies to planning enforcement matters or site specific policy issues as well as to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## **1. Relationship to the Members' Code of Conduct**

**Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.

**Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:

- the Council at risk of proceedings on the legality or maladministration of the related decision; and
- yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Board for England.

## **2. Development Proposals and Interests under the Members' Code**

**Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (You can use the attached form for disclosing interests.)

**Do** then act accordingly. **Where your interest is personal and prejudicial:-**

- **Do** withdraw from any meeting at which the matter is being considered and
- **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
- **Don't** try to represent local views, get another Member to do so instead.
- **Don't** get involved in the processing of the application.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. Therefore, where you have a personal and prejudicial interest in a proposal to be put before a meeting, you will have to withdraw from the room or chamber whilst the

meeting considers it, whereas an ordinary member of the public would be able to make use of the public speaking scheme to address the meeting on the proposal and observe the meeting's consideration of it.

### **3. Fettering Discretion in the Planning Process**

**Don't** fetter your discretion by making up your mind, or appearing to have made up your mind on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority or prior to hearing the officer's presentation and evidence and arguments on both sides. This is particularly important if you are contacted by an external interest or lobby group.

If you have done so then you will not be able to participate in the determination of the matter at the committee because if you did take part in the discussion or vote it would put the Council at risk in a number of ways.

Firstly it would probably in the view of the Local Government Ombudsman constitute maladministration.

Secondly, the Council could be at risk of legal proceedings on a number of possible grounds

- that there was a danger of bias on your part; or
- pre-determination or
- a failure to take into account all of the factors enabling the proposal to be considered on its merits.

**Do** be aware you are likely to be considered to have fettered your discretion where the Council is the landowner, developer or applicant and you have been involved to such an extent in the preparation, submission or advocacy of a planning proposal on behalf of the Council as to make your participation in the decision-making process inappropriate.

**Do** also be aware that, although the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the following organisations:

- another local or public authority of which you are a member; or
- a body to which you have been appointed or nominated by the Council as its representative,

you must decide in relation to any planning proposal, whether you have been involved to such an extent in the preparation, submission or advocacy of a planning proposal on behalf of the body as to make your participation in the decision making process inappropriate.

If you have then you should always disclose a prejudicial as well as a personal interest and withdraw.

**Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (i.e. where you are also a member of the district/borough council as well as being a County Councillor), provided:

- the proposal does not substantially affect the well being or financial standing of the consultee body;
  - you make it clear during the discussion at the consultee body that
- (i) your views are expressed on the limited information before you only;
  - (ii) that you will reserve judgement and the independence to make up your own mind on each separate proposal when it comes before the determining body, based on your

overriding duty to the whole community and not just to the people in your ward, and you hear all of the relevant information;

- (iii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the determining body; and
- (iv) you disclose the personal interest regarding your membership of the consultee body or role when the determining body comes to consider the proposal.
  - Where you decline to speak or vote on a proposal because you have fettered your discretion (but do not have a prejudicial interest), you do not also have to withdraw, but you may prefer to do so for the sake of appearances.

However if you decide to stay explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes. Use the disclosure form provided for disclosing interests.

#### **4. Contact with Applicants, Developers and Objectors**

**Do** refer an applicant, developer or objector who approaches you about a planning application to officers for planning, procedural or technical advice.

**Don't** agree to any meeting with applicants, developers or groups of objectors where it can be avoided. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself as this may be seen as your promoting one point of view or the other. Request the Director of Community Services to organise it. The officers will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

**Do** remember to:

- follow the rules on lobbying (below);
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Director of Community Services any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

#### **In addition in respect of presentations by applicants/developers:**

**Do** remember to

- **Attend** a planning presentation only where this has been sanctioned by the Council and officers are in attendance.
- **Ask** questions only for the purposes of clarifying your understanding of the proposals.
- **Remember** that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the Development Control Committee.
- **Remember** that a presentation is a form of lobbying and you must not express any view or state how you or other Members might vote.

#### **Lobbying**

Lobbying is an area with which many Members have a great deal of difficulty. Lobbying in respect of other aspects of their work as a Councillor is commonplace and is an accepted

part of the democratic process. However if such lobbying of Members of a planning committee oversteps the mark it can lead, unless care is taken, to the impartiality and integrity of Members being called into question. It is essential that a Member bears in mind that he/she has an overriding duty to the whole community not just the people in his/her ward. This can be especially difficult for the ward member who is also a Member of the Development Control Committee. Therefore special considerations apply when lobbying of and by Members occurs during the consideration of a planning application.

## 5. Lobbying of Councillors

The safest advice would be for a Councillor who is a Member of the Development Control Committee not to place him/herself in a position where lobbying can occur. If that cannot be achieved, and frequently it will not be possible to do this, then:

- **Do** explain to those attempting to lobby you that, whilst you can listen to what is said you are not in a position to express an intention to vote one way or another or to express such a firm point of view that it amounts to the same thing because this will mean you cannot participate in the Development Control Committee's decision making
- **Do** pass on any representations you receive and copy or pass on any lobbying correspondence you receive to the Director of Community Services at the earliest opportunity
- **Do** refer any offers made to you of planning gain or to restrict the development through a proposed s.106 Planning Obligation or otherwise to the Director of Community Services
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum and its acceptance is registered in accordance with the Council's Code of Conduct as soon as possible
- **Do** indicate that you will pass on that person's views to the Director of Community Services and if necessary the Development Control Committee when it considers the matter but that you cannot commit yourself to vote in any particular way. If you intend to speak at the Development Control Committee in this way make it clear at the start of the meeting that this is what you are doing.

Unless you have a personal and prejudicial interest in the matter, if you follow this and the other advice in this Code, you will be able to speak and vote at the Development Control Committee meeting.

- **Do** inform the Monitoring Officer if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will take the appropriate action.

## 6. Lobbying by Councillors

In this context:

**Lobbying is** asking fellow Councillors to hear or share one's thoughts and concerns on an issue.

**Excessive lobbying is** applying such pressure on a fellow Councillor that it amounts to an attempt to obtain a commitment as to how that Member will vote (whether spoken or unspoken). Pressure of this sort is an attempt to pre-determine the outcome of the issue (making the decision potentially unlawful) and may also amount to the Member using their position improperly to confer an advantage or disadvantage (breaching paragraph 5(a) of the Council's Members' Code of Conduct).

It may be difficult to determine when lobbying becomes "excessive" and it may only become apparent to the world at large (objectively) as an outcome. In view of this if you approach a fellow Councillor on a planning application:

**Do** be mindful that another Councillor may feel under undue pressure more readily in the following situations:

- a senior Member lobbying a less senior Member
- a number of Members lobbying a Member
- persistent lobbying of a Member

**Do** always be clear that your lobbying is to solicit interest only and is not to solicit a voting commitment

**Do** cease to lobby a Member if it appears there is a risk that the Member will feel subject to pressure as to how he/she votes

**Don't** lead or act as spokesperson of an organisation whose primary purpose is to lobby or promote or oppose a planning application. This does not preclude you from joining general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning applications e.g. The Victorian Society, The Ramblers, CPRE or a local civic society. You should however make sure that you declare a personal interest when the matter is discussed.

**Don't** discuss how to vote on a planning proposal at a political group meeting or lobby other Councillors to do so. The Ombudsman has made it clear that in his view the use of political whips to determine planning applications could amount to maladministration.

**Don't** put pressure on a planning officer for a particular recommendation as this may be seen as prejudicing his/her professional integrity and impartiality

## **7. Site Visits**

**Do** attend site visits organised by the Council.

**Do** ensure that any information which you gained from the site visit is reported back to the Development Control Committee, so that all Members have the same information

**Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

**Do** ask the officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.

**Don't** express opinions or views on the proposal to anyone.

**Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

- you feel it is essential for you to visit the site other than through attending the official site visit,
- you have first spoken to the Planning Control Manager about your intention to do so and why (which will be recorded on the file) and
- you can ensure you will comply with these good practice rules on site visits.

## **8. Pre-Meetings**

At any pre meetings discussion must be limited to procedural issues such as the organisation of site visits, arrangements for members of the public to exercise their speaking rights at the meeting and to ensure all relevant paperwork and information is

available for the meeting. This information can be used by the Chairman to brief their colleagues at group meetings in advance of the formal meeting.

**Don't** discuss the determination of applications at either briefing meetings or group meetings.

**Do** use pre-meetings to resolve procedural issues to facilitate the smooth running of the formal meeting.

**Don't** ever use the political whip on a planning matter. This would leave the decision open to challenge and could give rise to a finding of maladministration by the Local Government Ombudsman.

## **9. Public Speaking at Meetings**

**Don't** allow members of the public to communicate with you before or during the committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

## **10. Officers**

**Don't** put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Director of Community Services which may be incorporated into any committee report.

**Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.

**Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with any appropriate officer and professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of Members.

## **11. Decision Making**

**Do** come to meetings with an open mind and demonstrate that you are open-minded.

**Do** make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

**Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse the application.

**Don't** vote or take part in the decision on a proposal unless you have been present to hear everything that has been said at that meeting, including the officers' introduction to the matter.

**Do** make sure that if you are proposing, seconding or supporting a decision (especially one contrary to officer recommendations or the development plan) that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## **12. Member Awareness**

The planning system is a quasi judicial process involving complex legal and technical issues which require the application of sound judgement in the assessment of planning

proposals. A failure to follow proper practice and procedures can lead to serious consequences for the planning authority. Therefore:

**Do** endeavour to participate in any sessions provided to raise awareness on planning matters and this Code of Good Practice which will assist you in carrying out your role properly and effectively.

It would not be appropriate for Members who have not attended these sessions to be involved in determining planning proposals

### **13. Planning Applications by Councillors or Officers of the Council**

- When a planning application is submitted by a serving councillor or officer or by a close relative or a close friend of either or by a councillor acting as agent for the applicant the councillor or officer concerned will:
  - take no part in the processing and determination of the application
  - advise the Monitoring Officer & the Planning Manager of the application
- All applications which fall within the first point above will be reported to the appropriate committee & determined by committee & not by an officer under delegated powers.
- The report of the Planning Manager will include confirmation from the Monitoring Officer that these requirements have been met.

### **14. Planning Applications by the Council**

- Subject to the provisions of the Town & Country Planning General Regulations 1992 planning applications made by or on behalf of the Council will be treated in the same way as those made by or on behalf of private applicants.

### **15. Records of Delegated Decisions**

- Where the power to make a decision on a planning application is delegated to an officer he/she will make and place on the application file a written record containing all the information that would have been put before a committee of the Council to enable them to determine the matter. In particular the record will clearly show the reasons for the decision reached & the policies & other material considerations on which it was based.

## **Officer's Code of Conduct**

### **Code of Conduct for Local Government Employees**

#### **1. Standards**

- 1.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

#### **2. Disclosure of information**

- 2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.
- 2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

#### **3. Political neutrality**

- 3.1 Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.
- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

#### **4. Relationships**

##### **4.1 Councillors**

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and

councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

#### 4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

#### 4.3 Contractors

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

4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

### 5. **Appointment and other employment matters**

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

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

### 6. **Outside Commitments**

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

6.2 Employees should follow their authority's rules on the ownership of intellectual property or copyright created during their employment.

### 7. **Personal Interests**

7.1 Employees must declare to an appropriate manager any non-financial interests that they consider could bring about conflict with the authority's interests.

- 7.2 Employees must declare to an appropriate manager any financial interests which could conflict with the authority's interests.
- 7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

## **8. Equality issues**

- 8.1 All local government employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **9. Separation of Roles During Tendering**

- 9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 9.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **10. Corruption**

- 10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **11. Use of Financial Resources**

- 11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

## **12. Hospitality**

- 12.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. They should be properly authorised and recorded.
- 12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority.
- 12.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 12.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing the hospitality.
- 12.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

## **HOSPITALITY - INTERESTS IN CONTRACTS**

### **HOSPITALITY**

During the course of your employment it is possible that you will be offered gifts by the people or organisations with whom you deal. The purpose of this document is to try to offer guidance about which gifts are acceptable and which are not.

Since the Council discharges many public functions it is essential that the public has every confidence that the Council officers and members try to operate fairly to everyone.

A gift by an interested party to an officer can threaten this trust, regardless of whether or not the gift is intended to influence its recipient's decision and regardless of whether it actually does influence it.

### **THE LAW**

The Prevention of corruption Acts make it an offence to receive practically anything in return for showing favour or disfavour to a particular person. This applies both in regard to the council as a public body and the Council as a purchaser of services and supplies.

**Where a person or a business holds or is seeking to obtain a contract with the Council then any gift or other consideration is presumed to have been made**

**can corruptly unless the contrary can be shown e.g. no hospitality whatsoever be accepted in a tendering situation.**

Officers above Scale 6 must devote themselves full time to Council Service except with the Council's consent.

No officer should subordinate their interest to that of another group or organisation.

Officers should disclose any interests in contracts.

See also paragraphs 2.1 and 2.2 of the Green Book (National Agreement on Pay and conditions of Service) which relate to officers' conduct. These form part of your terms and conditions of employment.

### **GIFTS**

The offer of any gift at all should be reported to your Chief Officer and recorded in the register set up for that purpose.. Minor items such as cheap biros, rulers, calendars and diaries can normally be accepted on behalf of the Council. Gifts with a monetary value over £25 should not ever be accepted other than in exceptional circumstances. Minor gifts of food and drink can be accepted on behalf of the Council and shared out.

### **FOOD AND DRINK EATEN WITH OTHER PEOPLE**

This is more difficult since it is offered to an officer personally. At one extreme, it is plainly alright to accept a cup of tea on a site visit and at the other it is definitely not acceptable to allow someone to buy you an expensive lunch in a rather nice restaurant. Perhaps a sensible compromise is to accept a lunch if you would otherwise have to claim for it or it is the most convenient way of having lunch and if its value is comparable to what you could have claimed. It is also acceptable to receive a lunch at an official opening or similar group function. This area is one where officers really have to use their own judgement. Remember, if in doubt, REFUSE.

### **RECORDING HOSPITALITY**

All gifts and hospitality should be recorded in the register maintained for that purpose. It is kept by Legal and Administration.

### **OFFICERS' INTERESTS IN CONTRACTS, DECISIONS, ETC.**

There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties.

The most important thing is that officers behave with integrity. To achieve this, conflicts of interests must be avoided and the Council must stop them arising.

## **PECUNIARY INTERESTS**

Section 117 Local Government Act 1982 requires officers to give the council written notice of any contract or proposed contract in which the officer has pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

A pecuniary interest is where an officer or his/her spouse stands to make money from the contract (e.g. they own or are employed by the business that the contract will be with or shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings, please consult the Chief Executive if further clarification is required.)

The examples given are not exhaustive. If you are in any doubt you can seek advice from the Chief Executive, who will maintain a record of all declarations under Section 117. The register of declarations under Section 117 may be inspected by Members and Chief Officers only.

## **NON-PECUNIARY INTERESTS**

There is no legislation governing these. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.

You must never allow a situation to appear as though you are using your position to promote any interest other than the public interest.

This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.

If such an interest arises you must declare it at once to your Chief Officer, who will advise you and record the interest in a register kept for the purpose.

There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:

If a reasonable man knew that I was involved in making this decision and had this interest in its outcome then would he think that any decision made would be at risk of being biased?

Plainly you should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence.

Guidance is available from your Chief Officer or from the Chief Executive. Again you are urged to err on the side of caution in this matter.

### **13. Sponsorship – Giving and Receiving**

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
  
- 13.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.





## **PROTOCOL FOR MEMBER/OFFICER RELATIONS**

### 1.0 Introduction

- 1.1 The Nolan Committee's Report on Standards of Conduct in Local Government recommended that every council should adopt a formal protocol setting out guidance for appropriate relationships between members and officers.

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

The Council is determined to provide excellent local government for the people of Oadby & Wigston Borough Council. It has produced this protocol for member/officer relations in order to promote the highest standards in public life and harmonious working relationships.

- 1.2 Partnership, based on mutual trust and respect between politicians and paid officers, is essential in achieving good local government. However this partnership will not be effective unless there is a clear understanding by all of the role and obligations of members and the separate role and duties of officers. This protocol sets out these roles, obligations and duties and also the ground rules for all to observe. The standards in the protocol are binding and apply equally to elected members, voting and non-voting co-opted members and to officers where there is a joint responsibility.
- 1.3 The protocol is based upon legislation, Council policies and documents deriving from legislation as well as guidance from a variety of sources, primarily:
- The Local Government Act 2000
  - The Council's Constitution
  - The Member's Code of Conduct
  - Guidance from the Office of the Deputy Prime Minister
  - Guidance from the Standards Board for England
- 1.4 The protocol is designed to supplement and offer local interpretation of these documents. The protocol refers extensively to members' relationships with officers and other staff directly in the service of the Council. The principles of the protocol also apply to members' dealings with other people not directly employed by the Council but who are in an employment based relationship with the authority (such consultants employed on a longer-term basis by the Council).
- 1.5 The principles underlying this protocol are as follows:

- 1.5.1 There shall be mutual courtesy and respect between members and officers with regard to their respective roles.
- 1.5.2 Members and officers shall each carry out their respective duties in the best interests of the Council.
- 1.5.3 This protocol applies to all dealings between members and officers and not only formal meetings.

## 2.0 General Obligations of Members

- 2.1 Members must observe the Council's Code of Conduct whenever they are conducting the business of the Council, conducting the business of their office or representing the Council. Members and voting Co-opted members are bound in law by the Code of Conduct, but non-voting Co-opted Members are also expected to comply with the provisions of the Code of Conduct.
- 2.2 The Code of Conduct places certain general obligations that members must observe and which have a bearing upon member/officer relations:
  - 2.2.1 Members must not, in their official capacity or any other circumstance, conduct themselves in a manner which could be reasonably regarded as bringing their office or the Council into disrepute.
  - 2.2.2 Members must promote equality by not discriminating unlawfully against any other person, treat others with respect and not to do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of the Council.
  - 2.2.3 Members must not disclose information given to them in confidence by anyone or information which they have reason to believe is confidential unless they have authorisation or are required to do so by law.
  - 2.2.4 Members must not prevent other person or persons from gaining access to information to which they are entitled by law.
  - 2.2.5 Members must not use their position improperly to gain advantage for themselves or to advantage or disadvantage another person.
  - 2.2.6 Members must use any Council facilities provided for them in their role as member strictly for that purpose and no other. For example, members must not use rooms in the Council offices or any of the Council's paper, post, telephones, computers, photocopiers, or printers for any personal, business-related or party-political matter, nor on behalf of any community groups of which they are a member.
  - 2.2.7 Members' support officers are provided to assist Councillors only in their role as Council members. Members should not ask them to assist with any personal, business or party political matter. This is so even when the person being contacted is a constituent, or an officer or a Councillor. Members'

support officers will refer inappropriate requests for assistance to their service head.

- 2.2.8 Members are under an obligation to disclose personal interests and in accordance with the Code of Conduct. Members must register financial and other interests as well as gifts and hospitality as set out in the Code of Conduct.
- 2.3 Members have a duty to act reasonably and when taking part in the Council's decision making processes, members must:
- take into consideration every thing they regard as relevant, or which they are advised is relevant,
  - disregard anything which they consider is not relevant, or which they are advised is not relevant,
  - follow the correct procedure.
- 2.4 Members control the Council's assets and finances, are in a position of trust and therefore have a fiduciary duty to act in the interests of all the people of Oadby & Wigston Borough Council. In law, someone with a fiduciary duty is someone who occupies a position of such power and confidence over the property of another that the law requires him or her to act solely in the interest of the person she or he represents. This is in contrast with an ordinary business relationship, in which each party is free to seek purely personal benefits from his or her transactions with the other. So, for example, a guardian, a trustee or an executor are all people with fiduciary duties.
- 3.0 Relationship between Members and Officers
- 3.1 The relationship between officers and members should be characterised by mutual respect which is essential to good local government.
- 3.2 Any close personal or family relationships between officers and members should be disclosed to the Chief Executive who will then decide how far this needs to be disclosed to others. Members must also declare any such relationship with an officer which might be seen as influencing their work as a member to their leader.
- 3.3 Members must not sit on a Council body or assume responsibility for any employee to whom they are married, the partner or otherwise closely related.
- 3.4 Generally, a close relationship between a member and a senior officer of second tier and above (and in some cases, other senior staff) is incompatible with the high standards of public life promoted by the Council and should be avoided or discouraged. The relationship may put the member, or the officer, in a position to exercise improper influence over the workings of the Council. Even if there is no actual impropriety, the situation may give rise to suspicion and the public may perceive that the opportunity for improper influence exists. In these situations a member could not be expected to remain in office, whilst the officer remained employed by the Council.

- 3.5 Close personal familiarity between individual members and officers can damage professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct.
- 3.6 Officers and members should address each other formally at meetings of Full Council, Committee, Panels and other formal meetings that officers attend that are open to the public.
- 3.7 Officers should dress formally when attending all meetings. Officers should refer to members by the office they hold: Mayor, Chair, Vice-chair, or Councillor. Members should avoid excessive informality and should refer to officers either by their title or by their full name.
- 3.8 The same degree of formality is not necessary at any social events that members attend with officers. Nevertheless members and officers attending an event by virtue of their role with the Council should avoid close personal familiarity or any action which would embarrass others or damage your relationship with staff or members. Socialising between members and officers other than in an official capacity should be avoided.
- 4.0 The Role of Members
- 4.1 Members:
- 4.1.1 Develop and set policies that will then be implemented by officers.
- 4.1.2 Monitor how those policies are being implemented.
- 4.1.3 Where their office allows them to do so, provide guidance to officers on how those policies are to be implemented, either if members wish to do so or if officers ask for guidance.
- 4.1.4 Represent the views of their communities and ward constituents, and deal with individual casework.
- 4.1.5 Recognise the statutory roles of the Chief Executive as Head of Paid Service, the Director of Finance (as Section 151 Officer of the Local Government and Housing Act 1989) and the Monitoring Officer, and of the significance attached to their advice.
- 4.1.6 Consult with the communities they represent on the development of policy, particularly Best Value Reviews, the Best Value Performance Plan and other local initiatives.
- 4.1.7 Consult with the Monitoring Officer and the Director of Finance about legality issues, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions are, or are likely to be, contrary to the policy framework, or contrary to, or not wholly in accordance with the budget.
- 4.1.8 Respect officers' political impartiality

- 4.1.9 Promote the highest standards of conduct and ethics.
- 4.2 Members must not:
  - 4.2.1 Insist that any officer take any action, or not take action that the officer considers unlawful or illegal; is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.
- 5.0 The Role of Officers
  - 5.1 Officers:
    - 5.1.1 Implement the policies set by members.
    - 5.1.2 Will ask for guidance on implementation of the policies set by members if they are unclear about any aspect of those policies.
    - 5.1.3 Give such professional advice to members as may be required of them from time to time, recognising the different needs for advice members may have in their different capacities of ward member or scrutiny member.
    - 5.1.4 Carry out their delegated functions to the best of their ability and in the interests of the Council.
    - 5.1.5 Must remember that he or she is employed by the Borough of Oadby & Wigston Borough Council as a whole and not by any particular part of the Council.
    - 5.1.6 Are under a duty to help all Councillors/Co-opted members and all parts of the Council equally.
    - 5.1.7 Must take all relevant matters into account when formulating advice to members.
  - 5.2 Officers must not:
    - 5.2.1 Set policy other than for the smooth running of office procedures and processes and as may have been delegated under the Council's Constitution and Scheme of Delegations.
    - 5.2.2 Take any action, or not take action, which would be unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework, or which would be likely to amount to maladministration.
- 6.0 Relationship between the Chair and Members of Scrutiny Panels and Officers
  - 6.1 The Chair and members of the Council's Scrutiny Panels and related bodies shall:
    - 6.1.2 Seek the advice of the Chief Executive or Monitoring Officer where they consider there is doubt about the legality of a decision.
    - 6.1.3 When considering calling officers to give evidence they shall not, without the consent of the relevant Chief Officer, request the attendance of a junior officer. This is to ensure that more junior officers are not put under undue pressure.

- 6.1.4 When asking officers to give evidence confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions. Officers may be asked to give a professional opinion, but officers must not be expected to give a political view.
- 6.1.5 Where they consider it appropriate, ask officers to explain and justify advice given to members prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and their responses to consultations under the Scheme of Delegations.
- 6.1.6 Not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.
- 6.1.7 At all times respect the political impartiality of the officers.
- 6.2 Officers shall:
  - 6.2.1 Maintain political impartiality at all times when commenting on the Council's policies and actions.
  - 6.2.2 Be prepared to explain and justify advice given to members of the Council prior to decisions being taken and justify decisions they themselves have taken under the Council's Constitution and Scheme of Delegations.
  - 6.2.3 Ensure that an officer of sufficient seniority appears before the relevant panel.
- 7.0 Officer Relationships with Party Groups
  - 7.1 When dealing with the various party groups:
    - 7.1.2 Any request for information to a political group or member will be treated with strict 'confidence by the officers concerned and will not be accessible to any other political group. Factual information will, if requested, be available to all political groups
    - 7.1.3 Officers shall exercise care when giving briefings or commenting on the policies and actions of any of the Council's committees or panels and maintain political impartiality at all times.
- 8.0 Members
  - 8.1 When acting in their ward role, members:
    - 8.1.1 Need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on officer time.
    - 8.1.2 It is essential for the proper running of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.

- 8.1.3 It is the duty of each Director to ensure that all relevant staff are aware of the requirement to keep local members informed and that the timing of such information allows members to contribute to those decisions. Local members shall also be kept informed about matters affecting their wards during the formative stages of policy development.
- 8.1.3 Issues may affect a single electoral ward but others may have a wider - even sub-regional impact, in which case numerous members will need to be kept informed.
- 8.1.4 Local members have an important role to play in representing the Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.
- 8.1.5 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the electoral wards(s) affected should as a matter of course be invited to attend the meeting.
- 8.1.6 Similarly, whenever the Council undertakes any form of consultative exercise, the local member(s) should be notified at the outset of the exercise.
- 9.0 Complaints about officers or services
- 9.1 Members have the right to criticise reports or the actions taken by officers, but they should always:
- avoid personal attacks on officers
  - ensure that criticism is constructive and well-founded.
- 9.2 Members should avoid undermining respect for officers at meetings, or in any public forum. This would be damaging, both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run authority.
- 9.3 Complaints about officers or Council services should be made to the Director of the service where you feel the fault lies. Within three days, s/he will:
- acknowledge your complaint, and
  - say if s/he intends to take action, or
  - say how long s/he needs to investigate.
- 9.4 Members have a right to know if action has been taken to correct a matter, but they must not, either:
- influence the level of disciplinary action to be taken against an officer, nor
  - insist (nor be seen to insist) that an employee is disciplined.
- 9.5 Members have a right to be told the outcome of any disciplinary case, but have no entitlement to detailed information about the hearing or its conduct.
- 9.6 If a member is not satisfied that action has been taken to deal with the complaint it may be referred to the Chief Executive by the member concerned.

## 10.0 Member Access to Documents and information

- 10.1 Save as provided below every member has a right to inspect documents, as set out in the Access to Information Procedure Rules included within the Council's Constitution.
- 10.2 All Members can expect to have answers to the queries they raise on behalf of other constituents or about the policies and practices of the Council dealt with within the corporate time standards.
- 10.3 A member who is not a member of a specific Panel/Committee may have access to any documents of that part of the Council if:
- He or she satisfies the Council's Monitoring Officer, that he or she reasonably needs to see the documents to perform his or her duties; and
  - The document or papers or information do not contain 'confidential' or 'exempt information'.
- 10.4 All elected political Groups are entitled to develop policies and plans and can expect officers to provide information on a confidential basis to their Group, providing that this is readily accessible, does not entail significant additional work and does not entail the release of information which is confidential or exempt.
- 10.5 All requests for advice and information that cross directorate boundaries or involve multi-directorate activities should be directed through the Chief Executive.
- 10.6 Managers must decide how to meet requests and must be able to determine what resources, including which staff, are to be made available. This extends to deciding which officers should answer questions, particularly in open meetings.
- 10.7 However, when a member asks for information or advice the reply must not be copied to or subsequently made available to, other members without the permission of the requesting member. Where information or advice is given in writing to a number of members the document should make clear who has received it. In other words a system of 'hidden copies' should not be used.
- 10.8 Groups are expected to give reasonable notice of requests for information and to have regard to the cost of producing any new detailed information.
- 10.9 If there is a disagreement the Chief Executive will ensure that the request is referred to the relevant body for decision.
- 10.10 A member should seek advice from the Monitoring Officer in circumstances where he or she wishes to inspect any document or have access to any information about a matter in which he or she has a personal or prejudicial interest; or where to do so would be in breach of the Data Protection Act 1998.
- ## 11.0 Press Releases
- 11.1 All Council press releases should be in accordance with the Council's agreed Media Guidelines

- 11.2 Should be issued through the Council's Public Relations Officer
- 11.3 Should be concerned with matters of policy
- 11.4 Should not contain anything of a party political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by Councils, especially around election time.
- 12.0 Correspondence
  - 12.1 All correspondence written on behalf of the Council must be written on the relevant headed paper. When Members are writing in their capacity as a member they must make it clear whether they are writing on behalf of the Council or as the ward member.
  - 12.2 All correspondence should normally be open to the inspection of the public in accordance with the Council's adopted policies. This does not apply to correspondence written in connection with legal proceedings, contractual matters or any other matter where papers can remain 'exempt' within the meaning of Schedule 12A to the Local Government Act 1972, as amended, or if this would be in conflict with the data protection legislation.
- 13.0 Breach of the Protocol by a Member
  - 13.1 Members are required to report any matter that they believe may be a breach of the Code of Conduct or this protocol to either the Monitoring Officer or direct to the Standards Board. The Monitoring Officer should refer the complaint to the Standards Board for England if there is evidence that there has been a breach of the Code of Conduct.
  - 13.2 Where there has been an alleged breach of the protocol which is not a matter for the Standards Board, an alleged breach by a non-voting co-opted member for example, the Monitoring Officer may refer the complaint to full Council to be considered further.
  - 13.3 The Monitoring Officer, in conjunction with the Chief Executive, may refer the alleged breach to the leader where appropriate.
- 14.0 Breach of the Protocol by an Officer
  - 14.1 Complaints of an alleged breach should be raised with the relevant service director and/or the Chief Executive. The provisions of section 9 of this protocol will then apply.
- 15.0 Further Advice
  - 15.1 Advice on the application of this protocol should be sought from either the Chief Executive or the Monitoring Officer.
- 16. Arbitration

- 16.1 When necessary, the Chief Executive will arbitrate on the interpretation of this protocol following consultation with the Monitoring officer and Director of Finance (Section 151 Officer).

### **THE ROLE OF THE MONITORING OFFICER - PROTOCOL**

1. The Monitoring Officer undertakes to discharge his or her responsibilities outlined in this protocol with determination and a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The following arrangements and understandings between Monitoring Officers and colleagues and members are designed to help ensure the effective discharge of their functions:
  - a. As a member of the Chief Officers' Management Team, Monitoring Officers will have advance notice of those meetings and agenda and reports and the right to attend and speak without prior notice.
  - b. Advance notice of meetings whether formal or informal between Chief Officers and Committee Chairs will be given to Monitoring Officers where any procedural, vires or other constitutional issues are likely to arise.
  - c. Chief Officers will alert Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues as soon as reasonably practicable.
  - d. Monitoring Officers or their staff will have copies of all reports to members.
  - e. Monitoring Officers are expected to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
  - f. Monitoring Officers will have a special relationship with the Chair of the Council, Chair of the Standards and Overview and Scrutiny Committee and will ensure the Head of Paid Service and Chief Financial Officer have up-to-date information regarding emerging issues.
  - g. Monitoring Officers are to be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board and if appropriate will make a written report to the Standards Committee unless the Monitoring Officer and Chair of Standards Committee agree a report is not warranted.

- h. The Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current governance issues and other matters of concern regarding probity.
- i. In carrying out any investigation (whether under Regulations or otherwise) Monitoring Officers will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
- j. Monitoring Officers will have control of a budget sufficient to enable him to seek Counsel's opinion on any matter concerning their functions.
- k. Monitoring Officers will be responsible for preparing a training programme for members on the ethical framework subject to the approval of the Standards Committee
- l. Monitoring Officers will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Financial Officer.
- m. In consultation with the Chairman of the Council and Standards Board, Monitoring Officers may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved. The Standards Committee to be kept informed of such situations.
- n. Monitoring Officers will make a report to the Council from time to time as necessary on the staff, accommodation and resources they require to discharge his/her functions.
- o. The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.

## Summary of Monitoring Officer Functions

DESCRIPTION		SOURCE
1.	Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
2.	Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
3.	Appointment of Deputy.	Section 5 Local Government and Housing Act 1989.
4.	Report on resources.	Section 5 Local Government and Housing Act 1989.
5.	Receive copies of whistleblowing allegations of misconduct.	Model Code.
6.	Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers.	Regulations when made. Directions when made in individual cases. LGA 2000 Section 66(1)+66(6).
7.	Establish and maintain registers of Members interests and gifts and hospitality.	Section 81 LGA 2000 and Model code.
8.	Advice to Members on interpretation of Code.	Model Code and Consultation Paper.
9.	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Statutory Guidance paragraph 8.20.
10.	Liaison with Standards Board and Ethical Standards Officers.	New ethical framework, practical implications.

DESCRIPTION		SOURCE
11.	New ethical framework functions in relation to Parish Councils.	Section 83(12) LGA 2000.
12.	Compensation for maladministration.	Section 92 LGA 2000.
13.	Advice on vires issues, maladministration, financial impropriety, probity and policy framework.	DTLR.



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## Introduction

Role profiles for Councillors are to be introduced by Oadby and Wigston Borough Council and will be used by the Independent Review Panel (IRP) to underpin the Members Allowance Scheme. They have been developed as a means to clearly set out the expectations of a Ward Councillor and all roles attracting Special Responsibility Allowance (SRA) so as to support the Council's improvement priorities and Member Development.

The following role profiles are the result of a review by the Member Development Steering Group together with the Member Reference Group of LRIP. There has been consultation with Councillors and key officers to ensure the role profiles reflect the changing role of Councillors and the future needs of the Council and local government. In addition to this, skills and knowledge for each role have been identified to both meet the requirements of any future allowance scheme and support the Member Development programme.

The role profiles set out the roles and responsibilities as well as the skills and knowledge required for each role. The role profile for the Ward Councillor is the foundation for all other roles. The responsibilities, skills and knowledge required for roles attracting an SRA are in addition to those set out for the Ward Councillor.

The role profiles have three main purposes:

- To provide clarity for both Councillors and officers about what is expected of each role
- To provide guidance to the IRP for the Members Allowance Scheme
- To support Councillors in their development by providing a checklist to identify their development needs, both for the roles they are currently undertaking and for future roles to support succession planning

## **Ward Councillor**

### **Role and Responsibilities**

#### **Leadership at Ward Level**

- To lead and champion the interests of the local community and effectively represent the interests of the Ward and its constituents.
- To meet and liaise regularly with local interested parties and involve and consult them on key Council decisions.
- To support and promote citizenship locally and empower the community to participate in the governance of the area.
- To undertake case work for constituents and act as an advocate in resolving concerns or grievances.
- To communicate with local people and answer enquiries:
  - about decisions that affect them
  - about opportunities in the community
  - regarding the rights of constituents
  - as to why decisions are taken
- To act as an advocate for the Council within the Authority and outside

#### **Localism**

- To participate constructively in the good governance of the area.
- To use influence as an Elected Representative to develop links between groups and communities in the Ward and local area.
- To forge local partnerships to ensure resources are used to meet the priority needs of the area.

#### **Representation**

- To inform the debate at Full Council meetings and contribute to the effectiveness of the Council meeting as the focus of visible leadership.
- To contribute to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery.
- To contribute to the scrutiny of decision making and review of the policies and services of the Council and of other public services delivered in the Borough via the Scrutiny process.

- To represent the authority to the community and the community to the Council.
- To develop and maintain a knowledge of the Council and develop effective working relationships with its officers.
- To participate in the activities of any political group of which the Councillor is a member.
- To represent the Council on outside bodies and to participate effectively in the appointed role and, where appropriate, to represent those bodies within the Borough.

### **Other**

- Commitment to delivering excellent public services.
- To fulfil the legal (in accordance with the Council Code of Conduct for Councillors) and local requirements placed on an elected member.
- To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

### **Competencies**

#### **Community Leadership**

##### Skills

- Ability to lead and champion the interests of the local community
- Ability to manage casework (including the use of IT to support the process)
- Community engagement
- Ability to influence and persuade
- Negotiation skills
- Managing conflict and mediation skills
- Ability to develop relationships with key officers and partner agencies
- Ability to build effective relationships with all sections of the community so as to be able to represent their needs to the Council
- Ability to chair community meetings and facilitate discussions

##### Knowledge

- Understanding of how the Council works
- Knowledge of the Council structure, key contact officers and services procedures and eligibility criteria
- Knowledge of the political decision making structures
- Understanding of the Code of Conduct for Councillors, ethics and standards and the role of the Standards Committee and the Standards Board for England.
- Understanding of national policies and their impact on the Council
- Knowledge of the strategic priorities and key policies of the Council
- Understanding of legislation and Council policies to which Members must adhere (e.g. Dignity at Work, Smoking Policy, Freedom of Information, Data Protection, equality legislation)

- Basic understanding local government finances and audit processes
- Understanding the Corporate Parenting responsibilities
- Knowledge of the Council's complaints procedure

### **Communication Skills**

- Ability to deal with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Ability to communicate with a range of audiences
- Active listening and questioning skills
- Presentation skills
- Public speaking

### **Leader of the Council**

This role profile identifies the responsibilities, skills and knowledge required of the Leader of the Council.

### **Role and Responsibilities**

- To provide leadership to the Council
- To undertake the role of community leader, building a vision for the area and leading the Council and its partners towards realisation of that vision.
- To represent the Council and provide leadership of the Local Strategic Partnership and other key local, sub regional and regional partnerships.
- To lead the Council and take responsibility for its performance
- To represent the authority, and be accountable for, discussions and negotiations with the community and with regional, national and international organisations.
- To undertake political executive responsibility for proposing and directing the overall strategy, budget, policy arrangements and service reviews.
- To act as spokesperson for the authority (in consultation with the Leader of other political groups and the Chief Executive as is appropriate).
- To ensure the work of the Council is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions set out in legislation.
- To facilitate good communication so that people within and outside the authority are able to contribute constructively to the decision making processes of the Council.
- To work closely with the political majority group to ensure the smooth running of the Group and the personal development of its Members.
- To maintain effective liaison with the Chair of the Overview and Scrutiny Committee.

- To work with other Leaders in the sub-region to maximise benefits and opportunities to Leicestershire.

## **Competencies**

### **Community Leadership**

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community.

### **Scrutiny and Challenge**

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the requirement to respond to Scrutiny

### **Communication Skills**

- Ability to facilitate effective communication within and across the Council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

### **Working in Partnership**

#### Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed knowledge of the role of local partners and the services they deliver

### **Political Understanding**

- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Overview and Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

### **Providing Vision**

#### Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

### **Excellence in Leadership**

- Strong commitment to delivering excellent public services
- Skills
- Advanced Leadership Skills
- Ability to develop a vision for Oadby and Wigston and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council and its committees having regard to the terms of reference and the key challenges facing the Council

### **Knowledge**

- A detailed understanding of the strategic role of the leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

### **Deputy Leader of the Council**

This role profile is to be read in conjunction with the role profile for the Leader of the Council. It identifies responsibilities specific to the role of Deputy Leader.

### **Role and Responsibilities**

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority specifically set out in the profile for the former.
- To work with the Leader of the Council on the budget and policy development
- To take the appropriate developmental steps to be equipped with the knowledge and skills to carry out the role of the Leader when called upon

- To deputise for the Leader in his or her absence and undertake the above mentioned duties set out in the role profile for the Leader of the Council.

## **Skills**

As it is expected that the Deputy Leader is able to deputise for the Leader, the additional skills and knowledge set out for the Leader are copied here as they are also required of the Deputy Leader.

## **Competencies**

### **Community Leadership**

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community.

### **Scrutiny and Challenge**

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the requirement to respond to Scrutiny

### **Communication Skills**

- Ability to facilitate effective communication within and across the Council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

### **Working in Partnership**

#### Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

### **Political Understanding**

- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Overview and Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

## **Providing Vision**

### Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

## **Excellence in Leadership**

- Strong commitment to delivering excellent public services

### Skills

- Advanced Leadership Skills
- Ability to develop a vision for Oadby and Wigston and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council and its committees having regard to the terms of reference and the key challenges facing the Council

### Knowledge

- A detailed understanding of the strategic role of the leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

## **Leader of an Opposition Group**

### **Role and Responsibilities**

- To lead an Opposition Group within the Council
- To manage the work of Members within that Group
- To manage the overall co-ordination of opposition spokespersons and the business of the Group
- To scrutinise the Leader of the Council and its Committees in their duties.

- To act as the principal spokesperson for an Opposition Group of which he/she is leader and as a representative of the authority to external bodies and organisations as appropriate.
- To comment, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
- To establish and represent the views of the Group on issues of policy and priority.
- To develop opposition Group policies that are credible and could be implemented by the Council
- To champion member development, to ensure the smooth running of the Group and the personal development of its Members.
- To advise the Leader of the Council of the Group's position on issues relating to external relationships.
- To represent the Group on relevant formal and informal working groups
- To maintain effective liaison with the Scrutiny Chair, where appropriate act as ambassador for the Council
- To participate in the development of corporate strategies and policies e.g. community strategy, corporate improvement plan

## **Competencies**

### **Community Leadership**

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

### **Scrutiny and Challenge**

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge and how to provide effective Scrutiny
- Ability to hold the ruling group to account

### **Communications Skills**

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills

- Advanced public speaking skills
- Ability to facilitate effective communication within and across the Council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

## **Working in Partnership**

### Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

## **Political Understanding**

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

## **Providing Vision**

### Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members
- Research skills and policy development

## **Excellence in Leadership**

### Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

### Knowledge

- Understanding of the roles of the Leader of the Council, Committee Chairs and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group
- Understanding of the principles and importance of making rational decisions

## **Chair of Development Control Committee**

### **Role and Responsibilities**

- To chair the Development Control Committee in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to development control procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.

### **Competencies**

#### **Regulating and Monitoring**

- Ability to represent the Development Control Committee to Members, the community and the media
- Prioritising and managing the work of the Development Control Committee including agenda planning
- Ability to plan and prioritise the business of the Development Control Committee having regard to its terms of reference and key challenges facing the Development Control Committee
- An in-depth understanding of development control issues and protocol relating to planning procedures and the Development Control Committee
- Understanding of the role of Ward Councillors in the planning process and how to handle conflicts of interest between being a Ward Member and a member of the Development Control Committee
- Understanding the role of the Development Control Officers

#### **Working in Partnerships**

- Relationship building particularly with senior officers involved in the planning function, Leaders, and Service Committee Chairs.

## **Communication Skills**

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Development Control Committee
- Intermediate presentations skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Planning function is positively represented
- Advanced chairing skills

N.B. No Member can sit on the Development Control Committee without having had appropriate training.

## **Chair of Licensing/Regulatory Committee**

This role profile is also relevant for the Chair of a Regulatory Committee (Licensing and Regulatory) where the majority of current activity takes place.

## **Role and Responsibilities**

- To chair the Licensing/Regulatory Committee in accordance with its terms of reference.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To represent the Committee's decisions in appeals to the Magistrates and higher Courts.
- To be aware of legislation and ongoing local and national developments on licensing matters and their implications.
- To be the elected member spokesperson in regular scheduled meetings with the taxi vehicle trade and with other interested parties so that the Council maintains relationships and can have positive dialogue on licensing issues.

## **Competencies**

### **Regulating and Monitoring**

- Ability to represent the Licensing Committee to the community and the media
- Ability to plan and prioritise the business of the licensing and regulatory committees having regard to its terms of reference and key challenges facing the licensing and regulatory functions
- Knowledge and understanding of relevant legislation and local/national developments on licensing and regulatory matters – and their implications

### **Working in Partnership**

- Relationship building particularly with senior officers involved in the licensing and regulatory functions, Leaders and Service Committee Chairs.

### **Communication Skills**

- Advanced listening and questioning skills.
- Advanced chairing skills, including the ability to manage conflict
- Communication skills – particularly with Members and Officers involved with the Licensing/Regulatory Committee
- Effective presentations skills
- Effective public speaking skills
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Licensing and Regulatory function is positively represented

N.B. No Member can sit on a Licensing/Regulatory Committee without having had appropriate training.

### **Chair of the Appeals Panel**

#### **Role and Responsibilities**

- To chair meetings of the Panel in accordance with the relevant terms of reference.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Panel
- To deal with and decide upon all appeals as follows:
  - Staffing appeals relating to grading, grievance dismissal, disciplinary matters and sickness termination
  - Appeals from applicants on the Housing Register

#### **Competencies**

#### **Regulating and Monitoring**

- Ability to plan and prioritise the business of the Appeals Panel having regard to its terms of reference

- Obtaining and weighing up evidence to reach conclusions and make recommendations based on that evidence
- In-depth understanding of the Appeals process
- In-depth knowledge of grading issues and grievance and disciplinary procedures

### **Communication Skills**

- Relationship building particularly with senior officers supporting/advising on the appeals processes of the Council, Leaders, Committee Chairs and Panel Members.
- Advanced chairing skills
- Advanced listening and questioning skills
- Communication skills – particularly with Members and Officers involved with the Appeals Panel
- Effective presentation skills
- Effective public speaking skills

N.B. No Member can sit on an Appeals Panel without having had appropriate training.

### **Deputy Leader of an Opposition Group**

This role profile is to be read in conjunction with the role profile for Leader of an Opposition Group.

#### **Role and Responsibilities**

- To undertake the development required to ensure the Member is equipped with the knowledge and skills required to carry out the role of the Group Leader when called upon.
- To assist the Group Leader to manage the work of Members within the Group
- To work with the Group Leader on the budget and policy development for the Group
- To deputise for the Group Leader in his or her absence and undertake the duties set out in the role profile for Leader of an Opposition Group.
- To support the Group Leader in the initiation of policy.
- To work closely with other members of your political group and Senior Officers where appropriate.
- To hold the ruling group to account at Council meetings.
- To play a proactive role in Overview and Scrutiny to discuss decisions taken or support the policy formulation process.
- Consult interested parties, ward Councillors and citizens as part of the development and review of group policy

- To assist the Group Leader when consulting on, and drawing up the revenue and capital budgets.

## **Competencies**

### **Community Leadership**

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

### **Communication Skills**

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Ability to facilitate effective communication within and across the Council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

### **Working in Partnership**

#### Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

### **Political Understanding**

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. Full Council, Scrutiny, Residents' Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

### **Providing Vision**

#### Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the Authority's Members

- Research skills and policy development

## **Excellence in leadership**

### Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

### Knowledge

- Understanding of the roles of the Leader of the Council, Committee Chairs and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers
- Detailed knowledge of the work of national, regional and sub-regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group.
- Understanding of the principles and importance of making rational decisions

## **Chair of a Policy/Service Committee, Forum or Group**

### **Role and Responsibilities**

- To chair the Committee Forum or Group in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to the Committee's Forum or Group procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee Forum or Group.

## **Competencies**

### **Regulating and Monitoring**

- Ability to represent the Committee, Forum or Group to Members, the community and the media
- Prioritising and managing the work of the Committee, Forum or Group including agenda planning
- Ability to plan and prioritise the business of the Committee having regards to its terms of reference and key challenges facing the Committee, Forum or Group
- An in-depth understanding of the issues and protocols relating to the procedures of the Committee, Forum or Group
- Understanding of the role of Ward Councillors in the Committee process and how to handle conflicts of interest between being a Ward Member and a Member of the Committee
- Understanding the role of relevant Council officers

### **Working in Partnerships**

- Relationship building, particularly with senior officers involved in the Committee function, Leaders and other Committee Chairs.

### **Communication Skills**

- Advanced listening and questioning skills
- Communication skills – particularly with members and Officers involved with the work of the Committee, Forum or Group
- Intermediate presentation skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Committee's, Forum or Group's function is positively represented
- Advanced chairing skills

## **Member Champion**

This role profile identifies the responsibilities, skills and knowledge required of a Member Champion where Member Champions are appointed

### **Role and Responsibilities**

- To promote, challenge and drive improvement on the interest being championed within the Council and to lead and support local initiatives related to the interest.
- To maintain an awareness of all matters connected with the interest.
- To engage and raise awareness with Members in matters related to the interest including attending various meetings.
- To work alongside a nominated member of staff where relevant and to have a minimum quarterly briefing with the nominated officer.
- To be the co-author, with the nominated officer, of a progress and updating report to Council on an annual basis.
- To attend appropriate training and briefing in addition to research and gaining a greater understanding of the subject.
- To be fully briefed in order to attend relevant meetings and to speak authoritatively.
- To be a press spokesperson, with the prior approval of the relevant Committee Chair, on issues relevant to the Champion's interest.
- To raise the profile of the interest in the community.

### **Training needs specific to this Role**

- Interpersonal and communication skills.
- Media relations skills.
- Chairing skills.
- Public speaking skills.

### **The Role and Responsibilities of a Member Champion should not be used to:-**

- Further any Councillor's personal interest, position or view.
- Be used to promote a party political view.
- Undermine the role of the Chair/Vice-Chair of Committee or the Committee itself.
- Undermine the Scrutiny function.

- Commit the Council outside existing policy or finance.
- Work outside of the existing management and political arrangements.

## PROPER OFFICER PROVISIONS

### Proper Officers

- (a) Proper Officer - Certain Officers are designated "Proper Officers" where statute or regulation requires or provides for such an appointment. Proper Officers have specific powers or duties for specified actions. These are set out in detail in Part 7 of the Constitution.
- (b) Unless otherwise provided by law or in this Constitution, each Chief Officer, within his or her respective functions and areas of responsibility set out in Article 12 shall also be the respective 'Proper Officer' in all cases where statute or regulation requires or provides for the Council to appoint a 'Proper Officer' but any Chief Officer may delegate any such responsibility to a suitably experienced senior officer.
- (c) All Proper Officer appointments not already set out in this Constitution, other than general appointment under paragraph (b) above, whether of or delegation by any Chief Officer, shall be recorded by the Chief Executive and that record shall be kept up to date and available for inspection in the same manner as the scheme of delegations of powers.

Section	Description	Proper Officer
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S83(1-4)	Receipt of Declaration of Acceptance of Office.	Chief Executive
S84	The officer to whom a person elected to any office under the Council may give written notice of resignation	Chief Executive
S88(2)	The officer who may convene a meeting of the Council for the election to fill a vacancy	Chief Executive
S89(1)(b)	The officer who may receive notice in writing of a casual vacancy in the office of Councillor from two local government electors.	Chief Executive
S96(1)	Receipt of pecuniary interest	Monitoring Officer
S96(2)	The Officer who shall keep the record of disclosures of interest under Section 94 and of notices under Section 96(1) and Section 19 of the Local Government and Housing Act 1989	Monitoring Officer
S115(2)	The officer who shall receive all money due from every employed officer by the Council	S151 Officer
S146(1)(a)&(b)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status	S151 Officer
S151	The officer responsible for the proper administration of financial affairs	S151 Officer
S191	The officer to whom applications under Section 1 of the Ordnance Survey Act 1842 should be sent	Head of Corporate Resources
S210(6) & (7)	Charities	Chief Executive
S225(1)	Deposit of documents with the Proper Officer and making of notes or endorsements and receipts	Chief Executive or Head of Corporate Resources
S229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council	Head of Corporate Resources
S234	The officer who may authenticate documents	Chief Executive or Director of Services or Head of Corporate Resources

S236(9) & (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Head of Corporate Resources
S238	The officer who shall certify copies of Byelaws as true copies	Chief Executive or in his absence Director of Services or Head of Corporate Resources
S248	The officer who shall keep the roll of Freemen of the Borough	Chief Executive
Sch 12 Para 4(2)(b)	The officer who may sign a summons to Council meetings	Chief Executive
Sch 12 Para 4(3)	The officer who may receive notice from a Member of the address to which a summons to a meeting is to be sent	Chief Executive
Sch 14 Para 25(7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 to 1925 as true copies for production in legal proceedings	Chief Executive
Sch 16 Para 28	Receipt on deposit of List of Protected Buildings	Head of Corporate Resources
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Clerk of the Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Chief Executive
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Head of Central Services of any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions.	Head of Corporate Resources
Sch 29 Para 4(1)(a) &(c)	The officer referred to as the Surveyor in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any	Head of Corporate Resources

Sch 29 Para 4(1)(a) &(c)	instrument made before 26 October 1972 and in any local statutory provisions  The officer referred to as the Public Health Inspector of Sanitary Inspector in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	<b>Head of Regulatory Services</b>
100B(2)	Exclusion from reports open to inspection any parts relating to items during which the meeting is likely not to be open to the public	Chief Executive
100B(7)(C)	The supply to the press of additional material supplied to Members of the Council in connection with items of business to be discussed.	Chief Executive
100C(2)	Preparation of a written summary of those parts of the proceedings of a Committee which disclose exempt information.	Monitoring Officer
100D(1)(a) & (5)(a)	Identification of background papers and compilation of lists of such documents.	The officer responsible for the report (in the case of joint reports, the first named officer)
100F(2)(b)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by Members of the Council.	Monitoring Officer
<b>Local Elections (Principal Areas) Rules 1986</b> All references to the Proper Officer in these rules relate to the Chief Executive.		Chief Executive
<b>Local Government Act 1974</b> S30(5) Publication in newspapers of reports of Local Commissioner		Chief Executive
<b>Local Government (Miscellaneous Provisions) Act 1976</b> S41 and Certification of copies of resolutions, minutes other documents.		Chief Executive

**Note:** Infectious disease legislation for which Melton is the enforcing Authority is coordinated to a large extent by the joint approaches of the Head of Regulatory Services and the Consultant in Health Protection. The Consultant in Health Protection is employed by the Leicestershire Health Authority but appointed to act as a Proper Officer on behalf of Melton Borough Council.

The Head of Regulatory Services and the Consultant in Health Protection are the Proper Officers as follows:-

**Public Health Act 1936**

Section 85 Cleansing of verminous persons and their clothing.

Consultant in Health Protection and Head of Regulatory Services

Politically Restricted Posts

Certain senior posts are required under Section 2(2) of the Local Government and Housing Act 1989, to be included on a list of politically sensitive posts. The post holders are precluded from:

Holding office in a political party, acting as an election agent or canvassing on behalf of a political party or Candidate for election

Speaking in public, giving interviews or publishing any written work with the intention of affecting public support for a political party

A list of politically restricted posts is held within Corporate Resources

