

# Public Document Pack



Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

Dear Councillor

The next meeting of the **CONSTITUTION** will be held at **1.29 pm** on **FRIDAY, 29 OCTOBER 2021** by .

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

## **AGENDA**

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Electronic agendas sent to members of Constitution – .

Contact: Democratic Services on 01200 414408 or [committee.services@ribblevalley.gov.uk](mailto:committee.services@ribblevalley.gov.uk)

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## **The Council's Constitution**

### ***Summary and Explanation***

The Ribble Valley Borough Council has agreed a constitution which 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 12 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 within this document.

### ***What's in the Constitution***

Article 1 of the Constitution commits the Council to provide clear leadership to the community and improve the delivery of services. Articles 2 – 12 explain the rights of citizens and how the key parts of the Council operate. These are:

members of the Council (Article 2)

citizens and the Council (Article 3)

the Council Meetings (Article 4)

chairing the Council (Article 5)

policy and other committees (Article 6)

joint arrangements (Article 7)

officers (Article 8)

decision-making (Article 9)

finance, contracts and legal matters (Article 10)

review and revision of the Constitution (Article 11)

suspension, interpretation and publication of the Constitution (Article 12)

### ***How the Council Operates***

The Council is composed of 40 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 all their constituents.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Accounts and Audit Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints policy committees. The Council operates a public participation scheme under which residents may ask questions or make comments on any matter affecting the borough.

Most day-to-day decisions are made by policy committees. The Council has the following committees: Community Services Committee; Planning & Development Committee; Health & Housing Committee; Economic Development Committee; Personnel Committee; Licensing Committee; Policy and Finance Committee; Accounts and Audit Committee and Parish Councils' Liaison Committee.

Meetings of the Council's committees are open to the public except where personal or confidential matters or other exempt items are being discussed.

The Council resolved pursuant to section 9J of the Local Government Act 2000 that it would not have an overview and scrutiny committee.

### ***The Council's Staff***

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and Members of the Council.

### ***Citizen's Rights***

Citizens 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 process. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

vote at local elections if they are registered;

contact their local Councillor;

obtain a copy of the Constitution;

attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;

petition to request a referendum on mayoral form of executive;

participate in the Council's public participation session;

complain to the Council about the standard of service, action or lack of action by the Council or its staff;

complain to the Local Government 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 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 citizens in its work. For further information on your rights as a citizen, please contact the Head of Legal and Democratic Services on 01200 414418.

## Articles of the Constitution

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

#### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### **1.2 The Constitution**

This Constitution and all its appendices, is the Constitution of the Ribble Valley Borough Council.

#### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision makers to public account;
6. ensure that no one 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; and
8. provide a means of improving the delivery of services to the community.

#### **1.4 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.

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

### **2.1 Composition and Eligibility**

- (a) Composition. The Council will comprise 40 members, otherwise called 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.
- (b) Eligibility. Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

### **2.2 Election and Terms of Councillors**

The regular election of councillors will be held on the first Thursday in May every four years beginning in 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.

### **2.3 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) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
  - (v) be involved in decision-making;
  - (vi) be available to represent the Council on other bodies; and
  - (vii) maintain the highest standards of conduct and ethics.
- (b) Rights and Duties
  - (i) Councillors will have such rights or access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
  - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
  - (iii) For these purposes "confidential" and "exempt" information are defined in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part -5 of this Constitution.

### **2.4 Conduct**

Councillors will at all times observe the Members' code of Conduct and the Protocol on Member/Officer Relations set out in Part 7 of this Constitution.

### **2.5 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 7 of this Constitution.

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

### **3.1 Citizens' Rights**

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part 5 of this constitution:

- (a) Voting and petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) Information. Citizens 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) see reports and background papers and any records of decisions made by the Council; and
  - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) Participation. Citizens have the right to participate at meetings of the Council and its committees in accordance with the Council's scheme of public participation.
- (d) Complaints. Citizens have the right to complain to:
  - (i) the Council itself under its complaints scheme;
  - (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
  - (iii) the Accounts and Audit Committee about a breach of the Councillor's Code of Conduct.

### **3.2 Citizens' Responsibilities**

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

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## **Article 4 – The Council**

### **4.1 Council Meetings**

There are three types of Council meeting:

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

and they will be conducted in accordance with the Council's Standing Orders in Part 4 of this Constitution.

### **4.2 Functions of the Full Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, and the budget.
- (c) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (d) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (e) adopting an allowances scheme under Article 2.5;
- (f) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (g) confirming the appointment of the Head of Paid Service;
- (h) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills; and
- (i) all other matters which by law must be reserved to Council.

### **4.3 Meanings**

- (a) Policy framework. The policy framework includes the following plans and strategies:
  - Corporate Strategy Document;
  - Sustainable Community Strategy;
  - Community Safety Partnership Strategic Assessment and Partnership Plan ;
  - East Lancashire Transport Master Plan;
  - Plans and strategies which together comprise the Local Development Framework;
  - Asset Management Plan and Capital Strategy;
  - Medium Term Financial Strategy;
  - Procurement Strategy;
  - The Housing Strategy Action Plan;
  - Treasury Management and Capital Strategy.

- (b) Budget. 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 decisions' relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

## **Article 5 – Chairing the Council**

### **5.1 Role and Function of the Mayor**

The Mayor and in his/her absence the Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
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 and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who do not sit on policy committees or hold committee chairs are able to hold the members of the policy committees and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

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## **Article 6 – Committees**

### **6.1 Committees**

The Council will appoint the committees set out in Part 3(1) of this Constitution to discharge the functions described in Part 3(1).

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## **Article 7 – Joint Arrangements**

### **7.1 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.

### **7.2 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) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations to committees and the terms of reference of committees in Part 3(1) of this Constitution.

### **7.3 Access to Information**

- (a) The "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in accordance with the provisions of the Local Government Act 1972, as amended, in Part 5 of this Constitution apply.
- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **7.4 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.
- (b) The Decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **7.5 Contracting Out**

The 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, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

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## **Article 8 – Officers**

### **8.1 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) Chief Officers. The Full Council will engage persons for the following posts who will be designated chief officers:

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
Chief Executive	<p>Overall corporate management and operational responsibility including overall management responsibility for all officers.</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Legal and democratic services and environmental health.</p>
Director of Resources	Financial services, human resources and revenues and benefits.
Director of Community Services	Cultural and leisure services, and engineering services.
Director of Economic Development and Planning	Regeneration and housing, and planning services

(c) Head of Paid Service, Monitoring Officer and chief financial officer. The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Director of Resources	Chief Finance Officer

Such posts will have the functions described in Article 8.2 – 8.4 below.

(d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 3(2) of this Constitution.

## **8.2 Functions of the Head of Paid Service**

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## **8.3 Functions of the Monitoring Officer**

- (a) **Maintaining the constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council 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.
- (c) **Supporting the Council's governance arrangements.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Accounts and Audit Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred to them and make reports or recommendations in respect of them to the Accounts and Audit Committee.
- (f) **Proper officer for access to information.** 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.

- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### **8.4 Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### **8.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

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

#### **8.6 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 7 of this Constitution.

#### **8.7 Employment**

Those parts of the Council's Standing Orders included in Part 4 of this Constitution which deal with the appointment of chief officers, appointments and disciplinary action regarding staff, and disciplinary action will be complied with.

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## **Article 9 – Decision Making**

### **9.1 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **9.2 Principles of Decision Making**

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

Before taking any decision the following matters must be taken into account where relevant:

- (i) the facts upon which the decision must be based;
- (ii) any legislative requirements, including the need to secure value for money;
- (iii) the strategies and policies of the Council including any plans, objectives relating to their service or the Council;
- (iv) any relevant national or regional guidance;
- (v) the available options;
- (vi) the financial, staffing and legal implications following advice from the Director of Resources, and the Head of Legal and Democratic Services as appropriate.
- (vii) the views/advice of any appropriate statutory officer;
- (viii) any consultations undertaken, the views of any consultees and any other representations received;
- (ix) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place;
- (x) the need to inform the appropriate Members such as the Chairman or Vice-Chairman of the appropriate committee or the Leader or Deputy Leader or Ward Members;
- (xi) The Council's Constitution, including the Contract Procedure Rules, Standing Orders and Financial Regulations;
- (xii) the need to take account of any human rights issues including the principle of proportionality (i.e. the action taken must be proportionate to the desired outcome).

### **9.3 Decision Making by the Full Council**

Subject to Article 9.5 the Council meeting will follow the Council's Standing Orders as set out in part 4 of this Constitution when considering any matter.

### **9.4 Decision making by Committees and Sub-Committees established by the Council**

Subject to Article 9.5 other Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

### **9.5 Decision Making by Council Bodies Acting as Tribunals**

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

procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **Article 10 – Finance, Contracts and Legal Matters**

### **10.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 6 of this Constitution.

### **10.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 6 of this Constitution.

### **10.3 Legal Proceedings**

The Head of Legal and Democratic 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 Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

### **10.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **10.5 Common Seal**

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

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## **Article 11 – Review and Revision of the Constitution**

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

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.

### **11.2 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. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
3. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

### **11.3 Changes to the Constitution**

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer. Minor changes, of a typographic nature only, may be made by the Monitoring Officer or on his/her direction.

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## **Article 12 – Suspension, Interpretation & Publication of the Constitution**

### **12.1 Suspension of the Constitution**

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole numbers 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.

### **12.2 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.

### **12.3 Publication**

- (a) The Monitoring Officer will provide a printed copy of this Constitution to each member of the authority, if so requested, upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at council offices, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
- (d) The Monitoring Officer will ensure that this Constitution is published on the Council's website – [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

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## 1. PART 1: INTRODUCTION

1. This part of the Ribble Valley Borough Council's ("***the Council***") Constitution deals with delegations from the Council to its committees and subcommittees. Delegations from the Council and its committees to officers of the Council are set out in Part 3(2) of the Council's Constitution.
2. Matters which are reserved to meetings of the full council are set out at **Part 2** of this document. The Local Authorities (Alternative Arrangements) (England) Regulations 2001 provide that certain matters must remain the responsibility of full council. Part 2 of this document takes account of these provisions.
3. Terms of reference of committees are set out at **Part 3** of this document. This part includes:
  - general provisions on delegation to committee;
  - terms of reference for each of the Council's policy committees; and
  - terms of reference for the Council's other committees.
4. **Part 4** of this document contains the Constitution of the Parish Council Liaison Committee.
5. **Part 5** of this document a diagram showing the political structure of the Council and its committees.

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## **PART 2: MATTERS RESERVED TO MEETINGS OF THE FULL COUNCIL**

1. Adopting and changing the Council's constitution.
2. Approving or adopting the following plans and strategies:
  - Corporate Strategy Document;
  - Sustainable Community Strategy;
  - Community Safety Partnership Strategic Assessment and Partnership Plan;
  - Local Development Framework (Local Plans);
  - Treasury Management Strategy.
3. Approving the budget.
4. Agreeing and/or amending the terms of reference for committees and their composition including any joint committees.
5. Appointing the Chairmen and Vice-Chairmen of committees.
6. Approving a scheme of members' allowances.
7. Changing the name of the area, conferring the title of honorary alderman or freedom of the borough.
8. Confirming the appointment of the Head of Paid Service.
9. Reviewing and approving the Pay Policy Statement annually.
10. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
11. All other matters which by law must be reserved to the Council.

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## **PART 3: TERMS OF REFERENCE OF COMMITTEES**

### **1 Powers, duties and functions of Committees**

- 1.1 The powers, duties and functions (Terms of Reference) which are delegated to the specific committees are detailed in this Part.
- 1.2 Except where: (i) the Council directs otherwise; or (ii) section 101 provides otherwise (e.g. in relation to functions under the Licensing Act 2003), the Committee to which a power, duty or function has been delegated may delegate such power, duty or function to a sub-committee or to an officer of the Council.
- 1.3 This scheme of delegation to committees shall be (amended if necessary and) confirmed at the Annual Meeting of the Council and may only be amended at any other time with the consent of the Council following a recommendation by the Policy & Finance Committee.

### **2 General duties and powers of all Committees**

- 2.1 To comply with the standing orders and financial regulations of the Council.
- 2.2 To manage any lands or properties of the Council which are held for the purposes of the committee.
- 2.3 To operate within the budget allocated to the committee by the Council and monitor such budget on a regular basis.

### **3 General duties and powers of all Committees except Policy and Finance Committee**

- 3.1 To comply with any direction of the Policy and Finance Committee on matters of overall policy and priorities and to submit to that committee any proposed action which has major policy implications.

## **1. TERMS OF REFERENCE OF POLICY AND FINANCE COMMITTEE**

- 1 To guide the Council in formulating its policy objectives to provide high quality, affordable and responsive public services that develop the social and economic well being of the Borough whilst safeguarding the rural nature of the area.
- 2 To determine the priorities by which those policy objectives should be achieved and to make recommendations on the allocation and use of resources to achieve them including the production of relevant corporate policy documents and strategies including the Corporate Strategy Document.
- 3 To monitor and evaluate progress made towards achieving the objectives of the Corporate Strategy Document.
- 4 To consider and review the Council's Performance Management Framework including the monitoring and evaluation of performance indicators.
- 5 To take a lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
- 6 To maintain supervision of the Council's organisation to ensure its co-ordination and integration at member and officer level.
- 7 To consider the constitution and powers and duties of committees and to settle any dispute between any of the committees.

- 8 To implement the relevant provisions of the Civil Contingencies Act 2004 which relate to Emergency Planning & Business Continuity.
- 9 To determine policy on elections within the Borough including:
  - the division of the Borough into polling districts; and
  - the alteration of ward boundaries.
- 10 To oversee the administration of elections and registration of electors.
- 11 To consider and co-ordinate the Council's capital and revenue estimates and to make recommendations to the Council on the levy of local taxes.
- 12 To formulate and implement the Council's communication strategy and the use of information technology to improve customer services.
- 13 To approve amendments to standing orders and financial regulations and to ensure compliance with financial regulations.
- 14 To exercise financial management over the affairs of the Council including:
  - the collection, recovery and remission of local taxes;
  - the receipt and payment of money by or to the Council;
  - the taking out of any necessary insurances;
  - the review and monitoring of the Council's treasury policy statement; and
  - the approval of the minutes of the meetings of the Budget Working Group.
- 15 To make recommendations to the Council for any scheme relating to members' allowances and expenses.
- 16 To consider grants and subscriptions to outside bodies and organisations not dealt with by any other committee.
- 17 To oversee the administration of the local land charges service.
- 18 To promote and monitor the Council's role in the Community Safety Partnership.
- 19 To consider any matters relating to the Mayoralty, civic functions and civic ceremonial.
- 20 To oversee the administration of any charities for which the Council is responsible.
- 21 To oversee the administration of the housing benefit and council tax benefit and local council tax support schemes.
- 22 To manage any land and property owned by the Council and not specifically held for the purposes of another committee.
- 23 To consider corporate matters relating to the Equality Standard for Local Government.
- 24 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 25 To consider and approve the Council's Complaints procedure.

- 26 To make recommendations to the Council in relation to the Code of Conduct and governance arrangements.
- 27 To exercise all powers, duties and functions of the Council except those which are delegated to any other committee or which by law are required to be exercised by the Council itself.

## **2. TERMS OF REFERENCE OF COMMUNITY COMMITTEE**

- 1 To formulate, implement and monitor the Council's strategies for:
  - recycling;
  - waste collection & disposal;
  - street and amenity cleansing; and
  - the provision and maintenance of the Council's public conveniences and bus shelters.
2. To carry out the Council's responsibilities for sewers and drains.
3. To carry out the Council's responsibilities for contaminated land, land drainage, water courses and flood risk management.
- 4 To carry out the Council's powers in relation to general engineering matters including reclamation works, common land and the provision of street name signs.
5. To carry out the Council's advisory service on day-to-day highways matters including any road safety issues relating to the Lancashire County Council as the highway authority.
6. To consider any matters relating to footpaths and bridleways and other works in designated areas of the Borough.
- 7 To manage and regulate off-street car parking in the Borough.
- 8 To manage the Depot and Waste Transfer facilities at Salthill Road, Clitheroe.
- 9 To encourage the development of cultural, sporting, recreation and leisure activities throughout the borough.
- 10 To arrange for the management and maintenance of the Castle Museum and the heritage of the borough.
- 11 To control and manage parks, gardens, open spaces, playing fields, playgrounds and other sports facilities and caravan sites controlled by the Council.
- 12 To manage Ribblesdale Pool, the Platform Gallery and the Council's use of sports facilities.
- 13 To design, locate, provide, manage and maintain countryside recreation facilities throughout the Borough.
- 14 To determine and implement the Council's policies towards the granting of financial assistance for recreational, cultural, artistic and sporting purposes.  
[NB for the avoidance of doubt, applications for the provision of Christmas lights will be dealt with by this committee].
- 15 To oversee the management of the Visitor Information Services.
- 16 To manage and maintain the Council's CCTV system.
- 17 To promote healthy lifestyles and to work with partner agencies to improve the health of people in the Ribble Valley.
- 18 To oversee the Council's involvement in Children's Trust arrangements.



- 19 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups considers relevant to their work.
- 20 To evaluate and monitor performance information and approve annual targets.

## **TERMS OF REFERENCE OF PLANNING & DEVELOPMENT COMMITTEE**

- 1 To consider applications for planning permission, consent under the Town and Country Planning (Control of Advertisements) Regulations, Certificates of Lawful Development, Certificates of Appropriate Alternative Development, listed building consent and other relevant applications for the use of land and buildings not more properly dealt with by other committees.
- 2 To enforce planning controls and matters concerned with the control of development.
- 3 To consider development management policies.
- 4 To consider matters relating to the countryside, bio diversification and the protection of all sites of natural history value.
- 5 To consider matters relating to conservation areas, tree preservation and high hedges.
- 6 To consider matters relating to the revocation or modification of planning permission.
- 7 To consider matters regulated by the Building Act 1984 and the Building Regulations.
- 8 To carry out the duties and powers of the Council relating to ruinous, dilapidated and dangerous buildings.
- 9 To consider matters relating to the provision of public transport in the Borough and its links with public transport generally.
- 10 To formulate the relevant parts of the Local Development Framework (Local Plans).
- 11 To carry out Council functions relating to Public Footpaths under Planning legislation.
- 12 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 13 To evaluate and monitor performance information and approve annual targets.

### **3. TERMS OF REFERENCE OF HEALTH AND HOUSING COMMITTEE**

- 1 To carry out the duties and powers of the Council under the Housing Acts and in particular, implement and monitor appropriate Housing Strategies.
- 2 To consider the housing conditions of the Borough including the inspection of dwellings to secure satisfactory standards and improvement of housing.
- 3 To consider the housing needs of the Borough including the provision of suitable housing throughout the Borough by working with Registered Social Landlords and private developers.
- 4 To consider any action necessary to secure the improvement or demolition of unsatisfactory dwellings.
- 5 To carry out the Council's duties relating to homelessness.
- 6 To carry out the Council's duties and powers in relation to disabled facilities grants, minor works grants, house renovation grants and the improvement of residential areas.
- 7 To provide a housing advisory service.
- 8 To monitor the housing benefit service.
- 9 To promote the conservation of home energy.
- 10 To monitor the performance of Ribble Valley Homes and other Registered Social Landlords.
- 11 To continue to bring back into use empty properties throughout the Borough.
- 12 To consider matters affecting the environmental health of the community within the Borough and the development of the Council's environmental health services, and in particular:
  - the control of infectious, diseases and food poisoning, personal health services and social services including liaison with the Primary Care Trusts;
  - duties under the Public Health Acts, Food Safety Act, Clean Air Acts, Noise Act, Building Act, Clean Neighbourhoods and Environment Act, Environmental Protection Act, Caravan Sites & Control of Development Acts, Health & Safety At Work Act, Shops Acts and related legislation;
  - licensing and registration of persons and premises which affect public health;
  - duties and powers relating to the control of dogs;
  - duties and powers relating to pest control;
  - the promotion of health education; and
  - private water supplies.
- 13 To carry out the Council's duties and powers with regard to:
  - managing Clitheroe Market; and
  - managing Clitheroe Cemetery and closed church yards.
- 14 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 15 To evaluate and monitor performance information and approve annual targets.

#### **4. TERMS OF REFERENCE OF ECONOMIC DEVELOPMENT COMMITTEE**

- 1 To lead, consider and propose matters concerning the promotion of economic development throughout the Borough and the interface with countywide or regional economic development initiatives.
- 2 To formulate and implement the Council's regeneration and economic development plans.
- 3 To promote and encourage enterprise and investment in the Borough in order to maintain and sustain the economic wellbeing and regeneration of the area.
- 4 To develop a climate where businesses and individuals can innovate, compete and contribute to the economic development and regeneration of the area; and excellence in local business.
- 5 To encourage the growth of existing businesses in the Borough and access to the skills and training necessary to support them.
- 6 To consult with the representative organisations of business and employees, trade associations, residents and other interested parties.
- 7 To maintain a special interest in promoting employment in the Borough.
- 8 To promote and encourage tourism.

## **5. TERMS OF REFERENCE OF PERSONNEL COMMITTEE**

- 1 To consider matters relating to staffing levels, the terms and conditions of employment of all staff and all related matters.
- 2 To consider the Council's recruitment and training policies, including member development.
- 3 To promote good employment relations with all staff.
- 4 To consider matters concerning the health, safety and welfare of all staff.
- 5 To consider matters affecting the efficient use of the Council's staff resources and to make recommendations to the Policy and Finance Committee.
- 6 To be the local appeals committee under the National Scheme of Conditions of Service.
- 7 To consider matters relating to superannuation, pensions and gratuities.
- 8 To consider staffing issues relating to the Equality Framework for Local Government.
- 9 To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
- 10 To evaluate and monitor performance information and approve annual targets.

## **6. TERMS OF REFERENCE OF LICENSING COMMITTEE**

- 1 To discharge all of the Council's functions under the Licensing Act 2003 except for the function of the determination and publication of the Statement of Licensing Policy.
- 2 To discharge any function of the Council which is related to the Council's functions under the Licensing Act 2003 subject to the provisions of section 7 of the Licensing Act 2003.
- 3 To discharge any function of the Council which is related to the Council's functions under the Gambling Act 2005.
- 4 To carry out the Council's duties and powers relating to the licensing of taxis and private hire vehicles.
5. To carry out the Council's duties and powers relating to the licensing of Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
6. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
7. To formulate policies relating to the powers and duties of the Licensing committee save as set out at 1.
8. To carry out any function, duty or power of the Council relating to the Scrap Metal Dealers Act 2013.

## **7. TERMS OF REFERENCE OF ACCOUNTS AND AUDIT COMMITTEE**

1. To review all matters relating to Internal and External Audit. The Committee will have the right of access to all information it considers necessary and can consult directly with Internal and External Auditors.
2. To monitor arrangements for discharging the Council's responsibilities for efficient and effective financial and operational resource management. In pursuing this aim, it will consider:
  - the soundness, adequacy and application of controls;
  - compliance with policies, procedures and statutory requirements;
  - arrangements for safeguarding the Council's assets and interests;
  - the integrity and reliability of management information and financial records;
  - the economic, efficient and effective use of resources.
3. To approve the annual Statement of Accounts and receive the External Auditor's Annual Governance Report.
4. To approve the Annual Audit Plan of the External Auditor.
5. To monitor the External Auditor's progress with the Annual Audit Plan.
6. To approve the Annual Internal Audit Plan.
7. To monitor Internal Audit progress with the Annual Audit Plan, evaluating the effectiveness of Internal Audit and the use of Audit resources and where necessary recommending adjustments to the Internal Audit Plan.
8. To review and comment upon liaison arrangements between Internal and External Audit with a view to optimising the effective deployment of Audit resources.
9. To evaluate the adequacy and effectiveness of the Council's financial and operational policies and procedures including financial and accounting management through discussions with the External Auditors, Internal Auditors, and appropriate officers.
10. To receive and review the findings of both External and Internal audit examinations and to ensure that management takes appropriate action to implement agreed recommendations and to remedy any internal accounting, organisational and operational control weaknesses identified.
11. To receive and comment upon the annual Internal Audit Report and accept the Annual Governance Statement.
12. To annually monitor the effectiveness of the Code of Corporate Governance.
13. To advise and assist the Council on the adoption and revision of the Members' Code of Conduct and monitor the operation of the Members' Code of Conduct.
14. To make arrangements to fulfill the Council's duty to promote and maintain high standards of conduct by Councillors.
15. To make arrangements to determine complaints relating to a breach of the Council's Code of Conduct or any matter which is referred by the monitoring officer.
16. To grant dispensations to Councillors from the requirements relating to interests set out in the Members' Code of Conduct;
17. To make arrangements to ensure Councillors receive training and advice relating to the Members' Code of Conduct;

18. To consider and approve any emergency variations from the Council's Financial Regulations and Contractual Standing Orders.
19. To oversee and then monitor the development and implementation of a comprehensive approach to Risk Management.
20. To review matters of local community concern including partnerships and services provided by 'other' organisations which do not fall within the remit of service committees.
21. To receive reports and other evidence from organisations, individuals and partnerships that the Committee or working groups consider relevant to their work.
22. To evaluate and monitor performance information and approve annual targets.
23. To refer directly to the Council any matters it shall see fit.

The exercise of (14) (15) and (16) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.



## **TERMS OF REFERENCE OF AND PROTOCOL FOR AN EMERGENCY COMMITTEE**

### **Protocol**

#### *Convening a meeting*

1. An Emergency Committee should only be called where its terms of reference apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees.
2. The Chief Executive or a deputy appointed by him/her for these purposes will convene the Emergency Committee when s/he feels that it is appropriate.
3. The committee clerk of the appropriate committee will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to all members of the committee.
4. The agenda will be posted on the Council's website together with any Part I reports.

#### *Composition of Emergency Committee*

5. The emergency committee will comprise of the Leader, the Deputy Leader and the Shadow Leader or their authorised representatives and one other councillor, or such other arrangements as are approved by the Annual Meeting of the Council. Where possible the fourth councillor should be the Chair of the appropriate committee.
6. The Emergency Meeting should be attended by the Corporate Management Team. Other appropriate officers should attend wherever possible.

#### *Decisions taken by the Emergency Committee*

7. The meeting will be minuted by a committee clerk and the minutes will be circulated to all members and placed on the Council's website.
8. The decision made by the Emergency Committee will be reported to the next meeting of the appropriate committee or to full council, as applicable.

### **Terms of Reference of Emergency Committee**

To exercise any of the Council's functions which are necessary:

- in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan; or
- in other cases of urgency between meetings of the Council.

To deal with those decisions that are subject to the Council's Call In Procedure.

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## **PART 4: CONSTITUTION OF THE PARISH COUNCIL LIAISON COMMITTEE**

- 1 The Ribble Valley Borough Council shall be represented by those members that it appoints at the Annual Council Meeting.
- 2 Each Parish Council Meeting may send such representatives as they think fit to meetings of the committee.
- 3 There shall be a chairman and a vice-chairman appointed at the Annual Meeting. The Chairman shall be a parish councillor who is not also a borough councillor. The vice-chairman shall be a borough councillor.
- 4 The Chief Executive of Ribble Valley Borough Council shall be Secretary to the committee.

### ***FUNCTIONS***

- 5 The committee shall have within its purview matters connected with the furthering of the cultural, economic, environmental and physical well-being of the inhabitants of the Borough insofar as those matters are within the competence of the Borough or Parish Councils, or Parish Meetings.
- 6 The functions of the committee shall include the following:
  - to promote good relations between Borough and Parish Councils;
  - to receive information about matters of interest to Parish Councils;
  - to enable Parish Councils to speak with one voice and to make decisions where appropriate on matters of common concern;
  - to question the Borough Council about its policies and raise matters of concern, particularly where these affect more than one Parish Council.

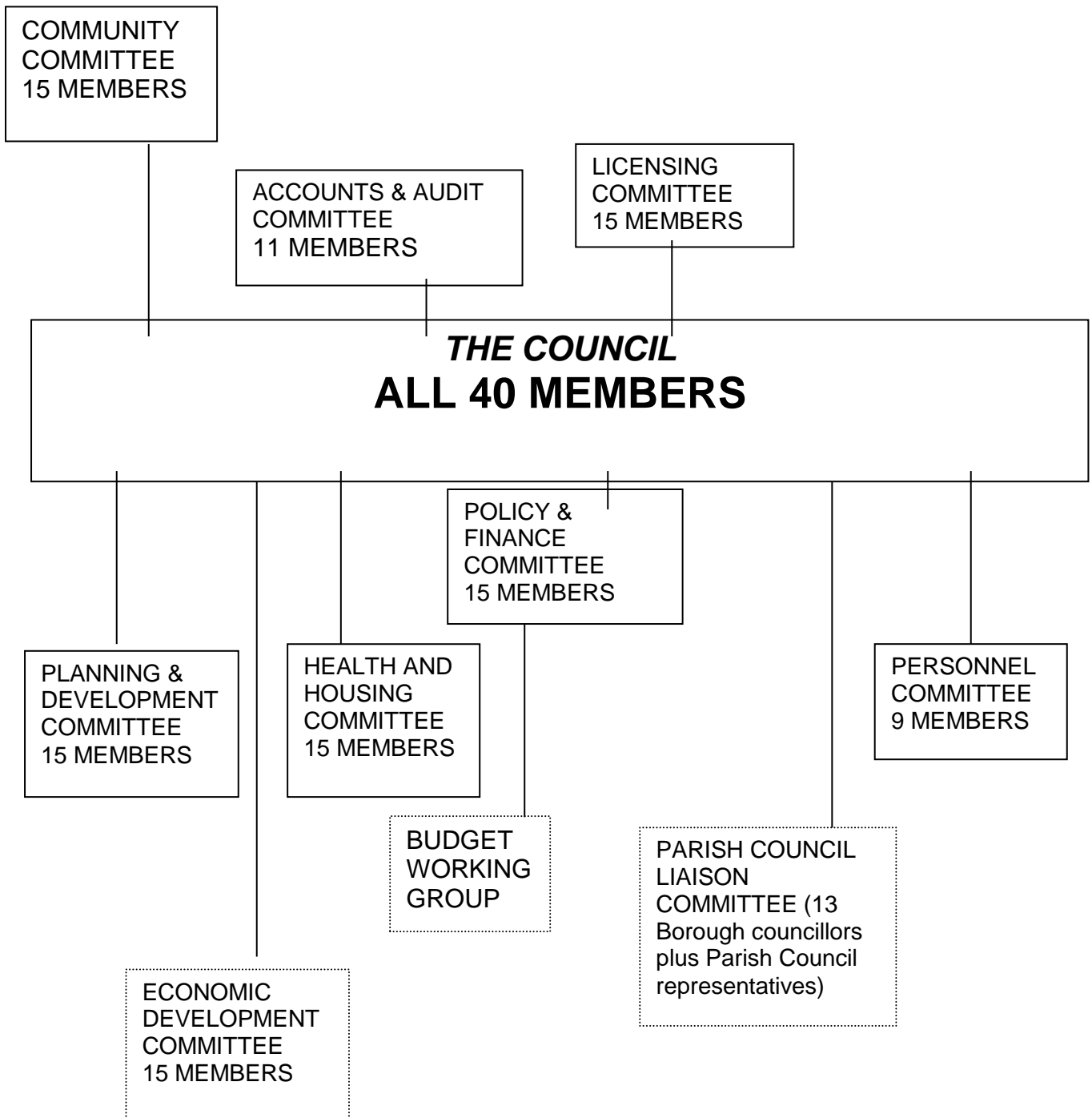
### ***PROCEDURES***

- 7 There shall be an Annual Meeting as soon as may be after the Annual Meeting of the Borough Council, and four other meetings during the year on dates agreed by the committee. On a matter of urgency the chairman or vice-chairman together shall be empowered to call a special meeting or one third of the members of the committee shall also be empowered to call a special meeting.
- 8 The Secretary to the committee shall give seven days notice of meetings and shall enclose an agenda with such notice.
- 9 Notice of items for the agenda must be received by the Secretary not later than 10 days before the meeting.
- 10 A quorum shall consist of no fewer than 4 representatives from the Borough Council and no fewer than 8 voting members from the Parish Councils/Meetings.
- 11 Decisions shall require a simple majority of those present at a meeting with each Borough Council representative having one vote and each Parish Council/Meeting representative having one vote.
- 12 The minutes of each meeting shall be sent out with the agenda for the next meeting of the committee and shall be submitted for confirmation and signature by the chairman at that next meeting.

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## PART 5: POLITICAL STRUCTURE CHART

In accordance with the provisions of the Local Government Act 2000 we have introduced a 'Streamlined Committee System' following public consultation. This was, by far, the most popular option for governance of the borough. The diagram below shows the current committee structure.



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Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**Ribble Valley Borough Council  
General Standing Orders**

**May 2019**

## Part 4 of the Constitution 2019

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## Part 4 of the Constitution 2019

### 1. MEETINGS OF THE COUNCIL

#### Annual Meeting

- 1.1 The Council will hold its Annual Meeting at a place, time and date in May, which it will decide at or before its last meeting prior to the Annual Meeting. In the absence of a decision or statutory provision to the contrary, the date will be the second Tuesday in May, or, in an election year, the second Tuesday after the council elections.

#### Ordinary Meetings

- 1.2 Ordinary Meetings will be held at eight week intervals or such other intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council may determine.

#### Extraordinary Meetings

- 1.3 The Mayor may call an Extraordinary Meeting of the Council at any time. If the Mayor refuses to call an Extraordinary Meeting of the Council after receiving a requisition for that purpose signed by five members of the Council, or if, without so refusing, the Mayor does not call an Extraordinary meeting within seven days after receiving the requisition, then any five members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith call an Extraordinary Meeting of the Council.

(Local Government Act 1972 Schedule 12 para. 3)

#### Notice of Meetings

- 1.4 The Chief Executive shall at least **five clear days** before a meeting:
- 1.4.1 give public notice of the time and place of the meeting by posting it at the offices of the Council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
  - 1.4.2 send to or leave at the usual place of residence of every member of the Council or such other address as the member has requested, a signed summons to attend the meeting, specifying the business proposed to be transacted at the meeting.

*N.B 'Clear Days' has been interpreted as five periods of 24 hours running from midnight to midnight and not including Saturday and Sunday unless the Council Offices are open for the inspection of agenda and reports on those days.*

(Local Government Act 1972 Section 100A, 100B and Schedule 12 para. 4)

### 2. MAYOR AND DEPUTY MAYOR

- 2.1 The Election of the Mayor shall be the first item of business at the Annual Meeting, and shall be followed by the appointment of a Deputy Mayor. In the absence of both the Mayor and Deputy Mayor, those members present will choose one of their number to preside at the meeting, and that person shall have the powers of the Mayor in relation to the conduct of the meeting.

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### 3. APPOINTMENT OF COMMITTEE AND CHAIRMAN

#### Appointment of Chairmen and Vice-Chairmen

- 3.1 The council at its Annual Meeting shall appoint the chairmen and vice-chairmen of all standing committees. If a casual vacancy arises in the office of chairman or vice-chairman of a committee, the council shall appoint a replacement at its next meeting.
- 3.2 In the absence of the chairman of a committee, the vice-chairman shall preside and in the absence of both, the committee from among its members shall appoint a chairman for that particular meeting.

#### Continuance of Committees

- 3.3 The composition and membership of Committees shall be determined at the Annual Meeting of the council and remain in place until the next Annual Meeting. Any alteration to the composition of membership of a committee must be determined by the Council.

### 4. QUORUM

- 4.1 The quorum at a meeting of the Council is twenty members. If the meeting lacks a quorum its business shall be adjourned to a fixed date and time, or to the next Ordinary Meeting.

### 5. ORDER OF BUSINESS

- 5.1 Subject to paragraph 5.2 of this Standing Order, the order of business at every meeting of the Council will be:
- 5.1.1 to choose a person to preside if the Mayor and Deputy Mayor are absent;
  - 5.1.2 to deal with any item required by statute to be done before any other item;
  - 5.1.3 to approve as a correct record and sign the minutes of the last meeting of the Council;
  - 5.1.4 to receive public questions submitted in accordance with Standing Order 6;
  - 5.1.5 Mayor's communications;
  - 5.1.6 to dispose of business (if any) remaining from a previous meeting;
  - 5.1.7 Leader's Report and Question Time;
  - 5.1.8 to receive and consider all other reports, minutes and recommendations of committees in date order of meeting;
  - 5.1.9 to answer questions asked under Standing Order 10;
  - 5.1.10 to consider Motions under Standing Order 9 in the order received; and
  - 5.1.11 other business, if any, specified in the summons.
- 5.2 With the exception of items 5.1.1, 5.1.2, 5.1.3 and 5.1.4, the Mayor may alter the order of business, or by a resolution following a Motion moved, seconded and put to the meeting without debate.

### 6. PUBLIC PARTICIPATION

- 6.1 Public participation in meetings of the Council will be allowed, in accordance with the Council's Protocol for Public Participation at Council and Committee meetings, subject to the following:
- 6.1.1 a question or comment may be refused if they relate to exempt or confidential information within the meaning of the Council's Rules or if in the opinion of the Council's Head of Legal and Democratic Services they contain defamatory material;
  - 6.1.2 only residents of the Ribble Valley may ask questions or make comments.

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- 6.1.3 no person shall speak for more than 3 minutes;
- 6.1.4 a maximum of 15 minutes shall be allocated to public participation. Question(s) and/or comment(s) will be dealt with in the order in which they are received. Any questions not dealt with at the meeting shall be given answers in writing. Answers will not be given to any comments made. The public participation session shall form part of the formal proceedings of Council and shall be recorded in the minutes.
- 6.1.5 Members of the public wishing to ask questions or make comments must give notice in writing to the Chief Executive by not later than noon on the Friday before the Council meeting. The notice must specify the question in sufficient detail to enable a reply to be prepared. The Leader or the Chairman of the appropriate committee will give answers and a copy of the answer in writing will be given to the questioner.
- 6.1.6 Questioners shall have the right to ask one supplementary question when they have received the chairman's reply.
- 6.1.7 A question or comment on the same topic shall not be made at two consecutive meetings of the Council.
- 6.1.8 If the Council elects to, a special annual public meeting shall be held to deal solely with matters raised by electors. The venue will be such place as the Council decides. The same rules as set out in paragraph 6.1.5 of this Standing Order will apply to the written submission of questions at any special annual public meeting.
- 6.1.9 appropriate publicity shall be given to the right of the public to participate in meetings of the Council.

### **7. PETITIONS**

- 7.1 Petitions may be presented to the Council in accordance with the Council's Petition Scheme.
- 7.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:
  - 7.2.1 a specific planning decision (including a development plan document or the community infrastructure levy),
  - 7.2.2 an alcohol, gambling or sex establishment licensing decision;
  - 7.2.3 an individual or entity, which has a right to a review or appeal, conferred by or under any enactment.

### **8. MOTIONS AND AMENDMENTS WITHOUT NOTICE**

- 8.1 A member may move without notice any of the following Motions and amendments:
  - 8.1.1 to appoint a chairman for that meeting or the remainder of the meeting;
  - 8.1.2 motions relating to the accuracy of the minutes;
  - 8.1.3 to vary the order of the agenda;
  - 8.1.4 subject to paragraph 8.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter,

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- 8.1.5 refer a matter back to a committee; and/or
- 8.1.6 that a body be appointed, or a person appointed to a body;
- 8.1.7 to adopt reports and recommendations of committees and/or officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.
- 8.1.8 to give leave to withdraw a Motion;
- 8.1.9 to extend the time limit for speeches;
- 8.1.10 to make an amendment to a Motion;
- 8.1.11 to move on to the next item on the agenda;
- 8.1.12 to put the question immediately to the vote;
- 8.1.13 to adjourn the debate;
- 8.1.14 to adjourn the meeting;
- 8.1.15 to suspend one or more Standing Orders;
- 8.1.16 to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972;
- 8.1.17 under Standing Order 13.30 not to hear a member further.
- 8.1.18 under Standing Order 13.31 by the chairman to require a member to leave the meeting; and/or
- 8.1.19 to give any consent required by these Standing Orders.

### 9. NOTICES OF MOTION

- 9.1 A Notice of Motion not listed in Standing Order 8 must be given in writing to the Chief Executive **AT LEAST 7 CLEAR DAYS** (as defined above) before the relevant meeting, and be signed by the member(s) giving the notice. An email to the Chief Executive will be accepted as giving notice.
- 9.2 The Chief Executive shall set out in the summons for the Council meeting all Motions which comply with the requirements of paragraph 9.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 9.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 9.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless the Mayor agrees its postponement.
- 9.5 Any Motion which falls within the terms of reference of a committee(s) may:
  - 9.5.1 be referred without discussion to such committee(s);
  - 9.5.2 be referred without discussion to such other committee(s) as the Council may decide; or

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9.5.3 be dealt with at the meeting at which it is moved if the Mayor considers it is appropriate and convenient to do so.

9.6 If a Motion is referred in accordance with Standing Order 9.5 the Chief Executive must notify the relevant member:

9.6.1 of the meeting(s) of the committee(s) to which it has been referred;

9.6.2 that they have the right to attend the meeting(s); and

9.6.3 that they may explain the Motion at any such meeting(s).

### 10. QUESTIONS AT COUNCIL MEETINGS

10.1 A member may ask the Mayor or the chairman of any committee any question on any matter which relates to a power or duty of the Council or which affects the borough.

10.2 A question must either:

10.2.1 be received by the Chief Executive by noon on the Friday before the meeting;  
or

10.2.2 relate to urgent business, have the agreement of the Mayor to the question being put and, where possible, a copy of the question will be given to the Chief Executive before 10.00am on the day of the meeting.

10.3 The question shall be put and answered without discussion, but the person to whom the question is addressed may decline to answer. Where the question has been submitted in writing in advance of the meeting, the questioner shall have the right to ask one supplementary question, or to make a relevant comment, when they have received the Chairman's reply.

10.4 The answer to a member's question may be given: orally and directly; by reference to published material of the Council provided it is readily available to members; or in writing circulated to all members.

10.5 There shall be no question on the same topic at two consecutive meetings of the Council.

### 11. LEADER'S REPORT AND QUESTION TIME

11.1 The Leader of the Council will present a report on the ongoing work of the Council and on any topical issues relating thereto. Notwithstanding the provisions of Standing Order 13.11, the Leader in presenting his report may speak for up to ten minutes.

11.2 At the conclusion of the Leader's report, the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition may ask up to three questions of the Leader, provided that notice of these has been received in writing by the Chief Executive by not later than noon on the day before the Council meeting. The questions shall relate to the general work of the Council. There will be no requirement for any answers to be in writing and the leader of the opposition shall be entitled to ask one supplementary question or make one comment in relation to each answer given by the Leader.

11.3 When any questions from the Leader of the Opposition or in his absence, the Deputy Leader of the Opposition have been answered by the Leader, Councillors may ask a question of the Leader on matters relating to the general work of the Council, which do not fall within the remit of a committee.

11.4 Only residents of the Ribble Valley may ask questions of the Leader.

11.5 Subject to paragraph 11.2 of this Standing Order, Councillors wishing to ask questions must give notice in writing to the Chief Executive by not later than noon on the Friday before the council meeting. The notice must specify the nature of the question in

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sufficient detail to enable a reply to be prepared. A copy of the Leader's answer in writing will be given to the questioner.

- 11.6 Councillor's shall have the right to ask one supplementary question when they have received the Leader's reply.
- 11.7 There shall be no question on the same topic at two consecutive meetings of the Council.

### **12. MINUTES OF COUNCIL MEETINGS**

- 12.1 The Mayor will move that the minutes be approved as a correct record.
- 12.2 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Mayor will sign the minutes subject to any amendment set out in any Motion approved by the Council.
- 12.3 Minutes shall be submitted to and signed at the next meeting of the Council unless that meeting is an Extraordinary Meeting.

### **13. RULES OF DEBATE FOR COUNCIL MEETINGS**

#### **Respect for Mayor**

- 13.1 When the Mayor rises during a debate, any member standing must immediately stop speaking and sit down and the Council must be silent.

#### **Standing when Speaking**

- 13.2 A member, when speaking, must stand and address the Mayor.

#### **Mayor to decide order of speaking**

- 13.3 If two or more members rise or indicate their wish to speak, the Mayor will call on one to speak and the other (or others) must then sit.

#### **Only one Member to Stand**

- 13.4 While a member is speaking, all other members must remain seated and silent UNLESS rising to indicate that they wish to make a point of order or to provide personal explanation.

#### **Motion for reception of Minutes – Procedure**

- 13.5 A Motion for the reception of the minutes of a committee, sub-committee or joint Committee (save for any minute marked with \*\*\*):
- 13.5.1 must be proposed and seconded before it is discussed;
  - 13.5.2 must not include any amendment of those minutes; but
  - 13.5.3 may provide for a particular minute to be withdrawn for further consideration by the appropriate committee; and upon being seconded, that particular minute will be withdrawn subject to the agreement of the Council.
- 13.6 When a Motion to receive the minutes of a committee has been seconded, the Mayor will invite questions or comments upon such minutes. Any member may ask a question or



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make a comment on any minute before the Council, provided that he or she does not speak for more than five minutes in total on the minutes of a particular committee.

- 13.7 Any minute with \*\*\* must be considered by a separate motion following the procedure set out in paragraphs 13.5 and 13.6 above.

### Questions/Comments on Minutes

- 13.8 The chairman of the committee or other member moving the reception of the committee minutes will respond to any questions/comments relating to those minutes. Questions on a particular minute will not be answered until they have all been asked. The chairman or other member moving the reception of the committee minutes may decline to respond unless written notice has been given to the Chief Executive by noon on the Friday before the meeting. Where a question has been submitted in writing in advance of the meeting the questioner shall have the right to ask one supplementary question when they have received the chairman's response.

### Content of Amendment

- 13.9 An amendment must relate to the Motion and either:
- 13.9.1 refer a matter to a committee, or refer back to the appropriate committee a matter recommended to the Council;
  - 13.9.2 leave out words;
  - 13.9.3 add or insert words; or
  - 13.9.4 leave out words and add or insert words.

### Content of Speech

- 13.10 A member's speech must be directed solely to the matter under discussion.

### Length of Speech

- 13.11 A member may not speak for more than five minutes, except by consent of the Council.

### When a member may speak again on a Motion

- 13.12 A member who has spoken on any Motion (and for this purpose each separate minute of a particular committee, sub-committee or joint committee, or any group of minutes being taken together will be regarded as a separate Motion) must not speak again until the debate on the Motion has finished EXCEPT:
- 13.12.1 to speak once on an amendment moved by another member;
  - 13.12.2 if the Motion has been amended since the member last spoke, to move a further amendment;
  - 13.12.3 if the member's first speech was on an amendment moved by another member, to speak on the main issue, whether or not that amendment was carried;

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- 13.12.4 in exercise of a right of reply given by paragraphs 13.26 or 13.27 of this Standing Order;
- 13.12.5 on a point of order or by way of personal explanation (in accordance with paragraph 13.28 and 13.29 of this Standing Order);
- 13.12.6 to move or speak on a procedural Motion set out in sub-paragraph 13.19.2, 13.19.7 or 13.19.8 of paragraph 13.19 of this Standing Order.

### **Debate on Amendment**

- 13.13 Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 13.14 The Mayor may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Council's business BUT each amendment must be voted upon separately.
- 13.15 If an amendment is lost a further, different, amendment may be moved.
- 13.16 The Mayor should read the entire Motion as amended prior to a vote being taken.
- 13.17 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

### **Seconding of Motions and Amendments**

- 13.18 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

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

- 13.19 When a Motion is being debated, the only other Motions that may be moved (either singly or combined) are:
  - 13.19.1 to amend the Motion;
  - 13.19.2 to adjourn the meeting;
  - 13.19.3 to adjourn the debate;
  - 13.19.4 to move on to the next business;
  - 13.19.5 to put the question immediately to the vote;
  - 13.19.6 not to hear a member further;
  - 13.19.7 by the Mayor to require a member to leave the meeting;
  - 13.19.8 to exclude the public from the meeting under section 100A(4) of the Local Government Act 1972 ;
  - 13.19.9 to suspend one or more Standing Orders;
  - 13.19.10 to extend the time limit for speeches;
  - 13.19.11 to give any consent required by these Standing Orders.

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### Closure Motions

- 13.20 At the conclusion of a speech of another member, a member may move without comment that:
- 13.20.1 the debate be adjourned;
  - 13.20.2 the meeting be adjourned;
  - 13.20.3 the Council proceed to the next business; or
  - 13.20.4 the question be put.
- 13.21 If the Motion is seconded the Mayor shall proceed as follows, if in his opinion the question before the meeting has been sufficiently discussed:
- 13.21.1 in the case of a Motion under 13.20.1, 13.20.2 or 13.20.3, invite the mover of the original Motion to reply and then put the closure Motion to the vote; or
  - 13.21.2 in the case of a Motion under 13.20.4, put the closure Motion to the vote.
- 13.22 If the Motion is carried, the question before the meeting shall (subject to the rights of speech or reply) be put to the vote or be deemed to be disposed of or the meeting or debate shall stand adjourned as the case may be.

### Amendment of Motion by Proposer

- 13.23 The proposer of a Motion may with the consent of the Council:
- 13.23.1 alter a Motion of which the proposer has given notice; or
  - 13.23.2 with the further consent of the seconder alter a Motion, which the proposer has moved if (in either case) the alteration is one, which could be made as an amendment to the Motion.

### Withdrawal of Motion by Proposer

- 13.24 A Motion or amendment may be withdrawn by the proposer with the consent of the seconder and of the council.
- 13.25 No member may speak on a Motion or amendment after the proposer has asked to withdraw it **UNLESS** permission has been refused.

### Right of Reply – Proposer of Motion Only

- 13.26 The proposer of a Motion has the right to reply at the close of the debate on the Motion immediately before it is put to the vote.
- 13.27 At the close of a debate on an amendment:
- 13.27.1 the proposer of the original Motion has the right to reply; and
  - 13.27.2 the proposer of the amendment has the right to reply, such right to be exercised immediately before the proposer of the original motion replies.

### Explanation and Points of Order

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- 13.28 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.
- 13.29 A point of order is a request by a member to the Mayor to rule on an alleged irregularity in the constitution of, or procedure in the meeting.
- 13.30 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the Mayor on the matter; but:
- 13.30.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 13.30.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 13.30.3 the ruling of the Mayor on an explanation or point of order is not open to discussion and is final.

### **Disorderly Conduct**

- 13.31 If the Mayor considers a member's conduct disorderly and so states to the Council, then the Mayor or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Mayor, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 13.32 If the member's disorderly conduct continues after the Motion has been carried, the Mayor shall:

#### **EITHER**

- 13.32.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion

#### **OR**

- 13.32.2 adjourn the meeting of the council to an appropriate time.

- 13.33 The Mayor may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to the meeting.

### **Voting**

- 13.34 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 13.38 – 13.39 of the Standing Order, Members shall vote by a show of hands unless before the Mayor begins to take the vote a member requests that a recorded vote is taken, and that request is supported by six other Members (who will show their support by raising their hands).
- 13.35 Where a recorded vote takes place pursuant to paragraph 13.34 of this Standing Order, the minutes must record each Members vote for, against or abstaining.
- 13.36 In the event that a recorded vote takes place,:
- 13.36.1 the Head of Legal and Democratic Services or Chief Executive will call the name of each member;
  - 13.36.2 the member will respond, for or against the Motion or abstaining; and

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13.36.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response in the minute.

13.37 In the case of an equality of votes the Mayor or the person presiding shall have a second or casting vote.

(Local Government Act 1972 Schedule 12 para.39.)

### **Voting in Budget Decision Meetings**

13.38 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

13.39 The votes shall be recorded as set out in paragraph 13.36 of this Standing Order.

### **14. DISTURBANCE BY MEMBERS OF THE PUBLIC**

14.1 If a member of the public interrupts the proceedings at any meeting the Mayor will issue a warning and if the interruption continues the Mayor shall order the removal of that person from the premises where the meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Mayor shall order that part to be cleared.

### **15. TIME LIMIT ON MEETINGS**

15.1 All meetings must end at or before 3 hours after the time at which the meeting commenced. The council or a committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

### **16. MOTIONS AFFECTING EMPLOYEES**

16.1 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, the Council must not discuss it until it has considered whether to exclude the public under section 100A(4) of the Local Government Act 1972 as amended.

### **17. MOTIONS NOT TO BE REVIVED**

17.1 No member may move a Motion or amendment, which would have the same effect as one, which has been rejected within the previous six months unless notice has been given as required by Standing Order 9 and such notice is signed by at least nine other members.

### **18. VOTING ON APPOINTMENTS**

18.1 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

### **19. RECORD OF ATTENDANCES**

19.1 The names of the members present at a meeting of the council or any of its committees shall be recorded by the Chief Executive in an attendance book provided for that purpose.

### **20. FILMING OR RECORDING MEETINGS**

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20. The filming, photographing or audio recordings or use of social media at Council meetings is permitted subject to the provisions set out in the Council's Protocol for filming and recording meetings.

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### 21. MEETINGS OF COMMITTEES

- 21.1 Meetings of Committees will be held at such intervals as the Council shall, at its Annual Meeting, determine and at such place and time as the Council shall determine.

#### Sub-Committees/Working Groups

- 21.2 At the first meeting of each Committee within each municipal year, or as required during the course of the year to give effect to Council business, each Committee shall establish such sub-committees and/or working groups as it deems necessary. The Committee shall determine the terms of reference of the sub-committee/working group and its membership from its own members..
- 21.3 The membership of any Sub-Committee shall be subject to the principles of political balance, but this will not apply to working groups.
- 21.4 Sub-Committees shall have the power to make decisions, but working groups may only consider an issue and then refer the matter back to Committee for a decision to be made.

#### Notice of Committee Meetings

- 21.5 The Chief Executive shall at least **five clear days** before a meeting:
- 21.5.1 give the public notice of the time and place of the meeting by posting it at the offices of the council and placing it on the Council website or if the meeting is convened on shorter notice, then at the time it is convened;
- 21.5.2 send or leave at the usual place of residence of every member of the Council or such other address as the member has requested, a signed summons to attend the meeting, specifying the business proposed to be transacted at the meeting.

N.B Clear days shall have the meaning set out above.

#### Quorum

- 21.6 The quorum at meetings of committees shall be not less than half the members of the committee.
- 21.7 If a meeting lacks a quorum its business shall be adjourned to a fixed date and time or to the next meeting.

#### Order of Business

- 21.8 Subject to paragraph 21.6 of this Standing Order, the order of business at every Committee and Sub-Committee meeting will be:
- 21.8.1 to receive apologies for absence;
- 21.8.2 to approve as a correct record and sign the minutes of the last meeting of the Committee;
- 21.8.3 to receive any declarations of interest;
- 21.8.4 Public participation;

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21.8.5 to receive and consider all reports submitted to the Committee in the order they appear on the agenda; and

21.8.6 other business if any specified on the agenda

21.9 With the exception of items 21.8.1 –21.8.3 and 21.8.5-21.8.6 the order of business may be altered by the chairman.

### **22 PUBLIC PARTICIPATION IN COMMITTEES**

22.1 The provisions of this standing order relate to all committees save for Planning Committee.

22.2 Public participation in committee meetings will be allowed, in accordance with the Council's Protocol for Public Participation at Council and Committee Meetings, save that:

22.2.1 A question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material.

22.2.2 Any person wishing to speak must register with the Council by noon on the day of the meeting.

22.2.3 Contributions are limited to one per person and no person may speak for more than three minutes except in exceptional circumstances.

22.2.4 A maximum of 15 minutes will be allocated for public participation in each Committee.

22.2.5 Contributions will be limited to comments on decision items listed in Part I of the Agenda.

22.2.6 Comments and contributions will be taken in the order in which they are received. Speakers on different agenda items will be dealt with in Agenda item order.

22.2.7 No person may speak on the same topic at two consecutive meetings.

### **Public Participation in Planning Committee**

22.3 Public participation in Planning Committee meetings will be allowed save that:

22.3.1 a question or comment may be refused if it relates to exempt or confidential information within the meaning of the Council's rules or if in the opinion of the Head of Legal and Democratic Services they contain defamatory material;

22.3.2 contributions will be limited to comments on decision items listed in Part I of the Agenda;

22.3.3 a maximum of two speakers will be allowed on each planning application. One will be the applicant or agent, the other an objector. If the parish council is the objector they will have first refusal of the right to speak;

22.3.4 if the parish council do not wish to speak, the Council will accept the first person to register his or her name as the objector;

22.3.5 each speaker may speak for a maximum of three minutes. The applicant/agent will speak first and the objector second;



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- 22.3.6 Officers and members other than the Chairman cannot question the speaker. In exceptional circumstances the Chairman may ask an applicant and/or objector to clarify a matter of fact. If this happens, the applicant and/or objector must confine himself or herself to giving a direct answer to the question; and/or
- 22.3.7 Officers will not be required to answer questions raised, but will do so if a Member of Committee so requests.

### **23 PETITIONS**

- 23.1 Petitions may be presented to a committee in accordance with the Council's Petition Scheme.
- 23.2 The Council's Petition Scheme will not apply to letters of representation in respect of any matter relating to:
  - 23.2.1 a specific planning decision (including a development plan document or the community infrastructure levy);
  - 23.2.2 an alcohol, gambling or sex establishment licensing decision;
  - 23.2.3 an individual or entity which has a right to a review or appeal conferred by or under any enactment.

### **24 MOTIONS AND AMENDMENTS WITHOUT NOTICE AT COMMITTEE MEETINGS**

- 24.1 A member may move without notice any of the following Motions and amendments:
  - 24.1.1 to appoint a chairman for that meeting or the remainder of the meeting;
  - 24.1.2 motions relating to the accuracy of the minutes;
  - 24.1.3 to vary the order of the agenda;
  - 24.1.4 subject to paragraph 24.1.7 of this Standing Order, move a Motion arising out of consideration of an item on the agenda, provided it is relevant to that item and does not introduce any new subject matter, and/or that a body be appointed, or a person appointed to a body;
  - 24.1.5 to adopt reports and recommendations of officers. A member cannot however move a Motion or amendment, which amends a decision made under powers delegated to a Committee and/or Officer by the Council.
  - 24.1.6 to give leave to withdraw a Motion;
  - 24.1.7 to extend the time limit for speeches;
  - 24.1.8 to make an amendment to a Motion;
  - 24.1.9 to move on to the next item on the agenda;
  - 24.1.10 to put the question immediately to the vote;
  - 24.1.11 to adjourn the debate;
  - 24.1.12 to adjourn the meeting;
  - 24.1.13 to suspend one or more Standing Orders;

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- 24.1.14 to exclude the public from the meeting under Section 100A(4) of the Local Government Act 1972;
- 24.1.15 under Standing Order 26.10 not to hear a member further.
- 24.1.16 under Standing Order 26.11 by the chairman to require a member to leave the meeting; and/or
- 24.1.17 to give any consent required by these Standing Orders.

### **25. NOTICES OF MOTION AT COMMITTEE**

- 25.1 A Notice of Motion not listed in Standing Order 24 must be given in writing to the Chief Executive **AT LEAST 5 CLEAR DAYS** (before the relevant meeting, and be signed by the member(s) giving the notice. (see definition of clear days set out above). An email to the Chief Executive will be accepted as giving notice.
- 25.2 The Chief Executive shall set out in the agenda for the Committee meeting all Motions which comply with the requirements of paragraph 25.1 of this Standing Order in the order they have been received, unless the member has either withdrawn it in writing or requested to move it at a later meeting.
- 25.3 Motions must relate to matters where the Council has powers or duties or which affect the borough.
- 25.4 The Council will treat as withdrawn any Motion not moved at the meeting at which it appears upon the summons, unless Committee agrees its postponement.

### **26 RULES OF DEBATE AT COMMITTEE MEETINGS**

#### **Debate on Amendment**

- 26.1. Only one amendment may be moved and discussed at a time. No further amendment may be moved until the first amendment has been disposed of.
- 26.2 The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the Committee's business BUT each amendment must be voted upon separately.
- 26.3 If an amendment is lost a further, different, amendment may be moved.
- 26.4 The Chairman must read the entire Motion as amended prior to a vote being taken.
- 26.5 If an amendment is carried, the Motion as amended takes the place of the original Motion and becomes the Motion upon which any further amendments may be moved.

#### **Seconding Amendments**

- 26.6 Any member may second a motion or amendment and reserve his or her speech for a later period of the debate.

#### **Explanation of points of order**

- 26.7 An explanation shall be confined to a material part of an earlier speech by the member during the meeting and on which a misunderstanding has occurred.

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- 26.8 A point of order is a request by a member to the chairman to rule on an alleged irregularity in the constitution of or procedure in the meeting.
- 26.9 A member may rise on a personal explanation or a point of order at any time and is entitled immediately to address the chairman on the matter; but:
- 26.9.1 the member who raises a point of order must specify immediately a Standing Order or statutory provision, and say how it has been broken or infringed;
  - 26.9.2 in either case the member's speech must be confined to the personal explanation or point of order.
  - 26.9.3 the ruling of the Chairman on an explanation or point of order is not open to discussion and is final.

### **Disorderly conduct**

- 26.10 If the Chairman considers a member's conduct disorderly and so states to the Committee, then the Chairman or any other member may move "not to hear a particular member further" and if seconded, the Motion shall be put to the vote without discussion. Disregarding the ruling of the Chairman, wilfully obstructing proceedings, or behaving improperly, offensively or irregularly shall, for these purposes, be considered disorderly.
- 26.11 If the member's disorderly conduct continues after the Motion has been carried, the Chairman shall
- 26.11.1 move to require the member to leave the meeting in which case the Motion shall be put to the vote without seconding or discussion; or
  - 26.11.2 adjourn the meeting of the Committee to an appropriate time.
- 26.12 The Chairman may, in the event of general disturbance disruptive of the proceedings, adjourn the meeting for an appropriate length of time. Such action may be taken irrespective of other available powers and without putting the matter to Committee.

### **Disturbance by the public**

- 26.13 If a member of the public interrupts the proceedings at any meeting the Chairman will issue a warning and if the interruption continues the Chairman shall order the removal of that person from the premises where the Committee meeting is taking place. In case of general disturbance in any part of the premises open to the public, the Chairman shall order that part to be cleared.

### **Time limits**

- 26.14 All meetings must end at or before 3 hours after the time at which the meeting commenced. A committee will only suspend this Standing Order on rare occasions when circumstances justify doing so. The Motion to suspend this Standing Order must be seconded and then put to the vote without discussion.

### **Motions affecting employees**

- 26.15 If any question arises on the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct of any council employee, a Committee must not discuss it until it has considered whether to exclude the public under section 100A(4) of the Local Government Act 1972 as amended.

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### Record of attendance

- 26.16 The names of the members present at a Committee meeting shall be recorded by the Chief Executive in an attendance book provided for that purpose.

### Voting on appointments

- 26.17 Where three or more persons are nominated for any position to be filled by the Council but there is no majority of the votes cast in favour of one candidate, then the candidate who received the least votes must be eliminated from the voting and a fresh vote taken and so on until a majority of votes is given in favour of one person. Voting under this Standing Order may be conducted by ballot paper.

### Voting

- 26.18 Save for the requirements relating to Budget Decision Meetings, set out in paragraphs 26.21 – 26.22 of this Standing Order, Members shall vote by a show of hands unless before the Chair begins to take the vote a member requests that a recorded vote is taken, and that request is supported by three other Members (who will show their support by raising their hands).

Where a recorded vote takes place pursuant to this Standing Order, the minutes must record each Members vote for, against or abstaining.

- 26.19 In the event that a recorded vote takes place,:
- 26.19.1 the Head of Legal and Democratic Services, a Director or Head of Service will call the name of each member;
  - 25.19.2 the member will respond, for or against the Motion or abstaining; and
  - 25.19.3 the Head of Legal and Democratic Services, a Director or Head of Service will record each member's response and these will be recorded in the minute.
- 26.20 in the case of an equality of votes the Chairman or the person presiding shall have a second or casting vote.

(Local Government Act 1972 Schedule 12 para.39.)

### Voting in Budget Decision Meetings

- 26.21 Immediately after any vote is taken at a Budget Decision Meeting (as defined in the Local Authorities (Standing Orders) (England) Regulations 2001/3384 (as amended)), there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- 26.22 The votes shall be recorded as set out in paragraph 26.18 of this Standing Order.

### Minutes of Committee Meetings

- 26.23 The Chairman or Vice Chairman will move that the minutes be approved as a correct record.

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- 26.24 Only the accuracy of the minutes may be discussed and then only by Motion. As soon as any Motion has been disposed of (or if no Motion is moved) the Chairman will sign the minutes subject to any amendment set out in any Motion approved by Committee.
- 26.25 Minutes shall be submitted to and signed at the next meeting of Committee.

### **Members entitled to attend all Committees and Sub-Committees**

- 26.26 Members are entitled to attend meetings of committees or sub-committees of which they are not members and may speak with the permission of the committee or sub-committee. A member may not speak for more than five minutes, except by consent of the committee or sub-committee.

### **27. FILMING AND RECORDING MEETINGS**

- 27.1 The filming, photographing or audio recording or use of social media at Council meetings is permitted subject to the Council's protocol on filming or recordings meetings.

### **28. URGENT BUSINESS BETWEEN COMMITTEES (EMERGENCY COMMITTEE)**

- 28.1 Where the terms of reference of the Emergency Committee apply and the matter is so urgent that the decision cannot wait for a scheduled meeting of the Council or one of its committees, the Chief Executive or a deputy appointed by him/her for these purposes will convene a meeting of the Emergency Committee for the purpose of reaching a decision on that matter. The Emergency Committee shall have power to exercise any of the functions of the Council for the purposes of deciding the matter referred to it.
- 28.2 Membership of the Emergency Committee will be determined each year at the Annual Meeting of the Council in accordance with the provisions relating to political balance and, except where other arrangements are approved by the Annual Meeting, the committee will comprise of the Leader, the Deputy Leader, the Shadow Leader or their authorised representatives and one other councillor.
- 28.3 Members of the Corporate Management Team and, wherever possible, other appropriate officers, should also attend meetings of the Emergency Committee.
- 28.4 The committee clerk will arrange the meeting and produce an agenda. This and any reports prepared for the meeting will be circulated to members of the Emergency Committee.
- 28.5 The agenda will be posted on the Council's website together with any Part I reports.
- 28.6 The decision made by the Emergency Committee will be reported to the next meeting of the most appropriate committee or to full Council, as applicable.

### **29. CALL-IN PROCEDURE FOR DECISIONS MADE BY POLICY COMMITTEES**

- 29.1 All decisions made by committees should be sent to members within two working days of the committee having met.
- 29.2 A decision can be called-in within 5 working days of the decision being published.
- 29.3 If a decision is called-in, the implementation of that decision is suspended until the Council has met unless overridden by the Emergency committee.
- 29.4 Five members are needed to operate the call-in procedure.
- 29.5 The members operating the call-in procedure must give reasons in writing specifying why the decision has been called-in.
- 29.6 The call-in procedure does not apply to decisions on individual planning, licensing or grant applications, or to any matter arising out of the original decision on such an application including the conduct of any appeal. It should normally only apply to decisions, which are

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considered to be contrary to policy or not in accordance with the budget. The Emergency committee will have power to override the call-in procedure and to rule that the original decision be implemented. This power can only be exercised by a unanimous decision of the four where in their view; it is necessary to protect the interests of the Council that the original decision be implemented without delay. In order for them to decide whether or not to exercise this power, the Chief Executive shall notify them immediately of any decisions that have been called-in.

### **30. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS**

30.1 Members of the Council are under a duty to base their decision making on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public.

30.2 A Member has a potential conflict of interest where any business of the meeting relates to or is likely to affect the subject matter of:

30.2.1 a disclosable pecuniary interest as described in the Members Code of Conduct and section 30(3) of the Localism Act 2011;

30.2.2 other pecuniary interest as described in the Members Code of Conduct; or

30.2.3 private interest as described in the Members Code of Conduct;

held by a member and, when prompted by the agenda item, at the commencement of that consideration or when the interest becomes apparent, the Member must disclose to the meeting the existence and nature of that interest.

30.3 Where an interest is disclosed arising from a disclosable pecuniary interest; or other interest where that 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 the member's judgment of the public interest; the Member:

30.3.1 may not participate in any discussion of the matter at the meeting;

30.3.2 may not vote on the matter at the meeting; and

30.3.3 must retire to the public gallery or other area set aside from the meeting.

30.4 Where a Member holds a conflict of interest described at 30.2.2 and/or 30.2.3 above, before retiring he or she may address the meeting as a member of the public in accordance with the public participation rules.

30.5. Where a member is present at a meeting where that member is to be called upon to make a decision in the public interest, and that member considers they have fettered their discretion in some other way, that member may exercise any separate speaking rights as a ward member or member of the public but should not take part in the discussion or vote as a member of the meeting.

### **31. COMPLAINTS ABOUT CONDUCT OF MEMBERS**

31.1 Where a member has a complaint that another member has breached the council's Code of Conduct, s/he shall submit the complaint to the Council's Monitoring Officer.

31.2 No member shall at a meeting of the Council or its committees make any allegation or assertion that the conduct of another member or members is in breach of the Council's Code of Conduct or any other adopted codes of probity and practice relating to the conduct of members and no discussion shall take place regarding such conduct except in the Accounts and Audit Committee on receipt of a report from the Council's Monitoring Officer or within a sub-Committee of the Accounts and Audit Committee when it conducts a local hearing.

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### **32. INTEREST OF OFFICERS IN CONTRACTS**

- 32.1 The Head of Legal and Democratic Services shall record particulars of any notice of pecuniary interest in a contract given by an officer and such record shall be open to inspection by members.

### **33. CHIEF OFFICERS – APPOINTMENTS**

- 33.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, they shall draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed. Such statement shall be copied to any person expressing interest.
- 33.2 The Council shall consider the response to advertising the chief officer post and interview either all qualified candidates or those on a shortlist the council shall select. If there is no qualified candidate the chief officer post shall be re-advertised.
- 33.3 Every appointment of a chief officer shall be made by the Council or by a committee or sub-committee of the council.
- 33.4 When a vacancy occurs in any existing office of chief officer or deputy chief officer the council shall obtain the views of any committee primarily concerned and decide, in the case of an office which the council are not required by statute to fill, whether the office is necessary; and in any case what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.
- 33.5 For the purposes of paragraph 33.4 above, it shall be deemed that a committee have been consulted if there has been consultation with the chairman, vice-chairman if any and one other member (or if there be no vice-chairman, two other members) designated by the chairman of the committee.
- 33.6 The powers of officers shall be those from time to time authorised by the council at the appropriate committee or sub-committee as the case may be.
- 33.7 The Council for the purpose of this Standing Order includes a committee, sub-committee or officer to whom appropriate powers have been delegated.
- 33.8 Canvassing of a member or members shall disqualify an applicant for an appointment with the council.
- 33.9 An applicant for any appointment with the Council aware of any relationship to any member or senior officer of the council shall, when making an application, disclose that relationship and failure to do so shall disqualify.
- 33.10 For the purpose of this Standing Order “senior officer” means any officer under the Council so designated by the Council and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

### **34. STAFF – APPOINTMENTS AND DISCIPLINARY ACTION**

- 34.1 In this Part –  
“the 1989 Act” means the Local Government and Housing Act 1989;  
“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001; and  
“member of staff” means a person appointed to or holding a paid office or employment under the Council.
- 34.2 Subject to paragraphs 34.3 and 34.5, the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the authority must be discharged on

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behalf of the Council by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid services) as the head of the authority's paid service or by an officer nominated by him.

- 34.3 Paragraph 34.2 of this Standing Order shall not apply to the appointment or dismissal of or disciplinary action against:
- 34.3.1 the officer designated as the head of the authority's paid service;
  - 34.3.2 a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
  - 34.3.3 a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
  - 34.3.4 a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
  - 34.3.5 a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
- 34.4 (1) Where a committee, sub-committee or officer is discharging on behalf of the Council the function of the appointment of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made to that person.
- (2) Where a Committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the head of the Council's paid service, as the Council's chief finance officer, or as the Council's monitoring officer, the Council must approve that dismissal before notice is given to that person.
- 34.5 Nothing in paragraph 34.2 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- 34.5.1 another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
  - 34.5.2 a member of staff of the Council against any decision relating to the dismissal of, or taking disciplinary action against that member of staff.

### **35. SENIOR OFFICERS - DISCIPLINARY ACTION**

- 35.1 In the following paragraphs:
- (a) "the 2011 Act" means the Localism Act 2011;
  - (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) "independent person" means a person appointed under section 28(7) of the 2011 Act;
  - (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
  - (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
  - (f) "relevant meeting" means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and



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(g) “relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.

- 35.2 A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- 35.3 The Council must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
- 35.4 In paragraph 35.3 of this standing order “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council consider appropriate.
- 35.5 Subject to paragraph 35.6 of this standing order, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 35.3 of this standing order in accordance with the following priority order:
- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
  - (b) any other relevant independent person who has been appointed by the Council;
  - (c) a relevant independent person who has been appointed by another authority or authorities.
- 35.6 The Council is not required to appoint more than two independent persons in accordance with paragraph 35.5 of this standing order but may do so.
- 35.7 The Council must appoint any Panel at least 20 working days before the relevant meeting.
- 35.8 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
  - (b) the conclusions of any investigation into the proposed dismissal; and
  - (c) any representations from the relevant officer.
- 35.9 Any remuneration, allowances or fees paid by the Council to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

### **36. MEMBERS’ ACCESS TO DOCUMENTS AND PROPERTY**

- 36.1 Members’ rights of access to documents in the possession or control of the Council which contain material relating to any business to be transacted at a meeting of the Council are set out in the Council’s Rules with regard to access to meetings and related documents of the Council, its committee and sub-committees.
- 36.2 Unless specifically authorised to do so by the Council or a committee, a member of the Council shall not issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his membership of the Council any right to inspect or to enter upon any lands or premises which the Council has the power or duty to inspect or enter.

### **37. SEALING OF DOCUMENTS**

- 37.1 All documents which require to be sealed with the Common Seal of the council shall be attested by the Mayor or Deputy Mayor and by the Chief Executive, the Director of Resources, or the Head of Legal and Democratic Services.

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37.2 All documents to which the Common Seal is affixed shall be entered in a register to be kept by the Head of Legal and Democratic Services.

### **38. CONTRACTUAL STANDING ORDER**

38.1 The letting of contracts shall be in accordance with the Council's Contract Procedure Rules.

## **Addendum to Part 4 Standing Orders**

### **Section A – General and Introduction**

This addendum is in effect until 7 May 2021 unless amended sooner.

#### **No Requirement to Hold an Annual Meeting**

(1) The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council shall only take place:

- (a) where called by the Mayor; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

(2) Where no Annual Meeting is held, appointments made at the previous Annual Meeting will continue unless otherwise determined at an ordinary meeting of the Full Council

#### **Access to Information**

References in the Standing Orders to the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (a) “open to inspection” shall include for these and all other purposes as being published on the website of the council
- (b) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

#### **Remote Access to Meetings**

(1) References in the Standing Orders to the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place. Reference to:

- (a) “place” or “meeting room” is to be interpreted to include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and
- (b) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming, whether or not members of the public are able to attend the meeting in person

(2) Where a meeting is not accessible to the public attending in person, then if the Chair is made aware that the meeting is also not accessible through remote means due to any technological or other failure of provision, the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **Councillors in Remote Attendance**

(1) A Councillor in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Councillor in remote attendance is able at that time:

- (a) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Councillors in attendance.
- (b) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting
- (c) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

(2) A Councillor in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as they deem appropriate;

(a) adjourn the meeting for a short period to permit the conditions for remote attendance of a Councillor contained in A4(1) above to be reestablished

(b) continue to transact the remaining business of the meeting in the absence of the Councillor in remote attendance, as long as the meeting remains quorate.

(3) Councillors in remote attendance at a meeting of Full Council shall be deemed to be in their designated seat for the purposes of voting.

### **Remote Voting**

Unless a recorded vote is demanded in accordance with Standing Orders, the Chair will take the vote

(a) by use of the electronic voting system for Remote Voting where this is available and operational

(b) by the affirmation of the meeting if there is no dissent, or

(c) by roll-call, with each Councillor asked to orally indicate whether they wish to vote "For", "Against" or "Abstain".

### **Councillors excluded from the meeting**

Where a Councillor is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the Councillor or co-opted member may not participate.

### **Speaking rules**

(1) At meetings of Full Council, Councillors in remote attendance are not required to stand to address the meeting.

(2) Councillors in remote attendance should speak when invited to do so by the Chair, and not interrupt other speakers. Other Councillors must not interrupt whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.



Ribble Valley  
Borough Council

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## Ribble Valley Borough Council

Rules with regard to access to meetings  
and related documents of the Council, its  
committees and subcommittees

May 2018

**RULES WITH REGARD TO ACCESS TO MEETINGS AND RELATED DOCUMENTS OF THE COUNCIL, ITS COMMITTEES AND SUBCOMMITTEES**

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**1. INTRODUCTION**

1.1 Part VA of (sections 100A to 100K) and Schedule 12A to the Local Government Act 1972 (***the LGA***) set out the requirements with regard to access to meetings and documents of the Council, its committees and subcommittees.

1.2 The Council’s Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees (***the Rules***) which are set out in this document are based upon these legislative provisions and will be interpreted in accordance with them.

**2. SCOPE**

2.1 The Rules apply to all meetings of the Council and any of its committees, (each being a “Meeting” and collectively being “Meetings”).

2.2 The Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law; nor do the Rules limit or diminish the Council’s duties to protect certain information, including personal information. This includes the rights and duties arising under the Freedom of Information Act 2000 and the Data Protection Act 1998.

**3. RIGHT TO ATTEND/ NOTICE OF MEETINGS**

3.1 Members of the public may attend all Meetings subject to the exceptions in Rule 6 below.

3.2 While a Meeting is open to the public, duly accredited representatives of newspapers attending the Meeting for the purpose of reporting the proceedings for those newspapers shall, so far as practicable, be afforded reasonable facilities for taking their report.

3.3 The Council will give at least five clear days public notice of any Meeting by posting details of the Meeting at the Council Offices, Church Walk, Clitheroe ("**the Council Offices**") and on the Council's website.

3.4 If the Meeting is convened at shorter notice, public notice of it will be posted at the Council Offices and on the Council's website at the time the Meeting is convened.

#### **4. ACCESS TO MEETING REPORTS, AGENDAS AND BACKGROUND DOCUMENTS**

4.1 The Council will make copies of the Meeting agenda and of any reports that are open to the public available for inspection at the Council Offices and on its website at the time notice is given of the Meeting (being not less than at least five clear days before the Meeting).

4.2 If a Meeting is convened at shorter notice, copies of any reports that are open to the public will be made available for inspection from the time the Meeting is convened.

4.3 If an item is added to the agenda later, the Head of Legal and Democratic Services shall make any related report that is open to the public available for inspection as soon as the item is added to the agenda.

4.4 The Council will supply copies of:

- any agenda and any reports that are open to the public;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- if the Head of Legal and Democratic Services 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 reasonable costs.

4.5 Rules 4.1 to 4.4 above do not require copies of any agenda, item or report to be open to inspection by the public until copies are available to members of the Council.

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

- 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;
- 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;

- the agenda for the Meeting; and
- reports relating to items when the Meeting was open to the public.

4.7 The responsible officer 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:

- disclose any facts or matters on which the report or an important part of the report is based; and
- 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.

4.8 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.

4.9 Where a person wishes to be supplied with (or to make) copies of or extracts from an agenda, report, or background paper, he shall be entitled to do so upon payment of a reasonable fee.

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

5.1 This document constitutes the written summary of the public's rights to attend Meetings and to inspect and copy documents. It will be kept, and will be available to the public, at the Council Offices.

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

### **6.1 Confidential information – requirement to exclude public**

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

### **6.2 Meaning of confidential information**

Confidential information is defined in section 100A(3) of the LGA and means: (i) information given to the Council by a Government Department on terms which forbid its public disclosure; and (ii) information whose disclosure is prohibited by an enactment or by a Court Order. Information whose disclosure is prohibited by an enactment would include personal information, the disclosure of which to the public is forbidden by the provisions of the Data Protection Act 1998.

### **6.3 Exempt information – discretion to exclude public where exempt information likely to be disclosed and in other circumstances**

- The public may be excluded from Meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- Where the Meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article six 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 six.

- Under Section 14(2) of the Licensing Act 2003, the Licensing Committee or a Licensing sub-committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
- The public may also be excluded from certain proceedings of the Standards Committee or one of its sub-committees.

#### 6.4 Meaning of exempt information

Exempt information means information falling within any of the categories listed in the table below, subject to the applicable conditions and provided that 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; and
- is exempt information so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Category	Condition
1. Information relating to any individual. ( <b>Information relating to an individual</b> )	
2. Information which is likely to reveal the identity of an individual ( <b>Information identifying an individual</b> )	
3. Information relating to the financial or business affairs <sup>1</sup> of any particular person (including the authority holding that information) ( <b>Financial or business affairs</b> )	Information is not exempt if it is required to be registered <sup>2</sup> under the Companies Acts (as defined in section 2 of the Companies Act 2006), the Friendly Societies Acts 1974 and 1992, the Cooperative and Community Benefit Societies and Credit Union Acts 1965 to 1978, the Building Societies Act 1986, or the Charities Act 1993.
4. Information relating to any consultations or negotiations, or	

<sup>1</sup> This includes contemplated, as well as past or current, activities.

<sup>2</sup> I.e. recorded in the public file of any building society (within the meaning of the Act).

Category	Condition
<p>contemplated consultations or negotiations, in connection with any labour relations matter<sup>3</sup> arising between the Authority or a Minister of the Crown and employees<sup>4</sup> of, or an officer holder<sup>5</sup> under, the authority.</p> <p><b>(Labour relations, consultations or negotiations)</b></p>	
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p> <p><b>(Legal privilege)</b></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</p> <p>(b) to make any order or direction under any enactment</p> <p><b>(Enforcement proceedings)</b></p>	
<p>7. Information relating to any action or to be taken in connection with the prevention, investigation or</p>	-

<sup>3</sup> I.e.: (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or (b) any dispute about a matter falling within paragraph (a) above, and, for the purposes of this definition, the enactments mentioned in paragraph (a), with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of that authority. Paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 include: terms and conditions of employment or the physical conditions in which any workers are required to work; engagement or non-engagement or termination or suspension of employment or the duties of employment of one or more workers; allocation of work or the duties of employment as between workers or groups of workers; matters of discipline; membership or non-membership of a trade union on the part of a worker; facilities for officials of trade unions; and machinery for negotiation or consultation and other procedures relating to any of the foregoing matters including the recognition by employees or employers' associations of the right of a trade union to represent workers in any such negotiation or consultation or in the carrying out of such procedures.

<sup>4</sup> I.e. a person employed under a contract of service.

<sup>5</sup> I.e. the holder of any paid office appointments to which are or may be made or confirmed by the Council or by any joint board on which the Council is represented or by any person who holds any such office or is an employee of the Council.

Category	Condition
prosecution of crime <i>(Crime prevention, investigation or prosecution)</i>	

*6.5 Right to exclude in other circumstances*

The Council reserves the right to exclude any person from a meeting in order to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

*6.6 Photographing or recording at meetings*

The filming, photographing or audio recordings or use of social media at Council meetings is permitted subject to the provisions set out in the Council’s Protocol for filming and recording meetings.

**7. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

7.1 If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to the whole of any report, or any part of it, which in his or her opinion relates to items during which, in accordance with Rule Six, the meeting is likely not to be open to the public.

7.2 Such reports (i.e. reports not open to the public) will be marked "Not for publication" together with the category of information likely to be disclosed.

7.3 The Head of Legal and Democratic Services may reverse his or her ruling in relation to access to a report, or any part of it, at a later date, if, in his/her view, the reasons for the original exclusion to access no longer apply.

**8 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS OF THE COUNCIL**

8.1 Any documents in the possession or control of the Council which contain material relating to any business to be transacted at a Meeting shall, subject to the provisos below, be open to inspection by any member of the Council.

8.2 A document will not be open to inspection if it appears to the Head of Legal and Democratic Services that it discloses exempt information unless the information is information of a description for the time being falling within:

- paragraph 3 of Schedule 12A to the LGA i.e. category 3 of the table in Rule 6 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), or
- paragraph 6 of Schedule 12A to the LGA i.e. category 6 of the table in Rule 6.

8.3 The Head of Legal and Democratic Services may decline to allow inspection of any document which is or would be protected by legal privilege

and should be exempt under either the Freedom of Information Act 2000 or the Data Protection Act 1998.

8.4 A member asking to inspect or requesting a copy of a document under Rule 8.1 should be doing so for the purposes of his or her duty as a member. S/he should not knowingly inspect or request a copy of any such document relating to a matter in which s/he:

- is professionally interested; or
- has a personal and prejudicial interest within the meaning of the Code of Conduct for members.

# Contract Procedure Rules

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June 2021

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Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

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## Contract Procedure Rules

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## CPR1: Interpretation

- 1.1 These Contract Procedure Rules are standing orders of the Council (made pursuant to Section 135 of the Local Government Act 1972) with respect to the making of Contracts.
- 1.2 In these Rules, each of the expressions in the left-hand column below shall have the meaning stated against that expression in the right-hand column.

<b>Responsible Officer</b>	any permanent or temporary staff member who is properly authorised to carry out any of the Council's contracts functions. Such persons must keep their relevant Director fully informed of any proposed actions under these Contract Procedure Rules.
<b>Director</b>	is the Chief Executive or a Director
<b>Heads of Service</b>	Includes, for the purposes of these Contract Procedures Rules, all Heads of Service (or, in the absence of the Head of Service, their nominated representative). Such persons must keep their relevant Director fully informed of any proposed actions under these Contract Procedure Rules.
<b>Committee</b>	means a Committee or Sub-Committee of the Council.
<b>Contract</b>	is any agreement between the Council and one or more Providers for the supply of goods or materials for or on behalf of the Council, for the execution of works for or on behalf of the Council, or for the provision of services to the Council or to others on its behalf (including but not limited to the provision of services, wholly or partly, in return for a concession).
<b>CPR</b>	Contract Procedure Rule.



<p><b>Public Contracts Regulations Contract</b></p>	<p>is a Contract covered by the Public Contracts Regulations 2015.</p>
<p><b>Provider</b></p>	<p>is any contractor supplying or offering to supply goods, works, or services (including concessions) to the Council and includes any individual, firm, agent, company, partnership, public authority or other organisation.</p>
<p><b>Section 151 Officer</b></p>	<p>is the officer with responsibility for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972 (Director of Resources) or their Deputy.</p>

1.3 References to monetary values in these Contract Procedure Rules **exclude VAT**. The values quoted relate to the total value of a contract **over the full anticipated lifetime of supply**.

1.4 Where reference is made in these Contract Procedure Rules to the Director of Resources, in the absence of that Officer, the Head of Financial Services is the authorised substitute. Likewise, in the absence of the Head of Legal and Democratic Services the Council’s Solicitor will be the authorised substitute.

**Brexit Impact**

1.5 Many of the laws and practices within this document, such as the UK procurement regime, derive from EU laws, and are therefore impacted by Brexit.

1.6 The UK is bound by the Public Contracts Regulations 2015 and Concessions Contracts Regulations 2016. These have been amended through the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020.

1.7 **If at any time these rules differ from the law in force then the law must be followed as it will override any conflicting provision in these rules.**

1.8 **These Contract Procedure Rules will be kept under review and updated accordingly.**

## CPR2: Scope and Application

- 2.1 These Procedure Rules shall apply to any Contract, with the exceptions listed in CPR 2.2, and also to the nomination of sub-contracts under any such Contract (whether in each case the Council is contracting or nominating on its own behalf or wholly or partly on behalf of others).
- 2.2 These Procedure Rules do not apply to transactions of the following types:
- a) Purchases or sales by auction or at public fairs or markets;
  - b) Contracts for the sale or purchase of land;
  - c) Contracts for the engagement of Counsel, or for the engagement of external Solicitors to represent the Council in specified legal proceedings;
  - d) Contracts with statutory undertaking(s) for work which only they can carry out;
  - e) Contracts of employment;
  - f) Orders placed with such consortia or framework agreements as may be approved by the Director of Resources provided that the council is satisfied that the purchasing arrangements of the consortia or framework agreement in question comply with UK legislation and provide value for money;
  - g) Contracts formalising the funding of particular voluntary sector bodies where the purpose of the contract is to establish the general conditions whereby the body may be funded by the Council.
- 2.3 All employees of the Council and firms/advisors employed to act in any capacity to manage or supervise a Contract must comply with these Procedure Rules and with the Council's Financial Regulations and Directors and each Head of Service must ensure such compliance in the contracting area for which they are responsible. The relevant Director must be kept informed by the Head of Service or Other Responsible Officer at all times of any proposed actions under these Contract Procedure Rules.

## CPR3: Responsibilities and Officers' Duties

### 3.1 Responsible Officers shall always:

- (a) seek value for money;
- (b) show no favour or disfavour to any Provider nor discriminate against Providers from other EC states;
- (c) conduct tendering and price testing in accordance with proper practices and the highest standards of propriety;
- (d) do nothing that contravenes EC or domestic law;
- (e) ensure that adequate Contract files are kept and retained for all Contracts upon which they are engaged, ensuring a copy is also passed to the Procurement Assistant for inclusion on the council's Contracts Register; and
- (f) consider any implications under the Transfer of Undertaking (Protection of employment) (TUPE) and obtain advice from the Head of Legal and Democratic Services before proceeding with the production of any Invitation to Tender documentation.

## CPR4: Compliance with Contract Procedure Rules and Legislation

- 4.1 Every Contract made by the Council or on its behalf shall comply with domestic legislation, these Contract Procedure Rules and the Council's Financial Regulations subject to the following provision.
- 4.2 **Arrangements made to meet the requirements of any present or future domestic legislation shall take precedence over any provision of these Contract Procedure Rules.**

## CPR5: Exemptions from Contract Procedure Rules

- 5.1 Exemptions from the requirements of these Contract Procedure Rules **are to be the exception and not the rule**. They must not be granted as a matter of administrative convenience and must be supported by documented and evidenced reasons as to the legitimate need for the exemption to be granted.
- 5.2 When an exemption is sought from tendering or the requirement to obtain written quotations, the relevant Director or Head of Service will need to justify the use of an alternative method of selection so that propriety, value for money and **compliance with domestic legislation** can be demonstrated. It will also include reasons such as:
- (a) that only one Provider is able to carry out the work or service or to supply the goods for technical or artistic reasons or because of exclusive or proprietary rights;
  - (b) that time limits required for tendering cannot be met for reasons of extreme urgency and which (in Public Contracts Regulations cases) were unforeseen and unattributable to the Council;
  - (c) that additional goods, works or services are required which, **through unforeseen circumstances**, were not included in the original contract and which are either strictly necessary for the completion of the Contract or, for technical or economic reasons, cannot be carried out separately without great inconvenience/additional costs;
  - (d) that goods are required as a partial replacement for or in addition to existing goods or installations and obtaining them from another Provider would result in incompatibility or disproportionate technical difficulties in operation or maintenance.
  - (e) That despite seeking the relevant number of quotations, insufficient quotations have been obtained (see 6.5 below)
- 5.3 The Director or Head of Service must keep a written record justifying any exemption(s) under paragraph (a) to (e) above and seek the **prior** agreement of the relevant service committee.
- 5.4 Should it not be possible to first seek approval from the service committee due to the urgency of the matter, then the prior agreement of both the Head of Legal and Democratic Services and the Director of Resources should be sought. The Director or Head of Service must then report to the next possible meeting of the relevant Service Committee details of the granting of such exemptions and the reasons.
- 5.4 Exemption (on grounds other than 5.2 (a) to e)) from any of the following provisions of these Procedure Rules may be made only by the direction of the relevant Service Committee where such Service Committee is satisfied that the exemption is justified in special circumstances.

5.5 No exemption may be granted:

- (a) which would result in a breach of UK law;
- (b) from CPR 18 unless on grounds of extreme urgency (e.g. during civil emergency) (Acceptance of Tenders); from CPR 20 (Form of Contract); or from CPR 21 (Execution of Contracts).

## CPR6: Requirements to Obtain Quotations or Tenders

### Contracts not requiring tendering

6.1 The following contracts need not be tendered.

- (a) Contracts valued at £50,000 or less (unless required by Public Contracts Regulations). It must be ensured that the contract value used in assessing this is the total value of a contract **over the full anticipated lifetime of supply**.

PROVIDED that such contracts are effected in compliance with the Council's Financial Regulations and all appropriate internal controls.

### Contracts valued at £50,000 or less

6.2 An official order shall be placed immediately using the Council's approved Purchase Ordering System.

6.3 A Contract made under CPR 6.2 where the estimated value is:

- (i) £5,000 or less may be made without written competitive quotations as long as the Contract is not part of a larger Contract. However, it must still be ensured that the best price is secured and value for money is maintained.
- (ii) over £5,000 but not exceeding £20,000 may be made after obtaining **at least** two written quotations;
- (iii) over £20,000 but not exceeding £50,000 may be made after obtaining **at least** four written quotations;

6.4 Under no circumstances should Contracts be broken down in size so as to have the effect of lowering the Contract value or to avoid the requirements for tendering or the need for written quotations. It must be ensured that the contract value used in assessing the above bandings is the total value of a contract **over the full anticipated lifetime of supply**.

6.5 Where the relevant number of quotations has been sought, but fewer quotations have been obtained, the Director or Head of Service may seek an exemption from the requirement to obtain the number of quotations specified above with the **prior** agreement of the relevant service committee. Should it not be possible to first seek approval from the service committee due to the urgency of the matter, then the prior agreement of both the Head of Legal and Democratic Services and the Director of Resources should be sought. The Director or Head of Service must then report to the next possible meeting of the relevant Service Committee details of the granting of such exemptions and the reasons.(see CPR5 5.3).

- 6.6 In all cases, except where it is impracticable for reasons of extreme urgency, confirmation of the Provider's terms of business (usually a written quotation) shall be obtained before an order is placed. The placing of an official order on the Council's approved Purchase Ordering System will also ensure the application of the council's own Terms and Conditions to the order.
- 6.7 The Responsible Officer shall keep a written record of the Providers approached, their responses, details of any quotations provided, the subject matter of the quotation, the name of the Provider, the time and date of the quotation and details of the price offered and any other trading terms.

### **Contracts valued at more than £50,000**

- 6.8 All Contracts with an estimated value over £50,000 shall be subject to competitive tender in accordance with CPR 12, unless exempted in accordance with CPR 5 or awarded by way of extension to an initial Contract for works in accordance with CPR 12.1(b).



## CPR7: Award of Contracts without Tendering – Contracts less than £50,000 or greater than £50,000 with Exemptions

- 7.1 No Contract may be awarded unless the expenditure involved has been included in approved revenue or capital estimates. The Responsible Officer shall ensure that evidence of authority to spend, and the budget code to be used, is recorded on the Contract file.
- 7.2 Contracts with a quoted value of £50,000 or less may be awarded on behalf of the Council by the relevant Director to the Provider who offers the lowest price or in exceptional circumstances whose offer is considered by the Director, in consultation with the Director of Resources, to be the most economically advantageous to the Council, provided in both cases the price quoted is within the budgetary limits approved by the Council or by Policy and Finance Committee as a supplementary estimate.
- 7.3 Contracts with a quoted value in excess of £50,000 (where an exemption from Tendering has been granted) may be awarded on behalf of the Council by the relevant Director in consultation with the Chairman of the relevant Service Committee to the Provider who offers the lowest price or in exceptional circumstances whose offer is considered by the Director, in consultation with the Director of Resources, to be the most economically advantageous to the Council provided in both cases the price quoted is within the budgetary limits approved by the Council or by Policy and Finance Committee as a supplementary estimate.
- 7.4 No contract with a quoted value in excess of £50,000 (where an exemption from Tendering has been granted) shall be awarded until the Director of Resources has checked the Provider's financial standing and provided written confirmation that this is satisfactory for the Contract to be undertaken.
- 7.5 Details of all Contract awards shall be forwarded to the Procurement Assistant for inclusion on the Council's Contracts Register as soon as possible after the award and prior to works commencing. Such notification must also include evidence of the authority to enter into the Contract.

## CPR8: Interests of Officers in Contract Matters

8.1 Directors, Responsible Officers and any other person (whether or not in the employment of the Council) assisting either of them in connection with any part of the procurement process shall comply with all requirements applicable from time to time of the law and of the Council's Code of Conduct for Employees as regards:

- (a) the declaration of interests (either generally or in relation to a particular procurement matter), and;
- (b) refraining from participation in some or all stages of particular procurement matters.

NB: At the time of adoption of these Rules, the Current provisions are:

- Section 117(1) of the Local Government Act 1972;
- The Council's Code of Conduct for Employees.

## CPR9: Approved Lists

- 9.1 This Rule shall apply where, in the opinion of the relevant Director or Head of Service and subject to the approval of Policy and Finance Committee, it is considered appropriate to maintain a list of approved Providers for specific categories of work of a value not exceeding £50,000 over the full anticipated lifetime of supply. The use of online services for shortlisted or approved suppliers is included under this Contract Procedure Rule.
- 9.2 There shall be compiled and maintained lists of Providers in respect of Council contracts. Such lists shall contain the names of all Providers who wish to be included in them and who are approved by the relevant Committee according to written criteria.
- 9.3 With the exception of online services for shortlisted or approved suppliers, the relevant Head of Service shall maintain the approved lists and shall ensure they are reviewed at intervals not exceeding three years.
- 9.4 At least every three years a public notice shall be given in one or more local newspapers and such trade journals as are considered desirable inviting Providers to apply to have their names placed on the approved lists.
- 9.5 The approved list shall indicate for each included Provider the categories of Contract and the value or amounts in respect of those categories for which approval has been given.
- 9.6 The use of Providers on any approved list shall follow the same requirements as those listed under CPR6 with regard to number of quotes to be requested.

## CPR10: Estimates of Contract Value

- 10.1 Before inviting tenders or quotations for the execution of any work or for the provision of any goods or services the relevant Head of Service shall keep a written record of the estimate in writing of the likely expense of executing the work, or the provision of goods or services in a suitable manner.
- 10.2 For the purpose of these Contract Procedure Rules, the value of a contract is the expected amount of consideration (in money or money's worth) that will be received by the person or organisation that carries out the works or provides the services or supplies, **over the full anticipated lifetime of supply**.
- 10.3 Where some, or all of the contract price is funded by a third party, it must be the gross value of the goods or services that is used in any assessment of contract value.
- 10.4 Estimates of value and methods of valuation must be genuine and not designed to avoid exceeding any threshold contained in these Contract Procedure Rules.
- 10.5 No tender can be accepted where its value is in excess of the Public Contracts Regulations threshold. Therefore any Head of Service that estimates a contract value that is **near** to such thresholds **must** undertake a Public Contracts Regulations compliant tender exercise.

## CPR 11: Pre-Tender/Quotation Enquiries

- 11.1 Enquiries of Providers may be made before tenders or quotations are invited in order to:
- (a) establish whether the goods, works or services the Council wishes to purchase are available, within what price range and whether they would be the best option for the required outcome;
  - (b) better inform the preparation of tender documents, price estimates, specifications and contract documents;
  - (c) establish whether particular Providers wish to be invited to tender or quote.
- 11.2 In making enquiries:
- (a) no information will be disclosed to one Provider which is not then disclosed to all those of which enquiries are made or which are subsequently invited to tender or quote;
  - (b) no Provider will be led to believe that the information they offer will necessarily lead to them being invited to tender or quote or be awarded the Contract.

## CPR12: Competitive Tendering – Contracts over £50,000 (or optionally below £50,000)

- 12.1 Subject to 13.3 below, no Contract, the estimated value of which exceeds £50,000 (or below £50,000 if formal tendering is chosen to be undertaken), shall be made unless:
- (a) at least 21 days' public notice has been given, stating the nature and purpose of the Contract, inviting tenders, providing web links to electronic versions of all contract documents and stating the last date when tenders will be received, on:
    - the council's website and optionally a local newspaper and such trade journals as the relevant Head of Service shall consider desirable; and
    - the Government's webpage 'Contracts Finder'. In the case of those contracts with an estimated value in excess of the Public Contracts Regulations threshold, the opportunity must also be published on the Government's 'Find a Tender' webpage.
  - (b) the proposed Contract, being a Contract for the execution of works, forms part of a serial programme of works, the terms of which having been previously settled with the Contractor on the basis of the application of a stated addition or deduction to the rates and prices contained in an initial Contract. Such a contract must have previously been awarded competitively following an invitation to tender in accordance with the provisions of (a) above. Such additions or deductions to the rates and prices are subject to a maximum extension under this Rule not exceeding 100% of the original Contract value or £50,000, whichever is the lower. Due consideration must be given to the potential of breaching any Public Contracts Regulations thresholds.

## CPR13: Tender Invitation

- 13.1 When tenders are invited following public advertisement and hard copy Contract documents are requested, these **must** be sent within five working days of the request being made, provided any specified fee, where applicable, has been paid.
- 13.2 Documents for **all** tender opportunities **must** be made available on the Council's website under the procurement webpages. This will include as a minimum the Invitation to Tender (ITT) document and any separate tender specification.
- 13.3 When tenders are invited for a Public Contracts Regulations Contract, the timescale given to providers to return tenders will be in accordance with the timescales as determined by the Public Contracts Regulations. Appendix 1 sets out the current timescales.
- 13.4 Reasonable requests for further information relating to the Contract documents will be granted provided the request enables the Council to supply the information not less than six days (or four days in cases of emergency) before the date specified for receipt of completed tenders. Any responses given must be circulated to all known potential Providers and also published alongside the Contract documents on the council website.
- 13.5 Where a potential Provider considers that an enquiry or response will relate to commercially confidential information relevant only to itself and that it should not be circulated to other Participants, it must specify so together with reasons.
- 13.6 If the relevant Head of Service, together with the Head of Legal and Democratic Services and Head of Financial Services consider that, in the interests of a fair and open competition, it cannot respond to an enquiry on a confidential basis, the relevant Head of Service will notify the potential Provider and treat the enquiry as withdrawn. It will then be for the potential Provider to resubmit the enquiry without the requirement for confidentiality if it requires an answer.
- 13.7 If the relevant Head of Service, together with the Head of Legal and Democratic Services and Head of Financial Services consider that the request for a confidential response is justified, then the relevant Head of Service will provide a response which is not circulated to other potential Providers.
- 13.8 Every invitation to tender will state that a tender will only be considered if it is:
- (a) addressed to Ribble Valley Borough Council, marked for the attention of the Head of Legal and Democratic Services, Council Offices, Church Walk, Clitheroe BB7 2RA in a plain sealed envelope or package which shall bear the word "**TENDER**" followed by the subject to which it relates, **but shall not bear any name or mark indicating the sender**;

- (b) accompanied by an undertaking which shall become a condition of the Contract that the amount of the tender has not been calculated by agreement or arrangement with any person other than the Council and that the amount of the tender has not been communicated to any person other than the Council (by way of submission of tender documentation) and will not be communicated to any person until after the closing date for the submission of tenders (except for the purposes of obtaining any bond/surety where this is a requirement of the proposed Contract).
- 13.9 Tenders submitted by facsimile or electronic transmission will **not** be considered other than in exceptional circumstances and only with the prior agreement of the Director of Resources and Head of Legal and Democratic Services. Such arrangements will be agreed prior to the tender being advertised, unless the exceptional circumstances arise after such point, in which case such a change must be clearly advertised on the website alongside the tender invitation documentation as an amendment, and also communicated to any known interested parties.
- 13.10 At the point of inviting tenders, the Head of Legal and Democratic Services must be informed of the closing date and time for receipt of tenders in order that necessary arrangements can be put in place for the opening of any tenders received (CPR14 and CPR15).



## CPR14: Receipt of Tenders

- 14.1 Envelopes and packages received in accordance with the provision of CPR 13 shall immediately on receipt be consecutively numbered and be placed in the custody of the Head of Legal and Democratic Services until the time appointed for the opening.
- 14.2 Any officer receiving tenders shall indicate on the envelope or package the date and time of its receipt by them.
- 14.3 Any tender received after the date and time indicated for the receipt of tenders shall not be considered unless in the opinion of the Director of Resources there is clear evidence that the tender was posted through the main council office's letter box or hand delivered at the main council offices before the date for receipt of tenders in which case the relevant Head of Service shall have discretion to admit the tender to opening and consideration. Subject to this exception tenders which are received late shall be retained **unopened** by the Head of Legal and Democratic Services until after the result of the tendering process has been published to tenderers.

## CPR 15: Opening of Tenders

- 15.1 All tenders with an estimated value in excess of £50,000 will be opened by the Head of Legal and Democratic Services or their nominated representative in the presence of the appropriate Committee Chairman or in their absence the Vice Chairman.
- 15.2 All tenders will be opened at the same time and place and shall be immediately signed and dated by the Officers required to be present in accordance with CPR 15.1 above.
- 15.3 The Head of Legal and Democratic Services or their nominated representative will, at the time the tenders are opened, record in the tender register;
- (a) the nature of the goods or materials to be supplied or the work to be executed;
  - (b) the name of each Provider by or on whose behalf a tender was submitted together with the consecutive number endorsed on the tender envelope;
  - (c) the amount of each tender;
  - (d) the date and time of the opening of the tender;
  - (e) the names of the persons present at the opening of the tenders.
- 15.4 The relevant Head of Service will keep securely all tenders with the envelopes received, with a copy being provided to the Head of Financial Services. From the date of the award of the Contract, such records must be retained for a period of no less than 6 years for the successful Provider and 1 year for any unsuccessful Providers, or such longer period as may be required by domestic legislation.

## CPR16: Errors or Discrepancies in Tenders etc.

- 16.1 Where examination of tenders reveals arithmetical or copying errors present in the documents submitted at the time of tender these shall be corrected by the Responsible Officer and details shall be recorded and maintained on the appropriate Contract file. If the correction has the effect that the tender is no longer the most competitive tender then the next tender in competitive order is to be examined and dealt with in the same way.
- 16.2 Where examination of tenders or checking of a priced bill or specification submitted at the Council's request after tenders have been opened reveals errors or discrepancies (other than arithmetical errors in documents submitted at the time of tender as in CPR 16.1 above) which would affect the total tender figure(s) in an otherwise successful tender, the Provider is to be given details of such errors and discrepancies but no other information and afforded an opportunity of confirming or withdrawing their tender in writing. If the tenderer confirms their total tender figure, then all the rates and prices on which the total tender price was based shall be adjusted (upwards or downwards) by the same percentage so as to correspond with the total tender figure (corrected in accordance with CPR 16.1 above if there was also an error or discrepancy requiring to be dealt with under that CPR).
- 16.3 If the Provider withdraws, the next tender in competitive order is to be examined and dealt with in the same way. Any exception to the procedure outlined above may be authorised only by the appropriate Service Committee after consideration of a report from the Head of Service concerned.

## CPR17: Contract Negotiations

- 17.1 Negotiations following the receipt of a Tender shall not apply to any Contract that is governed by the Public Contracts Regulations, unless expressly allowed under the Regulations.
- 17.2 The Responsible Officer may negotiate the contract in the manner set out in CPR 17.3 below, subject to approval by the Director of Resources, and provided the terms of the contract remain substantially unaltered. This can only be undertaken where:
- (a) tendering produced no tenders, or inappropriate tenders, for example where the tender figure in an otherwise successful tender exceeds approved or budgeted expenditure, or where the approved or budgeted expenditure has changed since tenders were invited, or
  - (b) tendering was discontinued because of irregular tenders, for example because tenders fail to meet the requirements specified in the Contract documents or offer variations on them or the works, supplies or goods fail to meet the tender specification.
- 17.3 The Responsible Officer shall invite all Providers to amend their tenders, in writing, in such matters (e.g. unit price, delivery, discounts or by removing elements of the specification or bill of quantities) as the Responsible Officer specifies. All negotiations shall be conducted by at least two officers, **one of whom should not be otherwise involved in the contract evaluation or award**. The Responsible Officer shall keep a written record of all negotiations, including notes of all meetings and the names of those people present.
- 17.4 Clarifications of ambiguous Tenders does not constitute post tender negotiations.
- 17.5 At the conclusion of the post tender negotiation process, those Providers invited to negotiate will be formally invited to submit a best and final offer under the same procedure as for the receipt and opening of original Tenders or quotations.

## CPR18: Acceptance of Tenders

- 18.1 A tender **other than** that which meets the most economically advantageous tender (MEAT) criteria shall not be accepted until the Council or relevant Service Committee have considered and approved a written report from the relevant Head of Service. The MEAT criteria includes the 'Best Price-Quality Ratio' which means price or cost plus other criteria and equates to value for money. The use of Life Cycle Costing must also be ensured in the evaluation of Tenders. The evaluation of such costs must involve the assistance of the Council's Finance Section.
- 18.2 The scoring of contracts will be undertaken by the relevant Head of Service and a team chosen by them. This team will also include a member of staff involved in procurement from within the Council's Financial Services Section. Scoring will first be undertaken individually and then later moderated as a team to arrive at a consensus score. Details of the scoring methodology will be included within the initial Invitation to Tender documentation.
- 18.3 No Contract may be awarded unless the expenditure involved has been included in approved estimates or in capital or revenue accounts or has been otherwise approved by or on behalf of the Council.
- 18.4 The only exception permitted under this Procedure Rule is where works/supplies/services are ordered on grounds of extreme urgency (e.g. responding to a civil emergency). The Responsible Officer should consult with the Director of Resources and appraise them of the position, so that as soon as practicable arrangements can be made to report the matter to Council or the relevant Service Committee.
- 18.5 No contract with a quoted value in excess of £50,000 shall be awarded until the Director of Resources has checked the Provider's financial standing and provided written confirmation that this is satisfactory for the Contract to be undertaken.
- 18.6 The Responsible Officer shall work with the Procurement Assistant to ensure compliance with Public Contracts Regulations requirements for the publication of Contract Award Notices and provide copies of the Notice(s) to the Head of Legal and Democratic Services and the Director of Resources.
- 18.7 Details of all Contract awards shall be forwarded to the Procurement Assistant for inclusion in the Council's Contracts Register as soon as possible after the award and prior to works commencing. Such notification must also include evidence of the authority to enter into the Contract.

## CPR19: Nominated Sub-Contractors and Suppliers

- 19.1 Contract Procedure Rules apply to the nomination of a sub-contractor or nomination of a supplier for carrying out works or services or supplying goods or materials as part of a larger contract. This would generally be due to the specialist nature of the works, goods or services required.
- 19.2 Where the estimated amount of the sub-contracted work to be undertaken by the nominated sub-contractor, or the estimated value of the goods to be supplied by the nominated supplier does not exceed £50,000 then unless in the opinion of the responsible Director there could be grounds for exemption (in which case CPR5 must be followed in full), competitive written quotations shall be sought in accordance with CPR 6.3.
- 19.3 Where the estimated amount of the sub-contracted work to be undertaken by the nominated sub-contractor, or the estimated value of the goods to be supplied by the nominated supplier exceeds £50,000 then unless in the opinion of the responsible Director there could be grounds for exemption (in which case CPR5 must be followed in full), tenders shall be invited in accordance with CPR 12.
- 19.4 Any exemption from these Contract Procedure Rule requirements must comply with CPR 5.

## CPR20: Form of Contract

- 20.1 Every Contract exceeding £50,000 in value, or below £50,000 where a formal tendering process has been undertaken and in any other case where the Head of Legal and Democratic Services so decides, shall either be documented using an approved Standard Form of Contract or be in writing in a form approved by the Head of Legal and Democratic Services and shall specify:
- (a) the works or services to be performed and/or the goods or materials to be supplied;
  - (b) the parties to the contract including any guarantor;
  - (c) the price to be paid with a statement of discounts or other appropriate adjustments;
  - (d) the time within which the Contract is to be performed or carried out;
  - (e) that the Provider will not assign the Contract without the written consent of the Council;
  - (f) any appropriate restriction on sub-contracting by the Provider;
  - (g) where appropriate that the Provider will pay liquidated damages or other damages to the Council should the terms of the Contract not be properly carried out, including the method by which such damages will be calculated and the circumstances in which they will be payable;
  - (h) any performance bond or parent company guarantee required and the Responsible Officer shall consult with the Director of Resources and Head of Legal and Democratic Services before including or excluding such a requirement in the tender documents;
  - (i) that the Provider will adopt safe methods of work and comply with all other requirements of the Health and Safety at Work Act 1974;
  - (j) that the Council may cancel the Contract and recover any loss if the Provider, its employees, agents and sub-providers offer any reward relating to the Contract or commit any offence under the Prevention of Corruption Acts 1889 to 1916 or have given any fee or reward the receipt of which is an offence under section 117(2) of the Local Government Act 1972;
  - (k) that the Provider shall comply with UK Data Protection legislation and indemnify the Council in respect of the use, disclosure or transfer of personal data by the Provider, its employees, agents and sub-Providers;

- (l) that the Provider shall not unlawfully discriminate within the meaning of the Equality Act 2010 or any comparable statutory provision relating to discrimination in employment, and shall ensure that all employees, agents and sub-contractors do not unlawfully discriminate, and shall comply with all relevant codes of practice issued by the Equality and Human Rights Commission, or comparable body and, so far as is practicable, operate an equal opportunities policy which complies with the practical guidance and recommendations contained in such codes of practice;
- (m) that the Provider will indemnify the Council against:
  - any claim which may be made in respect of employers' liability against the Council or the Provider by any worker employed by the Provider or any sub-contractor in the execution of the work or in the provision of goods and services;
  - any claim for bodily injury to, or damage to property of, third parties;
  - any claim which may be made under the Health and Safety at Work etc Act 1974 against the Council or the Provider unless such claim is substantially due to the neglect of the Council or any of its Officers;
- (n) that in respect of (m) above, the Provider will be required to produce satisfactory evidence that they are insured against such claims;
- (o) that Providers shall hold the Council's interests paramount and strictly avoid conflict with other work or their own corporate interests;
- (p) the dispute resolution process to be followed in the event of any dispute;
- (q) the amount of notice period to be recognised by both parties in the event of a change to, or termination of, the Contract;
- (r) the recovery mechanism to be followed should any sum of money become recoverable from or payable by the Provider;
- (s) the requirements of the Freedom of Information Act and the Local Authorities Data Transparency Code;
- (t) that they must comply with the supply chain requirements under the Modern Slavery Act 2015;
- (u) that the Provider must comply with the principles of the Prevent Duty.
- (v) Details of any liquidated damages that may become due as a result of the contract. The calculation of such sums for inclusion in the contract documentation (and any invitation to tender where applicable) is to be undertaken with the assistance of the Financial Services section.



## CPR21: Execution of Contracts

- 21.1 Contracts with a value of less than £50,000 may be signed by the relevant Director.
- 21.2 Every Contract which exceeds £50,000 in value shall either be signed for and on behalf of the Council by the Chief Executive or Director of Resources or be executed as a deed.
- 21.3 A copy of such signed Contracts or Deeds must be retained by the legal section.

## CPR22: Contract Variation After Award

- 22.1 Where, after contract award, by reason of any extra or variation (other than a Contract extension under CPR 12.1(b)) it is apparent that:
- (a) the tender sum is to be exceeded by 5 per cent; or
  - (b) a timeframe variation would extend the Contract period by more than three months or by 50 per cent of the original Contract period; or
  - (c) if the works, services or goods to be added or deleted from the Contract are substantially different in scope
- the relevant Head of Service shall report in writing the same immediately to the Director of Resources and Head of Legal and Democratic Services.
- 22.2 Should further variations as set out in CPR 22.1 above arise after the Head of Service's initial report, these further variations shall also be reported as set out in CPR 22.1 above.
- 22.3 Details of all variations shall be recorded in the contract file and shall be reported to the appropriate Service Committee on a regular basis, and also as part of the regular monitoring/budgetary control process ensuring compliance with Financial Regulations.
- 22.4 In the case of any contracts covered under the Public Contracts Regulations, where the Contract Value increases by 50% or more from that at the point of Contract Award, then the tender opportunity must be re-advertised. The reporting requirements at 22.1 to 22.3 above must also be followed.

# ANNEX 1: Public Contracts Regulations – Thresholds and Procedures

**FOR INFORMATION ONLY  
NOT FORMING PART OF THE COUNCIL'S ADOPTED CONTRACT PROCEDURE  
RULES**

**Any procurements that encompass these regulations must ensure involvement of the Head of Financial Services and Head of Legal and Democratic Services**

## Purpose

The purpose of the Public Contracts Regulations is to open up the public procurement market. In most cases they require competition. The Regulations reflect and reinforce the value for money focus of the Government's procurement policy. This requires that all public procurement must be based on value for money, defined as 'the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought', which should be achieved through competition, unless there are compelling reasons to the contrary.

## Current Thresholds (January 2021)

	<b>Value over the full anticipated lifetime of supply £</b>
Supplies and Services	189,330
Light touch regime services (Previously 'Part B' services)	663,540
Works	4,733,252
Small lots (Services)	70,778
Small lots (works)	884,720
Utilities (Supplies and Services)	378,660
Utilities (Works)	4,733,252
Utilities (Small Lots Supplies and Services)	70,778
Utilities (Small Lots Works)	884,720

The value of a contract is the expected amount of consideration (in money or money's worth) that will be received by the person or organisation that carries out the works or provides the services or supplies, **over the full anticipated lifetime of supply.**

## Procurement Routes and Time Limits

**Open Procedure**

This procedure is generally used where the expected number of responses is likely to be manageable. Any organisation expressing an interest in an advertised opportunity is invited to tender and is directed to the online tender pack. This must be completed fully and returned with any requested supporting information by a specified date and time. A panel of officers evaluate responses against pre-set criteria and the highest scoring tenderer is awarded the contract.

<b>Normal Minimum Time Limit</b>	<b>If Urgent</b>	<b>Where Prior Information Notice Published</b>	<b>Normal Minimum Time Limit for Local Government</b>
Minimum time limit for receipt of tenders 35 days	Minimum time limit for receipt of tenders 15 days	Minimum time limit for receipt of tenders 15 days	-

**Restricted Procedure**

This procedure is generally used if a high level of interest is anticipated. This procedure requires organisations who express an interest to undergo an initial pre-qualification assessment to appraise such things as their economic and financial standing, capability and capacity and compliance with Health and Safety and Equal Opportunities. Normally organisations are sent a pre-qualification questionnaire which must be completed fully and returned by a specified date and time. A panel of officers evaluate responses against pre-set criteria and the most suitable applicants are then invited to tender.

<b>Normal Minimum Time Limit</b>	<b>If Urgent</b>	<b>Where Prior Information Notice Published</b>	<b>Normal Minimum Time Limit for Local Government</b>
Minimum time limit for requests to participate 30 days	Minimum time limit for requests to participate 15 days	Minimum time limit for requests to participate 30 days	Minimum time limit for requests to participate 30 days
Minimum time limit for tenders 30 days	Minimum time limit for tenders 10 days	Minimum time limit for tenders 10 days	Minimum time limit for tenders to be set by agreement with tenderers. In absence of agreement minimum time limit 10 days

**Competitive Procedure with Negotiation**

Under the Competitive Procedure with Negotiation, any Supplier may request to participate in the exercise. The council makes an initial evaluation of the candidates based upon the grounds of exclusion and the selection criteria published in the contract notice. It may limit the number of suitable candidates to be invited to participate in the procedure. The council then invites its chosen Suppliers to submit an initial tender.

The council will negotiate with tenderers the initial and all subsequent tenders submitted, except for the final tender, to improve their content. The minimum requirements and the award criteria are not subject to negotiation.

<b>Normal Minimum Time Limit</b>	<b>If Urgent</b>	<b>Where Prior Information Notice Published</b>	<b>Normal Minimum Time Limit for Local Government</b>
Minimum time limit for requests to participate 30 days	Minimum time limit for requests to participate 15 days	Minimum time limit for requests to participate 30 days	Minimum time limit for requests to participate 30 days
Minimum time limit for initial tenders 30 days	Minimum time limit for tenders 10 days	Minimum time limit for tenders 10 days	Minimum time limit for tenders to be set by agreement with tenderers. In absence of agreement minimum time limit 10 days

**Competitive Dialogue**

This is an option that allows for bidders to develop alternative proposals in response to the council's outline requirements. Only when their proposals are developed to sufficient detail are tenderers invited to submit competitive bids. The aims are to increase value by encouraging innovation and to maintain competitive pressure in bidding for complex contracts.

<b>Normal Minimum Time Limit</b>	<b>If Urgent</b>	<b>Where Prior Information Notice Published</b>	<b>Normal Minimum Time Limit for Local Government</b>
Minimum time limit for requests to participate 30 days	-	-	-
No time limits for submission of initial/subsequent tenders	-	-	-

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# Financial Regulations

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June 2021

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Ribble Valley  
Borough Council

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[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)





Ribble Valley Borough Council is committed to the delivery of quality services and so needs to be responsive to the changing demands and expectations of its customers.

In support of this aim the Council has a sound financial management framework in place, which is relevant and flexible enough to meet the challenges ahead. For example the changes from the traditional accepted role of local government to one of community leader including the introduction of greater partnership working has a major influence on the delivery of local services. The establishment of Financial Regulations provides the financial controls and procedures necessary to address the modern demands on local government. They also provide clarity about the financial accountabilities of individuals - Members, the Chief Executive (the Head of Paid Service), the Monitoring Officer, the Director of Resources (Section 151 Officer) and other Directors, Heads of Service and staff generally. The Regulations are therefore formally endorsed by the Council as a key part of the Council's Constitution.

The Financial Regulations, as set out here, provide the overall key control framework to enable the organisation to exercise effective financial management and control of its resources and assets. Another key purpose of the Regulations is to support and protect Members and staff in the performance of their duties where financial issues are involved.

These Regulations need to be read in conjunction with the remainder of the Constitution and any other regulatory documents of the Council.

Please address queries or comments regarding the Council's Financial Regulations to the Head of Financial Services.

# RIBBLE VALLEY BOROUGH COUNCIL FINANCIAL REGULATIONS

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# Section 1: General

## WHY ARE THESE REGULATIONS IMPORTANT?

It is important that the Council has a sound and effective financial management framework in place to safeguard the organisation's financial arrangements and activities, to support staff and to minimise risk. The Local Government Act 1972 Section 151 requires the Council to nominate one of its Officers to be responsible for the proper administration of its financial affairs. The Officer so appointed is the Director of Resources. Financial Regulations form part of the Council's approach to corporate governance and provide a control framework through which the Director of Resources carries out their statutory duty on behalf of the Authority.

The Financial Regulations and their application also form part of the Council's performance framework and an assessment of their effectiveness will contribute to the result of any external assessment of the Council.

### (1) Application of Financial Regulations

Financial Regulations are the framework for managing the authority's financial affairs. They apply to every Member and Officer of the authority and anyone acting on its behalf:

- (i) These Regulations identify the financial responsibilities of the Council, the Head of Paid Service, the Monitoring Officer, the Section 151 Officer and Directors generally. **References to Directors include the Chief Executive.** References to the Director of Resources refer to their role as Section 151 Officer.
- (ii) **References in these Regulations to Directors, including the Director of Resources, also apply to Heads of Service, and other senior staff and shall in every case be considered as referring to authorised persons acting on their behalf (whether authorised or not).** In certain cases as specified in these Regulations, Directors are required to maintain a written record where decision making has been delegated to members of their staff, including seconded and temporary staff, and to supply up-to-date copies to the Director of Resources.
- (iii) These Regulations apply equally to any service carried out by the Council on behalf of the County Council or any other authority, body or person, and to all external agencies and their employees incurring expenditure or receiving income on behalf of the Council. Accordingly, Directors shall ensure that partnership and other arrangements with external parties are not set up to operate in conflict with these Regulations as far as this Council's involvement is concerned.

- (iv) Any action which is an exception to these Regulations may only be approved in exceptional circumstances by the Director of Resources in consultation with the Chairman of the Policy and Finance Committee and a report setting out the reasons for such action shall be submitted to the next meeting of that Committee.
- (v) These Regulations shall apply until such time as they are rescinded, amended or suspended by the Council.

## (2) General responsibility

- (i) All Members and staff have a general responsibility for taking reasonable action to provide for the security of any assets under their control, and for ensuring that the use of resources is legal, is properly authorised, provides value for money and achieves best value.
- (ii) Directors are responsible for informing the Director of Resources of any matter liable to materially affect the finances of the Council including negotiations with government departments, before any commitment is incurred or arrangements reached.

## (3) Compliance

Directors are responsible for making all staff in their departments aware of the existence and content of these Financial Regulations and any related Financial Procedure notes and for their compliance with them. They must also make an adequate supply of copies available for reference within their departments.

## (4) Review

- (i) The Director of Resources shall maintain a continuous review of the Financial Regulations and, except where provided in (ii) below, submit any necessary additions or changes in law or practice to the Policy and Finance Committee for approval by the Full Council. They shall also report to the Chief Executive and/or Policy and Finance Committee where they consider appropriate any breaches of the Financial Regulations.
- (ii) Any financial amounts referred to in these Regulations may be varied by the Director of Resources in line with general price inflation or otherwise as required by statute
- (iii) The Director of Resources may issue from time to time Financial Procedure Notes to support these Regulations. These will prescribe more-detailed financial controls and procedures consistent with these Regulations and such supplementary controls and procedures shall carry the same status as these Regulations.

## Section 2: Internal Controls

### WHY ARE THESE REGULATIONS IMPORTANT?

The functions of the Authority are diverse and therefore to ensure delivery of the Council's strategic objectives, a framework of internal controls is required.

The Authority has statutory obligations and therefore requires internal controls to identify, meet and monitor compliance with these obligations. Moreover the Council is required to conduct an annual review of the effectiveness of its system of internal control and present an Annual Governance Statement alongside the Annual Statement of Accounts.

The Authority faces a wide range of financial, administrative and commercial risks, from both internal and external factors, which need to be managed to enable the Council to achieve its objectives. Internal controls are necessary to manage these risks.

A system of internal controls is established in order to provide measurable achievement of: (a) efficient and effective operations, (b) reliable financial information and reporting, (c) compliance with laws and regulations, and (d) risk management.

- (1) The Director of Resources has statutory duties in relation to the financial administration and stewardship of the authority. This responsibility cannot be overridden. The statutory duties arise from:
  - (i) Section 151 of the Local Government Act 1972
  - (ii) The Local Government Finance Act 1988
  - (iii) The Local Government and Housing Act 1989
  - (iv) The Accounts and Audit Regulations 2015
  - (v) The Local Government Act 2003.
  
- (2) The Director of Resources is responsible for:
  - (i) the proper administration of the authority's financial affairs
  - (ii) setting financial management standards and monitoring compliance with them
  - (iii) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
  - (iv) providing financial information
  - (v) preparing the revenue budget and capital programme
  - (vi) treasury management
  - (vii) reporting on the robustness of estimates made for the purposes of preparing budgets and the adequacy of the proposed financial reserves.

- (3) The Director of Resources shall report to the Full Council and external auditor in fulfilment of their statutory obligations under Section 114 of the Local Government Finance Act 1988 or otherwise if the authority or any of its Officers:
- (i) has made, or is about to make, a decision which involves incurring unlawful or unauthorised expenditure
  - (ii) has taken, or is about to take, an unlawful or unauthorised action which has resulted or would result in a loss or deficiency to the authority
  - (iii) has made or is about to make an unlawful or unauthorised entry in the authority's accounts.
- (4) Directors are responsible for ensuring that:
- (i) Service Committees are advised of the financial implications of all proposals and that these have been previously agreed by the Director of Resources.
  - (ii) contracts are duly signed on behalf of the authority
  - (iii) the approval of the Director of Resources is sought on any matter liable to affect the authority's finances materially, before any commitments are incurred.
- (5) The Director of Resources shall assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective operations, financial stewardship, probity and compliance with laws and regulations.
- (6) Directors shall ensure that:
- (i) managerial control systems operate effectively throughout their departments. These will include the defining of policies, the setting of objectives and plans, the monitoring of financial and other performance, and the taking of appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities and ensuring staff have a clear understanding of the consequences of any lack of control
  - (ii) financial and operational control systems and procedures operate effectively throughout their departments. These will include physical safeguards for assets, segregation of duties, checking and authorisation procedures and information systems
  - (iii) key controls and control objectives for internal control systems are reviewed regularly in order to be confident as to the proper use of resources, achievement of objectives and management of risk.
  - (iv) processes are managed so as to check that established controls are being adhered to and are effective
  - (v) existing controls are reviewed in the light of changes affecting the authority and new controls are established and implemented in line with guidance from the Director of Resources.

- (vi) controls which are no longer necessary, or no longer cost or risk effective, are removed.
  - (vii) where new services or processes are introduced, then adequate controls are put in to place immediately to ensure the proper use of resources, achievement of objectives and management of risk.
- (7) The Director of Resources shall ensure that there is an effective and properly resourced internal audit function.

## Section 3: Accounting

### WHY ARE THESE REGULATIONS IMPORTANT?

Maintaining proper accounting records is one of the ways in which the authority discharges its responsibility for stewardship of public resources. The authority has a statutory duty to prepare its Annual Statement of Accounts in a way which gives a true and fair view of its operations during the year. The accounts are subject to external audit, which provides assurance that they have been prepared properly, that proper accounting practices and statutory requirements have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources. There is also a statutory right for members of the public to inspect the accounts and relevant supporting documentation.

- (1) The Director of Resources is responsible:
  - (i) for selecting and applying appropriate accounting policies
  - (ii) for determining accounting procedures and records.
- (2) The Director of Resources shall:
  - (i) make arrangements for the proper administration of the authority's financial affairs
  - (ii) apply accounting policies consistently
  - (iii) maintain proper accounting records
  - (iv) make an annual report to the Policy and Finance Committee on the financial outturn for the previous financial year
  - (v) ensure that the Statement of Accounts for that year is completed, approved by the Accounts and Audit Committee and published within the corporate and statutory timetable and in accordance with relevant Codes of Practice.
- (3) Directors shall ensure:
  - (i) that all the authority's transactions, material commitments, contracts and other essential accounting information are recorded completely, accurately and promptly.
  - (ii) that in the allocation of accounting duties of any kind:
    - (a) the duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as completely as possible from the duty of collecting or disbursing such sums.



- (b) Officers charged with the duty of examining and checking the accounts of cash or stores transactions shall not themselves be engaged in any of those transactions.
- (iii) that any Financial Procedure Notes prescribed by the Director of Resources are fully complied with.
- (iv) that the Director of Resources is supplied with such information as may be requested from time to time for the purpose of the proper administration of the Council's affairs.
- (v) that all returns or claims that request financial information shall be completed in consultation with the Director of Resources, who shall be satisfied as to their correctness before they are submitted.
- (vi) that the Director of Resources is provided with copies of all Government or other circulars, orders, sanctions, approvals and regulations which may have a financial implication.

## Section 4: Revenue Budget

### WHY ARE THESE REGULATIONS IMPORTANT?

The Council is responsible for producing an overall policy framework. The purpose of the framework is to explain overall priorities and objectives, and ensure that resources follow the identified priorities, current performance and proposals for improvement. The revenue budget is important in this context because, together with the capital programme (see Section 5), it expresses the approved policies and service levels of the Council in financial terms.

Once approved, the revenue budget confers authority on managers to incur expenditure to achieve the aims and objectives of the Council. If expenditure plans cannot be met within the approved budget, then they can only proceed with an approval to divert funds (as provided for in Section 6(4)).

- (1) The Director of Resources shall:
  - (i) recommend to the Policy and Finance Committee appropriate guidelines for preparation of the annual budget and the financial forecast for at least the following two financial years
  - (ii) issue appropriate guidance to Directors and Members and prepare a corporate budget timetable
  - (iii) ensure the approved budget guidelines are complied with so that statutory and other deadlines can be met.
- (2) Directors shall:
  - (i) submit to the Director of Resources estimates in accordance with the budget guidelines and within agreed time scales
  - (ii) ensure that the estimates are prepared having regard to the Council's Corporate Strategy and other corporate aims and objectives
  - (iii) provide any other information the Director of Resources may require.
- (3) The Director of Resources shall report to the Policy and Finance Committee:
  - (i) on the detailed draft revenue estimates, ensuring that the content and format comply with legal requirements and relevant codes of practice
  - (ii) on the robustness of the estimates made for the purposes of calculations and the adequacy of the proposed financial reserves
  - (iii) the position on the Collection Fund

- (iv) on the final proposed budget to enable the Policy and Finance Committee to make a recommendation to Full Council on the appropriate levels of contingencies and reserves, and on the levels of Council Tax for the year.
- (4) Subject to (5) below, the approval of a budget for the year by Full Council confers authority to spend in accordance with the budget for that year. Commitments affecting future financial years may only be made where the provisions of Section 6(6) are satisfied. Directors are responsible for coordinating programmes of expenditure and income that will achieve the objectives on which the budget was based.
- (5) Directors shall not enter into any new arrangements or other contractual commitments with long-term revenue consequences without the prior written consent of the Director of Resources. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of revenue payments which extend beyond the end of the following financial year.
- (6) If a Director wishes to incur expenditure outside the approved budget provision, or anticipates an overspend against an approved budget head, the procedures set out in Section 6(4) and (5) shall apply.
- (7) Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 5: Capital Programme

### WHY ARE THESE REGULATIONS IMPORTANT?

The revenue budget (Section 4) and the capital programme together express the approved policies and service levels of the Council in financial terms. It is important to ensure that the Council achieves maximum economy, efficiency and effectiveness from the use of its capital resources and directs those resources into the agreed priority areas.

- (1) The Director of Resources shall:
  - (i) prepare current estimates of resources available to finance capital expenditure in the current year and over at least the following two financial years
  - (ii) prepare a capital programme and strategy for approval annually by the Policy and Finance Committee and Full Council based on the current Council's Corporate Strategy, and other relevant corporate plans and strategies.
- (2) Directors shall:
  - (i) submit to the Director of Resources upon request estimates of the cost of capital spending proposals and the estimated amount and timing of any capital receipts, commuted sums and other contributions receivable
  - (ii) ensure that the estimates submitted are prepared having regard to the Council's Corporate Strategy and other corporate aims and objectives.
  - (iii) provide any other information the Director of Resources may require for the review, monitoring or control of the capital programme.
- (3) In working up any capital scheme, Directors shall have regard to the risk of triggering clawback or breaching restrictive covenants or other contractual conditions in relation to land or otherwise.
- (4) The inclusion of a capital scheme within an approved capital programme shall confer authority to spend only on those schemes in year 1 of the capital programme, with any future schemes being subject to the annual review of the capital programme. Authority to spend is subject to:
  - (i) the provisions of the Council's Contract Procedure Rules
  - (ii) the provisions of (5) below

- (iii) the Director of Resources having first confirmed in writing that sufficient resources are available for the purpose.
  
- (5) If a Director wishes to incur expenditure outside the approved capital programme provision, then following consideration initially at Corporate Management Team, a request must be submitted to the relevant service committee. The service committee must then make recommendation of approval of such in to the capital programme to Policy and Finance Committee
  
- (6) Directors shall give the Director of Resources early warning of known underspends, overspends and changes to planned resources so that the availability of uncommitted capital resources may be monitored effectively.
  
- (7) Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 6: Budgetary Control

### WHY ARE THESE REGULATIONS IMPORTANT?

Budgetary control ensures that once Full Council has approved a revenue budget or a capital programme, the resources allocated are used for their intended purposes, i.e. the agreed priority areas, and are properly accounted for. It is a continuous process, enabling the authority to review and adjust its budget targets during the financial year to make the most effective use of resources in delivering the Council's policies and objectives. The budgetary control framework also sets out the accountabilities of managers for defined elements of the budget.

By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity.

To ensure that the authority as a whole does not over or underspend, each service is required to manage its own expenditure within approved resources and to identify any surplus resources for diversion to other programme areas. A mechanism is provided for switching funds between budget heads, including contingencies and reserves, where required, in order to maintain service levels and achieve policy objectives.

#### (1) Overall responsibility for budgetary control

The Director of Resources is responsible:

- (i) to the Council for the overall financial control of the revenue budget and capital programme
- (ii) for providing quarterly monitoring reports
- (iii) for subdividing service budgets within the overall budget framework according to Council structure and services, having regard to relevant Codes of Practice
- (iv) for allocating the revenue budget and capital programme wholly among responsible Directors
- (v) for supplying timely information on receipts and payments on each budget head and capital scheme, sufficiently detailed to enable managers to fulfill their budgetary control responsibilities.

#### (2) Responsibility for control of individual budgets

Directors are responsible:

- (i) for the revenue budgets and capital programmes allocated to them, for delivering the levels of service on which they were based, and for compliance with their financial obligations
- (ii) for monitoring levels of service and performance within services, as measured by expenditure and income incurred against relevant budget heads and capital programme provision
- (iii) for seeking virements, either to increase or to reduce the provision allocated to particular budget heads or capital schemes, in accordance with (4) below in order to maintain budget provisions in line with the service levels required and

Directors:

- (i) may exercise powers delegated to them to enter into new financial commitments, including commitments relating to recruitment and remuneration of staff, **only where adequate provision has been made** in the revenue budget or capital programme and where the revenue consequences for future financial years are in accordance with (6) below
- (ii) shall provide any additional information the Director of Resources may require.

(3) Variances from budget

The Director of Resources is responsible

- (i) for reporting significant variances to the Policy and Finance Committee where a Director fails to take action under (4) to (6) below
- (ii) for agreeing annually:
  - (a) a list of expenditure proposals for which revenue budget provision had been made in the previous year and for which the particular goods or services had not been supplied before the financial year end.
  - (b) a list of expenditure proposals on capital schemes for which provision had been made in the capital programme for the previous year but which was under or overspent.

(4) Virements between budgets

Subject to appropriate consultation with the Director of Resources, budget allocations may be moved between revenue budget heads (including contingency provisions) for the purpose of maintaining approved service levels, in accordance with the following scheme of virements:

(i) Revenue Budgets

All requests must be approved by the Service Director and also the Director of Resources. Further approval from committees must also be given in accordance with the details shown below

Over £10,000                      also by the Service Committee

Over £25,000                    also by Policy and Finance Committee

(ii) Capital Budgets

Any request for virement between capital schemes must be approved by the service committee and Policy and Finance Committee.

No virement can take place between a revenue and a capital budget.

(iii) Virement Requests

Unless in circumstances seen as exceptional by the Director of Resources:

- approval will only be given to requests for virements made prior to the commitment of any expenditure. Virements should not be used as a retrospective tool
- virements will not be approved from budgets in respect of direct employee costs
- virements will only be considered from income budgets once the full year income budget has been achieved, or is certain of being achieved (i.e. through written grant approvals)
- virements will not be approved in respect of monies set aside in earmarked reserves.

In making any virement decision, due regard shall be had to any budget implications for future financial years.

(5) Supplementary estimates

(i) Revenue expenditure

Where no provision currently exists in the revenue budget, or where the provision made for an existing budget head is insufficient and a virement is not available under (4) above, then new or additional budget provision may only be established with the approval of the Policy and Finance Committee and in making any such decision, shall have due regard to any budget implications for future financial years.



Any request for a supplementary estimate must only be made by the relevant Service Director and with approval of the Director of Resources, and must first be requested from the service committee, with a reference then to be made to Policy and Finance Committee for approval.

Any identified areas of funding in support of a request for a supplementary estimate must be made clear.

(ii) Capital expenditure

Where no provision currently exists in the capital programme, or where an existing provision is insufficient and a virement is not available under (4) above, then, new or additional provision may only be established for the scheme with the approval of the Policy and Finance Committee, who in making any such decision, shall pay due regard to any implications for the capital programme or revenue budget in future financial years.

Any request for an additional approval must only be made by the relevant Service Director and with approval of the Director of Resources, and must first be requested from the service committee, with a reference then to be made to Policy and Finance Committee for approval

(iii) Partnership Expenditure and External Funding

Where no provision currently exists in the revenue budget or capital programme for specific projects or activities which are to be wholly or partly funded by external agencies or partners, then the above criteria for virements and supplementary estimates will apply to the value of the Council's net financial contribution to the revenue or capital cost of the project.

The Director of Resources is empowered to adjust revenue budgets and capital programmes to reflect the gross value of all such arrangements and transactions.

Directors and Heads of Service must liaise with the Director of Resources, and refer to Section 9 of these Regulations, **prior** to undertaking any bidding for external funding or setting up any partnerships.

(6) Commitments of revenue expenditure affecting future financial years.

The following arrangements shall apply in relation to the commitment of expenditure prior to the approval of the revenue budget for the financial year concerned:

- (i) Directors may commit expenditure affecting future financial years provided the estimated cost in real terms does not exceed the current year's budget provision and that the written consent of the Director of Resources is obtained.
- (ii) Directors may only commit expenditure on new or extended services with the approval of the relevant Service Committee and Policy and Finance Committee

(7) Delegation

Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

(8) Other matters affecting budgets

Directors are responsible for alerting the Director of Resources of any issues with the potential to affect revenue or capital budgets or resources in the current year or future years, and where significant the Director of Resources shall report such matters to the Policy and Finance Committee.

# Section 7: Procuring and paying for Works, Supplies and Services

## WHY ARE THESE REGULATIONS IMPORTANT?

The letting of public contracts should be done with demonstrable transparency and in accordance with Council policies, including the policy on fraud and corruption. It is essential for maintaining public confidence that the Council and its Officers are seen to act with complete fairness and impartiality in the letting of contracts.

The Council has a statutory duty to achieve best value, partly through economy and efficiency. There is also a local performance indicator measuring and reporting on the time taken by the Council to pay its creditors. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements.

These Regulations should be read in conjunction with the Council's Contract Procedure Rules and its Procurement Strategy.

### (1) Placing Orders for Works, Supplies and Services

- (i) Where, **over the anticipated lifetime of supply**, the estimated value of any works, supplies or services to be received by the Council exceeds £50,000 (excluding VAT), Directors shall invite tenders in accordance with the Contract Procedure Rules
- (ii) Where, over the anticipated lifetime of supply, the estimated value of any works, supplies or services to be received by the Council is below £50,000 (excluding VAT), Directors may at their discretion invite tenders in accordance with the Contract Procedure Rules
- (iii) In all other cases, Directors shall place orders, using the corporate purchasing system only, in accordance with arrangements determined by the Director of Resources and set out in the Contract Procedure Rules. In accordance with the thresholds listed in the Contract Procedure Rules, a Contract where the estimated value is:
  - a) £5,000 or less may be made without written competitive quotations as long as the Contract is not part of a larger Contract. However, it must still be ensured that the best price is secured and value for money is maintained.
  - b) over £5,000 but not exceeding £20,000 may be made after obtaining **at least** two written quotations;
  - c) over £20,000 but not exceeding £50,000 may be made after obtaining **at least** four written quotations;

(2) Other contract terms

Directors shall:

- (i) in consultation with the Director of Resources include in every contract appropriate clauses to cover financial and insurance requirements, and to provide sufficient security for due performance
- (ii) put in place adequate procedures for the effective cost control of all contracts.
- (iii) ensure the full involvement of the Head of Legal and Democratic Services and Procurement Assistant **prior** to commencement of the tender process.

(3) Receipt of Works, Supplies and Services

Directors shall put in place adequate systems for verifying the performance of work or the receipt of supplies and services. In particular controls shall be established to ensure that:

- (i) work done or supplies and services received are as specified
- (ii) quality or workmanship is of the required standard
- (iii) appropriate entries are made in inventory, stock or other records.

(4) Payment for Works, Supplies and Services

- (i) Directors shall make adequate and effective arrangements approved by the Director of Resources for checking and certifying invoices and other requests for payment without undue delay
- (ii) Unless covered by (iii) below or where otherwise approved by the Director of Resources, all payments shall be made by crossed cheque or automated bank transfer drawn on a bank account of the Council. Payments may only be made by direct debit or corporate credit card with the **prior** approval of the Director of Resources.
- (iii) Minor items of expenditure, up to a limit set by the Director of Resources, may be paid under petty cash procedures.

(5) Delegation

Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to ordering and paying for works, goods or services, together with specimen signatures and details of any limitation on the authority delegated to them.

(6) General

- (i) Every Member and Officer engaged in contractual or purchasing decisions on behalf of the Council shall declare to the Head of Legal and Democratic Services any links or personal interests they may have with purchasers, suppliers and contractors, and shall comply with the provisions of the appropriate codes of conduct.
- (ii) Directors shall ensure that as far as is practicable the duties of ordering works, supplies or services, receiving them and certifying payment are not performed by the same Officer.

## Section 8: Work carried out for others

### WHY ARE THESE REGULATIONS IMPORTANT?

Legislation enables the Council to provide a range of services to other bodies. Such work may help maintain economies of scale and existing expertise. It may also be helpful to share the Council's facilities, expertise and resources with others under partnership arrangements. Effective controls should be in place to ensure that any risks associated with such work are minimised and that the work falls within the Council's statutory powers

- (1) Financial Regulations apply equally to any service carried out by the Council on behalf of the County Council or any other authority, body or person, and Directors shall not set up partnership or other arrangements with external parties to operate in conflict with these Regulations as far as this Council's involvement is concerned.
- (2) Directors shall:
  - (i) properly assess the financial implications of the proposal prior to commitment following consultation with the Director of Resources.
  - (ii) draw up contracts in consultation with the Head of Legal and Democratic Services, having regard to the Council's powers, relevant policies and protocols and in compliance with any insurance or other requirements of the Director of Resources.

## Section 9: External funding and partnership arrangements

### WHY ARE THESE REGULATIONS IMPORTANT?

Partnerships play a key role in delivering community strategies and in helping to promote and improve the well being of the District. The Council works in partnership with others - public agencies, private companies, community groups and voluntary organisations - and its distinctive leadership role is to bring together the contributions of the various stakeholders. The Council will mobilise investment, bid for funds, champion the needs and harness the energies of local people and community organisations. It will be measured by what it achieves in partnership with others.

Partnerships can provide ways to access new resources and share risk. They can also lead to innovative and improved ways of delivering services whilst forging new relationships. Whilst external funding is a very important source of income, funding conditions need to be carefully considered to ensure they are compatible with the aims and objectives of the Council. In some instances, tight specifications may not be flexible enough to link to the authority's overall plan. Also, new ways of working can increase the Council's exposure to fraud and to irregularities in the operation of, for example, VAT, insurances, and pay.

#### (1) Bidding for external funding

- (i) Directors shall seek external resources only to further the priorities and aims of the Council's Corporate Strategy.
- (ii) Before making a bid for resources which, if successful, would require any financial commitment from the Council, Directors shall ensure that appropriate budgets have been approved or earmarked in accordance with these Regulations
- (iii) In working up bids, Directors shall use appropriate project appraisal processes to assess the viability of the project in terms of resources, staffing and expertise, to identify and assess all potential risks, and to ensure achievement of the required outcomes.
- (iv) Completion of any bidding application must be carried out in consultation with the Director of Resources

#### (2) Setting up partnerships

- (i) Directors shall agree and accept formally in writing the roles and responsibilities of each of the partners involved in a partnership project before the project commences. Any initial proposals must first be reported to and considered by the council's Corporate Management Team.

- (ii) Where the Council is to be the lead partner, or the accountable body where other funds are involved, the responsibilities of the Council and the obligations of the various partners are to be clearly defined and understood through the involvement of the Director of Resources and the Head of Legal and Democratic Services prior to commencement of the project. The Council will only enter into such arrangements where the council has a direct interest in the partnership.
  - (iii) Directors shall consult the Director of Resources on:
    - (a) any financial control, insurance, VAT implications and audit requirements to be incorporated in the partnership arrangements
    - (b) the overall financial implications for the Council
  - (iv) Prior to entering into any commitment, the relevant Director shall ensure that any match funding or other financial obligations of the Council are provided for within revenue or capital programmes and that arrangements are made for future years' financial provisions to reflect these obligations. This should include any audit and other consequential fees as appropriate.
  - (v) Unless otherwise approved by the Director of Resources in writing, where the Council is to act as accountable body, banking arrangements will be through the Council's main bank account and all transactions will be processed through the Council's financial systems.
- (3) Working with partners
- (i) **These Financial Regulations and the Council's Contract Procedure Rules shall apply equally to any orders for works, goods or services which are the responsibility of the Council under the partnership arrangements**
  - (ii) The relevant Director shall comply with any key conditions of funding and any statutory requirements
  - (iii) Any variation in resources to be contributed by the Council, or in the overall resources of the partnership where the Council is the accountable body, shall be dealt with in the same way as other budget variations as set out in Section 6 (Budgetary Control)
  - (iv) The relevant Director shall ensure that any financial control, insurance and audit requirements of the partnership are met
  - (v) The relevant Director shall communicate regularly with the other partners throughout the project so that problems are identified and shared to achieve their successful resolution.



(4) Delegation

Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 10: Income

### WHY ARE THESE REGULATIONS IMPORTANT?

It is essential that **all** income due to the Council is identified, collected, receipted and banked promptly. To achieve this it is necessary to put effective income systems in place. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost involved in administering debts.

#### (1) General

Directors shall implement arrangements made by them under this Section only with the approval of the Director of Resources.

#### (2) Prompt identification of sums due to the Council

Directors shall make adequate and effective arrangements for the prompt identification of all sums due to the Council.

#### (3) Prompt recording in the Council's accounts of all sums due

- (i) Directors shall make adequate and effective arrangements for recording all sums due in the Council's accounts
- (ii) Accounts for sums due may only be raised on the Council's corporate Sundry Debtors system, unless alternative arrangements have been approved in writing by the Director of Resources.

#### (4) Collection and receipting of all income

All income received by the Council must be acknowledged by the issue of an official receipt or by another approved method indicating payment has been received. Preference must always be given to collecting sums due through the raising of invoices through the corporate Sundry Debtors system where possible.

All money received by an officer on behalf of the Council must be paid to the Council's bank account as the Director of Resources may determine and at intervals taking in to account the security of the premises. No deductions are to be made from such monies and personal cheques are not to be cashed out of monies held on behalf of the Council. Any refunds must be made only through the council's official payments system, unless agreed by the Director of Resources.

Arrangements for opening incoming mail must ensure that any money received is immediately recorded and paid in to the cash office.

The council's cash handling procedures shall be followed by all officers.

Directors shall make adequate and effective arrangements for the collection and receipting of all income and for the security of all cash and other valuables having regard to agreed insurance limits for locked safes.

(5) Control of Tickets and Receipts

Official receipt books, tickets, tokens, etc., shall be ordered, controlled and issued only under arrangements approved by the Director of Resources.

(6) Banking of income

The Director of Resources shall make arrangements for the prompt and secure transfer of cash from the Council's offices to the Council's bankers.

(7) Reconciliation of income

Directors shall make adequate and effective arrangements for the sums collected and banked to be reconciled with the records of sums due. Such records and ICT systems will also be reconciled to the corporate accounting system.

(8) Debt recovery

In all cases Directors shall take prompt and appropriate actions to recover all sums overdue to the Council and ensure that the corporate debt recovery policy is followed.

(9) Writing off sums due

(i) Directors are responsible for recommending the write off of irrecoverable debts to the Director of Resources and for ensuring that the corporate debt write-off policy is followed.

(ii) Where an individual debtor owes the Council no more than £1,000, the Director of Resources may approve the write off of that debt where there is satisfactory evidence that it is irrecoverable. In any other case, the debt may be written off only with the approval of the Policy and Finance Committee.

(10) Reviews of fees and charges

Directors shall, in consultation with the Director of Resources, review all fees and charges at least annually in accordance with guidelines approved by the Policy and Finance Committee. On completion of each review, the relevant schedule of proposed fees and charges shall be presented to the appropriate Service Committee for approval.

(11) Segregation of duties

The duty of providing information, calculating, checking and recording sums due to or from the Council shall be separated as completely as possible from the duty of collecting such sums.

# Section 11: Value Added Tax

## WHY ARE THESE REGULATIONS IMPORTANT?

Value Added Tax (VAT) is a tax applied to many of the goods and services the Council either buys in or supplies to others. VAT therefore impacts on many of the Council's financial transactions. Whilst generally speaking the Council is able to reclaim the VAT it pays on buying in goods and services, this ability is limited in relation to certain types of services made by the Council. VAT is a very complex tax, particularly where it relates to land and property transactions and partnership arrangements. It is essential that the VAT implications of all major projects, partnership arrangements and land and property transactions be evaluated well in advance of commitments being made. If this is not done the Council could be faced with a substantial irrecoverable VAT bill that is both unplanned and unbudgeted. HM Revenue & Customs also have the power to impose penalties (fines) for late or non-compliance with VAT rules.

- (1) The Director of Resources is responsible for the determination of all arrangements for the collection, recording, payment and recovery of VAT.
- (2) The Director of Resources shall:
  - (i) maintain complete and accurate accounting records of all the Council's VAT transactions
  - (ii) submit the Council's VAT return to HM Revenue and Customs monthly in accordance with statutory deadlines
  - (iii) prepare the Council's partial exemption calculation as at the end of each financial year and monitor the Council's partial exemption position.
  - (iv) conduct all negotiations with HM Revenue and Customs in respect of VAT matters affecting the Council
  - (v) provide guidance, advice and training to Council staff on all aspects of VAT as they affect the Council
  - (vi) publish and regularly update appropriate VAT guidance notes on the Council's intranet.

- (3) Directors shall:
- (i) properly account for VAT on all transactions under arrangements determined by the Director of Resources
  - (ii) consult the Director of Resources in all cases where the VAT treatment of any transaction is unclear so that the matter can be reviewed and appropriate treatment determined
  - (iii) consult the Director of Resources in all cases where new projects, schemes or services are proposed, well in advance of commitments being made, so that any impact on the Council's VAT position can be assessed and any necessary action taken to protect the Council's VAT recovery position
  - (iv) co-operate with any VAT inspector and give access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- 

*Examples of activity with potential VAT implications*

*Examples of the types of new activity that could have an impact on the Council's VAT position are shown below. However, this list is not exhaustive and consultation should take place when any new or innovative scheme is proposed: -*

- a new service
  - a significant extension to an existing service
  - a capital new-build scheme
  - a land or property transaction, including any involving a land exchange
  - a new or extended partnership arrangement
  - a scheme involving third party funding
  - an agency arrangement
  - any scheme where there is consideration in kind
  - a project where the council is to act as accountable body, or project manager
  - a new capital scheme in a service area where a large proportion of income is exempt from VAT (i.e. leisure services)
-

## Section 12: Banking and Cheques

### WHY ARE THESE REGULATIONS IMPORTANT?

The Council has a duty to ensure that all monies are properly safeguarded and only utilised for authorised purposes. It is therefore necessary to have controls to ensure the proper authorisation and control of all bank accounts, all payments made from them and all income deposited.

#### (1) Operation of bank accounts

- (i) The Director of Resources is responsible for opening, closing and operating all bank accounts and related facilities in the Council's name
- (ii) All communications with the Council's bankers concerning its bank accounts and any changes in banking arrangements shall be made under arrangements approved by the Director of Resources.
- (iii) No bank accounts shall be opened in any name other than the Council's name, unless approved in writing by the Director of Resources. The signatories on any such approved bank accounts must also be approved by the Director of Resources in writing.

#### (2) Authorisation of signatories

Only Officers personally mandated by the Director of Resources and approved by the Policy and Finance Committee may sign cheques and other documents transferring funds out of the Council's bank accounts.

#### (3) Payments from Council bank accounts

- (i) All payments from the Council's bank accounts shall be, so far as is practicable, by crossed cheque or automated bank transfer but the Director of Resources may exclude from this regulation such payments as may be considered appropriate from time to time.
- (ii) No payments shall be made from the Council's bank accounts unless approved personally by a signatory authorised in accordance with (2) above.

#### (4) Custody of cheques

- (i) All cheques and related stationery shall be ordered and controlled by the Director of Resources
- (ii) The safe custody and issue of cheques and related stationery shall be carried out under arrangements made by the Director of Resources.

#### (5) Banking of income

The Director of Resources shall make arrangements for the prompt and secure transfer of cash from the Council's offices and facilities to the Council's bankers.

(6) Reconciliation

The Director of Resources shall regularly reconcile the Council's bank accounts with the accounting records.



## Section 13: Assets

### WHY ARE THESE REGULATIONS IMPORTANT?

The authority holds assets in the form of land and buildings, fixed plant, vehicles and machinery, furniture and equipment, software and data, cash and other items of value such as stocks and stores, tickets and vouchers. It is important that assets are used efficiently in service delivery, that they are adequately insured and that there are arrangements for the security of both assets and information required for service operations. Up to date records are a prerequisite for sound asset management. See also Sections 14 (Computer Systems) and 15 (Insurances).

#### 1) Proper use of the Council's resources

Resources are to be used solely for the purposes of the authority unless authorised otherwise by the Council, and are to be properly accounted for.

#### 2) Asset register

The Chief Executive is responsible, in consultation with other Directors, for the compilation and maintenance of an asset register covering land and property and other fixed assets

#### 3) Inventories

(i) Each Director is responsible for maintaining an inventory of moveable assets under procedures determined by the Director of Resources

(ii) Inventories are to be reviewed at least once each year and an updated copy supplied to the Director of Resources.

#### 4) Security

Directors shall make proper arrangements for:

(i) the security of all buildings and other assets under their control

(ii) the safe custody of all documents held as security.

#### 5) Disposal of Assets

The Council has a duty to obtain the best price reasonably obtainable when any assets are disposed of.

The Head of Legal and Democratic Services may approve the disposal of any land and property below the value of £50,000. Approval must be sought from the relevant service committee and Policy and Finance Committee for the disposal of any land and property of £50,000 or above.

The Director of Resources must also be consulted on any proposed method of disposal for any assets in order to ensure that such methods meet the best interests of the Council and would maximise any financial return to the Council.

Each Director is responsible for ensuring that asset disposals are in accordance with these procedures.

(6) Receipt, Control and Custody of Stocks and Stores

Directors shall make adequate and effective arrangements for the custody, care and physical control of all stocks and stores in their departments.

(7) Stocks and Stores Records

- (i) In consultation with the Director of Resources, Directors shall maintain adequate records of all issues and other movements of stocks and stores
- (ii) Directors shall provide to the Director of Resources each year a stock certificate detailing stocks and stores in hand at 31 March.

(8) Maintenance of stocks

- (i) Directors shall maintain stocks at reasonable levels and subject them to a regular independent physical check
- (ii) All discrepancies shall be investigated, pursued to a satisfactory conclusion and removed from the authority's records by making stock adjustments as necessary. Gains and losses resulting from stock adjustments shall only be written off or adjusted in the records under arrangements approved by the Director of Resources.

(9) Disposal of surplus, obsolete or redundant stocks

Directors shall ensure that all stocks and stores no longer required are disposed of economically under arrangements approved by the Director of Resources.

(10) Delegation

Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to sign stock certificates and other related matters on their behalf, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 14: Computer Systems

### WHY ARE THESE REGULATIONS IMPORTANT?

A very high reliance is placed on computer systems for all aspects of the Council's business, including financial and management information. Systems therefore need to be fit for purpose, well managed and secure. The information stored must be accurate, the systems and the supporting infrastructures secure, and procedures sound and well administered.

- (1) New computer systems and changes to existing systems shall only be introduced with the approval of the ICT Manager and, for financial systems or those that interact with such systems, with the additional approval of the Director of Resources.
- (2) The Head of Financial Services, together with the ICT Manager shall:
  - (i) ensure that any new or significantly changed system is in accordance with the Council's ICT strategy.
  - (ii) assist in the selection of all new computer systems, manage effectively the technical process of implementation and assist in ensuring that all staff are properly trained in their use.
  - (iii) ensure that the Council's infrastructure, systems and data are secure
  - (iv) make proper arrangements to protect central computer equipment against loss or damage through theft or misuse
  - (v) put in place a documented and tested disaster recovery system and review it regularly
  - (vi) issue mandatory standards and guidelines governing the use of all computer systems and monitor their use to ensure that they are adhered to.
  - (vii) make proper arrangements to dispose of redundant ICT equipment securely.
- (3) Directors shall:
  - (i) ensure that computer systems are fit for the purpose of their business function
  - (ii) make staff aware of and ensure that they comply with the Council's ICT standards

- (iii) train all staff in the proper and effective operation of any computer systems they are required to use and ensure that system administrators/system champions are appointed, trained and managed
  - (iv) restrict user access to systems and data held on computer systems as appropriate
  - (v) ensure that processing is genuine, complete, accurate and timely and that an audit trail exists to original documentation
  - (vi) ensure that information generated by computer systems is accurate and complete and that it is communicated to appropriate managers on a timely basis
  - (vii) put in place appropriate and effective contingency arrangements to maintain services in the event of any potential computer failure
  - (viii) register any personal information in accordance with data protection legislation and make staff aware of their responsibilities under the relevant law
  - (ix) make proper arrangements to protect departmental computer equipment against loss or damage through theft or misuse
  - (x) comply with data protection, computer misuse, software licensing, copyright, design and patent legislation and any other relevant legislation, and in particular ensure that only software that is properly acquired is installed and used on computers.
- (4) Security of Information

Directors shall maintain proper security, privacy and use of information held in computers and all other recording systems, including manual systems, under their control and ensure all employees are aware of and comply with the Council's Information Governance Framework and associated policies.

## Section 15: Insurances

### WHY ARE THESE REGULATIONS IMPORTANT?

The provision of insurance cover is one of the major methods of responding to corporate and service risks identified under the Council's risk management arrangements (see Section 16). Cover can be arranged either externally (with major insurance companies) or through an internal insurance pool. Accurate record keeping and timely provision of information are essential if the Council's insurance cover is to be effective. This Section should be read in conjunction with that relating to Risk Management.

- (1) The Director of Resources is responsible for:
  - (i) effecting all insurance cover on a corporate basis, through external insurance or through internal self-insurance arrangements as considered appropriate
  - (ii) negotiating all claims, in consultation with relevant Directors where necessary.
- (2) Directors shall notify the Director of Resources immediately in writing:
  - (i) of all new risks, properties, vehicles or other assets that require insurance;
  - (ii) of any alterations to such risks or assets affecting existing insurances;
  - (iii) should any of the authority's assets be damaged, lost or stolen;
  - (iv) of any loss, liability, damage or personal injury that may lead to a claim against the authority.

and shall provide any related information or explanation required within time scales determined by the Director of Resources.
- (3) Directors shall ensure that no employee or other person covered by the authority's insurances admits liability (orally or in writing) or makes any offer to pay compensation, because this may prejudice a proper assessment of the Council's liability.
- (4) Directors shall maintain proper records relating to insurances effected by the authority, under arrangements approved by the Director of Resources.
- (5) Directors shall consult the Director of Resources and seek legal advice from the Head of Legal and Democratic Services on the terms of any indemnity that the authority is requested to give.

- (6) Directors shall consult the Director of Resources to determine the minimum level of insurance cover required of any person or body (including all Council contractors) to indemnify the Council or to effect insurance cover in accordance with the Council's requirements.

## Section 16: Risk Management

### WHY ARE THESE REGULATIONS IMPORTANT?

The Council faces numerous risks: to people (including its employees), to property, to its reputation and to continuity of service delivery. Risk is the threat that an event or action will adversely affect the Council's ability to achieve its objectives and to successfully execute its strategies. This will include both external and internal risks. Risk Management is the process by which risks are identified, evaluated and controlled. Risk management seeks to protect the Council and enable us to achieve our stated aims and objectives. It also seeks to maximise the rewards that can be gained through effectively managing risk. It is the responsibility of the Accounts and Audit Committee to approve the Council's risk management policy and strategy and to promote a culture of risk management awareness throughout the organisation.

This Section should be read in conjunction with that relating to Insurance (see Section 15), which is just one tool used in the control of organisational risk.

- (1) The Accounts and Audit Committee shall approve and promote the authority's corporate risk management policy and strategy.
- (2) The Director of Resources shall:
  - (i) develop risk management processes and procedures to assist in the identification, assessment, reduction and control of material risks
  - (ii) undertake regular monitoring and review of the corporate and service arrangements for effective risk management.
- (3) Directors are responsible:
  - (i) for risk management within all areas under their control, having regard to appropriate advice from the Director of Resources.
  - (ii) for carrying out regular reviews of risk, risk reduction strategies and the operation of appropriate controls (including business continuity plans) within their departments.
- (4) Directors shall consult the Director of Resources and seek legal advice from the Head of Legal and Democratic Services on the terms of any indemnity that the authority is requested to give.
- (5) Directors shall promptly notify the Director of Resources of all new risks that are material, as they are identified.

## Section 17: Internal Audit

### WHY ARE THESE REGULATIONS IMPORTANT?

The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2015 more specifically require that a “relevant body must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.

Accordingly, internal audit provides one aspect of an independent and objective assurance in the review of the system of internal control as a contribution to the proper, economic, efficient and effective use of resources. In fulfilling this responsibility the internal audit service comply with best practice as set out in the Public Sector Internal Audit Standards and the associated CIPFA Local Government Application Note

- (1) The Director of Resources shall ensure that the internal audit service is independent in its planning and operation.
- (2) The Director of Resources or their authorised representative shall have authority to enter at all reasonable times any offices, premises or land under the control of the Council and shall have unrestricted access to all records, documents and correspondence relating to any matter under consideration, without limitation.
- (3) All staff shall provide such information and explanations as the Director of Resources considers necessary and shall produce upon demand cash, stores, documents or other property of the Council under their control.
- (4) Directors, Heads of Service and other staff shall immediately notify the internal audit service on behalf of the Director of Resources upon discovery or suspicion of any financial irregularity, whether affecting cash, stores, property, financial records or otherwise. The Director of Resources shall notify the Chief Executive in all significant cases.
- (5) The Council sets out in policy documents its approach to fraud and corruption and to “whistleblowing”.
- (6) The internal audit service has direct access to the Chief Executive, to all levels of management and to elected Members.



## Section 18: External Audit and Inspection

### WHY ARE THESE REGULATIONS IMPORTANT?

The basic duties of the external auditor are governed by statute. In fulfilling their responsibilities the external auditor works to a set code of audit practice.

The authority may from time to time also be subject to audit, inspection or investigation by various other external bodies. Government department inspectorates and bodies such as HM Revenue and Customs have statutory rights of access. Rights of access are also sometimes granted under contractual arrangements, including partnerships where the Council is not the lead body. It is important that all Officers of the Council respond to external scrutiny in a timely, professional and helpful manner.

- (1) The Director of Resources shall facilitate the coordination of the work of internal and external audit together with ensuring appropriate consideration of external audit reports by management and/or Members.
- (2) Co-ordination of all other inspection and independent review work shall be the responsibility of the relevant Director.
- (3) Directors shall give external auditors and inspectors access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.

# Section 19: Treasury Management and Leasing

## WHY ARE THESE REGULATIONS IMPORTANT?

Treasury Management is in place to provide assurance that the authority's money and overall cash flow are properly managed, in a way that balances risk with return but with overriding consideration being given to the security of investments.

The signing of leases and other forms of credit can have a wider financial impact than just the rental payments. It is therefore necessary that the Director of Resources be given the opportunity to evaluate the costs of any potential agreement before it is legally binding.

### (1) General

The Director of Resources is responsible for all investment, borrowing and leasing undertaken in the name of this authority.

### (2) Treasury Management

The Director of Resources shall:

- (i) prepare annually a Treasury Management Policy Statement covering all aspects of treasury management for consideration by the Policy and Finance Committee and recommendation to Full Council
- (ii) prepare annually a Treasury Management Strategy setting out the Council's strategy for consideration and approval by the Policy and Finance Committee and recommendation to Full Council.
- (iii) prepare annually an Investment Strategy for consideration and approval by the Policy and Finance Committee and recommendation to Full Council.
- (iv) prepare annually a Capital Strategy for consideration and approval by the Policy and Finance Committee and Full Council.
- (v) recommend to Full Council before the commencement of each financial year a range of Prudential Indicators, including borrowing limits, to be set for that financial year in accordance with statute and the CIPFA Prudential Code.
- (vi) provide regular treasury management monitoring reports to Policy and Finance Committee

- (vii) arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's Treasury Management Policy Statement and its annual Strategy
- (viii) make all investments, borrowings and other financing transactions only in the name of the authority or in the name of nominees approved by Full Council.

(3) Leasing and Similar Arrangements

Leasing and other similar arrangements, including new or extended leases of land and property, may only be entered into with the written consent of the Director of Resources. Such arrangements may be defined for this purpose as any lease, contract hire or other contract or series of contracts under which the use of an asset is obtained in exchange for a series of payments which extend beyond the end of the following financial year.

(4) Delegation

The Director of Resources shall maintain in writing a list of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 20: Pay and Conditions of Employment

### WHY ARE THESE REGULATIONS IMPORTANT?

Staffing costs are the largest single item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are paid in accordance with the scheme adopted by Full Council.

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax can be severe. It is therefore important for all Officers to be aware of their role.

#### (1) General

Terms and conditions of employment are to be determined by the Council and the Personnel Committee. The Director of Resources is responsible for the administration of all arrangements for the payment of salaries, wages, pensions, and car loans to eligible employees, travel and subsistence claims and other emoluments to existing and former employees, and for all related matters.

#### (2) Deductions from Pay

The Director of Resources shall make proper arrangements for all statutory and other deductions from pay, including tax, national insurance and pension contributions, and payment of such sums to the bodies concerned.

#### (3) Terms of employment

Directors, in consultation as necessary with the Head of Human Resources, shall promptly notify the Director of Resources of:

- (i) the terms and conditions applying to new contracts of employment
- (ii) any changes or events affecting the salaries, wages or emoluments of the Council's employees
- (iii) all resignations, retirements and terminations of employment.

(4) Provision of Information

Directors shall provide to the Director of Resources:

- (i) all relevant information, including notifications of sickness absence, in an agreed format and within agreed time scales to enable the prompt and accurate payment of all elements of pay
- (ii) notification of the impending departure of any employee involved with the custody of cash or stores.

(5) Members' Allowances

Payments to elected Members of the Council shall be made by the Director of Resources in accordance with the Council's approved scheme.

(6) Delegation

Directors shall notify the Director of Resources in writing of the names of any Officers in their department authorised to act on their behalf in relation to the specific responsibilities set out in this Section, together with specimen signatures and details of any limitation on the authority delegated to them.

## Section 21: Reports to Members

### WHY ARE THESE REGULATIONS IMPORTANT?

New and changing policies of the Council result from consideration of reports, either from Members or Officers. Policies could therefore be set on the basis of insufficient or misleading information if both the financial and risk management implications have not been considered, and if commitments are made these could lead to financial difficulties for the Council.

- (1) Reports shall only be put before the Council, Committees, or Working Groups if a risk assessment on Resources, Technical, Environmental, Legal, Political, reputational, Equality and Diversity issues for the Council have been considered and presented fairly in the report. Informal advice to Members shall also have regard to any significant financial or legal implications.
- (2) Consultation shall take place as appropriate between the authors of reports, the Director of Resources and any other Directors affected, in good time for any financial, risk management and legal implications to be properly identified.
- (3) Where there are no financial risk management or legal implications or they are negligible, the report shall say so.

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### Examples of proposals with potential financial implications

*Broadly speaking any actual or proposed action or decision that affects the Council's finances in any way has a financial implication.*

*Listed below are examples of actions or decisions that are likely to have a financial implication. However this list is not exhaustive and it should be borne in mind that other areas of action or decision will undoubtedly have financial implications too.*

- *Anything that affects the current year's budget or capital programme, for example:*
  - *a new service*
  - *an improved service level*
  - *cessation of a service*
  - *a reduction in service level*
  - *a new capital project*

- *Anything that affects the budget or capital programme of future years, for example:*
  - *ongoing net cost of a new or improved service*
  - *ongoing net revenue cost of a new capital project*
  - *reduced ongoing effect of service cessation or reduction*
  - *reduced ongoing effect of the sale or disposal of a capital asset*
- *Anything that affects the Council's level of income, for example:*
  - *an increase or reduction in charges*
  - *introduction of a charge for a service currently provided free*
  - *free provision of a service currently provided at a charge*
- *Anything that affects the Council's ability to recover VAT, for example:*
  - *provision of a new exempt or partly exempt service*
  - *a new capital project or existing capital asset to be used for exempt or partly exempt purposes*
  - *transfer of a service or undertaking to another body*
- *Anything that affects the Council's entitlement to government grant, for example:*
  - *action which may result in an increase or reduction of grant entitlement*
- *Anything that enables the Council to attract outside funding from any source, for example:*
  - *a new partnership*
  - *a new third party funding arrangement*
  - *a new agency arrangement*
- *Anything that could potentially expose the Council to legal action, government surcharge or other financial penalty, for example:*
  - *an action which could be subject to legal challenge*
  - *an action which could lead to fines or penalties being imposed on the Council*
- *Any action that may result in the payment of redundancy or other staff severance costs, for example: -*
  - *cessation of a service leading to a surplus of staff*
  - *reduction in a service level leading to a surplus of staff*
  - *externalisation of a service (including where TUPE applies)*

- *Any action that would affect the market value of a Council asset, for example:*
  - *a reduction in the maintenance level of an asset leading to a lower asset value*
  
- *Any action likely to increase the Council's insurance costs, for example:*
  - *the use of a Council asset for what is perceived to be a higher risk purpose*
  - *a worsening claims record*



# Glossary

## Asset register

A detailed listing of land, buildings, vehicles and major items of plant and equipment (assets). Asset registers are important because they enable an effective assessment of the management of assets to be made through a comprehensive record of attributes. They are also a useful basis for arranging appropriate insurance cover and substantiating insurance claims in the event of fire, theft or other loss.

## Budget

A statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and the capital programme and any authorised amendments to them. It does not however include the forward financial forecast, which is for financial planning purposes only.

## Budget Book

The publication in which the Council sets out its budget for a particular financial year.

## Budgetary control

The continual review of expenditure and income, both revenue and capital, against planned levels of expenditure and income to help ensure that service objectives are achieved and the overall resources of the Council are not over or underspent. This process is aided by the use of budget profiles.

## Budget provision

The amount approved by the Council for a particular budget head.

## Capital contributions

Sums contributed by external persons and bodies towards the cost of capital schemes to be carried out by the Council. These can derive from planning agreements with developers in the form of S106 agreements but also include sums recovered from or contributed by third parties.

## Capital expenditure

This generally relates to expenditure on the acquisition or enhancement of fixed assets which will be of use or benefit to the authority in providing its services for more than one year. It also includes grants to other persons and bodies for spending by them on similar purposes.

### Capital programme

The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also provides estimates of the capital resources available to finance the programme and a statement of any under- or over-programming.

### Capital receipts

The proceeds from the disposal of land and other assets which are available to finance new capital expenditure. Statute prevents capital receipts being used to finance revenue expenditure.

### Capital resources

The resources earmarked either by statute or by the Council to meet the cost of capital expenditure instead of charging the cost directly to revenue. The definition covers borrowing, capital receipts, and grants and contributions from external persons and bodies given for capital purposes. The Council may also contribute revenue resources to the financing of capital expenditure, and for as long as these are included in the capital programme, they are regarded similarly as capital resources.

### Capital Strategy

The capital strategy sets out the long term context in which capital expenditure and investment decisions are made and gives due consideration to both risk and reward and impact on the achievement of priority outcomes.

### CIPFA

The Chartered Institute of Public Finance and Accountancy (CIPFA) is the leading professional body for accountants employed in the public sector. It issues Codes of Practice and other guidance as appropriate on matters which are addressed by these Regulations.

### Codes of conduct

The protocols within which Members and Officers will work as set out in parts of the Constitution.

### Codes of practice

Guidance issued normally by professional bodies in relation to standards which are not regulated by statute. For example, CIPFA have issued Codes of Practice giving detailed guidance on accounting standards and treasury management.

### Collection Fund

The fund into which Council Tax and Business Rates are paid and out of which the precepts of Lancashire County Council, Police and Crime Commissioner for Lancashire, Lancashire Combined Fire Authority, and Ribble Valley Borough and Parish Councils are met. Any surplus or deficit is shared between the various authorities, other than Parish Councils, on the basis of precepted amounts.

### Computer systems

Commercially available software which might be acquired for use on Council computers, whether mainframe, local PC or networks. For the purposes of these Regulations, the definition is not intended to cover applications to which such systems might be put.

### Contingency provisions

Money set aside in the budget to meet the cost of unforeseen items of expenditure or shortfalls in income and to provide for changes in inflation and interest rates compared with the assumptions on which the rest of the budget was set.

### Contract Procedure Rules

The Council's rules relating to the procurement of works, supplies and services as set out in the Constitution. These are supported by Section 7 of these Regulations.

### Corporate governance

The system by which local authorities direct and control their functions and relate to their communities.

### Corporate Strategy

A statement made by a local authority setting out its long-term aims for the community it serves, the organisational aims of the Council and the main values which underpin its work for the community.

### Council Tax

A local tax based on the capital value of residential properties. The level set by an authority for a particular year will be broadly determined by its expenditure on General Fund services less other income, use of Council reserves and government grant.

### Council Tax base

A figure calculated annually to represent the number of dwellings over which the Council Tax for the following financial year may be collected. All dwellings within the District are valued by the Valuation Office Agency and classified into one of eight bands (A to H), each of which is expressed as a proportion of Band D. The Council Tax base is the number of dwellings expressed in terms of a Band D average, after making allowance for discounts, premiums and exemptions. An adjustment is made for the estimated collection rate. When the Council sets the level of Council Tax for that year, it is expressed as an amount due from Band D properties.

### Creditors

A person or body to whom the Council owes money.

### Debtor

A person or body who owes the Council money. The debt may derive from a number of sources such as Council Tax, Business Rates, sundry debtors or where an account has been rendered for a service provided by the Council.

### Earmarked Reserves

See "Reserves"

### Estimates

The amounts which are expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets which are being prepared for the following financial year or have been approved for the current year. The “original estimate” for a financial year is that approved as part of the budget prior to the start of that year and the “revised estimate” is an updated revision for that year.

### External Audit

An independent examination of the activities and accounts of local authorities to ensure the accounts have been prepared in accordance with legislative requirements and proper practices and to ensure the authority has made proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

### Fees and charges

Charges made to the public for Council services and facilities.

### Financial Regulations

That part of the Council’s Constitution which provides an approved framework for the proper financial management of the authority.

### Financial year

The period of twelve months commencing on 1 April.

### Forward financial forecast

The estimated revenue budget for the two financial years immediately following the budget year, or the totals of such estimates. The forecast conveys no authority to spend, and is made for financial planning purposes only.

### General Fund

The revenue fund of the Council covering day-to-day expenditure and income on services. The net cost on this account is met by Council Tax.

### Internal audit

An independent appraisal function for review of the internal control system of an organisation. It objectively examines, evaluates and reports on the adequacy of internal controls as a contribution to the proper, economic, efficient and effective use of resources.

### Inventory

A detailed listing of all goods, materials, furniture and equipment in the ownership or use of a particular service, other than those held in stocks and stores records. Inventories are normally maintained in sufficient detail as to description, location, age, value etc. to enable any material loss arising from a fire, theft or other event to be identified and to support any insurance claim.

### Investment Strategy

A statement of policies for determining the type, value and length of investments that the Council will use to place its surplus funds and also for determining appropriate third parties with whom these investments will be placed.

### Leasing

A method of acquiring the use of capital assets which is similar to renting. Normally this kind of arrangement is only suitable for vehicles, plant and equipment. Ownership of the asset remains with the leasing company and the annual rental is charged directly to the Council's revenue accounts.

### Members' Allowances

A scheme of payments to elected Members of the Council in recognition of the duties and responsibilities assumed by them.

### Precept

The amount that Councils and certain other public authorities providing services within Ribble Valley require to be paid from the Collection Fund to meet the cost of their services.

### Prudential Indicators

The Prudential Indicators are designed to support and record local decision making regarding capital investment. The CIPFA 'Prudential Code for Capital Finance in Local Authorities' requires each local authority to agree and monitor mandatory prudential indicators.

### Reserves

A Council's accumulated surplus income in excess of expenditure. Reserves are available at the discretion of the Council to meet items of expenditure in future years, and may be earmarked or held for general purposes. An example of an earmarked reserve is the Capital Reserve Fund.

### Revenue

A term used to describe the day-to-day costs of running Council services and income deriving from those services. However, it also includes charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.

### Risk

Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted action, event or occurrence.

### Risk management

Risk management is the adoption of a planned and systematic approach to the identification, evaluation and management of risk.

### Risk Management Policy and Strategy

This is approved by the Accounts and Audit Committee endorsing the commitment of the Council to effective risk management and sets out the responsibility of Members, Directors and all staff for the identification, control and reduction of risk and the containment of loss in all aspects of their activities.

### Statement of Accounts

The Council's annual report on its financial position for the year ending 31 March. The report is required to be in a prescribed format and is subject to independent review.

### Supplementary estimate

The approval of an increase in the level of a particular budget head, or the establishment of a new budget head, under the procedure laid down in Section 6 of these Regulations. Where an existing budget head is involved, a supplementary estimate would not normally be approved where an appropriate virement was available. Supplementary estimates may only be sanctioned by Members.

### Treasury Management

The management of the authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks. It includes the setting of and monitoring compliance with the Prudential Indicators.

### Treasury Management Policy Statement

A statement approved by the Full Council setting out the parameters within which treasury activities are to be managed.

### Treasury Management Strategy

The strategy for the treasury management activities to be adopted for a particular financial year as approved by the Policy and Finance Committee and Full Council within the parameters set by the Treasury Management Policy Statement. The strategy needs to be flexible enough to allow the Director of Resources to respond appropriately to changing circumstances during the course of the year to the best advantage of the Council.

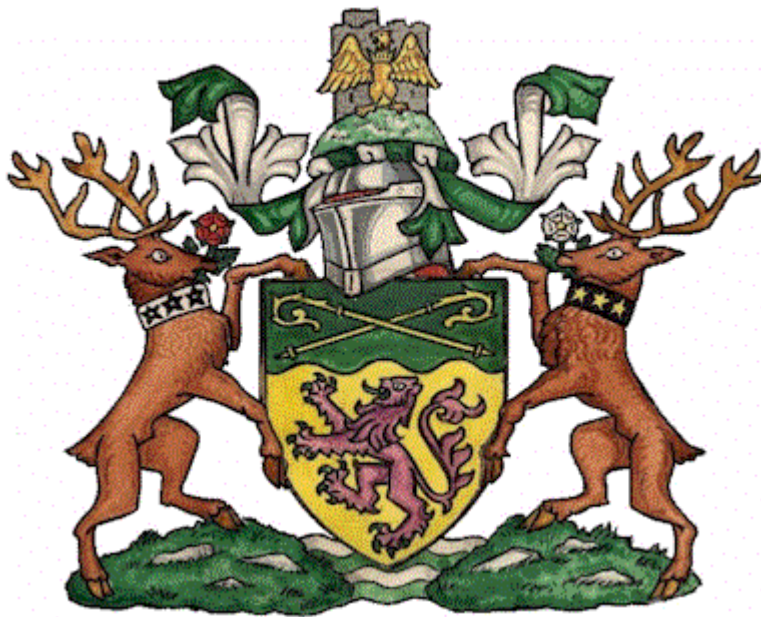
### Virement

The transfer of budget provision from one budget head to another, under the procedure laid down in Section 6 of these Regulations. Virement decisions apply to revenue expenditure heads, and may on occasions be between expenditure and income, and may include transfers from contingency provisions. However, Virements may not be approved between capital and revenue budget heads. Virements may be approved by Service Directors and the Director of Resources up to an amount specified in the Regulations, after which approval is required by Members.

### Write off

The action taken to charge to the Council the amount due from some external party which has been found to be irrecoverable from that party. Whilst the sum remains due to the Council in law, it will no longer be shown as outstanding in the Council's accounts.

# Ribble Valley Borough Council



**Corporate Debt Write Off Policy**

**March 2012**

This document can be made available in alternative formats or languages. Anyone wishing to request this document in an alternative format or language should contact the Head of Financial Services on 01200 414541 or by email at [lawson.oddie@ribblevalley.gov.uk](mailto:lawson.oddie@ribblevalley.gov.uk)



## **1. DEBT RECOVERY AIM**

- 1.1. Ribble Valley Borough Council's policy is to recover 100% of recoverable debt in compliance with the law. However, while making all reasonable efforts to maximise the Council's recovery it is sometimes necessary to write off debt.
- 1.2. The council endeavours to ensure that the interests of the general taxpayer are maintained whilst recognising the needs and circumstances of individual debtors.
- 1.3. The council's corporate debt policy and financial regulations should also be considered alongside this corporate write off policy.

## **2. GENERAL PROVISIONS**

- 2.1. Where there is an ongoing liability for a charge due to the provision of a service or there is an ongoing liability for tax or rates, write off of any arrears would not be appropriate.
- 2.2. Liaison with services and good reporting mechanisms should be in place in order to ensure that any service provision is stopped where recovery of the debt is not possible and any arrears are being considered for write off. It must be noted that a service cannot be withdrawn where the council has a statutory responsibility to continue to provide it.
- 2.3. Following the write off of a debt, should any information become available that could lead to the recovery of the debt, then the debt can be resurrected and the write off reversed subject to part or all of the balance being paid.
- 2.4. Where an individual debtor owes the council in excess of £1,000, such debt may be written off only following approval of the Policy and Finance Committee.
- 2.5. Where an individual debtor owes the Council no more than £1,000, the Director of Resources may approve the write off of that debt where there is satisfactory evidence that it is irrecoverable.
- 2.6. The table shown below provides a summary of the action and authorisation required for the different levels of debt.

Category	Action	Authorisation Required
Debts under £15.00 deemed uneconomical to pursue	Monthly system (or manual) report to be prepared with details of amounts written off below £15.00 and passed to the Director of Resources	Reports to be signed off by the Director of Resources
Debts over £15.00 but less than £1,000	Form as attached to be completed and passed to the Director of Resources	Director of Resources
Debts over £1,000	A report to be prepared for Policy and Finance Committee providing details of the debtor and the debt to be written off	Policy and Finance Committee

### 3. WRITE OFF OF DEBT

3.1. The following outlines the general conditions and circumstances when a debt may be considered for write off. These are not specific to any particular type of debt and are designed to cover the vast majority of debt considered for write off. This list is not exhaustive and there may be instances where it is appropriate to write off debt for a reason other than those stated.

- **Uneconomical to recover:** The cost of recovery is likely to outweigh or equate to a significant proportion of the balance outstanding.
- **Untraceable debtor:** If a debtor can not be found after making all efforts to trace them, the debt and any administration penalty will be temporarily written off. These debts will be written back on again if the debtor is retraced.
- **Uncollectable as recovery options exhausted:** on a few occasions all types of recovery have been attempted and there is no further action that can be taken
- **Bankruptcy/Insolvency:** If a debtor is declared bankrupt/insolvent and it is not possible to recover any monies from the debtor's assets.
- **Deceased:** If the debtor has died and there is either no estate or no available funds from the estate.
- **Time limited debt:** If after the end of six years from the date the debt became due it has not been possible to commence or continue recovery in that period
- **Unrecoverable debt:** Where a debt has been raised and subsequently the charge has been found to be due to 'official error'.

#### **4. POLICY REVIEW**

- 4.1. The write off of debt will be subject to regular audit in order to ensure that the policy and associated procedures have been applied properly and fairly.
- 4.2. The Director of Resources shall ensure that this policy is reviewed on an annual basis to ensure its effectiveness and also relevance in the case of any legislative changes.

#### **5. COMPLAINTS AND APPEALS**

- 5.1. Where a debtor wishes to complain about any decision made under the terms of this policy they may do so first in writing (assistance can be provided if this is required) to the relevant Head of Service.
- 5.2. In the event that a debtor's complaint is not resolved by the relevant Head of Service the issue may be escalated to the Director of Resources, following which the debtor would be required to follow the council's official Complaints Procedure





**Ribble Valley Borough Council  
Request for Write Off**

<b>Debtor Name</b>	
<b>Reference</b>	
<b>Debt Address</b>	
<b>Current Address (if known)</b>	

<b>Details of Debt</b>	
<b>Description</b>	<b>Amount</b>

<b>Reason for write off</b>

<b>Recovery Action Taken to Date</b>

Recommended by \_\_\_\_\_ Date \_\_\_\_\_

Checked by \_\_\_\_\_ Date \_\_\_\_\_

Director of Resources \_\_\_\_\_ Date \_\_\_\_\_

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## **Code dealing with the conduct expected of Members and co-opted Members of the Ribble Valley Borough Council when acting in that capacity and guidance notes on Disclosable Pecuniary Interests**

**Adopted on 17 July 2012**

You are a member or co-opted member of the Ribble Valley Borough Council and hence you shall have regard to the following principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties, you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party

political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

**Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.



### **Disclosable Pecuniary Interests**

This note explains the requirements of *The Localism Act 2011* (Ss 29-34) and *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*, in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

#### **1 Notification of disclosable pecuniary interests**

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

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

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

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<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</i> <i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</i> <i>(a) under which goods or services are to be provided or works are to be executed; and</i> <i>(b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>

Part 7 of the Constitution, New Version 1,  
Code of Conduct for Members

<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>
<i>Corporate tenancies</i>	<i>Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.</i>
<i>Securities</i>	<i>Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</i>

These descriptions on interests are subject to the following definitions;

*“the Act” means the Localism Act 2011;*

*“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;*

*“director” includes a member of the committee of management of an industrial and provident society;*

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;*

*“M” means a member of a relevant authority;*

*“member” includes a co-opted member;*

*“relevant authority” means the authority of which M is a member;*

*“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;*

*“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;*

*“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

## **2 Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority’s website.

## **3 Sensitive interests**

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to 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 a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

## **4 Non participation in case of disclosable pecuniary interest**

A) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting,

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, Standing Order 21(6) requires you to leave the room where the meeting is held while any discussion or voting takes place.

B) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **5      Dispensations**

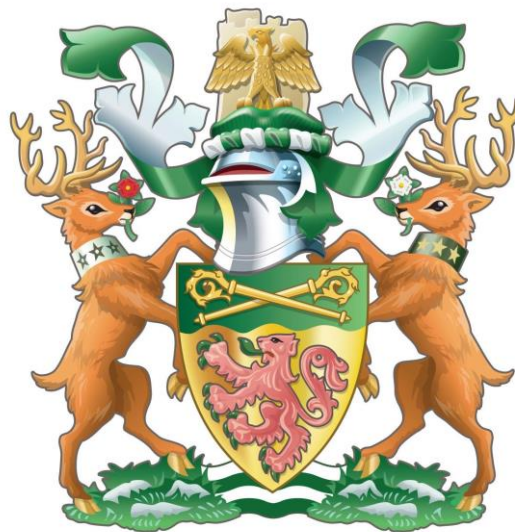
The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

## **6      Offences**

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

# Code of Conduct for Staff



Ribble Valley  
Borough Council

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[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

**September 2012**

## 1 ***Introduction***

- 1.2 The public are entitled to expect the highest standards of conduct from Ribble Valley Borough Council and their staff. Confidence in the integrity of staff will be threatened by any suspicion that they may be influenced in the performance of their duties by improper motives, whether well founded or not,
- 1.3 This Code is closely based upon a model Code of Conduct for Local Government Employees that has been recommended to local authorities by the Local Authority Management Board. The Council adopted this Code on 9 November 2005, as setting out the standards of conduct expected of their employees.
- 1.4 Whilst it is not a disciplinary code, any failure to follow the standards it sets out may constitute misconduct that could lead to disciplinary action, including dismissal.

## 2 ***Who Is The Code Aimed At?***

- 2.1 The Code applies to all the staff of Ribble Valley Borough Council.
- 2.2 Inevitably some of the issues it covers will particularly affect senior, managerial and professional staff. However, the Code is intended to cover all staff that work under a contract of employment with the Council. Activities carried out by Council staff who, in that capacity, are acting as members of companies or of voluntary organisations are also subject to the standards contained in this Code.

## 3 ***General Obligations***

- 3.1 Staff must always act with good faith towards the Council's business and should promote its interests. Staff must not do anything adversely to affect the Council's reputation.

## 4 ***Standards***

- 4.1 Local government staff 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 elected members and to fellow staff with impartiality. Staff will be expected, without fear of recrimination, to bring to the attention of their line manager any deficiency in the provision of service. Staff must report to their line manager any fraud, corruption or other malpractice, any impropriety or any breach of procedure. Staff who find themselves in difficulty in doing this should refer to the Council's Anti-Fraud Policy contained in the Staff Handbook.

## 5 ***Disclosure of Information***

- 5.1 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 Council will be open about other types of information too.
- 5.2 However staff should not disclose personal or financial information about any other person, which they obtain in the course of their duties to the Council.
- 5.3 Staff should respect the confidentiality of reports that are marked “exempt” or “confidential”, and of any other information that they receive under an obligation of confidence.
- 5.4 Staff 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 for personal gain or benefit. Any particular information received by staff from an elected member which is personal to that member and does not belong to the authority should not be divulged by staff without the prior approval of that elected member, except where such disclosure is required or sanctioned by the law.

## 6 ***Political Neutrality***

- 6.1 Staff serve the Council as a whole. It follows that staff must serve all elected members and not just those of the controlling group. Staff must ensure that the individual rights of all elected members are respected.
- 6.2 Staff should not, in their capacity as Council employees, attend meetings of political groups unless specifically authorised by the Chief Executive. Staff must take care not to compromise their political neutrality.
- 6.3 Some staff occupy posts which are “politically restricted” under the provisions of the Local Government and Housing Act 1989. This restriction will be stated in their contract of employment. These staff are disqualified from membership of a local authority (other than a parish or community council), and from being a MP or MEP; they are also subject to restrictions in other political activity.
- 6.4 Staff, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

## 7 ***Relationships***

### ***Elected Members***

- 7.1 Staff are responsible to the Council through its senior managers. For some staff, their role is to give advice to elected members and senior managers and all are there to carry out the Council’s work. Mutual respect between the staff

and elected members is essential to good local government. Close personal familiarity between staff and elected members can damage that relationship and prove embarrassing to other staff and elected members and must therefore be avoided.

### ***The Local Community and Service Users***

- 7.2 Staff should always remember their responsibilities to the community and should provide courteous, efficient and impartial service delivery to all groups and individuals within the community.

### ***Contractors***

- 7.3 All relationships of a business or private nature with external contractors, or potential contractors, should be notified in writing to the Chief Executive with a copy to the appropriate director. Orders and contracts must be awarded on merit and in accordance with the Council's standing orders on contracts, normally by fair competition against other tenderers. No special favour in the tendering process should be shown to businesses run by, for example, friends, partners or relatives of members of staff. No part of the community should be discriminated against.
- 7.4 Staff 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 a contractor should declare that relationship in writing to the Chief Executive with a copy to the appropriate director.

## ***8 Appointment and Other Employment Matters***

- 8.1 Staff involved in appointing Council staff must ensure that all appointments are made on the basis of merit. It is unlawful for an appointment to be made that is 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 staff must not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with the applicant.
- 8.2 Similarly, staff must not be involved in decisions relating to discipline, promotion or pay adjustments for any other member of staff who is a relative or with whom they have a close personal relationship outside work.

## ***9 Private Work***

- 9.1 Staff must not hold any other paid appointment or conduct any paid business, which could conflict with or could have a detrimental effect on the Council's business. If employees have any uncertainty as to whether a conflict exists they should discuss this with their manager or appropriate director.



- 9.2 No private work can be undertaken during work for the Council, or on the Council's premises, or by using Council's equipment without the prior written approval of the Chief Executive or appropriate director.
- 9.3 If in the course of work with the Council staff create a copyright work that work becomes the property of the Council. Similarly, if in the course of work staff create a patentable invention, or create a design capable of registration, then this will also become the property of the Council and staff will be required to co-operate in the registration formalities.

## 10 ***Personal Interests***

- 10.1 Staff must declare in writing to the Chief Executive, with a copy to the appropriate director, any non-financial interests that they consider could bring about conflict with the Council's interests.
- 10.2 Staff must declare in writing to the Chief Executive, with a copy to the appropriate director, any financial interest that could conflict with the Council's interests.
- 10.3 Under Section 117 of the Local Government Act 1972, staff must declare in writing to the Chief Executive, with a copy to the appropriate director, any financial interest which they, their spouse or civil partner may have in any existing or proposed contract with the Council. Failure to make such a declaration is a criminal offence.
- 10.4 Non-financial interests or relationships that could cause potential conflict must also be declared in writing to the Chief Executive, with a copy to the appropriate director, eg involvement with an organisation or pressure group which may oppose the Council's policies.
- 10.5 Staff must declare in writing to the Chief Executive, with a copy to the appropriate director, 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. For example, staff should declare membership of freemasonry.

## 11 ***Equality Issues***

- 11.1 All local government employees must ensure that policies relating to equality issues, as agreed by the Council, are complied with in addition to the requirements of the law, including all forms of harassment, such as sexual, racial or bullying. This includes unwelcome acts, such as: sexual offences; sexual or racial insults; bullying; inappropriate language or comments; committed by an employee against other employees or members of the public. This also includes inappropriate comments, images etc contained in electronic communications such as email or made on social networking sites.

be All members of the local community, customers and other staff have a right to be treated with fairness and equality.

## 12 ***Separation of Roles During Tendering***

- 12.1 Staff involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior staff who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 12.2 Staff in contractor or client sections must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.
- 12.3 Staff who have access to confidential information on tenders or costs for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 12.4 Staff must ensure that no special favour is shown to current or recent former employees or their spouses, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## 13 ***Corruption***

- 13.1 It is a serious criminal offence for staff to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything, or showing favour or disfavour to any persons in their official capacity. If an allegation is made it is for the member of staff to demonstrate that any such rewards have not been corruptly obtained.
- 13.2 Staff must report to the Chief Executive or relevant director any corrupt offer that is made to them.

## 14 ***Use Of Financial Resources***

- 14.1 Staff must use public funds in a responsible and lawful manner. Staff must ensure value for money to avoid legal challenge to the Council.

## 15 ***Hospitality***

- 15.1 Staff must only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Invitations to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should not be accepted unless first authorised in writing by the Chief Executive or appropriate director.

- 15.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating with the Council.
- 15.3 Staff must not accept significant personal gifts from contractors or outside suppliers, although staff may keep insignificant items of token value such as pens, calendars and diaries.
- 15.4 When receiving authorised hospitality staff should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 15.5 Acceptance by staff of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that the hospitality is corporate rather than personal, where the Chief Executive or appropriate director gives consent in advance and where any purchasing decisions are not compromised. Where visits to inspect equipment, or other merchandise, are required staff must ensure that the Council meets the cost of such visits so as to avoid jeopardising the integrity of any subsequent purchasing decisions.

## 16 ***Sponsorship – Giving and Receiving***

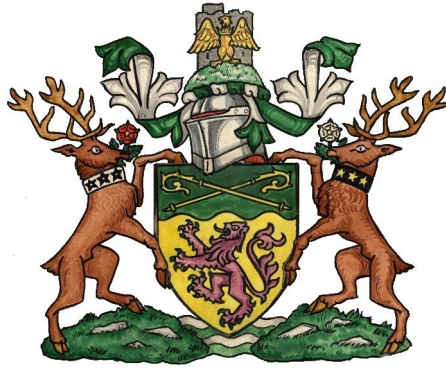
- 16.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 16.2 Where the Council wishes to sponsor an event or service neither a member of staff or their spouse, relative or close associate must benefit from such sponsorship in a direct way without there being full written disclosure to the Chief Executive or appropriate director of any such interest. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community staff must ensure that impartial advice is given and that there is no conflict of interest involved.

## 17 ***Other Documents***

- 17.1 Staff must be aware of the Council's Standing Orders on contracts, financial administrative regulations, and any procedure manuals in the service, department or section and must comply with them. Heads of Service must inform staff about these. If there is any doubt staff must ask the Chief Executive or appropriate director.

## 18 **Generally**

- 18.1 This Code cannot cover every eventuality. Its purpose is to show the standards expected of Council staff. It does not replace the general requirements of the law.
- 18.2 The National Code of Conduct for Elected Members contains advice that is very relevant to staff:
- “It is not enough to avoid actual impropriety. You should, at all times, avoid any occasion for suspicion and any appearance of improper conduct.”*
- 18.3 This should be the guiding principle in staff professional conduct and in the application of the Code.
- 18.4 Conduct likely to bring discredit to the Council's business and/or reputation. This may be breached when an employee intentionally or recklessly or without reasonable cause acts in a manner which damages or is likely to damage the Council's business and/or reputation. This may also relate to acts that an employee commits out of work but which may still have an adverse affect on the Council e.g. newspaper or internet articles about an employee; entries made by employee's on social networking sites etc.
- 18.5 Committing an act outside work or a criminal offence, which is likely to have an adverse effect on the employer/employee relationship. This will include conduct or actions likely to have an adverse affect on the performance the employee's contract of employment such as drink driving or other driving offences, or taking part in activities or expressing views which could bring the Council into to disrepute, or any action which may undermine an employee's professional credibility either within the organisation or within the community.
- 18.6 If staff are uncertain as to the conduct expected in a particular situation please consult the appropriate Head of Service. If this is impractical please consult the appropriate director.



**RIBBLE VALLEY  
BOROUGH COUNCIL**

**A Protocol for  
Member/Officer  
Relations**

**May 2014**

## **RIBBLE VALLEY BOROUGH COUNCIL**

### **MEMBER/OFFICER PROTOCOL**

#### **1. INTRODUCTION**

- 1.1 Ribble Valley Borough Council recognises that the relationship between its members and its officers is of vital importance in its work on behalf of the people of the Borough. The purpose of this Protocol is to guide both members and officers of the Council in their relationships with each other. It sets out and stresses the need for mutual respect between councillors and officers, based on an understanding of their respective roles and on the need to maintain the highest standard of personal and professional conduct at all times.
- 1.2 Given the variety and complexity of Member/Officer relations, the Protocol does not seek to be prescriptive or comprehensive. The intention is simply to offer guidance on some of the issues which most commonly occur and which, in turn, may help and serve as a guide in dealing with other situations which might arise.
- 1.3 The Protocol is largely a statement of current practice and convention, but by collating and emphasising these principles it is hoped to promote greater clarity and certainty.
- 1.4 The Protocol forms part of the Council's constitution and as such is available for public inspection.

#### **2. PRINCIPLES UNDERLYING MEMBER-OFFICER RELATIONS**

- 2.1 Both members and officers are servants of the public, and they are indispensable to one another. However their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees.
- 2.2 Mutual respect between Members and Officers is essential to good local government.

#### **3. ROLES OF MEMBERS**

- 3.1 All members have important roles under the Council's constitution and all are subject to the same ethical framework and code of conduct. These roles include:
- representing the views of their constituents;
  - acting together as the full Council; and
  - membership of committees, sub-committees and working groups.
- 3.2 The Council and its committees are responsible for setting policies, service and performance targets and ensuring that they are delivered. They are accountable to the electorate for the delivery of policies and services. It is important to note that the law only allows for decisions to be taken by the Council, a committee or sub-committee or by an Officer. The law does not allow for decisions to be taken by a committee Chairman or by an other single member.
- 3.3 Members are not normally expected to be involved in the implementation of policies or the day-to-day management of services, but can expect reports on progress.
- 3.4 It is appropriate, however, for Members to propose initiatives and ideas about how things can be done better. It is essential that existing ways of doing things are challenged and reviewed. This needs to be done in a professional and constructive environment. Where Members have initiatives and ideas they should discuss them with the Director concerned and a way forward agreed by the parties concerned. This will usually be through the appropriate committee.
- 3.5 The Code of Conduct for Members has a number of provisions which are relevant to the relationship between Members and Officers. These are as follows:-
- A member must treat others with respect [Para.3(1)].
  - A member must not do anything which compromises or which is likely to compromise the impartiality of those who work for, on behalf of, the authority [Para. 3(2)d].
  - A member must when reaching decisions have regard to any relevant advice provided to him by –
    - (a) the authority's chief finance officer acting in pursuance of his duties under section 114 of the Local Government Finance Act 1988 or an equivalent provision in any regulations made under section 6(6) of the Local Government and Housing Act 1989; and
    - (b) the authority's monitoring officer acting in pursuance of his duties under section 5(2) of the Local Government and Housing Act 1989 (Paragraph 6).

#### **4. ROLES OF OFFICERS**

- 4.1 Officers are responsible for advising the Council and its Committees on policy and its implementation. They have a duty to give impartial advice to all Members. All officers are employed by, and accountable to, the local authority as a whole.
- 4.2 Support from officers is needed for all the Council's functions and the roles of the full Council, policy committee and individual Members representing their communities.
- 4.3 Day to day managerial and operational decisions should remain the responsibility of the Chief Executive and other officers.

## **5. RELATIONSHIP BETWEEN MAYOR AND OFFICERS**

- 5.1 Officers will ensure that the Mayor is provided with all necessary secretarial and other support and that the dignity of the office of Mayor is respected at all times.

## **6. RELATIONSHIP BETWEEN LEADER AND OFFICERS**

- 6.1 It is of fundamental importance to the effective running of the Council that there is a good working relationship between the Leader of the Council and Officers, in particular the Chief Executive. The Leader and the Chief Executive between them have the prime responsibility for providing leadership not just to the Council but to the wider community.
- 6.2 The Chief Executive will keep the Leader and Shadow Leader regularly informed on matters affecting the Council and will arrange for the necessary support to be provided to the Leader and Shadow Leader to enable him or her to fulfil the role.
- 6.3 In the absence of the Leader or Shadow Leader the Chief Executive will provide the necessary information and support to the Deputy Leader or Shadow Deputy Leader or to any other member nominated by the Leader or Shadow Leader.

## **7. RELATIONSHIPS BETWEEN CHAIRMEN AND MEMBERS OF POLICY COMMITTEES AND OFFICERS**

- 7.1 It is clearly important that there should be a close working relationship between the Chairman of a committee and the relevant Director or Service Head. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 7.2 Whilst the Chairman may, if he or she so wishes, be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a duty to submit a report on a particular matter. Similarly, an Officer will always be fully responsible for the contents of any report submitted in his or her name. Any issues arising between a Chairman and an Officer in this area should be referred to the Chief Executive for resolution. Where individual members wish



to place an item on an agenda they should notify the Chairman and the Chief Executive.

- 7.3 Finally, it must be remembered that officers within a service are accountable to their Director and/or Service Head and that whilst Officers should always seek to assist a Chairman or any other Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director or Service Head.

## **8. OFFICER RELATIONSHIPS WITH PARTY GROUPS**

- 8.1 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups; however, this should always be with the consent of the appropriate Director. Such consent will only be refused in exceptional circumstances and after discussions between the party Leader and the Chief Executive.

- 8.2 The support provided by officers can take many forms, ranging from a briefing meeting with a Chairman or Spokesperson prior to a committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support is available to all party groups and also to independent members.

- 8.3 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- (a) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
- (b) Where Officers provide information and advice to a party group meeting in relation to a matter of council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered.

- 8.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

- 8.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay either directly or indirectly the content of any such discussion to another party group.
- 8.6 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive or in his absence, the Monitoring Officer who will discuss them with the relevant group leader.

## **9. MEMBERS IN THEIR WARD ROLES AND OFFICERS**

- 9.1 Officers will provide support to Members in their role as ward councillors. However the only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.
- 9.2 Whenever a public meeting (with the exception of Committee meetings) is organised by the Council to consider a local issue, all the Members representing the ward or wards affected must, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be notified at the outset of the exercise.

## **10. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

- 10.1 Members are free to approach any Council department to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as Members of the Council. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Director or another Senior Officer of the department concerned.
- 10.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 10.3 Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the member is a member of the committee or sub-committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items which may appear on the 'exempt' agenda for meetings. The items in question are those which contain exempt information.

- 10.4 The common law right of Members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.
- 10.5 The exercise of this common law right depends therefore upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Director whose department holds the document in question (with advice from the Head of Legal and Democratic Services). In the event of dispute, the question falls to be determined by the relevant Committee i.e. the Committee in connection with whose functions the document is held.
- 10.6 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 10.7 Whilst the term “Council document” is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a member of one party group will not have a “need to know” and therefore a right to inspect, a document which forms part of the internal workings of another party group.
- 10.8 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Head of Legal and Democratic Services.
- 10.9 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member’s duties as a Member of the Council.

## **11. MEDIA RELATIONS**

- 11.1 Officers shall assist Members in explaining proposals and policies to journalists but not in promoting individual members or their political views. Exceptions are those described in the Code of Practice on Local Authority Publicity, principally when an individual Member is speaking for the Council as a whole or for a committee which they chair.

## **12. CORRESPONDENCE**

- 12.1 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member.

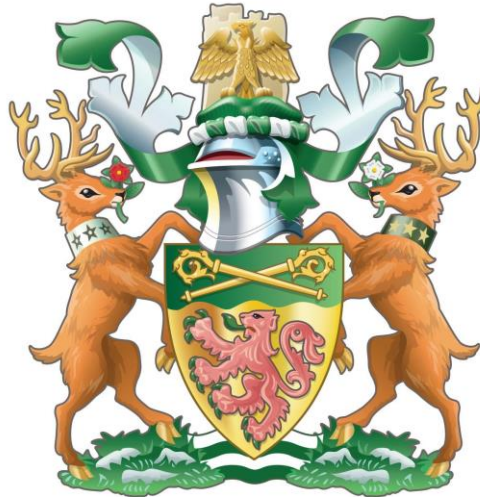
12.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out over the name of a Member.

### **13. REVIEW OF PROTOCOL**

13.1 This protocol is intended to provide Members and Officers with guidelines to determine their roles and relations with each other.

13.2 It is intended to be a 'live' document and will be reviewed from time to time to reflect changing circumstances.

13.3 Members or Officers with queries about the Protocol should contact the Head of Legal and Democratic Services, who is the Council's Monitoring Officer.



Ribble Valley  
Borough Council

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# WHISTLEBLOWING POLICY

# WHISTLEBLOWING POLICY

## 1 PREAMBLE

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This whistleblowing policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## 2 AIMS AND SCOPE OF THIS POLICY

### 2.1 This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith.

### 2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that fall outside the scope of other procedures:

That concern may be about something that:

- is unlawful; or
- is against the Council's Standing Orders or policies; or
- falls below established standards or practice; or
- amounts to improper conduct, including any concerns over the behaviour/conduct of Councillors, staff or volunteers in relation to the safeguarding of children and vulnerable adults.<sup>1</sup>

## 3 SAFEGUARDS

### 3.1 Harassment or victimisation

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<sup>1</sup> See the Council's Safeguarding Children and Adults Good Practice Guide for further details.

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith.

3.2 This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

### 3.3 Confidentiality

The Council will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

### 3.4 Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 In exercising the discretion, the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources.

### 3.6 Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however you make malicious or vexatious allegations, disciplinary action may be taken against you and you may also leave yourself open to an action for defamation.

## 4 HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive or any Director or a member of the internal audit section.

4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

- Chief Executive
- Director of Community Services
- Director of Resources
- Principal Auditor
- Chairman of Accounts and Audit Committee

4.6 You may invite your trade union or professional association to raise a matter on your behalf.

## 5 HOW THE COUNCIL WILL RESPOND

5.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:

- be investigated internally;
- be referred to the Police;
- be referred to the external Auditor;
- form the subject of an independent inquiry.

5.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedure (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved by agreed action without the need for investigation.

5.4 Within ten working days of a concern being received, the Council will write to you:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made; and
- telling you whether further investigations will take place, and if not, why not.

5.5 The amount of contact between the officers considering the issues and will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

5.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union or professional association, representative or a friend who is not involved in the area of work to which the concern relates.

5.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

5.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.



6 HOW THE MATTER CAN BE TAKEN FURTHER

6.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- any Council member;
- the external auditor.

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. Check with the contact point about that.

7 THE RESPONSIBLE OFFICER

7.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

Signatures:

..... Chief Executive

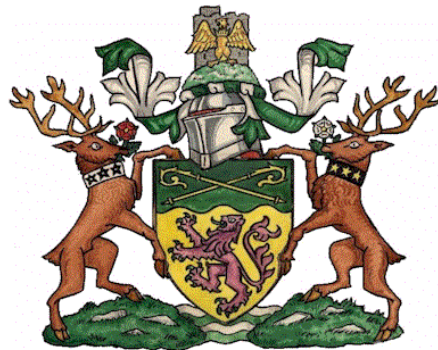
..... Head of HR

..... Unison Branch Secretary

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**RIBBLE VALLEY BOROUGH COUNCIL**

**DISCIPLINARY  
PROCEDURE**



# DISCIPLINARY PROCEDURE



## 1. INTRODUCTION

- (i) The aim of standard disciplinary procedures for all staff is to ensure uniformity of treatment between one individual and another and between one group of staff and another; to ensure justice for individual employees; to provide protection to the efficiency and smooth running of the Authority, and to ensure that management, unions and employees are aware of their rights and obligations, in respect of disciplinary and appeals machinery.
- (ii) These procedures should not be viewed primarily as a means of imposing sanctions but instead, as a means of emphasising and encouraging improvements in individual conduct.
- (iii) These procedures apply to all Local Government Services Scheme and craftworker staff employed under a contract of service by Ribble Valley Borough Council.
- (iv) These procedures reflect the principles outlined in the ACAS Code of Practice on Disciplinary Procedures.
- (v) It is recognised that in cases of alleged lack of capability, the following of a normal disciplinary procedure is sometimes inappropriate.
- (vi) This procedure shall be subject to joint review.
- (vii) In appropriate cases, this policy should be read in conjunction with the Council's whistleblowing policy.
- (viii) This procedure may not be applicable in relation to termination of contract during probationary periods.

## 2. DEFINITIONS

- (i) In this document where the term "recognised representative" is used, this is meant to be a branch official or representative appointed and accredited by UNISON, or by another recognised Trade Union. Legal representation at an internal hearing will not be accepted.
- (ii) In this document a "full-time officer" means an official employed by a nationally recognised negotiating body to represent its members.
- (iii) In this document 'gross misconduct' refers to a more grave offence such as, but not exclusive, to the following list:
  - (a) theft, fraud and deliberate falsification of records;
  - (b) physical violence;
  - (c) serious bullying or harassment;

- (d) deliberate damage to property;
- (e) serious insubordination;
- (f) misuse of an organisation's property or name;
- (g) bringing the employer into serious disrepute;
- (h) serious incapability whilst on duty brought on by alcohol or illegal drugs;
- (i) serious negligence which causes, or might cause, unacceptable loss, damage or injury;
- (j) serious infringement of health and safety rules;
- (k) serious breach of confidence (subject to the Public Interest Disclosure Act 1998).
- (l) unauthorised entry to computer records

### 3. REPRESENTATION

Employees are entitled to be represented by their branch trade union representative, or by a workplace colleague, at all of the formal stages of the procedure.

Representation is not necessary during the informal stages of the procedure.

In cases of suspension (ie suspected gross misconduct) there may not be enough time to find a representative.

No formal action should be taken against a trade union representative, safety representative, or any other union representative, until the circumstances of the case have (in advance of any actions to be taken) been discussed with their Regional Officer.

### 4. RIGHTS AND RESPONSIBILITIES

Employees have a duty to co-operate with procedures and to be accompanied at formal proceedings.

Trade union representatives or other companions have a duty to act in the employee's interests.

Management have a duty to act in accordance with agreed procedures; to investigate before taking action; provide support as appropriate; to take account of any mitigation and ensure that all action is fair and proportionate.

### 5. INFORMAL STAGE

The common initial response of a Head of Service/Manager to instances of unsatisfactory conduct or poor standards of performance will be a discussion on a one-to-one basis. This is not disciplinary action. This type of discussion would follow instances of carelessness, minor misconduct, or incompetence and formal disciplinary action would only follow where such instances continued. The discussion

should therefore be regarded as a very important aspect of the Head of Service or Manager's role. No written record of the discussion should be kept on the employee's file, but the Head of Service/Manager should keep a brief note of any discussion for reference purposes.

## 6. THE PROCEDURE

- (i) The breaches of discipline covered by this procedure fall into three main categories; minor offences, serious offences and gross misconduct.
- (ii) It is for the Authority to decide upon the delegation of responsibilities for administering disciplinary procedures. Each employee should be informed, in writing, on appointment or as soon as possible thereafter, of the details of this delegation insofar as they apply to him or her. An employee should thus be informed whether he/she can be dismissed only by a decision of the Council or by an officer. In those cases where an employee can be dismissed by an officer, the employee should also be informed which officer has the power of dismissal delegated to them. In the case of employees, whose employment can be terminated only by a decision of the Council, power of dismissal shall not be delegated to any officer.
- (iii) No disciplinary hearing should be convened, until the officer proposing such a hearing is satisfied that good reason for such action has been established and has discussed the matter with the Personnel Section.
- (iv) When it is decided that it is necessary to hold a disciplinary hearing, an employee shall first be notified, in writing, of the complaints against him/her and of the opportunity for preparing and stating a case, accompanied if so desired, by a recognised branch representative or officer of a recognised trade union or by a fellow employee of his/her choice. The employee concerned shall be given at least three working days written notice of the date and time set for the hearing, to enable him/her to discuss the matter with his/her representative. The employee shall also be notified of any witnesses who will be called and will, on request, be given details of the evidence to be used.
- (v) Employees and the person that accompanies them are obliged to make "every effort" to attend the meeting. Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause, management are entitled to make a decision based on the evidence available.
- (vi) No disciplinary hearing shall be convened against a recognised trade union representative or a recognised safety representative, until the circumstances of the case have been discussed with a full-time officer of the trade union concerned. It is recognised that there may be occasions when it would be necessary to suspend a representative on full pay and in such cases the circumstances must be reported forthwith to the appropriate full-time officer.
- (vii) When determining the disciplinary action to be taken, the Director or Head of Service should bear in mind the need to satisfy the test of reasonableness in all circumstances. As far as possible, account must be taken of any mitigating factors.
- (viii) Where it is established that an individual is blameworthy, the following forms of disciplinary action are allowed for in the procedure:

- (a) An oral warning.
  - (b) A written warning.
  - (c) A final written warning (which might not be preceded by any previous warning).
  - (d) Downgrading and/or transfer (usually as an alternative to dismissal).
  - (e) Dismissal.
- (ix) The individual must be provided with a notice signed by a duly authorised officer, detailing the disciplinary action taken and containing a clear statement of the reasons for the action against the employee, together with an indication of the right of appeal.
  - (x) The Personnel Section should be consulted about all disciplinary hearings.

## 7. SUSPENSION

Suspension on full pay shall only be authorised by an appropriate officer or member of the Authority and is NOT a disciplinary measure, but merely a holding action pending enquiries.

- (i) Suspension should only be implemented to enable a thorough examination of the facts to be made and/or when it is clearly undesirable for the employee to remain on duty.
- (ii) The reason for the suspension shall be confirmed, in writing, to the employee forthwith, who at the same time should be told that - except in cases involving police enquiries, or where legal proceedings are pending, or wherever a formal Committee of Inquiry has been or is being established - if suspension from duty lasts for a period of three weeks and no disciplinary charges have been made, and communicated in writing, there is a right of appeal to the Council against continuation of suspension.

## 8. ORAL WARNING

- (i) In cases of minor offences not justifying a written warning, a duly authorised officer of the Council ie Director/Head of Service may give an oral warning which would be confirmed in writing.

## 9. WRITTEN WARNING

- (i) In cases of repetition of minor offences or of a more serious offence not justifying a final warning, an employee may be issued with a written warning. Such a warning shall only be issued by a duly authorised officer or member of the Council.
- (ii) The warning shall include:
  - (a) A clear statement of the reasons for the action against the employee, together with an indication as to the right of appeal, a summary of the alleged facts, and, where appropriate, an indication of what is expected of the individual in the future.

- (b) An explanation that the warning will be entered on the employee's record and a notification that any further offence(s) could result in the issue of a final warning, unless there are mitigating circumstances.
- (c) An assurance that after 6 months of satisfactory conduct from the date of the warning, it shall be totally disregarded for disciplinary purposes. The member of staff will have the right to have this confirmed in writing.

#### 10. FINAL WRITTEN WARNING

- (i) In cases justifying the issue of a final warning, or in instances of misconduct sufficiently serious not to be tolerated a second time and therefore warranting a single final warning, such a warning shall only be issued by a duly authorised officer or member of the Council, as outlined at Appendix A.
- (ii) A final warning shall include:
  - (a) A clear statement of the reasons for the action against the employee, together with an indication as to the right of appeal, a summary of the alleged facts, and where appropriate, an indication of what is expected of the individual in the future.
  - (b) An explanation that it is a final warning, which will be entered on the employee's record and notification that any further offence(s) or unsatisfactory performance could result in dismissal, unless there are mitigating circumstances.
  - (c) An assurance that after 12 months of satisfactory conduct from the date of the warning, it shall be totally disregarded for disciplinary purposes. The member of staff will have the right to have this confirmed in writing.

#### 11. DOWNGRADING AND/OR TRANSFER

As an alternative to dismissal and/or as an addition to a disciplinary warning, downgrading and/or transfer may be considered as appropriate. When notified in writing of the sanctions to be applied, the employee shall also be notified of the right of appeal against the decisions and the reasons for the action being taken.

#### 12. ACTION SHORT OF DISMISSAL

Action short of dismissal may include:

- (i) A longer period for the final written warning to remain in force.
- (ii) Withholding of incremental progression for a specified period.
- (iii) Transfer to other duties (including lower graded duties, and without protection of pay).
- (iv) Suspension without pay for up to two weeks.



### 13. DISMISSAL

Except in cases justifying immediate suspension from duty or, exceptionally summary dismissal, employees shall, subject to any further enquiries that may be required, first be given a warning, in writing, signed by the appropriate officer, as outlined at Appendix A, that any further repetition by the employee might result in dismissal.

(i) Dismissal following a Written Warning:

Except in cases of gross misconduct, no employee shall be dismissed unless a full investigation of the latest incident has been carried out, in order to establish the facts.

(ii) Dismissal following gross misconduct:

In cases of gross misconduct leading to summary dismissal, the following conditions must be satisfied:

- (a) Following full investigation there are reasonable grounds for concluding the complaint is established.
- (b) The nature of the offence is such that it affects the relationship between the employee and the Authority or between the individual and any superior, colleague, client or member of the public with whom he/she might have contact in the performance of his/her duties, to such an extent that the employee cannot any longer reasonably be retained in his/her present post or other suitable alternative employment available with the Authority.

### 14. APPEALS AGAINST DISCIPLINARY ACTION

(i) *Employment Tribunals*

It is accepted that these procedures will in no way preclude any employee or representative acting on his/her behalf, registering an appeal against dismissal with the appropriate Employment Tribunal, although it may be that such action would carry with it a request for any hearing by the Tribunal to be held in abeyance pending the hearing of an appeal by the Council. In this way, if the appeal to the Council is not successful, the right of appeal to the Employment Tribunal is not prejudiced. Employees are strongly advised to seek the advice of their Trade Union.

(ii) Employing Authority

- (a) Any employee who is aggrieved by disciplinary action shall have the right of appeal. The right of appeal will be as follows:

<u>Type of Action:</u>	<u>Grade of Staff:</u>	<u>Appeal to be heard by:</u>
Warnings, Downgradings and Transfers	Staff <u>not</u> directly responsible to Chief Executive	Chief Executive/appropriate Director

Staff directly  
responsible to  
Chief Executive

Authority Panel

Dismissal

All Staff

Authority Panel

Provided that no-one will hear any appeal, or make any decision arising from it, if they have been involved in making the complaint or making the decision which is appealed against.

- (b) It is important that appeals should be made and heard quickly. Employees who are the subject of any disciplinary action including dismissal, should be provided - within 7 days - with a notice, in writing, stating the nature of the disciplinary action, the reasons for the disciplinary action, together with a summary of the alleged facts on which the disciplinary action is based, and the employee's right of appeal. Any appeal by the employee should be lodged, in writing, to the Chief Executive within 7 days of the receipt of the written notice.

The hearing of the appeal should take place within 5 weeks of the receipt of the notification of appeal, although either party, with the consent of the other, may in exceptional circumstances, be entitled to extend this period. The employee shall be given at least 7 working days notice of the date of the hearing.

- (c) Where the appeal is to be heard by the Chief Executive, the Personnel Section will make arrangements for the appeal to be heard. The procedure set out in Appendix B shall be followed. Where a Panel of the Authority is to hear the appeal, the Authority will set up Appeal Committees consisting of not less than 3 members of the Authority, to hear appeals. The Chairman of this Panel shall be a member of the Personnel Committee of the Authority.
- (d) The members of the Appeal Committee must not include any member of the Authority or Committee or sub-committee of the Authority who has been directly involved in the circumstances leading to disciplinary action. No officer of the Authority, who has been directly involved in the circumstances that appeared to indicate the need for disciplinary action at an earlier stage of the disciplinary procedure, shall be present at the appeal hearing as Secretary of the Appeal Committee or in any other capacity, except as a witness or as a representative of the Authority.
- (e) The staff side and management side should each prepare a statement of case, in writing, and send it to the Secretary of the Appeal Panel to arrive, if possible, at least 7 days prior to the date set for the hearing of the appeal. If both statements of case have been received before the hearing, the Secretary of the Appeal Panel will send a copy of management's statement of case to the staff side and vice versa. The Appeal Committee will be provided with any statements of case that have been received by the Secretary.
- (f) The employee shall have the right of appearing personally before the Appeal either alone or accompanied by a recognised representative, or officer of a recognised trade union, or a fellow employee of his/her choice.
- (g) At the hearing of an appeal, the procedure given at Appendix B shall be observed.

Signatures:

..... Chief Executive

..... Head of HR

..... Unison Branch Secretary

# APPENDIX A

Schedule of delegated authority to take disciplinary action.

Staff not directly responsible to Chief Executive	) ) )	Chief Executive/Director/ Head of Service
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Staff directly responsible to Chief Executive	) ) )	Chief Executive
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## APPENDIX B

### Appeal Hearing Procedure

- (a) The Authority's representative shall state the Authority's case in the presence of the appellant and his/her representative and may call witnesses.
- (b) The appellant or his/her representative shall have the opportunity to ask questions of the Authority's representative and witnesses (immediately following their individual statements).
- (c) The members of the Appeal Committee shall have the opportunity to ask questions of the Authority's representative and witnesses.
- (d) The Authority's representative shall have the opportunity to re-examine his/her witnesses on any matter referred to in their examination by members of the Appeal Committee, the appellant or his/her representative.
- (e) The appellant or his/her representative shall put his/her case in the presence of the Authority's representative and may call witnesses.
- (f) The Authority's representative shall have the opportunity to ask questions of the appellant, his/her representative and his/her witnesses (immediately following their individual statements).
- (g) The members of the Appeal Committee shall have the opportunity to ask questions of the appellant, his/her representative or his/her witnesses.
- (h) The appellant or his/her representative shall have the opportunity to re-examine his/her witnesses on any matter referred to in their examination by members of the Appeal Committee or the Authority's representative.
- (i) The Authority's representative and the appellant or his/her representative shall have the opportunity to sum up their cases, if they so wish. The appellant or his/her representative shall have the right to speak last. In their summing up, neither party may introduce any new matter.
- (j) Nothing in the foregoing procedure shall prevent the members of the Committee from inviting either party to elucidate or amplify any statement he/she may have made, or from asking him/her such questions as may be necessary to ascertain whether or not he/she proposes to call any evidence in respect of any part of his/her statement or alternatively, whether he/she is in fact claiming that the matters are within his/her own knowledge, in which case he/she will be subject to examination as a witness under (b) or (f) above.
- (k) The Committee may, at their discretion, adjourn the appeal in order that further evidence may be produced by either party to the dispute.
- (l) The Authority's representative, the appellant, and his/her representative and witnesses shall withdraw.
- (m) The Committee shall, with the officer appointed as Secretary to the Committee, deliberate in private, recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point giving rise to doubt.

# APPENDIX C

## Guidance for employees suspended from work

### 1. REASON FOR SUSPENSION

A Director/Head of Service will have outlined the allegations that have been made against you. Being suspended does not mean that the allegation(s) are proven or that disciplinary action will be taken. It does mean that the allegation(s) is/are being taken seriously. Alternatives to suspension will have been considered.

Suspension from duty may occur where:

- (a) Gross misconduct is alleged;
- (b) the presence of the employee may hinder the investigation;
- (c) the nature of the allegation suggests either the employee or others may be at risk, feel vulnerable or find it unacceptable for the employee to remain in work.
- (d) it is likely that further allegations may be made.
- (e) Council property/evidence may be destroyed or tampered with
- (f) the suspension is the result of criminal proceedings

### 2. WHAT HAPPENS NEXT?

An Investigating Officer(s) will investigate the allegations, and will contact you to arrange an interview to allow you to respond to the allegations. At this meeting you may bring with you a Trade Union representative or work colleague. This meeting may take time to set up if the Investigating Officer(s) has to interview the complainant and/or witnesses before meeting you.

### 3. HOW LONG IS IT FOR?

An Investigating Officer(s) will aim to conclude disciplinary investigations within 3 weeks but they need to carry out a full and fair investigation. Complex investigations can take longer. As the investigation progresses, new evidence may come to light which allows a person to return to work. In most cases people have to wait until the investigation is concluded and, where appropriate, a Disciplinary Hearing is arranged to decide the outcome. A Personnel Officer will communicate ongoing progress to the employee as appropriate. Any concerns the employee or his/her trade union representative has about the investigation process should be raised with the Director/Head of Service who appointed the Investigator(s).

### 4. WHAT DOES FULL PAY MEAN?

Any employee who is suspended shall receive full contractual pay.

### 5. SUPPORT AND ASSISTANCE

The Personnel Officer will support you during your suspension and keep you updated on the continuation of your suspension and the investigation. If you do not have a copy of the disciplinary procedure you can obtain one from Human Resources.

## 6. MUST I STAY AT HOME?

You are still employed by the Council who can request you to attend work and meetings with minimum notice. If you wish to go on holiday, you will need to agree leave with your Head of Service and confirm with Human Resources. If you are going to spend any time away from your normal home you should leave a contact address/number with a Personnel Officer.

## 7. WHAT DOES IT MEAN, "I CANNOT ATTEND WORK OR TALK TO OTHER EMPLOYEES"?

You must not attend your workplace whilst suspended without prior agreement of the Investigating Officer(s) or Human Resources. You should not speak to other employees about the matters under investigation. You do not have to avoid people and you can talk about social matters, however you should not do anything that could be construed as "intimidating a witness".

If you are suspended and you:

- Go on holiday without prior agreement;
- Attend your workplace without permission;
- Inappropriately discuss the details of the case;

you are likely to be in breach of the suspension, which may lead to disciplinary action. Please talk to a Personnel Officer if you are unsure. If you believe a colleague has information of relevance to the investigation, you should approach them through the Investigating Officer(s) or Personnel Officer so as to avoid any claims of intimidation.

Your colleagues will have the right to be accompanied by a Trade Union representative or work colleague at any meeting with you.

## 8. WHAT SHOULD I BE DOING?

You should write out the facts of the matter under investigation immediately. You should contact your Trade Union or Professional Association, if you are a member. They will be able to give you further advice and support.

## 9. RESIGNATION

If you are considering resigning it's recommended that you speak with your Trade Union representative about this course of action. You should also contact the Human Resources Section to discuss the implications i.e. pay, notice period and future job references.

The Authority may still proceed with an investigation and/or disciplinary hearing if you resign and you and/or your Representative will have the opportunity to attend any investigatory interview and Hearing.

## 10. CONFIDENTIALITY

The matter under investigation must be kept confidential, however, you may discuss the case with your family, Trade Union Representative or work colleague representative.

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Ribble Valley  
Borough Council

[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

# RECRUITMENT AND SELECTION POLICY

## 1 VACANCIES

1.1 When a post becomes vacant the Head of Service will complete a Request to Re-appoint form to be submitted to Corporate Management Team (CMT) for consideration and approval. UNISON and the Head of HR will be consulted at this stage and their comments included. The Request to Re-appoint form (See Appendix 1) will include the following information:

- Directorate and job title.
- salary, grade and any additional payments.
- Hours.
- Brief description of duties.
- Job description, person specification and JE additional information sheet (where applicable) to be attached.
- Effect of service levels if post not replaced.
- Options to replacement considered.
- Critique of options.
- Where the post is to be advertised
- Recommendation of management team.
- Recommendation to Personnel Committee.

## 2 ADVERTISING

2.1 When a re-appointment has been approved by CMT, the Head of Service will meet with a HR Officer to discuss advertising options.

2.2 Posts may be advertised internally and/or externally. If a post is to be advertised internally only the Head of Service must include an explanation of the reasons for doing so on the Request to Reappoint form.

2.3 Priority notification of vacancies will be given to staff who are listed on a ring fence list or on the re-deployment register.

2.4 If a post is to be advertised externally, the HR Officer will prepare an advertisement which must be approved by the relevant Head of Service. Once approved estimates of advertising costs will be obtained.

2.5 Vacancies will also be circulated to job centres, surrounding local authorities and published on the Council's website.

2.6 The advertising costs should be discussed and approved with the relevant Head of Service before an advertisement is placed.

2.7 The cost of advertising will be covered by departmental budgets.

## 3 APPLICATIONS

3.1 All applications will be handled by the HR Administrator or other designated staff.

3.2 All applicants will receive the following:

- Guidance notes.
- Conditions of service.
- Application form.
- Equal opportunities monitoring form.
- Job description.
- Person specification.
- Copy of advertisement/vacancy details.
- Any additional relevant information.

Copies of these documents are included in the Appendix 2 of this policy.

- 3.3 Upon receipt of application forms the Head of Service will assess each applicant in relation to the specified job description and person specification. The Head of Service concerned will discuss with a HR Officer and make recommendations in respect of candidates to be interviewed.

The HR Administrator or HR Officer will contact all short listed candidates to arrange interviews, which would normally be within two weeks of the closing date.

#### 4 INTERVIEW STAGE

- 4.1 Prior to the interview, the relevant Head of Service /supervisor should prepare a list of questions appropriate to the vacant post, this will be discussed with the HR Officer and, once agreed, should be used in all interviews in order to maintain fairness and equality.

- 4.2 The aim of the interview will be to:

- assess the candidate's ability/suitability for a specific job based on the information obtained from the application form, and in comparison with the person specification;
- provide an opportunity for the candidate to make further enquiries concerning the nature of the role and conditions of employment;
- gain an insight into the applicant's personality. Psychometric testing may be used for certain posts and in such cases; the results should be available to the interviewers. Once completed and assessed, all psychometric test papers will be held in secure storage in the HR Section;
- where appropriate, other forms of testing may be used as part of the selection process eg typing tests, verbal reasoning tests, paper and/or computerised desk exercises, presentations etc.

- 4.3 The relevant Head of Service/supervisor will conduct the interview and will be accompanied by the HR Officer or the Head of HR.

Chief Officers may also be in attendance.

The Chairman of Personnel Committee (or his/her deputy Chair where the Chairman is unavailable) will normally be involved in the interview process for posts at Head of Service level and above.

The interview panel for posts above Head of Service level, will be chaired by the Chair of Policy and Finance of the Council and consist of the:

- Vice Chairman of Policy and Finance Committee;
- Chairman of Personnel Committee;
- an opposition councillor

In all interview situations, at least one member of the interview panel must have experience of formal recruitment and selection/interview techniques, training. No one should interview alone.

4.4 The procedure for the appointment of a Chief Officer is outlined at Appendix 4.

4.5 Detailed notes should be retained for each interview, detailing how each candidate met the requirements of the person specification. Care should be taken to ensure that such notes do not contravene equalities legislation.

4.6 Discrimination – any form of discrimination should be avoided at all times in the recruitment process, this includes:

- *direct discrimination*, treating an individual less favourably than others would be treated in the same or similar circumstances
- *indirect discrimination*, applying a requirement or condition to everybody, but which disproportionately discriminates against a particular group eg a large supermarket chain adheres to a very strict standard of dress for its employees so that they are easily identified by customers. For men this is black trousers and a white shirt. For women a skirt and blouse in the same colour. The only people entitled to wear any headgear are those on the produce counters. This is indirect discrimination as it would deter people from certain religion or racial groups, who could not meet uniform standards.

4.7 all candidates will be treated equally regardless of age, sex, disability, gender reassignment, race, religion and belief, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

4.8 Applications from all minority groups must be treated fairly, and if appropriate, consideration must be given to changes in working practice/environment in order to accommodate disadvantaged groups.

4.9 All candidates will be offered reasonable adjustments in the interview process where appropriate/necessary.

## 5 ASSESSMENT

5.1 Immediately after the interview and following discussion with the Head of Service or other members of the interview panel, the HR Officer should complete an assessment of each applicant in the areas relevant to the job description. These notes are usually made on question/answer sheets used during the interview.

- 5.2 After the interview all the available information on the candidate (including references if obtained) should be evaluated before a final decision is taken.
- 5.3 Where possible, references will be taken up before the interview, in which case a HR Officer will write to nominated referees and forward a reference response form for completion (a copy of the reference request form is included in Appendix 2 of this policy). Qualifications must also be checked where deemed appropriate.
- 5.4 Reasons for rejecting a candidate must be made explicit and justified only in terms of comparison to the job description and person specification. Punctuality and performance at interview may also be considered, but clear notes should be kept of all factors which influenced a final decision.

Non-attendance at interview is a justifiable reason for rejecting a candidate unless there are extenuating circumstances.

## 6 OFFER

6.1 When a final decision on a suitable candidate has been reached, the HR Officer will contact the successful candidate and make a verbal offer of employment, this will be followed up in writing within 2 days.

6.2 A written offer of employment may be conditional because of further information required eg references etc. A letter offering employment should contain the following 'minimum' details:

- job title
- department
- salary scale and spinal column point
- actual salary
- information relating to increments (where applicable)
- hours of work
- conditions of service
- superannuation details
- notice period
- political restriction (where applicable)
- lodging/removal allowances (where applicable)
- any other transitional issues (where applicable)
- details of an employment end date – if on a fixed term contract
- DBS requirements (where applicable)

6.3 The HR Administrator or HR Officer will send a 'rejection' slip to all the unsuccessful candidates.

6.4 Wherever requested, feedback should be provided to unsuccessful candidates who attended for interview.

7 RECORD STORAGE

- 7.1 Application forms in respect of unsuccessful candidates, together with relevant interview notes, will be retained in secure storage for a minimum period of 12 months following the initial interview.
- 7.2 Should a similar vacancy arise again, within a short period, the applications of unsuccessful candidates may be reconsidered.
- 7.3 All equal opportunity monitoring forms will be held in a central file in the HR Section and will be referred to for statistical purposes only. In time, this data will be stored electronically.

8 COMPLAINTS PROCEDURE

- 8.1 Candidates who feel they have not been treated fairly at an interview are entitled to complain to the Chief Executive within seven days of the interview. The matter will then be investigated.

9 REVIEW

This procedure will be reviewed regularly from the date of implementation.

CONCLUSION

Remember that the recruitment of staff is time consuming but important – if inappropriate staff are chosen and if they do not fulfil the needs of the job shortly after appointment, the whole procedure will have to be started again. In addition, the Council may be put at risk if unsuitable staff are appointed.

Response to advertisements will be monitored and analysed in terms of cost of advertisements placed, publications used, responses generated and applications received. A copy of the form used to record this information is included at Appendix 5 of this policy. The HR section will monitor expenditure and ensure cost effective advertising.

Signatures:

..... Chief Executive

..... Head of HR

..... UNISON Branch Secretary

# VACANCIES – REQUEST TO RE-APPOINT

## APPENDIX 1



Ribble Valley  
Borough Council  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

1. Post number, directorate and title:
2. Salary grade:
3. Brief description of duties:  
(Current Job Description, Person Specification and Additional Information Sheet to be attached.)
4. \*Options:
  - a) Effect on service levels if post not replaced:
  - b) Options to replacement considered:
  - c) Critique of options including a risk assessment of the favoured option and if there is a need for job evaluation of any proposed revisions to the job description:
5. Advertising:  
Is there any reason why this post should not be advertised internally and externally?
6. Recommendation to Management Team:
7. Recommendation to Personnel Committee (if appropriate):

\*It is essential that options have been thoroughly researched beforehand, including discussions with the Manager/Supervisor concerned. Comments must be sought from UNISON prior to submitting this request to CMT for their consideration and recommendation or decision. The Chairman of Personnel Committee will be notified of any decision taken.

**Please be aware that some completed applications have not reached us recently due to insufficient postage.  
Please ensure that the correct postage is on your envelope before returning this application form to us.**



**Ribble Valley Borough Council**

## APPENDIX 2 APPLICATION FOR EMPLOYMENT

**Please use dark ink and write clearly or type**

Application for the post of:
Job Reference Number:

### PERSONAL DETAILS

Surname		
Other name(s)		
Title (e.g. Mr Mrs Miss Ms)		
Address		
Town		
Postcode		
Previous surname (if any)		
Contact Numbers	Home	
	Work	
	Mobile	

Do you hold a full current driving licence?	Do you own a car?
If you are applying for a post where a specific driving qualification is essential, please list the categories of vehicles you are licensed to drive/operate.	

### RELATIVES OF MEMBERS OR OFFICERS

Under The Local Government Act 2000 you must declare in writing whether you are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of Ribble Valley Borough Council or of the partner of such persons.

Are you related as above to any member or officer of the Council?      **YES/NO**

If YES, please give details

**The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or Officer for any appointment with the Council.**



## EMPLOYMENT HISTORY

Present Employment (leave blank if unemployed)	Employer and Address
Date of Appointment	
Present Salary and Grade (if applicable)	Employees supervised:
Description of Duties (add further sheets if necessary)	
Reason for Leaving:	

## PREVIOUS APPOINTMENTS AND EMPLOYERS

Employers name and nature of business	Appointment held	Dates		Grade / Salary on leaving	Reason for leaving
		From	To		

## EDUCATION

Secondary School / College / University	Dates		Qualifications gained	Grades	Date
	From	To			

## TRAINING AND ACHIEVEMENTS

Details of any other specialised training or qualifications not covered in previous sections (e.g. short course, on-the-job training, management course, apprenticeship, work experience, NVQs)

## OUTSIDE INTERESTS (hobbies etc.)

What are your main interests and leisure activities outside work?

## MEMBERSHIP OF PROFESSIONAL BODIES (state whether by examination)

Body	Membership Status	Since

## **GENERAL EXPERIENCE AND FURTHER INFORMATION**

This space is provided for any additional information you consider relevant to your application. Please include details of relevant professional or personal experience and your reasons for applying for this vacancy.

*Please continue on an additional sheet, if necessary*

## HEALTH / MEDICAL HISTORY

Give brief details of any serious illnesses, operations or disabilities			
Have you been absent from work through ill health or injury in the last 12 months?	YES	NO	If yes, please give reasons

## REFERENCES

Please give details of two persons, one of whom should be your present, or most recent employer, who are not related to you, and from whom a reference may be obtained	
Name	1. _____ 2. _____
Designation	_____
Address	_____
Telephone	_____
References are normally taken up prior to interview. Do you have any objection to this? YES / NO	
If either of your referees knows you by another name (for example due to marriage) please indicate below:	
_____	
How much notice do you need to give your present employer?	
_____	

## REHABILITATION OF OFFENDERS

Have you ever been convicted of a criminal offence? YES / NO

Your attention is drawn to the fact that under the Rehabilitation of Offenders Act 1974 you may be entitled to answer "no" to this question even if you have, in the past, been subjected to criminal proceedings, resulting in conviction(s). However, certain types of employment are excluded, under the Rehabilitation of Offenders Act, 1974 (Exemptions) Order, 1975, from the protection of the Act. It is, therefore, suggested that you take appropriate advice if you are in any doubt as to the correct answer to give.

If YES to above question, please state date of conviction, Court, nature of offence and sentence imposed:
---

### Publication in which you saw this post advertised:

I certify that my replies are true, complete and correct to the best of my knowledge and belief. I understand that any false statements or the withholding of any relevant information may provide grounds for the withdrawal of any offer of appointment or for its immediate cancellation if any appointment has been accepted

Signature ..... Date .....

**Please return this form to:**

<a href="mailto:HR@ribblevalley.gov.uk">HR@ribblevalley.gov.uk</a> or <b>(Strictly Private &amp; Confidential) HR Section</b> , Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA
---



Ribble Valley Borough Council

FAIRNESS IN EMPLOYMENT MONITORING SHEET

[Empty rectangular box]

What are we trying to achieve?

Ribble Valley Borough Council is committed to achieving fairness and equality in employment. The aim of our policy is to ensure that no job applicant or employee receives less favourable treatment on the grounds of age, disability, race, religious belief, gender, sexuality or any other individual characteristic which may unfairly affect a person's opportunities in life, as set out in the Equality Act 2010.

What is this form for?

Our recruitment, selection, and promotion procedures are regularly reviewed to ensure that individuals are treated on their merits and abilities. To help us to achieve this, we are asking you to complete the form below and return it with your application. The information that you give us will be used to assess the effectiveness of our employment procedures. It will not be used for any other purpose. The form will be separated from your application as soon as it is received and it will not be passed on to anyone involved in short-listing or interviewing for the post for which you are applying.

The information you provide on this form is CONFIDENTIAL and will only be used for equal opportunity monitoring purposes.

1 Gender: Male [ ] Female [ ] Not given [ ]

2 Age: 16 - 19 [ ] 20 - 29 [ ] 30 - 39 [ ] 40 - 49 [ ] 50 - 59 [ ] 60 + [ ]

The Equality Act 2010 incorporates previous legislation on disability. Disability is defined as a physical or mental impairment that has a substantial and adverse effect on the ability to carry out normal day-to-day activities and which has a long-term effect. This includes anybody with progressive illnesses such cancer, even if the person has recovered.

3 Disability: [ ] Yes [ ] No [ ] My disability is .....

4 How would you describe your ethnic origin (**not** Country of birth)

a) White

- English, Welsh, Scottish, Northern Irish, British
- Irish
- Gypsy or Irish Traveller
- Any other white background, please state .....

b) Mixed/Multiple Ethnic Groups

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed multiple ethnic background, please state .....

c) Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Chinese
- Any other Asian background, please state .....

d) Black or Black British

- Caribbean
- African
- Any other Black/African/Caribbean background, please state.....

e) Other Ethnic Group

- Arab
- Any other ethnic group, please state.....

5 Are you

- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- No religious affiliation
- Any other religious affiliation, please state .....

6 Are you

- Heterosexual
- Bisexual
- Gay
- Lesbian

## Conditions of Service

### RIBBLE VALLEY BOROUGH COUNCIL



Balancing  
*Work and life!*

#### BENEFITS

Excellent  
Pension Scheme

Training and  
Development

Job Security



We are an equal  
opportunity employer  
and applications are  
welcome from all  
minority groups

### CONDITIONS OF SERVICE SUMMARY

The appointment you have applied for is subject to the National Joint Council's Scheme of Conditions of Service for Local Government Services, as amended or supplemented by Ribble Valley Borough Council.

#### Equal Opportunities

Ribble Valley Borough Council, as an equal opportunity employer, intends that no job applicant or employee shall receive less favourable treatment because of his or her gender, marital status, race, religion or belief, pregnancy, maternity, gender reassignment, sexual orientation or disability; nor be disadvantaged by any other condition or requirement which cannot be shown to be justifiable.

#### Medical Fitness

All appointments are subject to the successful candidate satisfying Ribble Valley Borough Council as to his or her medical fitness to undertake the duties of the post. If an appointment is offered, the candidate will be required to complete a medical declaration and may be required to undergo a medical assessment.

#### Probation

New employees of Ribble Valley Borough Council are subject to a probation period of 6 months. Employees will be informed within two months how their work is progressing. At the end of the probationary period, and subject to a satisfactory report from their Head of Service, the employee's appointment will be confirmed.

#### Salary

Salaries are paid by direct credit to the employee's Bank/Building Society/National Giro Account on the 15<sup>th</sup> of each month (unless this is a Bank Holiday when pay day is brought forward as appropriate). Increments within a grade are normally awarded on 1 April each year.

#### Office Hours

Ribble Valley Borough Council's standard working week is 37 hours, spread over Monday to Friday, and between the daily hours of 8.00am to 6.00pm. A flexitime scheme is in operation and appropriate details will be issued to all new employees on appointment. Entitlements are pro rata for part time appointments.

#### Superannuation

You will automatically be included in the Local Government Services scheme of conditions, unless you decide to opt out. Employees contribute between 5.5% and 12.5% of gross earnings dependent upon salary. Ribble Valley Borough Council also pays contributions to meet the total cost.

***For further enquiries, please contact  
HR on 01200 414559***

## Conditions of Service

RIBBLE VALLEY  
BOROUGH COUNCIL



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minority groups

### Holiday Entitlement

Employees with less than 5 years' service are entitled to 21 days annual leave, which will increase to 25 days after 5 years' service. The annual leave arrangements will apply (pro rata) to all part-time employees irrespective of the number of hours they work. In addition to annual leave:-

Statutory Public Holidays are Christmas Day, Boxing Day, New Year's Day, Good Friday, Easter Monday, Spring Bank, May Day and Late Summer Bank. There are a total of four other statutory days holiday to be taken during each holiday year. Employees joining us from another local authority and/or some other public sector organisations with 5 years' continuous service will be entitled to 25 days holiday from their start date at Ribble Valley Borough Council.

### Sick Pay

All employees are entitled to sick pay in accordance with national conditions. The scale of allowances provides for one month at full pay and (after completing four months service) two months half pay during the first year of Local Government service. This rises to six months at full pay and six months at half pay after 5 years' service.

### Training and Development

We are committed to the training and personal development of all our staff. We offer two types of training:

- On-the-job – specifically for skills needed to carry out your job.
  - Off-the-job – seminars, workshops, training courses
- These may be non-qualification courses or courses that lead to a professional qualification.

### Smoking Policy

Ribble Valley Borough Council has a no smoking at work policy. This includes e-cigarettes.

### Relocation

A relocation allowance is available in approved cases.

### Family Friendly Policies

Ribble Valley Borough Council has a number of family friendly policies, eg flexi time, parental leave, childcare vouchers.

### Car Allowance

Car mileage allowance is available in approved cases.

### Canvassing

Canvassing of Councillors of Ribble Valley Borough Council directly or indirectly for any appointment under Ribble Valley Borough Council shall disqualify the candidate concerned for that appointment. This provision does not prevent a Councillor of the Council from giving a written testimonial on a candidate's ability, experience or character.

***For further enquiries, please contact  
HR on 01200 414559***



## Guidance Notes

RIBBLE VALLEY  
BOROUGH COUNCIL



Balancing  
*Work and life!*

### BENEFITS

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Pension Scheme

Training and  
Development

Job Security



We are an equal  
opportunity employer  
and applications are  
welcome from all  
minority groups

In view of the number of applications being received for appointments with Ribble Valley Borough Council, applications can be submitted on line or in paper format, application forms are not acknowledged on receipt.

Candidates to be interviewed are normally informed within two weeks of the closing date. Wherever possible the interview date will be shown on the advertisement. All unsuccessful applicants are thanked for their applications as soon as an appointment has been made. Should you, however, require earlier information as to the progress of your application, this may be obtained by telephone.

The completed application must be sent to the HR section at the address given on the application form or submitted on line. Applications received after the closing date will **not** be considered.

References are usually taken up prior to the interview date unless you make clear on the application that you do not agree to this. Appointments are subject to receipt of satisfactory references.

Ribble Valley Borough Council is an equal opportunity employer - applications are considered on the basis of the qualifications and experience necessary for the post.

When applying for a job with Ribble Valley Borough Council **selection for interview is based on the information you provide on the application form.** When you request an application form or reply on line, it will be accompanied by a job description and a person specification.

**A job description** – This gives you details about the job. It lists all the main duties and responsibilities which the post-holder will be required to carry out.

**A person specification** – This tells you what qualifications, skills, knowledge and experience a person must have to be able to do the job. These are listed as essential and desirable criteria. In order to be invited for the interview you must be able to show that you meet all essential and ideally all the desirable criteria.

Please use the application form provided, continuing on separate sheets if necessary. **C.V.'s will not be accepted.** When completed, read through your application carefully and check that each section has been filled in. If you are submitting a hard copy of the application form please make sure that if you have additional pages, they are numbered and securely attached. Ensure you have signed and dated your form and make sure it is sent in plenty of time to arrive before the closing date. Please make sure you have used the correct postage as insufficient postage is likely to delay delivery of your application.

***For further enquiries, please contact  
HR on 01200 414559***

## REFERENCE RESPONSE

APPOINTMENT OF:  
IN RESPECT OF:

1. Are you responding as an employer/friend? .....
2. (Employers only)
  - a) What was their salary at termination? £..... at .....
  - b) What was their reason for leaving? .....
  - c) Would you re-employ him/her? .....
  - d) How would you rate this person?.....

	<u>V Good</u>	<u>Good</u>	<u>Satisfactory</u>	<u>Poor</u>
Quality of work				
Work output				
Relationship with colleagues				
Future potential				
Honesty and integrity				
Adaptability				

\*Please tick as appropriate

- e) How much sick leave was taken in each of the last three years?  
2014..... days 2015 ..... days 2016 ..... days.
  - f) Please give brief details of any disciplinary action .....
3. Any other information:

.....

.....

.....

.....

.....

Signed: .....

Name: ..... Date: .....

(A response in letter form covering the above points is of course perfectly acceptable).

Thank you for taking the time to respond.

**CHIEF OFFICER APPOINTMENTS**

- 1 Where the Council propose to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, they shall draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed. Such statement shall be copied to any person expressing interest.
- 2 The Council shall consider the response to advertising the Chief Officer post and interview either all qualified candidates or those on a shortlist the council shall select. If there is no qualified candidate the Chief Officer post shall be re-advertised.
- 3 Every appointment of a Chief Officer shall be made by the Council or by a committee or sub-committee of the council.
- 4 When a vacancy occurs in any existing office of Chief Officer or Deputy Chief Officer the council shall obtain the views of any committee primarily concerned and decide, in the case of an office which the council are not required by statute to fill, whether the office is necessary; and in any case what shall be the terms and conditions of the office; and no steps shall be taken to fill the post until these decisions have been taken.
- 5 For the purposes of paragraph 4 above, it shall be deemed that a committee have been consulted if there has been consultation with the chairman, vice-chairman if any and one other member (or if there be no vice-chairman, two other members) designated by the chairman of the committee.
- 6 The powers of officers shall be those from time to time authorised by the council at the appropriate committee or sub-committee as the case may be.
- 7 The Council for the purpose of Standing Order 24 includes a committee, sub-committee or officer to whom appropriate powers have been delegated.
- 8 Canvassing of a member or members shall disqualify an applicant for an appointment with the council.
- 9 An applicant for any appointment with the Council aware of any relationship to any member or senior officer of the council shall, when making an application, disclose that relationship and failure to do so shall disqualify.

For the purpose of the above "senior officer" means any officer under the Council so designated by the Council and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

Vacancy Ref:	Post:	Ad Placed	Date Placed	Cost	Closing Date	Apps reqstd.	Apps returned	% returned	Returns from	Date offer made	Starter Start Date and
RES01	A job	Internal Loc Aut JC Web LGJobs Clith Advertiser	A date	FOC FOC FOC FOC FOC £228.71	A date	26	15	71%	Internal Loc Auth JC Web LGJobs	A date	A date
<b>Appointed:</b>											
Name		Male/Female	Ethnicity	Disability	Age	Religion or Belief		Sexual Orientation			
A name		No Info	White British	None	No Info	No Info		No Info			
Sexual Orientation		Applied	Short Listed	Religion or belief				Applied	Short Listed		
Heterosexual		x	x	Christian							
Bisexual				Buddhist							
Gay				Hindu							
Lesbian				Jewish							
Prefer Not To Say				Muslim							
Information Not Given		x	x	Sikh							
				Any other religion							
				No religion Affiliation							
				Prefer Not To Say				x	x		
				No Information Given							
<b>Total</b>		<b>x</b>	<b>x</b>	<b>Total</b>				<b>x</b>	<b>x</b>		

Age Applied	Age Short Listed	Gender Applied	Gender Short Listed	Ethnicity	Applied	Short Listed	Disability	Applied	Short Listed
16-19=	16-19=	M:	M:	White			Not disabled		
20-29=	20-29=	F:	F:	British			Disabled		
30-39=	30-39=	Not Given:	Not Given:	Irish			Prefer Not To Say		
40-49=	40-49=			Other white background, please state					
50-59=	50-59=			White & Black Caribbean					
60+ =	60+ =			White & Black African					
N/A =	N/A =			Other mixed background, Please state					
				Indian					
				Pakistan					
		Bangladeshi							
		Other Asian, please state							
		Caribbean							
		African							
		Chinese							
		Other ethnic group							
		No Information Given							
<b>Total:</b>	<b>Total:</b>	<b>Total:</b>	<b>Total:</b>	<b>Total:</b>			<b>Total:</b>		

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Ribble Valley  
Borough Council

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**MEMBERS ALLOWANCE SCHEME  
2019/20**

(Updated May 2019)





## **RIBBLE VALLEY BOROUGH COUNCIL MEMBERS' ALLOWANCE SCHEME**

Ribble Valley Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme:

1. This Scheme shall have effect from 14 May 2019 for a period of 4 years.
2. In this Scheme  
  
"Councillor" means an elected member of Ribble Valley Borough Council.  
  
"Year" means the twelve months commencing 1 April.
3. In this Scheme, the total allowances shall consist of Basic Allowances and Special Responsibility Allowances.
  - 3.1 These total allowances shall be updated annually in line with any increase based upon the National Salary increases of Local Government staff.
4. Basic Allowance
  - 4.1 Subject to paragraph 7 below, an equal Basic Allowance shall be paid to every councillor. The amount of Basic Allowance is detailed in paragraph 1 of Schedule 'A' of this Scheme.
  - 4.2 The Basic Allowance is intended to recognise all time devoted by councillors to their general work including such inevitable calls on their time as meetings with constituents, political group meetings and other incidental costs for which no other provision is made.
5. Special Responsibility Allowance
  - 5.1 Subject to paragraph 7 below, each councillor who holds a special responsibility as defined within the Regulations and specified within this Scheme, will receive a Special Responsibility Allowance as detailed in paragraph 2 of Schedule 'A' of this Scheme.
6. A councillor may elect to forego any part of his/her entitlement to an allowance under this Scheme. Such election shall be in the form of a written notice delivered to the Director of Resources.
7. The provisions of this paragraph shall regulate the entitlements of a councillor to allowances where, in the course of a year:
  - (a) The Scheme is amended.
  - (b) A person becomes, or ceases to be, a councillor.
  - (c) A councillor accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
  - (d) A councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the Borough Council.

- 7.1 If, during the year, the Scheme is amended and this results in a change to a councillor's entitlement to Special Responsibility Allowance and/or Basic Allowance, the actual entitlement shall be based on:
- (a) A proportion of the original annual allowance based on the number of days up to the date of amendment plus
  - (b) A proportion of the revised annual allowance based on the number of days from the date of amendment.
- 7.2 When the term of office of a councillor either begins and/or ends during the course of a year, the entitlement to Basic Allowance shall be based on the number of days in office during that year. Similar pro rata entitlements will apply in situations where Basic Allowance is amended under sub-paragraph 7.1 above.
- 7.3 Where, for a part of the year, a councillor has such special responsibilities as specified in this Scheme, the entitlement to Special Responsibility Allowance shall be based on the number of days during that year that the councillor has held such special responsibilities, such entitlement being pro rata to a full year. Similar pro rata entitlement will apply in situations where Special Responsibility Allowances have been amended under sub-paragraph 7.1 above.
- 7.4 Where a councillor is suspended or partially suspended from his/her responsibilities or duties as a member of the Borough Council in accordance with Part III of the Local Government Act 2000 (or Regulations made under that Part), the part of the Basic, Special Responsibility, Travel and Subsistence Allowances payable in respect of the period of suspension may be withheld by the Borough Council.
8. Carers/Dependants Allowance
- 8.1 Subject to paragraphs 8.2 and 8.3, a carers/dependants allowance may be claimed in respect of named children aged 14 or under or in respect of other named dependants where there is medical or social evidence that care is required.
- 8.2 Payment of carers/dependants allowance shall:
- (a) Be based on actual receipted expenditure subject to the approved hourly rate as specified in paragraph 3 of Schedule 'A' of this Scheme.
  - (b) Not be made where a councillor already receives a carer's allowance.
  - (c) Not be payable where the expenditure is incurred in favour of a parent or a member of the household.
- 8.3 The carers/dependants allowance may be claimed where the actual expenditure has been incurred in connection with the approved duties that apply to claims for travel and subsistence as detailed in Schedule 'B' of this Scheme.
9. Method of Payment
- 9.1 Payments of Basic Allowance and Special Responsibility allowance shall be made monthly on the 15th day of each month. The monthly amount payable shall be one twelfth of the annual allowance(s) specified in this Scheme and subject to paragraph 7 above.
- 9.2 Separately, individual claims for carers/dependants allowances, travel and subsistence shall be made on a monthly basis and be submitted to the Director of Resources as

soon as possible at the end of each month. (Regulations prescribe that claims **must be submitted within two months at the very latest.**) In particular, it should be noted that claims for allowances covering the period up to 31 March must be submitted to the Director of Resources by the end of May. Failure to submit these year end claims within this time scale could result in non-payment.

9.3 Each claim form shall be certified by the claiming councillor that he/she has not made and will not make any other claim in respect of the matter to which the claim relates otherwise than under this Scheme.

10. Travelling and Subsistence Allowances

10.1 A councillor shall be entitled to receive payment by way of travelling allowance or subsistence allowance at the rate specified in Schedule 'A' and set out in full at Schedule 'B'. These allowances are payable where such expenditure has necessarily been incurred in the performance of an approved duty as defined in Schedule 'B' of this Scheme.

## RIBBLE VALLEY BOROUGH COUNCIL

### MEMBERS' ALLOWANCES SCHEME

#### SCHEDULE 'A'

#### 1. Basic Allowance

An annual Basic Allowance is payable to each Councillor as follows:

Period 1/4/2019 – 31/3/2020 £3,716.00 per annum (pro rata)

#### 2. Special Responsibility Allowance

The following Special Responsibility Allowances shall be payable:

<b>Responsibility</b>	<b>Annual Amount 1/4/2019 – 31/3/2020</b>
Leader	£14,864.00
Deputy Leader	£9,290.00
Shadow Leader	£7,432.00
Committee Chairman – Planning & Development	£7,432.00
Committee Chairmen	£5,574.00
Committee Vice Chair Planning and Development	£1,063.00
Committee Vice Chairmen	£531.00

2.1 No member to be entitled to more than one special responsibility allowance.

#### 3. Carers'/Dependants' Allowance

3.1 Payment of the National Living Wage per hour for the cost of arranging for the care of children, elderly relatives or disabled relatives requiring full-time care whilst Councillors are conducting their approved duties.

#### 4. Travelling and Subsistence Allowances

4.1 The amounts payable by way of Travelling and Subsistence Allowances shall be subject to the rates specified in Schedule 'B' of this Scheme.

#### 5. Scheme Amendments

5.1 The amounts specified in paragraphs 1 and 2 above are subject to an annual uprating on 1 April each year. These allowances will be uprated in accordance with any increase based upon the National Salary Increases of Local Government Staff.

**RIBBLE VALLEY BOROUGH COUNCIL**

**MEMBERS' ALLOWANCES SCHEME**

**SCHEDULE 'B' – TRAVELLING AND SUBSISTENCE ALLOWANCES**

**TRAVEL COSTS**

(a) Car Mileage

The rate for travel by a councillor in a private vehicle shall not exceed:

<b>Cylinder capacity</b>	<b>Rate per mile</b>
Not exceeding 999c	46.9p
1000cc and above	52.2p

The above rates will be revised in accordance with the rates determined by the National Joint Council for Local Authorities, or otherwise in accordance with locally agreed rates applicable to Ribble Valley employees.

**Travel within a 50 mile radius of BB7 2RA**

Reimbursement at the Car Mileage Rate.

Alternatively Public Transport can be booked ideally through the Council's Procurement Assistant.

**Travel outside a 50 mile radius of BB7 2RA**

Priority should be given to the use of Public Transport which should be booked through the Council's Procurement Assistant.

Alternatively reimbursement can be at Car Mileage Rate where this is in the interests of the Council.

(b) Public Transport

Where public transport is used, costs will be reimbursed on the production of the relevant receipts

(c) Car Sharing

Where a councillor brings another councillor or councillors to approved duties he/she shall be entitled to a passenger allowance of 5p per mile for each passenger.

(d) Bicycles

When a councillor uses a bicycle the rate shall not exceed 20p per mile. This rate shall be revised in accordance with the maximum allowance for income tax purposes as determined by HMRC.

(e) Other Travel Expenses

Expenditure incurred on tolls, ferries or car parking fees, may be claimed on production of receipts.

## SUBSISTENCE

### Overnight Accommodation

Where the nature of the duties being undertaken result in a councillor being absent from his/her usual place of residence overnight accommodation will be booked and paid directly by the borough council.

In exceptional circumstances where it is not possible for the borough council to make a direct booking on behalf of a councillor, the actual receipted cost of accommodation including breakfast will be reimbursed to the councillor. Such reimbursement will be subject to a maximum allowance per night as follows:

Area	
London	£166.60
Elsewhere in the UK	£141.57

These maximum allowances are reviewed each April using the retail price index.

## DAY SUBSISTENCE

For an absence of more than 4 hours from the normal place of residence, councillors may claim reimbursement in respect of actual receipted expenditure incurred on subsistence subject to the following maximum allowances:

Period	
For a period greater than four hours but less than eight hours	£24.96
For a period greater than eight hours but less than twelve hours	£41.63
For a period greater than twelve hours	£58.30

These maximum allowances are reviewed each April using the retail price index.

## WHEN TRAVEL AND SUBSISTENCE CAN BE CLAIMED

Appropriate travel and subsistence allowances may be claimed in accordance with the above details where such travelling and/or subsistence has been undertaken in connection **with one or more of the following duties:**

- (a) The attendance at a meeting of the Authority or of any Committee or Sub-Committee of the Authority, or of any body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.
- (b) The attendance at any other meeting, the holding of which is authorised by the Authority or a Committee or Sub-Committee of the Authority or a joint Committee of the Authority and one or more local authorities within the meaning of section 270(1) of the Local Government Act 1972 or a Sub-Committee or such a joint committee provided that:
  - (i) where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
  - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.

- (c) The attendance at a meeting of any association of authorities of which the Authority is a member.
- (d) The performance of any duty in pursuance of any Standing Order made under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.
- (e) The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
- (h) The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or any of its Committees or Sub-Committees.
- (i) The attendance at any working group formed by a Committee of the Council.
- (j) Site visits agreed by a Committee or in the case of members of Planning and Development Committee the inspection of any sites relating to planning applications submitted to that Committee for consideration.

**Examples of instances when Councillors can claim travel and subsistence**

Claimable	Not Claimable
Committee meetings	Political Group meetings
Full Council meetings	Constituency work/visits
Sub Committee meetings	Adhoc visits to council offices
Authorised Working Group meetings eg Budget Working Group	Car Parking fees for visits to/meetings at council offices
Chairman's briefings	
Political Group meetings <b>with</b> CMT	
Approved site visits	
Approved training	
Approved attendance at conferences	
Attendance at outside bodies as a nominated representative of the council	

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